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T & S Rabbit Farms, Lyndon Top

Rural Worker's Temporary Dwelling Appraisal

Gate House
Beechwood Court
Long Toll
Woodcote
RG8 0RR

01491 684 233
www.reading-ag.com

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1 Introduction and Instructions

- 1.1 Reading Agricultural Consultants Ltd (RAC) has been instructed by T & S Nurseries (owned by Mr P Kerry) to prepare an appraisal to review the need for a rural worker's dwelling at a site at Lyndon Top to enable the establishment of an agricultural business engaged in free-range rabbit breeding and rearing. This appraisal is intended to accompany a planning application to be submitted to Rutland County Council for permission to site temporarily a unit of accommodation on the holding.
- 1.2 Due to COVID-19 restrictions, the author has not expressly visited the site with regard to this application. However, as this is effectively a resubmitted application following dismissal at appeal (on landscape and siting grounds) details of the site are similar to those previously seen. The location of the development has been amended to ameliorate the landscape and visual impacts. The author has discussed with Mr Kerry the ongoing plans for the holding. It is noted that Mr Kerry already runs four other successful rabbit farms in the Midlands and is keen to further presence and capitalise on the specialist restaurants and tourism opportunities that the area present.
- 1.3 It is also relevant to note that Willis & Co and RAC have assisted Mr Kerry in securing planning permission for rural workers' dwellings at all these units and – as will be seen below – they continue to be developed and are extremely profitable. They provide employment for local workers and local trades and email transcripts are provided in the report where they will assist the reader in an understanding of the development of the units.
- 1.4 The appraisal has been undertaken by Peter Williams, who is an agricultural and rural planning consultant with over 25 years' experience of preparing assessments of planning applications for new dwellings in the countryside. Peter Williams is a former Director of Reading Agricultural Consultants and holds an Honours Degree in Agriculture from the University of Reading and is a Fellow of the British Institute of Agricultural Consultants (FBIAC). Throughout his professional career, he has been engaged by farmers and local planning authorities to appraise a wide range of enterprises in the context of planning applications for new rural workers' dwellings and buildings. He is a regular agricultural advisor to local planning authorities in Devon, Dorset, Somerset and Hampshire and is regularly consulted on planning applications for agricultural developments by these authorities and by other authorities across the country on an ad-hoc basis. He has also provided training courses to local planning authorities on the advice given in the former Planning Policy Statement 7, Annex A dealing with agricultural, forestry and other rural worker's dwellings.

2 Background

- 2.1 The land at Lyndon Top extends to approximately 5.2ha and is owned by Mr Kerry who also has business interests in quarrying, in addition to vineyards and tree & shrub nurseries, and his son (Matthew).
- 2.2 Over the past few years Mr Kerry has been developing an innovative method of rearing rabbits on a free-range basis and has established a successful business model. One of the limitations of rearing free-range rabbits commercially is the risk of bio-security breakdowns as there are several diseases that can destroy a flock over a very short time period. There are also food hygiene rules¹ that need to be complied with; however, one of the exemptions is that small establishments that produce rabbit meat are exempt from various EU/FSA regulations provided that less than 10,000 packs of meat are produced per annum, and that sales are localised i.e. supplying meat within the county of origin and neighbouring counties. The development of the site at Lyndon Top will enable the company to supply rabbits into Leicestershire, Lincolnshire, and Northamptonshire.
- 2.3 The plan to develop a rabbit rearing business came to commercial fruition in 2010 when Mr Kerry was joined in the business by his son Mathew. Mr Kerry took initial advice from a long-term rabbit farmer who had bred New Zealand white rabbits on contract to a Belgium company for over a 25-year period and discussions were also had with Woldsway, the UK's main rabbit meat supplier at that time.
- 2.4 The UK market for rabbit meat was severely disrupted by cheap imports from China and Europe during the 1990s. Although Chinese imports have since been banned due to poor meat quality, there are very few commercial producers remaining in the UK and most rabbit meat is still imported from Europe. However, demand for rabbit meat has increased with Waitrose announcing a 350% rise in demand in one year due to the meat's culinary flexibility and health benefits. An increase in Eastern Europeans immigrants, for whom rabbit has always been a staple food, may also have led to increased demand. Rabbit meat is also relatively sustainable with the feed to meat conversion of about 3.8 to 4 to 1, making it comparable to poultry.
- 2.5 The proposals at Lyndon Top would see the development of a 250 doe, free-range rabbit production unit over the next three years, with 100 does in Year 1; 200 does in Year 2; and 250 does in Year 3. The breeding rabbits are shut-up during the period immediately prior to giving birth but are otherwise able to access outdoor grazing pens, which are utilised in rotation. This is a modern variant of a husbandry system used in parts of Europe whereby the rearing phase is undertaken in 'plein-air'

¹ see for example: *Approval of establishments, Guidance for local authority authorised officers*, Food Standards Agency, 2016

and has been successfully developed at Granby (in Nottinghamshire) – and replicated at Atlow (Derbyshire), and East Bridgford (Nottinghamshire). Two further rabbit production units have been established and have been sold as going concerns.

- 2.6 Over the past ten years at Granby there has been much experimentation as to the optimal type of housing - as it is not available “off-the-shelf”. Initially, Mr Kerry experimented with ex-military wooden ammunition boxes (see **Figure 1**) which - although feasible - turned out to be too heavy, cumbersome and difficult to clean. Attention then turned to the use of pallet-based units with wooden runs (**Figure 2**) which again, although workable proved too labour intensive. Later, a solution made use of curved aluminium sheets for runs and metal ammunition boxes for hutches for the breeding stock (**Figure 3**); allied to b) enclosed runs (with mesh floors) made from two HERAS fence panels for the growing stock (**Figure 4**).

Figure 1: Ammunition boxes



Figure 2: Palletted hutches and runs



Figure 3: Aluminium sheets and metal hutches



Figure 4: HERAS sheet runs



2.7 Now though, the design has been modified still further (see **Figure 5**) and Mr Kerry advises:

"...our latest design Rabbit Hutches. The problem with the old ones is that the life span was only about 5 years and they cost £100 each. After that time, the felt roofs start to leak the floors rot through (some rabbits have actually escaped by falling through the rotten floor!) The timber cladding looks tired and fit for the fire!

The latest models designed and built by our staff and are known as the NWP 93 (the 93 representing 0.93m² of floor space in accordance with government guidelines (we also have a NWP 75 which is a little smaller). These hutches are designed to last for 30 years, features include recycled PVC cladding to residential standard, rubber roofs with a 30-year life expectancy, ceramic tiles as a floor, cooler for the rabbits in summer, easy to clean and will last for decades! These Hutches cost around £250 each but should represent excellent value over the long term".

Figure 5: NWP 93 Rabbit hutch



2.8 The watering can on the side provides the water for the rabbits and again Mr Kerry advises:

"...you will notice the watering can on the side of the Hutch, this has a drinking nozzle drilled through to the inside. The reason we use watering cans is that we have tried every other type of bucket and container. These hold 10 litres of water, and most importantly we are able to prevent mosquitoes² from getting in. The fine sprinkler nozzle takes care of the spout end, and we simply put a 75mm glass ashtray in the top - no more mosquitoes. When we used buckets we were spending most of our time treating for Mosquito Larvie which were present in at least 25%".

² It is noted that mosquitoes are a key vector for myxomatosis.

2.9 The latest iteration shows the current design in use in Derbyshire:



- 2.10 Similar progression has occurred with the fencing. Where previously, permanent fencing around the rabbit enclosure was installed with weldmesh fencing buried 0.5m into the ground with electric fencing running around it at 0.5m and along the top; now the design makes use of temporary HERAS fencing (see image above), that has the added advantage of being moveable should there be a requirement to relocate to fresh grass.
- 2.11 The progeny are reared outdoors mainly for meat and are marketed to both local butchers and restaurateurs, and also national suppliers, either as fresh meat or frozen, with some stock sold live. Breeding stock is also marketed to breeders and smallholders, and other animals may be sold as pets though these figures are not included in the financial forecasts as they are considered *de minimis*. The projected annual sales of meat rabbits after three years will be approximately, but less than, 10,000 packs of meat per annum.
- 2.12 Mr Kerry advises that interest in the products is extremely strong with wholesale prices achieving £2.60 per kilo liveweight; retail prices are approximately £8.75 per kilo on the bone; and up to £15.00 per kilo for diced meat; “oven ready” rabbit at food fairs is achieving £8.00.
- 2.13 The enterprise will require and sustain a full-time worker employed by T & S Rabbit Farms but in order to be successful – and to operate properly – there is an essential need for staff to live on site to provide for the welfare and security of the rabbits.

3 Relevant Policies and Guidance

- 3.1 A detailed examination of the planning policy framework against which this application will be examined is set out in the planning statement, and only a summary of the policies concerning the rural worker's dwelling is provided here.
- 3.2 Policy CS4 of the Rutland Local Development Framework Core Strategy Development Plan Document adopted July 2011 (the Core Strategy) sets out the spatial aims for the location of development across Rutland and states that development in the open countryside will be strictly limited to that which has an essential need to be located in the countryside. Policy CS16 of the Core Strategy states that the strategy for the rural economy is to encourage agricultural enterprises where this would be consistent with maintaining and enhancing the environment and contribute to local distinctiveness.
- 3.3 And, Policy SP6 of the Rutland Local Plan Site Allocations and Policies Development Plan Document adopted October 2014 (the Local Plan) states that applications for mobile workers dwellings will only be permitted when it can be clearly demonstrated that there is an established existing functional need in accordance with advice set out at Appendix 1. Appendix 1 requires a functional test to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Paragraph 12 of the Appendix refers to temporary agricultural dwellings and requires that a number of criteria are satisfied but expressly does not require an existing established functional need to be demonstrated. The Appendix forms part of the extant policies and as such considerable weight is attached to it.
- 3.4 The revised National Planning Policy Framework (NPPF) deals with planning in the wider sense and rural workers' dwellings in the narrower. The NPPF is all about sustainable development and paragraph 7 states:

"...The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs".

- 3.5 Paragraph 11 sets out the core land-use planning principles that should be adopted, and these expressly include *inter alia*:
- *a presumption in favour of sustainable development;*
 - *positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
 - *provide for objectively assessed needs for housing and other uses;*

- *approving development proposals that accord with an up-to-date development plan without delay; and,*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission..."*

3.6 Likewise, paragraph 38 requires that decision makers:

- *should approach decisions on proposed development in a positive and creative way;*
- *work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area;*
- *seek to approve applications for sustainable development where possible.*

3.7 Paragraph 78 deals with housing in the countryside and notes:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

3.8 However, paragraph 79 seeks to maintain the presumption against isolated new dwellings in the countryside unless they are essential, noting:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside..."*

3.9 Further guidance on the NPPF is provided in the National Planning Practice Guidance (NPPG). The updated text relevant to paragraph 79, published in July 2019, states:

"Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*

- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings”.

3.10 Given this policy framework it is considered appropriate to examine whether:

- there is evidence of an essential functional need for a worker to reside on the holding, as opposed to nearby;
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period; and,
- whether there is existing housing in the locality that could meet the essential functional need.

4 Appraisal

Is there an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside?

4.1 Welfare legislation in the United Kingdom makes it an offence to cause unnecessary suffering and distress to animals. Unnecessary suffering could arise because of a delay in appropriate interventions to control environmental factors and in the administration of emergency treatments. There is also the legal responsibility to ensure that animals are kept in a manner which accords them freedom from:

- thirst and hunger;
- discomfort;
- pain, injury or disease;
- freedom from fear and distress;
- freedom to express normal behaviour;

4.2 Although there is no requirement in law that staff should live on site the Defra *Codes of Recommendations for the Welfare of Livestock* caution that livestock enterprises should not be established or expanded unless the welfare needs of the individual animals can be assured.

4.3 Similarly, the guidance in the PPG states:

“evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)...”

4.4 The test of essential need relates to whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. In respect of livestock enterprises, the functional case is largely welfare based with every farm animal having welfare rights protected by legislation. Those rights or expectations are set out in the Defra *Codes of Recommendation for the Welfare of Farmed Animals* - which are provided for in statutory legislation under the Welfare of Farmed Animals (England) Regulations (2007).

4.5 Rabbit farming is not an easy agricultural option and many new entrants have previously failed to establish successful businesses, due to underestimating the husbandry requirements, and to the application of inadequate standards of stockmanship. This is highlighted in the welfare code for rabbits³ makes it clear that:

“...rabbits are animals which need individual and frequent attention”.

4.6 The Code goes on to emphasise that:

“...it is essential that the stockman should watch for signs of distress or disease and take prompt remedial action.”

and:

“...each rabbit should be inspected frequently during the day because, once ill, rabbits deteriorate rapidly”.

4.7 Pursuant to this, the Code states that:

“...the stockman should be able to recognise impending trouble in its earliest stages and may often be able to identify the cause and institute remedial measures, failing which veterinary or other expert assistance should be quickly obtained.”

4.8 Where there are risks of fire or other emergencies to which stock cannot respond independently, the Code requires that:

“At least one responsible member of staff should always be available to take the necessary (emergency) action”.

4.9 It is a feature of rabbit production units that the stock has to settle into a set of stable environmental and management circumstances before effective (and economical) reproduction and performance can be achieved. It is critical to the success of an enterprise that there is proper and effective management of the breeding and rearing activities, and that sickness and mortality is minimised. Over the past year, or so, on two of the holdings (Granby and East Bridgford) there have been outbreaks of Rabbit haemorrhagic disease 1 and 2 (RHD) which causes sudden death to growers at 8-12 weeks of age, and also adult stock. It is understood there is no treatment only vaccination.

4.10 As such, this has prompted the introduction of new control systems, and closer attention to detail, with growing stock divided into smaller groups and more widely spread; and, all breeding stock are now vaccinated by unit managers. Staff no longer access the grazing runs (to avoid cross-contamination) and hygiene measures akin to the Covid-19 requirements are enforced for all staff –

³ Codes of Recommendations for the Welfare of Livestock: Rabbits, Defra, 1999

with alcohol-based sanitisers and bleach solutions in use. Crucially, visitors to the site (invited or not) are refused entry as far as practicable – subject to staff being on site, at most times, to police such activity.

4.11 Clearly, this is highly demanding of the stockman given the complexity of the breeding programme as (biologically) each doe can produce up to 10 litters over a 12-month period. At Lyndon Top this will be managed much more conservatively, with only 6 litters per annum which will be considerably less demanding on the doe, and with an expectation of 9 kits born per litter. There will, however, be an almost constant process of mating, gestation, parturition and recovery (dry period) for each female animal, and a 16-week rearing phase for the progeny.

4.12 Crucial elements of the productive cycle always occur at night or at anti-social hours, particularly kitting (the name given to the birthing process). Prior to the establishment of the unit at Granby, Mr Kerry was advised by a breeder in Bedfordshire that high mortality rates amongst kits had been considerably reduced since living on site from 23% to approximately 10%. Indeed, the Agricultural Budgeting and Costing Book (ABC) records that:

“...a high degree of cleanliness and stockmanship is vital to minimise mortality rates which can be as high as 25%.”

4.13 One of the key requirements is to ensure the doe and the kits are "in the right place" immediately after kitting. In commercial set-ups it is often the case that the doe will give birth outside the nest area and to optimise performance (and minimise mortality) there is a need to place the young with the dam inside the nest area. This ensures that the dam is secure; will minimise her stress and thence auto-consumption of kittens; and should improve uptake of colostrum and milk. Living off-site renders this simple activity almost impossible, especially on a commercial unit with 250 does likely to give birth throughout the year, almost every day.

4.14 Beyond the basic welfare requirements, but clearly linked to them, is a need for the unit to be managed in a manner in which disease risk is minimised, which entails a high degree of attention to the cleanliness of the environments used by the animals and of associated installations and equipment (see above referenced to RHD). Critical in this respect is the protection of stock from the incursion of rabbits with myxomatosis; a viral disease transmitted primarily by mosquitoes. Whilst vaccination can be used, this needs to be accompanied with appropriate controls and observational vigilance on the part of the stockman (see above reference to water management).

4.15 It is also relevant to note that the husbandry approach includes a significant free-range element in which rabbits have access to natural grazing and can exhibit normal behavioural characteristics. Research has indicated that while there is little difference between the productive achievements of

traditional caged systems and hybrids, such as *plein-air* systems, there are significant welfare benefits. The approach is certainly consistent with the findings and recommendations of the European Food Safety Authority's investigation of housing and husbandry systems in farmed rabbits.

- 4.16 While all production systems should respect the welfare needs of the individual animal, the welfare codes indicate that no system should be put in place or expanded which cannot achieve this. It is the case, however, that on-site supervision could not be justified on the basis of the needs of a single or small number of animals. In assessing whether the ready availability of a worker is necessary, the policy guidance indicates that the scale and nature of the enterprise(s) are important considerations, and that these relate to the number of workers needed.
- 4.17 Standard data suggests that with intensive caged husbandry systems, 250 does requires the labour input of one full-time agricultural worker - as evidenced by the labour use at Granby.
- 4.18 The issue of essential need on rabbit farms has been examined at the appeal⁴ into the need, or otherwise, for temporary accommodation at Granby. The Inspector reported:

"Turning to the proposed rabbit breeding enterprise, the RAC statement refers to the Welfare Code for Rabbits in support of the need for a relevant stockman who is readily available at most times. The statement indicates that the proposed 300 doe unit would require labour in excess of one full time worker, based on the standard data for conventional caged systems, with the free range enterprise being likely to have a greater requirement. It suggests that it would be essential that someone would be readily available at most times to manage the enterprise, specifically with regard to the birthing process, the health and well-being of the stock, security, the management of predators and contact with customers.

The appellant has referred to the other free range rabbit rearing business in support of the need, which he has indicated is a similar scale to the proposed enterprise and has been granted planning permission for a log cabin on site. The appellant has claimed that this business has reduced the losses from 25% to 10% following the on-site occupation, which has enabled kittens that have been born outside during the night to be taken into the hutches. At the hearing, the Council's independent expert queried whether this would be acceptable, but no substantive evidence has been provided to show that this has not been the case.

The Council's independent expert's desktop agricultural appraisal accepts that, if the enterprise is developed as proposed, it may be able to pass the functional test, subject to that need being fulfilled by another existing accommodation in the area. Whilst this is based on the progeny

⁴ APP/P3040/A/12/2175713, O S Field 3962, Barnstone Lane, Granby, Nottinghamshire NG13 9PW – All decisions can be provided

being finished intensively in the permitted agricultural building, which the appellant has claimed would not be the case, the appraisal gives limited evidence to show that such a functional need would not exist. Therefore, based on the above, I find that there would be a functional need for a rural worker to live permanently at or near the business

4.19 An appeal into the refusal of planning permission for a permanent dwelling was heard in June 2017⁵ and, in allowing the appeal, the Inspector simply reported:

“There is no dispute between the main parties that the functional need identified by the previous Inspector remains in place. This includes the findings of the two agricultural experts employed by the Council to assess the application....”.

4.20 And, as noted above, this application is effectively a resubmission of an earlier planning application that was dismissed at appeal. In the appeal decision letter the Inspector stated⁶:

“In support of the proposal the appellant has submitted an appraisal produced by Reading Agricultural Consultants (RAC), a business plan and 3 years of accounts relating to the Granby unit. The appraisal by RAC indicates that there would be a need for an excess of one full time worker and that it would be essential that someone is readily available at most times to manage the enterprise, specifically to manage the birthing process, ensure the health and well-being of stock generally, provide a security deterrent against human intruders, manage predators and provide a point of contact for customers.

On the basis of the submitted evidence and discussion at the hearing I consider the primary need relates to the management of the birthing process. In this regard the appellant explained that Does would give birth throughout the year at all times of the day and night. Whilst experienced Does will return to their hutches at night, inexperienced Does will give birth anywhere including outside. In winter kittens born outside will die within approximately 3 minutes and in rain showers Does may smother kittens to protect them from the rain. The appellant referred to another enterprise where losses were reduced from 25% to 10% following on site occupation, as a result of kittens born outside during the night being taken into hutches. Whilst the appellant could increase the number of Does to make up for such losses, I accept that there is a requirement to seek to minimise such losses for animal welfare reasons.

The appellant acknowledged that it may be possible to return some Does to hutches at night during the birthing period which lasts around 2 or 3 days however, it would be difficult to

⁵ APP/P3040/W/17/3168150, OS Field 3962, Barnstone Lane, Granby, Nottinghamshire NG13 9PW

⁶ APP/A2470/W/18/3211129 Lyndon Top Farm, Lyndon Road, Manton, LE15 8RN

return all the Does to hutches because of the time taken to gather them, particularly those in communal runs. The appellant also explained that they had had incidences of live rabbits infected with myxomatosis being thrown into rabbit enclosures and therefore an onsite presence is required for security.

Whilst individually none of the circumstances cited would in my view justify the need for an on-site presence at all times of the day and night, cumulatively the requirement to manage the birthing process by ensuring kittens are moved inside after birth, protecting animals from human intruders and predators and being on hand to deal with emergencies, leads me to conclude that there would be a functional need for a rural worker to live at or near their place of work, in this case the rabbit farm. In reaching this conclusion I have had regard to the Inspector's findings in respect of the Granby unit where a functional need was demonstrated, based primarily on the rabbit farming business".

- 4.21 Exactly the same welfare and care requirements will persist at the new development at Lyndon Top and there will be an essential need for staff to live on site to provide for the needs of the livestock.

iii) Financial sustainability

- 4.22 Although there is no reference to a financial test in the NPPF, it is common practice to ensure that a temporary agricultural worker's dwelling should only be permitted where there is a reasonable prospect that the proposed enterprise is likely to be profitable and sustainable. In this instance, the applicant has already developed the business model elsewhere and can demonstrate that a 250-doe, free-range rabbit production unit is eminently profitable and entirely sustainable.
- 4.23 Published data, such as that provided in the *John Nix Farm Management Pocketbook*, 51st Edition, suggests that a 150-doe unit can generate a gross margin of some £60,000 per annum based in selling to wholesale outlets. Further profits can clearly be achieved by selling the products retail.
- 4.24 Farm business accounts and further detailed financial data from the Granby unit will be provided to the Council as **Appendix 1** and **2** but these are commercially sensitive data, wholly **CONFIDENTIAL**, and **not for publication**.
- 4.25 The accounts show a progressive rise in the profitability of the business over the past four years with profits from the holding rising from approximately £5,000 in 2013 to over £35,000 in 2016; profit in 2017 and 2018 has stabilised at approximately £30,000 - after all costs associated with the business have been met, including all labour.
- 4.26 In order to demonstrate sustainability, it is necessary to show that the forecast profit is sufficient to provide a reasonable return to the inputs deployed in the business - namely, land and capital. (As all

labour costs are met by the business (as wages) there is no significant return on unpaid labour to account for).

- a reasonable return to the land is considered the rental value of the land, say, £750 based on £250 per hectare;
- and a reasonable return to capital is 2½ percent, which will equate to some £2,500 for the investment (excluding the land).

4.27 It is anticipated that the proposed business at Lyndon Top will follow similar growth patterns and profitability to Granby and will amply meet these requirements.

4.28 The only outstanding matter is the cost of the temporary dwelling. A mobile home is likely to cost in the order of £20,000 and a loan for this amount would cost £1,420 per annum to service⁷. The forecast profit can meet this additional requirement though in reality the applicant has the necessary bank reserves to finance this cost.

4.29 As the production and business model to be used at Lyndon Top is identical to that used at all the other existing - and operational, and profitable – rabbit production units, RAC considers that this can provide the necessary assurance that the business has a reasonable prospect of being profitable and sustainable, sufficient to grant temporary permission for residential accommodation, whilst the unit is established.

4.30 On future growth - and in light of recent developments - Mr Kerry advises:

“Turnover was down during the [2018] year, as we were struggling with a genetic breeding problem where many of the progeny were dying at around the 12 week mark. This problem continued into the following year, it may have been rabbit viral Haemorrhagic disease but on balance it was more likely to be a genetic problem from one of the bucks.”

4.31 Again, this topic was examined at the 2019 appeal and the Inspector opined, in relation to the financial evidence submitted in support of the application (and appeal):

“The submitted accounts relate to the period from 2015 to 2017. The Council raised concerns that the accounts are not signed, and the accountant stated that they had not verified the accuracy and completeness of the accounting records. Nevertheless, I have no reason to doubt the accuracy of the accounts and am satisfied that they demonstrate that a development of this nature could be financially sound, albeit these accounts relate to a different site in a different County. The appellant’s view is that the accounts relate to the same owner and

⁷ Based on an interest rate of 5% over 25 years

product and provide evidence of potential profitability and that the evidence demonstrates that the proposal is planned on a sound financial basis. In the absence of substantive contrary evidence, I see no reason to disagree”.

4.32 Covid-19 has clearly had an impact on the business with fewer restaurant sales. However, the owner is keen to stress that all staff have been retained and no Government support has been required. Most customers are “slowly” returning, although 2 restaurants and 2 wholesalers have closed due to Covid-19. The business is now keen to identify and fulfil develop further market opportunities across the UK.

4.33 Concerns raised by the Council in relation to the previous application regarding the sale of other production units was considered at the earlier appeal and the Inspector dismissed the concerns, noting:

“I acknowledge the Council's concerns in respect of the sale of 2 and the attempted sale of a third similar enterprise owned by the appellant. However, this has little bearing on the planning merits of the proposal...”

(iv) suitable and existing accommodation

4.34 There is no other property available on the site, and the functional test has established that the need for the ready availability of the key worker is immediate and pressing and cannot be met from some property in a nearby village. The issue was explored at the earlier appeal with the Inspector agreeing with the appellant that:

“...The Council provided evidence to demonstrate that there are 5 houses available for rent located within 2 miles of the site however, for the reasons given above the appellant considers this would not meet the needs of the unit. In addition, the use of CCTV was discussed however, the appellant considers this would not be able to give the required coverage for the number of rabbits and hutches and therefore would not be practical. Furthermore, this would not satisfy the need to inspect rabbits at unsocial hours. Therefore, I find that the need could not be met by existing accommodation as it would not be close enough to enable the level of supervision and security required. I have also had regard to government guidance which states that at least one member of staff should always be available to deal with any emergencies...”

(v) Other normal planning requirements

4.35 These other issues, such as access are dealt with in the Planning Statement.

5 Conclusion

- 5.1 This appraisal has been prepared to examine the essential need, or otherwise, for residential accommodation to be permitted for the manager of a new 250-doe rabbit breeding and rearing enterprise at Lyndon Top.
- 5.2 The application has been assessed against Local Plan policies and the advice in the National Planning Policy Framework and Planning Practice Guidance for temporary accommodation for a rural worker and it has been demonstrated that:
- it is essential that someone is readily available at most times to manage the rabbit enterprise, specifically to:
 - manage the birthing process and ensure doe and kits are retained within the nest area;
 - ensure kits obtain adequate colostrum and milk;
 - ensure the health and well-being of the stock generally;
 - provide a security deterrent against wild animal and human intruders;
 - manage predators;
 - provide a point of contact for customers.
 - budgets suggest that the enterprise ought to be capable of generating a profit in excess of £25,000 by Year 3 after all fixed and notional costs; and,
 - there is no other accommodation that is suitable and available to service the identified need.
- 5.2 Although, the earlier appeal was dismissed on landscape and location grounds, the Inspector concluded on the agricultural argument:

“I conclude that there is an essential need for a rural worker to live on the site in accordance with Policies CS4 and CS16 of the Core Strategy, Policy SP6 of the Local Plan and the Framework”.

APPENDIX 1

Business Accounts from Granby

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APPENDIX 2

Further financial data and clarifications from Granby

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