
Appeal Decision

Site visit made on 12 October 2016

by Mike Fox BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2016

Appeal Ref: APP/J9497/W/16/3154083

Blackdown Piper Farm, Widecombe-in-the-Moor, Devon, TQ13 7UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cator Blackaton Farming Ltd against the decision of Dartmoor National Park Authority.
 - The application Ref 0140/16, dated 17 February 2016, was refused by notice dated 19 May 2016.
 - The development proposed is for the siting of a mobile home for a temporary agricultural dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a mobile home for a temporary agricultural dwelling at Blackdown Piper Farm, Widecombe-in-the-Moor, Devon, TQ13 7UA in accordance with the terms of the application Ref 0140/16, dated 17 February 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are whether there is sufficient agricultural justification to permit the siting of a temporary dwelling in the countryside; and the effect of the proposal on the character and appearance of the landscape.

Reasons

3. The appeal site is located about three kilometres to the north-west of the village of Widecombe-in-the-Moor. It is part of Blackdown Piper Farm, a cattle and sheep enterprise extending over 109 ha, with grazing rights over a further 1,479 ha of common land. The hilly terrain which includes the appeal site is classified as Moorland Edge Slopes in the Dartmoor Landscape Character Assessment, which describes the location of the appeal site as: *"a strongly rural landscape set within a framework of medieval fields with strong visual links to the nearby open moorland"*.

Issue 1: Whether the functional need for the siting of a temporary dwelling on the appeal site exists

4. There is no dispute between the main parties that the functional need for on-site worker accommodation at Blackdown Piper Farm can be demonstrated. However, a number of representations from third parties express the view that

there is no justification for on-site farm worker accommodation at the appeal site, and I have therefore included functional need as a main issue.

5. Both national planning policy and the local development plan recognise the need for essential on-site farm worker accommodation to be met. This is, however, a strict test, and one that is made even stricter in National Parks, where paragraph 115 of *the Framework*¹ states that great weight should be given to conserving landscape and scenic beauty in these areas. In addition, footnote 9 of paragraph 14 of *the Framework* classifies land designated as a National Park as one of the categories where specific policies in *the Framework* indicate that development should be restricted.
6. Paragraph 55 [1] of *the Framework* makes it clear that the essential need for a rural worker to live permanently at or near their place of work constitutes a special circumstance which justifies the development of a new isolated home in the countryside. It is clear that a sustainable balance has to be struck between recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, as encapsulated in core principle 17[5] in *the Framework*. Also, paragraph 28 of *the Framework* supports the development and diversification of agriculture and other land-based rural businesses.
7. The Dartmoor National Park Core Strategy (2008), although predating *the Framework*, nevertheless applies *the Framework's* sustainable planning strategy in the National Park context. In particular, policy COR1 sets out a number of sustainable development criteria, including the need to make efficient use of land and infrastructure (criterion a) and support for the socio-economic vitality of the National Park (criterion d), both of which support the legitimate needs of agriculture in the National Park.
8. The importance of farming both in both socio-economic terms and as a means of conserving the character of the National Park is identified in the Dartmoor National Park Development Management and Delivery Development Plan Document (DPD) (July 2013). Paragraph 2.21.8, for example, states that: "*farming is the principal land use in the Dartmoor National Park and helps sustain its special qualities*".
9. Policy DMD23 sets out five requirements that proposals for agricultural workers' dwellings need to demonstrate. These are: (i) there are no satisfactory existing buildings that could be converted to meet the need or other suitable and available dwellings on the holding or in the locality; (ii) there is a clear functional need for a worker to be readily available at most times; (iii) the need relates to a full-time worker; (iv) the enterprise has been established for at least three years and profitable for at least one and is financially sound with a clear prospect of remaining so; and (v) the scale of the building is commensurate with the functional requirement of the holding and is sited so as to cause no harm to landscape character, a site adjacent to existing farm buildings generally being the most appropriate.
10. From the documentation submitted through the Appellant's Supplementary Appraisal and from reading the most recent appeals relating to Blackdown Piper

¹ DCLG: National Planning Policy Framework (*The Framework*); March 2012.

Farm², I consider that the evidence in support of the functional need for on-site accommodation to house a full-time agricultural worker is compelling. This evidence includes, for example, the large number of livestock on the farm (the most previous count being 712) and the requirements for an on-site worker to be available on site at most times – and in particular during lambing and calving. I note that there are no other suitable or available existing dwellings in the farm area, or existing buildings on the holding, which could meet the functional need. I also note that the enterprise is financially sound.

11. Taking all these matters into consideration, I conclude on the first main issue that there is a functional need for on-site accommodation for a full-time agricultural worker at Blackdown Piper Farm, in accordance with *the Framework*, the National Park Core Strategy and DPD. None of the third party submissions objecting to the proposal contains robust evidence which challenges my conclusion on the first main matter.

Issue 2: The effect of the proposal on the character and appearance of the landscape.

12. The Development Plan policies COR3 and DMD5, in line with national policy to conserve the scenic beauty of National Parks, set out a framework for conserving and enhancing Dartmoor's character and special landscape qualities.
13. Policy COR3 requires development to conserve and enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities. Policy DMD5 sets out 5 criteria to ensure that development accords with the broader policy objectives of policy COR3.
14. In relation to these criteria, firstly, the proposed mobile home has been designed to avoid excavation into the slope by raising its western end. Secondly, it would be located close to the existing barn and farm yard, thus limiting the spread of development; this also means that the proposed mobile home would be seen in the context of these existing structures, and would not impact on a completely undeveloped setting.
15. Thirdly, the appeal site is largely enclosed within the landscape, although the mobile home would be visible from the road. Fourthly, in relation to the historical significance of the area, its alignment would respect the medieval field boundaries. Fifthly, the proposal would be small scale, especially in relation to the appellant's previous proposal for a larger dwelling at the appeal site.
16. These considerations, including its temporary nature, would ensure that any landscape harm would be minimal, and that the proposal would accord with the broader objectives of policy COR3.
17. On the basis of the above considerations, I conclude on the second main issue, that the proposed development would result in a minor impact on the character and appearance of the landscape.

² Appeals APP/J9497/W/15/3004706; family dwelling – dismissed 9 June 2015; and APP/J9497/W/15/3012054; extension of existing agricultural building – allowed 22 September 2015.

Other considerations

18. I note the volume of the response to the proposal from local residents and Widecombe Parish Council, and I will seek to answer any additional points which have been made.
19. Some of the objectors have pointed out that relocating the mobile home within a cluster of buildings to the south would be a more satisfactory option than at the appeal site. However, this option would involve locating the proposed mobile home within a former quarry and the instability of the quarry face rules this out as a safe alternative location. In any event, if the Appellant opts for a proposed permanent dwelling at some future date, it will be for the National Park Authority to consider at that time whether a better location exists to serve the requirements of the farm.
20. The proposed mobile home is modest in size with a minimum number of rooms and a small area of timber decking. I therefore do not agree with the view that the mobile home is unnecessarily large. I also reject the claim that this permission serves as a precedent, which would make the case for a permanent dwelling inevitable. It will be up to the National Park Authority to come to a view on any future application for a permanent dwelling in the light of national and Development Plan policy in the light of the planning context at that time.

Conditions

21. I have considered the list of conditions suggested by the Council, and I have made a few changes to accord with the requirements of paragraph 206 of *the Framework*. Condition (1) is required to comply with Section 91 of the Town and Country Planning Act 1990 (as amended). I have introduced condition (2) for the avoidance of doubt and in the interest of proper planning. Condition (3) is to prevent additional inappropriate residential accommodation in the National Park, having regard to the special circumstances of the case in accordance with policies COR2, COR15 and DMD23 of the Development Plan.
22. Condition (4) is necessary because the development is located in the National Park, where a dwelling would not normally be permitted and has been allowed at the appeal site because of the demonstration of a functional need associated with the activities of Blackdown Piper Farm, in accordance with policies COR2, COR15 and DMD23 of the Development Plan. Conditions (5) to (8) and (10) are to protect the character and appearance of this part of the Dartmoor National Park landscape in accordance with policies COR1, COR3, COR4, DMD1b and DMD5 of the Development Plan. Condition (9) is required to enable the investigation and recording of hidden historical features in accordance with policies DMD13 and COR6 of the Development Plan.

Conclusion

23. I have found that the functional need for a temporary agricultural dwelling has been robustly made, a need that has been accepted by both main parties. The Council accepts that the need for such accommodation is pressing, whilst the Appellant argues that the need is becoming urgent.
24. I also note that a previous planning appeal decision dismissed a proposal for an agricultural worker's dwelling on the appeal site³. Whilst accepting the need for

³ Appeal Reference APP/J9497/W/15/3004706.

a dwelling at this location, the decision expressed concern over its overall design and size, and that because of these considerations it would have an unacceptable impact on this historically and visually significant field.

25. The balance in this case between functional need and the requirement to give great weight to conserving landscape and scenic beauty in the National Park is a fine one. In relation to the appeal decision I have just referred to, it is clear that, given the functional need exists, the overall design and size are the critical factors on which this appeal turns. The proposal is for a modest structure, which on balance would accord with both national and development plan policy.
26. It is also important to recognise that the National Park is a living and working landscape, which has, to a considerable extent, been shaped by agriculture. It therefore follows in this case that the needs of agricultural enterprises must be recognised and supported both on socio-economic grounds, but also on landscape grounds.
27. In weighing all of the above factors, I conclude that on the balance of relevant considerations, the proposed development would be sustainable in relation to the first two strands of sustainable development (economic and social) as set out in paragraph 7 of *the Framework*, whilst the minor adverse impact on the third strand (environmental) would be mitigated to an acceptable degree in the way the proposal would sit in the landscape and accord with the development plan, and in particular policies COR3 and DMD5. For the reasons given above, and having regard to all other matters raised, and subject to the conditions set out above, I conclude that the appeal should be allowed.

Mike Fox

Inspector

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates must be begun not later than the expiration of one year from the date of the grant of the permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (i) Site Plan – Blackdown Piper, scale 1:1250, dated 25-02-2016; (ii) Block Plan – Blackdown Piper, scale 500, dated 25-02-2016; (iii) Floor Plan, scale 1:100, Ref AE:4.2, undated; (iv) SE Elevation, scale 1:100, Ref AE:4.1, undated; (v) SW Elevation, scale 1:100, Ref AE 4.1.1, undated; (vi) NW Elevation, scale 1:100, Ref AE:4.1.2, undated; (vii) NE Elevation, scale 1:100, Ref AE:4.1.3, undated; and (viii) Section A-A, scale 1:100@A4, undated.
- 3) The mobile home hereby permitted shall be permanently removed, the use of the land for residential purposes cease and the land restored to its former condition on or before three years from the date of the decision notice.
- 4) The mobile home hereby permitted shall be occupied only by persons solely, or mainly working, or last working in the locality, in agricultural or forestry work, as defined by Section 336 of the Town and Country Planning Act 1990, and the dependents of such persons as aforesaid.
- 5) Prior to the installation of the mobile home hereby approved on the site, details of all proposed decking, external facing and roofing materials shall be submitted to the local planning authority for written approval and the development shall be carried out in accordance with the approved details.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the building(s) shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwelling hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written permission of the local planning authority.
- 7) Unless otherwise agreed in writing by the local planning authority, the north-west, north-east and south-east boundaries of the site shall be enclosed by agricultural post and wire fencing.
- 8) There shall be no external lighting of the site unless details have been submitted to the local planning authority and approved in writing. Any external lighting shall be installed in strict accordance with the approved details.
- 9) No ground disturbance works (including the installation of a septic tank) shall commence on the development hereby approved until a written scheme providing for an appropriately qualified archaeologist to carry out a full archaeological watching brief during all the specified works (details of which are to be agreed in writing with the local planning authority) has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the observation, recording and recovery of artefacts and post-excavation analysis. A full report detailing the findings

shall be submitted to and approved in writing by the local planning authority before the substantial completion of the development, unless otherwise agreed in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority, no specified works shall commence on the development hereby permitted until the expiration of 28 days following the date that written notice has been received by the local planning authority of the intention to commence the development. At all times thereafter, until the completion of the development on the land, access shall be afforded at all reasonable times to any archaeologist accredited by the local planning authority. This access shall include the right to observe and inspect any excavation and to retrieve and record.

- 10) Details of the proposed location of the septic tank within the curtilage of the mobile home hereby approved shall be submitted to the local planning authority for approval prior to its installation. The septic tank shall be installed strictly in accordance with the approved details.