

Appeal Decision

Hearing held and site visit made on 7 December 2016

by Tim Belcher FCII, LLB (Hons), Solicitor (Non-Practising)

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

Decision date: 23 December 2016

Appeal Ref: APP/P1133/W/16/3150111

Shillingford Organics, The Gatehouse, Barton Lane, Shillingford Abbot, Exeter, EX2 9QQ

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 ("the 1990 Act") against a refusal to grant planning permission.
- The appeal is made by Martyn Bragg ("the Appellant") against the decision of Teignbridge District Council ("the Council").
- The application Ref 16/00212/FUL, dated 4 February 2016, was refused by notice dated 7 April 2016.
- The development proposed as described on the application form is "Conversion of barn to dwelling".

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The Council described the proposal as, "Conversion of store/workshop to a dwelling for an agricultural worker including raising of roof and new porch". This accurately describes what is shown on the application plans and the description of the proposal within the supporting documentation.
2. An amended location plan¹ was agreed between the parties at the Hearing.

Background Matters

3. The Appellant explained that:
 - a) He had built up a successful organic fruit and vegetable enterprise at Shillingford Organics on what was formerly his family's arable farm.
 - b) The business supplies fruit and vegetables to both commercial outlets and to the public through local farmers' markets and a "box scheme" whereby Shillingford Organics deliver fresh fruit and vegetable directly to the homes of their customers.
 - c) The organic farm at Shillingford and associated business ventures currently employs about 14 people with an equivalent of 11 full-time employees.
 - d) In the months of April to October (inclusive) the business requires additional staff. Last year this was provided by taking on two apprentices and one volunteer. The same volunteer is unlikely to spend the entire seven month period at the Shillingford Organics but a number of volunteers will cover the relevant period. The volunteers are recruited through an organisation known as the "World Wide Opportunities on

¹ Document 2

Organic Farms” and the volunteers are known as “WWOOFers”. The Appellant is required to provide warm, dry, clean and safe accommodation for any WWOOFers working/studying at the farm.

- e) The work at Shillingford Organics is labour intensive and employees have long working days. At certain times of the year the staff start early in the morning and often remain on site late in to the evening.
 - f) The Appellant is hoping to play a less active / demanding role within Shillingford Organics from the beginning of 2019 and thus be able to have more time to pursue his own interests. To be able to do that he would need to find a competent manager to take on the duties which he currently performs.
 - g) There were four dwellings at Shillingford Organics:
 - (i) The Gatehouse (a converted barn) where the Appellant, his wife and children live.
 - (ii) The Barton. This is a handsome traditional farmhouse which had four bedrooms. The Appellant’s mother lives by herself in this dwelling.
 - (iii) Haldon View - a three bedroomed semi-detached bungalow which is occupied by a retired farm worker who formerly worked for the Appellant.
 - (iv) Trevoise - another three bedroomed semi-detached bungalow which is occupied by another retired farm worker who formerly worked for the Appellant.
 - h) Haldon View & Trevoise are subject to agricultural occupancy conditions.
 - i) There is accommodation available for the apprentices and WWOOFer to live in. This accommodation can be provided in one of three caravans (including a mobile home) and two residential pods. My understanding is that there is no planning permission for this accommodation although Council Tax is paid for the mobile home.
4. The store/workshop (“the Store”) which is proposed for conversion is:
- a) Physically attached to The Barton but there is no direct internal access from The Barton and the Store or vice versa.
 - b) For planning purposes within the open countryside.
 - c) Within an Area of Great Landscape Value (AGLV).

Policy

- 5. The Development Plan for the area includes the Teignbridge Local Plan (“the Local Plan”). I was referred to the Local Plan Policies listed at paragraph 1(a) of the Hearing Agenda².
- 6. I have also been referred to paragraph 55 of the National Planning Policy Framework.

² Document 3

Reasons

Is there an existing functional need arising from the agricultural uses at Shillingford Organics for a further full-time worker to be housed there?

7. The Local Plan explains that within the open countryside development will be strictly managed and limited to, amongst other things, dwellings for agricultural workers. Such dwellings will be permitted provided, amongst other things, there is an essential need arising from the business for a full-time worker to be housed on the site and that there are no dwellings on the holding which could meet that need.

Replacement Manager at Shillingford Organics

8. I have explained above that the Appellant wishes to play a less active role within Shillingford Organics and as such he would like to provide accommodation for the person who succeeds him in carrying out the managerial role at Shillingford Organics.
9. However, that need does not presently exist. The Appellant suggested that he needed to get someone in place so that there could be a seamless progression from his management to that of his successor.
10. From the information I was provided with this long term planning for the on-going management of Shillingford Organics has not reached an advanced stage. Whilst I can see that it is good practice to make such arrangements it was not clear to me that an incoming manager would necessarily need on-site accommodation.
11. It was clear that following the appointment of a manager to succeed the Appellant the Appellant intended to continue to reside at The Gatehouse and also to have a clear on-going role within the business.
12. Further, I was not referred to any likely emergency at Shillingford Organics that would be likely to arise which required anyone to be readily available at most times of the day and night. Even if there are such emergencies they could be dealt with by the Appellant who, as I have explained above, will continue to occupy The Gatehouse and will remain involved in the business.
13. Further, it is clear that there are existing dwellings at Shillingford Organics that could be used if an incoming manager needed such on-site accommodation. I am aware that the Appellant does not want to take action (for personal reasons) to secure vacant possession of either of the dwellings currently occupied by the retired farm workers. I also understand that The Gatehouse is occupied by the Appellant and his family and The Barton by the Appellant's mother but I did not receive any rational explanation as to why the present occupiers of those dwellings could not relocate to others appropriate accommodation to allow the manager to reside on the site if the Appellant considered that to be necessary for the proper functioning of the agricultural enterprise.

Occupation of the Proposed Dwelling by Apprentices and / or a WWOOFer

14. It was suggested that if the proposed dwelling was not required by an incoming manager then it could be used as accommodation by the apprentices or the WWOOFers.

15. I am aware that the accommodation which they currently occupy does not have the benefit of planning permission or a Certificate of Lawful Use. No applications for the retention of this accommodation have been made to the Council and I do not know what the Council's response would be to any such applications.
16. However, there was no evidence before me that the residential use of the proposed dwelling by apprentices or WWOOFers is essential to meet a functional need of Shillingford Organics. That functional need (if any) is currently met by the Appellant and I have explained above he would be available to fulfil that role in the longer term.
17. I therefore conclude, for the reasons explained above, that there is no existing functional need arising from the agricultural uses at Shillingford Organics for a further full-time worker to be housed there. Accordingly, the proposal is contrary to the relevant parts of the Local Plan.

Would the conversion of the building conserve the qualities, character and distinctiveness of the existing site and the AGLV?

18. The Local Plan explains that new development will be of a high quality design. Designs should be specific to the place, its wider context and the surrounding area, creating a place with a distinctive character. Further, in order to protect and enhance the area's landscape development will be sympathetic to and help to conserve and enhance the natural landscape character of Teignbridge in particular in the AGLV. Development proposals should conserve and enhance the qualities, character and distinctiveness of the locality.
19. A public footpath runs from the south side of Barton Lane, past the Store and out in to the open countryside beyond and eventually joins the road which links Shillingford Abbot with Shillingford St. George.
20. Part of the undeveloped area of the AGLV can be seen and enjoyed from the public footpath.
21. I have explained above that I consider The Barton to be an attractive building that contributes positively to the character and appearance of the area. The most striking features of The Barton, when viewed from the public footpath, are the steeply sloping pitch of its slate roof and the two small dormer windows set low down in that roof slope.
22. The Store currently fails to contribute to the attractive appearance of The Barton and thus has a negative impact on the surrounding area. It has an incongruous appearance due to it:
 - a) Being single-storey in height.
 - b) Having a mono-pitched roof, the slope of which does not reflect the slope of the roof of The Barton.
 - c) Having a roof made of asbestos sheeting.
 - d) Not being cared for in the same way as The Barton. It is currently covered in ivy and is in need of general maintenance.
23. The Council's main concern relates to the design of the roof of the proposed dwelling. I understand the philosophy of the design i.e. so that the converted

building can accommodate first floor accommodation in the roof-space and keeping the height of the proposed building as low as possible.

24. On balance I consider that the design is acceptable. By using materials that reflect those used in The Barton I consider that the proposed building would harmonise in terms of its appearance with the main dwelling. Further, even in its proposed extended form the Store would remain subservient to The Barton in terms of its massing.
25. The proposed building would result in the loss of some view of the open countryside to the rear but in my assessment the loss of these views would be minimal.
26. I therefore conclude, for the reasons explained above, that no material harm to the character or appearance of the AGLV or The Barton would result from the proposal. As such, the proposal conserves the qualities, character and distinctiveness of the existing site including The Barton and the Area of Great Landscape Value. Accordingly, there would be no conflict with the relevant parts of the Local Plan.

Other Matters

27. All the matters raised by the neighbouring occupiers were fully discussed at the Hearing. The Appellant accepts that the proposal would result in more activity near the boundary of The Barton with the garden and patio area of The Granary. However, I do not consider that the residential use of the proposed building would harm the enjoyment of The Granary's garden/patio.
28. The proposal has been designed so as to ensure that there would be no overlooking of the house, patio or other private parts of the garden at The Granary. Whilst I understand the concern that new windows could be inserted at first floor level which may have a detrimental impact on the privacy of the occupiers of The Granary this is a matter that could be controlled by the imposition of an appropriately worded condition.

Overall Conclusions

29. I have explained that I consider that the design of the proposed dwelling is acceptable and that none of the issues raised under "Other Matters" result in an unacceptable scheme. However, the determining issue in this case is that there is no existing functional need arising from the agricultural uses at Shillingford Organics for a further full-time worker to be housed there. Accordingly, the appeal does not succeed.

Formal Decision

30. The appeal is dismissed.

Tim Belcher

Inspector

APPEARANCES

FOR THE APPELLANT

Carl Egonu BSc(Architecture), CIOB, FFB

2BG Consultants

Martyn Bragg

Appellant

FOR TEIGNBRIDGE DISTRICT COUNCIL

Anna Mooney MA(Town and Country Planning)

Planning Officer

Sheamus Machin FRICS, FAAV

Christine Bolton

Appeals Support Officer

INTERESTED PERSONS

Terry Knapp

Neighbour

Jane Knapp

Neighbour

DOCUMENTS

Document 1 – Extract from the Proposals Map showing the Appeal Site in relation to the AGLV.

Document 2 – Amended Location Plan.

Document 3 - The Hearing Agenda.