
Appeal Decision

Site visit made on 24 January 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 8th February 2017.

Appeal Ref: APP/Y1138/W/16/3159503

Thorne Farm, Lane to Thorne Farm, Stoodleigh EX16 9QG

- 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 Mrs K Hawke against the decision of Mid Devon District Council.
 - The application Ref 16/01074/FULL, dated 12 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is an agricultural farm office.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural farm office at Thorne Farm, Lane to Thorne Farm, Stoodleigh EX16 9QG in accordance with the terms of the application, Ref 16/01074/FULL, dated 12 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Drawing No 1497-07; Block Plan (Drawing No 1497-06); Floor Plan (Drawing No 1497-03A); Elevations (Drawing No 1497-05).
 - 2) The development hereby permitted shall only be used in conjunction with the operation of the agricultural activities associated with the holding known as Thorne Farm and no part shall be used as domestic or residential accommodation at any time.

Procedural Matters

2. I saw from my site visit that development has commenced. Foundations are in place, walls have been constructed and a roof has been erected over the building. I have, therefore, considered the appeal on this basis.
3. The Council considers that the development is tantamount to the creation of a separate dwelling. The appeal before me is for an office and it is on that basis that I have determined the appeal. I have therefore confined my consideration to the main issue as set out below.

Application for costs

4. An application for costs was made by Mrs K Hawke against Mid Devon District Council. This application is the subject of a separate Decision.
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Main Issue

5. The main issue is whether the proposal is reasonably necessary to support farming activity on the farm.

Reasons

6. Thorne Farm is a mixed agricultural and equestrian farm holding located within the open countryside. The appeal building is sited within the main group of farm buildings, to the north-east of the main farmhouse. During my site visit, I saw the existing farm office, which is housed in a container structure. This is located above a further container which appeared to be used as a kitchen/seating area for employees associated with the equestrian side of the business.
7. The plans show that the external dimensions of the building are 12.62m by 6.64m. The appellant advises that the relatively large office is required as the enterprise employs two full time employees (including the Farm Manager) and one part time employee, as well as seasonal agricultural workers. The appeal building would be used as an office, kitchen and WC for employees of the agricultural enterprise. It would also be used to provide office accommodation for the appellant. The office would contain a separate meeting room to be used in connection with the enterprise, in particular, for staff briefings. Further, the appellant advises that she intends to expand the size of the operation at the farm and the office building needs to be suitable to accommodate future needs.
8. The Council accepts that it is reasonable for the holding to have a separate office. However, there is concern that there is no justification for an office of the size proposed, which includes a kitchen and a bathroom. The Council cites office space requirements using guidance published by Public Works and Government Services Canada (2012). However, I am not provided with a copy of this guidance and there is no explanation as to why this is relevant or applicable to the appeal before me. Consequently, I attach little weight to the Guidance.
9. The office would be likely to contain equipment, such as desks, IT equipment, printers and storage facilities, to serve at least one full time member of staff. The size of the main office would be consistent with this level of provision. Also, the enterprise employs a number of staff and, therefore, it is reasonable to provide a separate meeting room within the office facility so that staff meetings can be conducted in a more private area, if necessary. An office separated from the main kitchen area would enable staff meetings to take place without interruption from users of the shower room or kitchen.
10. I have considered the concerns about the shower room and the size of the kitchen. A shower facility on a working farm, for use by staff, is not unusual. A full bathroom would not be provided and, consequently, I find that the proposed shower room would be appropriate. The kitchen would be large enough to contain a fridge, a microwave and a sink with associated storage and a table/seating area. I consider this to be appropriate to meet the needs of staff, who are likely to work outdoors for a large proportion of the day.
11. The Council is concerned that the design of the office is overly-domestic. The south elevation would contain a large area of glazing, but this is not an unreasonable design, and it may be more energy efficient.

12. The office would provide a modern and up-to-date facility that would meet the present and future needs of the rural enterprise. The National Planning Policy Framework (the Framework) provides support for economic growth in rural areas, in order to create jobs and prosperity. The proposal would promote the development and diversification of agricultural and other land-based rural enterprises and, as such, it would contribute to supporting a prosperous rural economy, which is a significant benefit.
13. The Council refers to a letter from the Chief Planner at the Department for Communities and Local Government.¹ The letter introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. The policy was confirmed in a Written Ministerial Statement (WMS).² Whilst I give the WMS significant weight, there is limited evidence to demonstrate that the development was carried out intentionally. Consequently I do not find that this consideration outweighs the benefit described above.

Conditions

14. I have specified the approved plans as this provides certainty. I have also imposed a condition restricting the use of the office, which is necessary to ensure it remains in use for the benefit of the enterprise, in accordance with the application. I have not imposed the Council's suggested condition to establish the legal commencement date, as it would not achieve this aim.

Conclusion

15. To conclude on this matter, I find that the development is reasonably necessary to support farming activity on the farm, in accordance with Policy DM22 of the Local Plan.³ The Council also cites Paragraph 55 of the Framework. However, for the reasons set out in the procedural matters above, this is not relevant to the appeal before me.
16. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

¹ Planning policy statement on Green Belt protection and intentional unauthorised development, dated 31 August 2015

² HLWS404, 17 December 2015

³ Mid Devon District Council Local Plan: Part 3 Development Management Policies (October 2013)