
Appeal Decision

Hearing held on 15 June 2017

Site visit made on 15 June 2017

by John Wilde C Eng MICE

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

Decision date: 27 June 2017

Appeal Ref: APP/J9497/W/17/31684680
Cuddyford Meadows, Rew Lane, Ashburton, Devon

- 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 Ms R Sykes against the decision of The Dartmoor National Park Authority.
 - The application Ref 0367/16, dated 26 April 2016, was refused by notice dated 20 September 2016.
 - The development proposed is use of land for siting and residential use of a mobile home for a rural worker – 3 years.
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Decision

1. The appeal is allowed and planning permission is granted for use of land for siting and residential use of a mobile home for a rural worker – 3 years at Cuddyford Meadows, Rew Lane, Ashburton, Devon, in accordance with the terms of the application, Ref 0367/16, dated 26 April 2016, and the plans submitted with it, subject to the conditions contained within the attached schedule.

Application for costs

2. At the Hearing an application for costs was made by Ms R Sykes against The Dartmoor National Park Authority. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - a) Whether or not the appeal site can be considered to be in an isolated location.
 - b) Whether or not, having regard to national and local planning policy, there is an essential need for a rural worker to live permanently at or near their place of work.

Reasons

4. The appeal site (comprising a small portion of a larger complex of about 1.5 Hectares) lies about 1km to the north-west of the town of Ashburton. The enterprise is based on horticulture, producing salad ingredients, herbs, fruits

and vegetables. At the time of my visit there were also chickens and pigs present.

Location

5. Ashburton is defined in policy COR2 of the Local Development Framework Core Strategy Development Plan Document (CS) as being a Local Centre. It has a defined settlement boundary and the appeal site lies outside of that boundary. In planning terms the appeal site is therefore in the open countryside.
6. Paragraph 55 of the National Planning Policy Framework makes clear that planning authorities should avoid new isolated homes in the countryside unless there are a range of special circumstances. However, the important word in paragraph 55 in terms of this appeal is *isolated*. The appeal site is only a relatively short distance from Ashburton where there is a good range of services. Both main parties agree that the appeal site cannot be considered to be isolated and I have no reason to disagree with that position. It follows that paragraph 55 of the Framework is not pertinent to this appeal.

Essential need

7. Both parties also agree that if the enterprise were to develop as proposed then there would be an essential need for a worker to live on the site, and once again I have no reason to disagree with that position. The LPAs argument is that if any element of the proposed development were not to proceed, then the essential need would not be satisfied.
8. Prior to the Hearing there were only two main differences between the parties. These related to the proposals for meat processing and Glamping. At the Hearing further evidence was supplied by the appellant to confirm that any meat processing would be carried out off-site by a local butcher, and that the only actual involvement of the enterprise in this regard would be the storage of the processed pigs in a freezer on site. Given the frequency of pig production (approximately one per month) the site could easily accommodate this. The LPA agreed at this point that the matter of meat processing was no longer an issue, and I have no grounds to take a contrary position. It follows that the only matter between the main parties is the issue of Glamping and I now turn to this.
9. In the Business Plan produced for the enterprise by Geo and Co Ltd¹ the proposed Glamping is described as being within *structures such as yurts, camping pods, shepherd huts or similar*. The proposed Glamping would be only for 28 days per year but the LPA has concerns that, despite its short term nature, it would nonetheless require planning permission (if a structure or building operations were involved). If that were to be the case then factors such as character and appearance, flooding and highway matters would have to be taken into account which could threaten the proposed activity. There would also be potential conflict with policy DMD44 of the Dartmoor National Park Authority Development Management and Delivery Development Plan Document (DMDDPD) which only permits small scale tented camping sites including camping pods as part of a farm diversification exercise.

¹ SMR06B - Appendix to Agricultural Appraisal

10. At the Hearing it was made clear to me that the appellant is aware of the restrictions relating to what equipment could be utilised for the Glamping element of the business whilst remaining within the confines of that allowed by the General Permitted Development Order Schedule 2, Part 4: Temporary Buildings and Uses Class B (GPDO). If the appellant were to utilise equipment outside of the confines of that allowed by GPDO then that would be an enforcement matter for the LPA. The question for me therefore is what is the likelihood that equipment complying with the GPDO could be provided given the nature of the site?
11. The area of the enterprise to be utilised for the Glamping element is largely grassed and relatively flat. It would seem therefore that it is unlikely that earthworks would be required to level the land. Furthermore it also seems to me that it would be perfectly possible to provide some form of temporary tented accommodation, without creating a structure, that would fit the somewhat broad term of Glamping.
12. Even if this is not the case the glamping element of the proposed expanded enterprise would be for only 28 days per year and would represent a relatively small element of the projected financial income. I cannot therefore agree that the loss of this element would so tip the balance as to make the enterprise unviable and unlikely to endure, or indeed reduce the required manpower to such an extent so as to remove the essential need.
13. It follows that there would be no conflict with policies DMD23 and DMD28 of the DMDDPD. The former of these states that outside the Local Centres planning permission for a dwelling will only be granted where, amongst other things, it is required for a rural based business. The latter makes clear that where on-site accommodation is essential to support a new rural based business then permission for a residential caravan will be granted for a period of up to three years. Nor would there be conflict with policies COR1, COR2, or COR15 of the CS. These are over-arching policies dealing with sustainability, spatial development and housing need respectively.
14. I note representations regarding the likely increase in visitors to the site and the potential for highway safety problems. However, whilst the site access does not have particularly good visibility the nature of the local road network means that speeds are generally very low. Whilst I accept that visitor numbers may well rise, this would to a certain extent be balanced out by the fact that the appellant would not herself be travelling to and from the site. Overall, I am not persuaded that highway safety would be compromised to such an extent that planning permission should be refused on this ground alone.

Conditions

15. The conditions set out in the accompanying schedule are based on those discussed at the Hearing. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance.
16. To prevent an unfettered dwelling in the countryside I have imposed a condition that limits occupation of the caravan to a person working in horticulture. As the application was for a residential caravan for a temporary period of three years I have imposed a condition to ensure compliance with this and for preciseness I have imposed a condition that defines the type of caravan

allowed. Given that the site is located in a National Park, in the interest of protecting the character and appearance of the area I have imposed conditions relating to lighting and permitted development.

Conclusion

17. In light of my above reasoning and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Wilde

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than one year from the date of this decision.
- 2) The occupation of the residential caravan shall be limited to a person solely or mainly working, or last working, in the locality in horticulture as defined in Section 336(1) of the Town and Country Planning Act 1990 (as amended), or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 3) The use hereby permitted shall be for a limited period being the period of three years from the date of this decision. The caravan hereby permitted shall be removed and the land restored to its former condition on or before three years from the date of this decision in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), 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 as set out in the site location plan, other than those expressly authorised by this permission.
- 5) No more than one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.
- 6) There shall be no artificial lighting on the site or buildings hereby approved without the prior written consent of the Local Planning Authority.

APPEARANCES

FOR THE APPELLANT:

Dr Simon Ruston MRTPI	Ruston Planning
Mr William Knight	Geo and Co Ltd.
Mr James Shorten	

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Joanna Burgess
Mr Shamus Machin

INTERESTED PERSONS:

Ms Teresa Anderson	Local Resident
Mr Greg Newman	The appellant's partner
Ms Tamsin Pinkerton	Local resident