
Appeal Decision

Hearing Held on 11 July 2017

Site visit made on 11 July 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 10 August 2017

Appeal Ref: APP/P1133/W/17/3171186

West Wheatley Farm, Westwood Lane, Longdown EX6 7RX

- 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 Mr R Rank against the decision of Teignbridge District Council.
 - The application Ref 16/02401/FUL, dated 26 August 2016, was refused by notice dated 30 November 2016.
 - The development proposed is erection of a permanent agricultural workers dwelling, including rest room and farm office area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the agricultural enterprise justifies the proposed dwelling, having regard to local and national planning policies which seek to avoid isolated new homes in the countryside;
 - The effect of the proposal on the character and appearance of the area, with due regard to its location in an Area of Great Landscape Value (AGLV); and
 - The effect of the proposal on biodiversity.

Reasons

Agricultural Justification

3. West Wheatley Farm includes an area of farmland as well as a number of buildings adjacent to Westwood Lane, including an existing dwelling which is occupied by the appellant. The appellant intends to retire and pass the farming business to his daughter. The proposal is for a permanent agricultural workers dwelling in addition to the existing dwelling, to provide accommodation for the appellant's daughter and her family once she takes on the day to day running of the farm.
4. Policy WE9 of the Teignbridge Local Plan 2014 (LP) sets out the approach of the Council to rural workers' dwellings in the open countryside. This policy includes a number of criteria that such dwellings should meet, including whether the business is economically viable and has clear prospects of remaining so, and the functional need of the business for a full time worker to be on site. This

policy is broadly consistent with the aims of the National Planning Policy Framework (the Framework) with regards to avoiding isolated homes in the countryside unless there are special circumstances.

5. In its second reason for refusal, the Council states that the proposal would not meet the financial test that would justify a full-time worker being housed at the site. In support of the proposal, the appellant has provided two years of accounts for 2014 and 2015 which show that the business has been profitable over that period. I note that this includes wages for a part time worker who will no longer be required once the business is passed to the appellant's daughter. This would therefore represent an ongoing cost saving to the business.
6. However, I note that 'rental income' makes a significant contribution to the overall profitability of the enterprise. At the Hearing, the appellant confirmed that this relates to surplus space being leased to businesses which provide services such as scaffolding and tarpaulin repair. The appellant confirmed that whilst these businesses had operated from the site for a number of years, there was no security of tenure as this was based up an informal 'gentlemen's agreement'. At the site visit, I saw that there were a number of buildings on the farm which were in non-agricultural use. On the basis of the evidence before me and my own observations, I consider that these businesses are not of a rural character and could readily operate from other locations, such as established trading estates in urban areas.
7. I acknowledge that sources of non-agricultural income may represent farm diversification. However, the appellant confirmed at the Hearing that even with the removal of the cost of the part time worker, the business would not be sustainable without the rental income. As a matter of fact and degree, I consider that the rental income compared to that from the agricultural enterprise goes beyond what could reasonably be considered to represent farm diversification. It is apparent that a substantial element of the profitability of the business relies on non-agricultural uses which do not require a rural worker to be on site.
8. I am mindful that the appellant's family have farmed in the area for more than 60 years. I also acknowledge the intentions of the appellant's daughter and family to take on the running of the enterprise and develop aspects such as the beef cattle herd, using the expertise and experience of the appellant as a valuable source of support. However, no substantive business plan has been provided to me to demonstrate how the future viability of the agricultural elements of the business can be developed and secured. In my view, the levels of profit and reliance on significant non-agricultural income call into question the prospects for the ongoing nature of the business as an agricultural enterprise. The lack of a substantive business plan for the development of the agricultural element of the business adds weight to these concerns.
9. In relation to functional need, there is a disagreement between the parties on the calculation of the work generated by the enterprise. At the Hearing it was apparent that this depends on which of two standard farm management texts¹ is used as a basis for calculating 'standard man days' and how these address 'field work'. There was also disagreement in relation to the transfer of the

¹ John Nix's Farm Management Pocket Book referred to by the appellant and the ABC Agricultural Budgeting & Costings Book referred to by the Council.

existing dwelling on the appellant's retirement and whether it is reasonable to require the appellant to vacate the dwelling. On this matter, I have also had regard to the case law² referred to by the appellant. However, it is not necessary for me to comment further on these matters because, even if I were to accept the appellant's arguments, this would not overcome the issues identified above in relation to the financial viability of the agricultural enterprise.

10. I therefore conclude that it has not been demonstrated that the agricultural enterprise justifies a further permanent dwelling at the appeal site, particularly in relation to economic viability. The proposal would therefore conflict with Policy WE9 of the LP which, amongst other things, requires that the business unit associated with a proposed rural workers' dwelling is economically viable and has clear prospects of remaining so. The proposal would also conflict with Policy S1A in that it would not represent sustainable development in accordance with the Framework. Special circumstances have not been demonstrated to show an essential need for an additional permanent dwelling on the site and the proposal would therefore conflict with the Framework which seeks to avoid isolated homes in the countryside unless such circumstances exist.

Character and Appearance

11. The site is within an Area of Great Landscape Value (AGLV) as defined in the LP and which Policy EN2A of the LP emphasises should be protected and enhanced. The proposed dwelling would be a substantial building located within an agricultural field adjacent to Westwood Lane and I saw that it would be in a prominent elevated position within the landscape. Although Westwood Lane is not a through road, it is an adopted highway and provides access to a number of properties beyond the appeal site.
12. There is a well-established hedge line along the western boundary of the site, which affords a degree of screening in views of the site from the adjacent highway. However, the works to create the access to the site would involve the removal of a length of this hedge, and even with a scheme of replanting the proposal would still be visible from the highway. Indeed, the works to create the access would detract from the rural character of this well established field boundary. In relation to longer distance views, whilst the site would not be visible from the carriageway of the A30 within the valley, I saw that the proposal would be readily visible from the surrounding area with views from elevated positions (including views from a number of properties) to the east and south.
13. The proposal would introduce a substantial dwelling into an agricultural field in a prominent location which would appear as an alien and incongruous development projecting into the countryside. Furthermore, the proposal would introduce a domestic character into the area around the dwelling with features such as residential landscaping and extensive areas of hardstanding.
14. The proposed dwelling is of a simple modern design, albeit one that is of a suburban character and appearance. However, the adjacent farm buildings are of a utilitarian character and the existing farm house is also of an understated

² Keen v Secretary of State for the Environment and Aylesbury Vale District Council([1996] JPL) and JR Cussons and Son v Secretary of State for Communities and Local Government ([2008] EWHC 443)

modern design. I also saw that there were a number of properties in the wider area which made use of modern design and materials. In terms of design and the use of materials, the proposal would therefore not be out of character with other buildings in the area. However, this does not overcome my concerns relating to the visual intrusion arising from the scale and location of the proposal.

15. Policy WE9 also requires new rural workers' dwellings to be grouped with existing buildings where possible. However, the proposal would be located in a field on the opposite side of Westwood Lane from the farm unit and would therefore have a distinct separate character from the farm. The appellant states that the proposed dwelling would be located closer to animal housing sheds than the existing dwelling on the site. However, the proposed dwelling would be separated from the farm complex by the highway which I consider would hamper access to and the monitoring of livestock. Moreover, no substantive evidence has been provided to me to demonstrate why a dwelling could not be grouped with the existing farm buildings, which would enable suitable monitoring of livestock as well as complying with the requirement of Policy WE9.
16. I conclude that the proposal would harm the character and appearance of the area as a result of introducing a substantial dwelling in a prominent location within the countryside. The proposal would therefore conflict with Policy WE9 of the LP which requires rural workers' dwellings to be grouped with existing buildings and to be discreetly located. It would also conflict with Policies S1 and S1A in relation to sustainable development, including the maintenance and enhancement of landscapes. The proposal would be contrary to Policy EN2A in relation to landscape protection and enhancement, particularly due to the harm to the AGLV, and Policy S2 which requires quality development which respects the distinctive character of the landscape.

Biodiversity

17. The Council's third reason for refusal refers to insufficient information being submitted in relation to the impact on features of biodiversity importance. The Council confirmed at the Hearing that the concerns in relation to biodiversity are due to the potential effect of the proposal on the hedgerow adjacent to the highway. Specifically, the proposal may involve the removal of a length of hedge to create the access to the site.
18. However, although the Council's Biodiversity Officer expressed concern in relation to the loss of the hedge, she considered that this harm could be addressed by the planting and retention of a new hedge in a location to ensure continuity of the hedge system. I consider that this could be addressed by an appropriate condition on a planning permission for the development, and that this matter does not therefore represent a reason to dismiss the appeal.
19. The appellant stated at the Hearing that he would be willing to accept a condition requiring a habitat survey to be undertaken prior to the commencement of development. However, mindful that the Council's Biodiversity Officer did not request such a survey, I do not consider that a condition to this effect would be required to ensure that the development is acceptable.

20. I conclude that the proposal would not harm features of biodiversity, subject to a condition in relation to the planting and retention of a replacement hedge. The proposal would therefore not conflict with Policy EN11 of the LP in respect of the effect on legally protected and priority species and EN12 in relation to the effect on hedgerows.

Conclusion

21. Notwithstanding my comments in relation to biodiversity, I conclude that it has not been demonstrated that the agricultural enterprise justifies a further permanent dwelling at the appeal site and that the proposal would harm the character and appearance of the area. When assessed against the development plan and the Framework considered as a whole, on balance, the overriding consideration is that the scheme would fail to contribute to the environmental role of sustainable development in relation to protecting and enhancing the natural and built environment as well as the social role of providing housing to meet the needs of present and future generations.
22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Glenn Crocker	Agent, XL Planning Ltd
Mark Johnstone	Thomas Westcott Chartered Accountants
Bob Rank	Appellant
Mark Herbert	Appellant's family
Mandy Herbert	Appellant's family
Rosalyn Rank	Appellant's family

FOR THE COUNCIL

Mrs Christine Bolton	Appeals Officer, Teignbridge District Council
Sheamus Machin	Agricultural Consultant
Mrs Estelle Smith	Teignbridge District Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Foul Drainage Assessment Form (FDA1), submitted by the Council.
2. Extract from the ABC Agricultural Budgeting and Costings Book (pages 312-313), submitted by the Council.