
Appeal Decision

Site visit made on 23 January 2018

by Stephen Hawkins MA MRTPI

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

Decision date: 8th February 2018.

Appeal Ref: APP/Y1138/W/17/3179928

Green Acres Farm, Road from Frogbury Cross to Burrow Plot Cross, Coldridge EX17 6BW

- 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 Edward Claye against the decision of Mid Devon District Council.
 - The application Ref 17/00600/FULL, dated 11 April 2017, was refused by notice dated 15 June 2017.
 - The development proposed is described as: *"To maintain an office, workshop and restroom on the Farm. I have kept a refrigerated trailer unit on the farm since 23rd October 2013".*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in retrospect as the development for which permission has been applied for is already in situ. I have therefore dealt with the appeal on that basis even though the application form at Part 3 also states otherwise. However, this matter does not have any material bearing on the planning merits of the development.

Main Issue

3. The main issue in this appeal is whether the development promotes a prosperous rural economy.

Reasons

4. The appeal site consists of a lorry container mostly painted green, stationed in a large field. There is a barn under construction a short distance from the container. The site occupies an open countryside setting adjacent to a crossroads.
5. I understand that the appellant operates a smallholding mainly concerned with the fattening of pigs. According to the appellant, the container has a broadband connection and it is used as a farm office as well as a store for animal feed, medical supplies, equipment and as a work area and rest room.
6. When I visited, the interior of the container had a small office with a desk at one end and a workshop area and tools at the opposite end. There were also some items of agriculture-related equipment and a chest freezer containing

some animal products which I understand came from the holding. However, in the remainder of the container there was also a significant amount of what appeared to be more general storage including furniture and domestic items. There was also little evidence of significant recent agricultural activity on the holding, although that could in part have been due to seasonal factors. As a result, it seemed to me that the primary use of the container was more likely to be for general storage as opposed to agriculture.

7. Therefore, on the whole and on the basis of the available evidence I am not persuaded that the container is reasonably required to support agricultural activity on the holding. In any event, I note that the nearby barn is approaching completion and it is of a substantial size. Agricultural activity in the container could be accommodated in the barn without compromising its intended function.
8. I am aware that there is an effective Enforcement Notice which requires removal of the container¹. However, I have assessed the scheme to retain the container on its individual planning merits. The length of time that the container has been stationed on the site is a neutral factor and neither weighs in favour or against permitting its retention.
9. Nevertheless, for the above reasons I conclude that the container does not promote a prosperous rural economy. Consequently, the container does not accord with criterion in Policy DM22 of the adopted Mid Devon Local Plan Part 3: Development Management Policies, as it is not reasonably necessary to support the farm or the immediate agricultural community. Also, the container does not accord with the strict control on development outside of settlements in Policy COR18 of the adopted Mid Devon Core Strategy.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR

¹ Council Ref: ENF/16/00064/NUCU.