
Appeal Decision

Hearing Held on 9 July 2019

Site visit made on 9 July 2019

by S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal Ref: APP/D3315/W/19/3223097

Der Bauernhof, Jews Lane, Wiveliscombe, Taunton, Somerset TA4 2BU

- 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 Martin Ahern against the decision of Somerset West and Taunton Council.
 - The application Ref 49/18/0008, dated 19 January 2018, was refused by notice dated 24 October 2018.
 - The development proposed is the erection of temporary farm workers accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It was agreed by both parties that the description of development should be as included in both the submitted Appeal Form and the Council's Decision Notice, rather than the longer version on the Application Form.

Main Issue

3. Whether, having regard to national planning policy that seeks to avoid isolated new homes in the countryside and inaccessible rural locations, there is an essential need for a rural worker to live at or near their place of work.

Reasons

4. The site is within the countryside, near the village of Maundown. The site comprises a relatively small farm with one large barn and also a collection of smaller sheds, polytunnels and two caravans. The appellant stated in the Hearing that at times he did sleep overnight in the caravan when necessary due to late evenings followed by early starts working on the farm, for example.
5. There are livestock on the farm including goats, pigs, sheep, turkeys and chickens. The proposed cabin style temporary dwelling is explained by the appellant as mainly being necessary due to the time needed to feed the new young goats that come to the farm. There is also time needed for other duties at the farm, such as mucking out, feeding and looking after the other animals, keeping the site secured (including from foxes) and the growing of crops (through hydroponic techniques). However, as clarified at the Hearing, the main justification put forward for a temporary dwelling at the farm is the

- feeding of goats, with no substantive evidence provided of how the other duties on the farm would necessitate someone living on site.
6. Paragraph 79 of the National Planning Policy Framework (the Framework) advises that the development of isolated homes in the countryside should be avoided unless certain circumstances apply. This includes where there is "an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside." The site of the proposed cabin is not within a settlement and would appear physically separate from the nearest village of Maundown.
 7. Within the Taunton Dean Adopted Site Allocations and Development Management Plan 2016 (SADMP) policy H1b is particularly relevant. Applications for temporary dwellings for rural workers are assessed under policy H1b, which supports new dwellings that are essential to support a new agricultural or other rural-based dwelling, subject to criteria, for a temporary period of usually three years. The appellant has made clear that they would accept a condition that the dwelling be retained for a temporary period.
 8. There is clearly a firm intention to develop the business, with the appellant already running the business from the farm with livestock present on site for over three years. The appellant has regular suppliers and also buyers of the products, including the goats for meat. However, the issue in dispute is whether there is a functional need for a dwelling at the site.
 9. From the information submitted by the appellant, the feeding of the young goats using milk bottles, for approximately the first several weeks they are at the farm, is time consuming and labour intensive. Four 15-minute feeds a day for each goat, which means that last year when there were 22 young goats on the farm, it took approximately 22 man-hours to feed them per day.
 10. However, for much of the year in 2018 there was considerably fewer young goats on the farm to feed. There were only 14 weeks of 2018 that there were over 10 goats to feed. The appellant stated in the hearing that future years would probably have a similar number of young goats to feed, although this is variable. Nonetheless, in terms of evidence, the time taken for goat feeding is primarily based on the 2018 figures submitted.
 11. With the weeks when there would be a significant number of goats that needed bottle feeding, the appellant at the Hearing confirms that both Mr Ahern and his partner would be generally present to share the workload with shift work. On this basis, in approximate terms, the feeding may be done over the day without unsociable hour work, even when there are over 20 kid goats on the farm, for example. Whilst this is still a long day, especially if other farm chores are included, this could be achieved without having to have accommodation at the farm.
 12. There is evidence of some very long days working at the farm, but there is no substantive evidence of the work done on these particular days and how frequently they occur. Also, as explained above, for most of the year there would be less than approximately 10 man-hours per day needed to feed the kid-goats, which is the primary justification given for the temporary dwelling.
 13. There has been evidence given of sick animals needing treatment, particularly goats at the farm. Whilst I acknowledge that it would be beneficial to be on site

if such incidents occur, there is no substantive evidence provided of how frequently such issues arise, with it suggested at the Hearing that the appellant's gained experience has reduced such incidents significantly. This would have been achieved without having someone live at the site. Furthermore, there could be other methods of observing remotely for such incidents which do not appear to be fully explored.

14. The appellant states that he lives about two miles from the farm, in a rented cottage. This is not a long distance and the drive between the cottage and site would take no significant amount of time. As a rental cottage, their occupancy is not fully secure, but they have been there for a number of years and there is no evidence that they would have to move out any time soon.
15. On this matter, the larger settlement of Wiveliscombe and other smaller settlements are within relatively close proximity to the site, where there is the potential of other properties that the appellant and his partner could live in. I recognise that there may be restrictions on pets in some other rental properties, which could also be expensive, but currently there is no need for the appellant to move properties or suggestion that this may occur in the near future.
16. The distance and frequent trips by private vehicle to and from the site would add some traffic to the road network and some pollution. However, the number of trips stated by the appellant would not be a substantial amount and would be over a relatively short distance. There is no detailed evidence that this would lead to significant levels of pollution. Furthermore, moving to the site away from a settlement could also lead to trips being necessary over longer distances to other shops and services needed, which would also have some pollution impact, albeit probably slight.
17. The temporary dwelling would not be a long distance from Maundown, but this appears to be a small village with few shops and services. The temporary dwelling would also be clearly physically separate from this village.
18. The appellant has outlined the investment of time and money into the farm, which is important to their livelihood. However, this has been achieved so far without living at the site and there is no sufficient evidence before me to demonstrate that a dwelling is needed to significantly improve the farm's potential as a business.
19. Both the Framework and policy H1b state that a dwelling would only be appropriate if the need was essential. Whilst I understand the convenience of living at the site, I am not satisfied that there is an essential need for a rural worker to live on site. Furthermore, any functional need can be addressed by existing accommodation in the local area, as is currently the case. The proposal is therefore contrary to policy H1b of the Taunton Dean Site Allocations and Development Management Plan 2016. This policy, amongst other things, supports temporary rural worker dwellings where a functional need can be demonstrated and that any need cannot be fulfilled by another existing dwelling in the local area.
20. Furthermore, in this regard, the proposal does not meet with the Framework requirements as there is not an essential need for a rural worker at this location to live permanently on site in this rural location.

Other Matters

21. The appellant has stated the length of time taken for a decision by the Council on the planning application. I have had regard to the appellants' concerns regarding communication from the Council and the time taken for determination with the planning application process, but that does not affect my assessment of the planning merits of the scheme before me.

Conclusion

22. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

S. Rennie

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Martin Ahern	Appellant
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FOR THE COUNCIL:

Mr Ben Gilpin	Planning Contractor
Ms E Ford	Planning Officer

INTERESTED PARTIES:

None Present

DOCUMENTS SUBMITTED WITH THE HEARING

- Copy of Der Bauernhof 'blog' website pages (www.derbauernhof.co.uk)
- 2 x photographs of hydroponics