



Appeal Decision

Hearing Held on 8 October 2019

Site visit made on 8 October 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2020

Appeal Ref: APP/Q1153/W/19/3232939

Begbeer Farm, Spreyton, Crediton, Spreyton EX17 5AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Jordan (Mr C H & Mrs R J Jordan & Son) against the decision of West Devon Borough Council.
 - The application Ref 2542/18/FUL, dated 1 August 2018, was refused by notice dated 23 April 2019.
 - The development proposed is the erection of a temporary agricultural workers dwelling and ancillary access works.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a temporary agricultural workers dwelling and ancillary access works at Begbeer Farm, Spreyton, Crediton, Spreyton EX17 5AR, in accordance with the terms of the application, Ref 2542/18/FUL, dated 1 August 2018, and the plans submitted with it, subject to the attached schedule of conditions.

Main Issue

2. The main issue is whether there is an essential need for an additional dwelling to accommodate an agricultural worker, having regard to national and local planning policies, which seek to restrict housing development in the countryside.

Reasons

3. The appeal site comprises a piece of undeveloped land located within an area of rural character. It forms part of Begbeer Farm, an agricultural holding which is made of a number of agricultural buildings and a farmhouse currently occupied by the appellant's parents. The appellant resides in a separate dwelling known as Higher Begbeer House, which was constructed in 2014 on the opposite side of the road. Both dwellings are subject to agricultural ties. Despite its proximity to a small number of residential and agricultural buildings, the site is physically separate and remote from the nearest settlement and therefore lies within a location where residential development would not normally be permitted.
4. Policy TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (LP)¹ only permits development in the countryside in exceptional circumstances, including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. This policy reflects the

¹ Adopted March 2019.

approach set by paragraph 79 of the National Planning Policy Framework (the Framework). There is no dispute between the parties that, by reason of its location, the proposal would constitute an isolated home in the countryside.

5. The appellant however seeks to demonstrate that it is essential, for the proper functioning of the enterprise, that a temporary dwelling is provided on site to ensure that an additional full-time worker is readily available at most times. Although not exhaustive, the Planning Practice Guidance² gives examples of when an essential need might arise, such as where farm animals or agricultural processes require on-site attention 24 hours a day and where there would otherwise be a risk to human or animal health.
6. Begbeer Farm is a principally dairy based enterprise, which extends to approximately 108 hectares, of which 91.86 hectares are owned by the appellant, whilst the remaining land is subject to a range of formal and informal grazing agreements. At the time of the planning application, the farm comprised approximately 420 head of cattle, which included a herd of 135 intensively managed dairy cows. Stock numbers vary, but it is clear that, from the submitted evidence and representations made at the hearing, there is a steady upward trend. The significant investments undertaken in recent years, particularly in robot milking technology, have enabled the expansion of the holding to a total of 185 dairy cows, thus transforming it into a viable enterprise, producing a profit.
7. The Council accepts that the appellant is operating an established agricultural business, which is likely to endure in the long term. Additionally, the consultant who carried out the agricultural need appraisal on behalf of the Council confirmed at the hearing that he was satisfied with the financial details he was provided with as part of his assessment. However, the Council remains concerned that, despite the expansion of the holding, there is no essential need for more than two full-time workers to be present at most times of the day and night.
8. The business operates an all year round calving pattern to ensure a continual milk production. The cows are housed night and day, and are milked by three robots. There is no doubt that the increased milk productivity associated with the investments and expansion of the farm have improved the profitability of the business. However, the ongoing problems associated with the robots and calving have become a burden which the appellant is finding increasingly difficult to manage and sustain, particularly outside daytime working hours. The submitted evidence notably includes a robot milker alarm log. In most instances, these alarms require the appellant's intervention, notably to prevent conditions such as mastitis which could otherwise affect the animals.
9. I accept that the calvings and issues triggered by the milking robots are not all problematic and/or do not necessarily occur during night time. However, taking account of the number of animals involved, the calving pattern throughout the year, and the frequent problems posed by the robots, the level of supervision that is required cannot solely be managed by the appellant and his father who, whilst residing at the farmhouse, only works at the farm on a part-time basis. Having regard to the letters made in support of the appeal, notably from North Park Veterinary Group and the NFU, it is clear that the absence of adequate supervision could also pose a risk to animal health.

² Addressing the need for different types of housing – Paragraph: 010 Reference ID: 67-10-20190722.

10. Both main parties accept that all existing buildings on the farm are either occupied by livestock, used as part of the agricultural enterprise or not suitable for conversion. It is also accepted that there are no suitable dwellings located within proximity to the farm, which could realistically provide accommodation for an agricultural worker. Having regard to the evidence before me, including what I heard during the hearing, the proposal appears planned on a sound financial basis, and I am satisfied that the provision of an additional dwelling for a rural worker would help sustaining and developing the enterprise further.
11. An essential need for an additional worker to live on site has therefore been demonstrated, taking account of the investments undertaken to date at the site, the animal welfare and human health benefits, as well as the absence of alternative accommodation nearby that could meet the requirements of the enterprise. It follows that there would be no conflict with LP Policy TTV26 and paragraph 79 of the Framework.

Other Matters

12. Concerns have been raised by interested parties regarding the effect of the proposal on the living conditions of neighbouring residents. The mobile home would be located at reasonable distance away from the nearest residential property, and I therefore consider that no additional boundary treatment would be required to safeguard the privacy of neighbouring residents.

Conditions

13. In addition to the standard time limit, I have imposed a condition specifying the relevant drawings, as this provides certainty. A condition restricting the occupation of the mobile home is considered reasonable and necessary, since the proposal and the submitted evidence are based on the need for an additional worker to be residing within proximity to this particular farm at all times.
14. The main parties have not suggested a condition which would restrict the development to a three-year period. At the hearing, it was agreed that whilst the appellant applied for the erection of a temporary agricultural workers dwelling, this was in respect of the installation of a mobile home which, by definition, is not necessarily permanent. Nevertheless, it is considered necessary to impose a condition requiring the removal of the structure, should the need for this third dwelling cease. I shall also impose a condition concerning the removal of permitted development rights in order to safeguard the character and appearance of the area. A drainage condition is considered necessary to ensure that there are no significant adverse impacts on the local environment. The appellant has confirmed his agreement to this pre-commencement condition.

Conclusion

15. For the reasons detailed above, and having regard to all matters raised, I conclude that the appeal should be allowed.

S Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Block plan and Elevation Plan (received by the Local Planning Authority on 17/09/2018).
3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working for Begbeer Farm, Spreyton, Crediton, Spreyton EX17 5AR, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
4. Within 2 months of the dwelling being no longer required by a person solely or mainly working, or last working for Begbeer Farm, Spreyton, Crediton, Spreyton EX17 5AR, or a widow or widower or surviving civil partner of such a person, and to any resident dependants, the dwelling and supporting infrastructure hereby permitted shall be removed from the land and the site restored in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority.
5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:
 - (a) Part 1, Class A (extensions and alterations)
 - (b) Part 1, Classes B and C (roof addition or alteration)
 - (c) Part 1, Class D (porch)
 - (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
 - (e) Part 1, Class F (hard surfaces)
 - (f) Part 2, Class A (means of enclosure)
 - (g) Part 2, Class C (exterior painting)
 - (h) Part 14, Class A & B (Installation of domestic Microgeneration Equipment).
6. Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option have been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:
 1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.

2. Soakaway to be designed for a 1:100 year event plus 40% for climate change.
3. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
4. A scaled plan showing the full drainage scheme, including design dimensions and invert/cover levels, within the private ownership.
5. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the LPA.
6. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Chris Jordan	Appellant
Mark Neason	Agent, Stags
Guy Wilson	Chartered Surveyor, Stags
Pat Tomlinson	Chartered Accountant

FOR THE LOCAL PLANNING AUTHORITY:

Oliver Gibbins	West Devon Borough Council, Planning Officer
Rosalie Metcalfe	West Devon Borough Council, Planning Officer
Sheamus Machin	Agricultural Consultant