



Appeal Decision

Hearing Held on 25 August 2020

Site visit made on 3 September 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/J9497/W/19/3240412

Land adjacent to Beadon Lane, Hennock, Bovey Tracey, Newton Abbot, Devon TQ13 9QE

- 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 A Coaker & Miss A Geen against the decision of Dartmoor National Park Authority.
 - The application Ref 0223/19, dated 10 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is provision of an agricultural worker's dwelling (resubmission of application 0629/18).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether there is sufficient justification for an agricultural worker's dwelling at the appeal site, having regard to the policies which seek to restrict rural development in the Dartmoor National Park.

Reasons

3. The appeal site is located in a rural position within Dartmoor National Park. The nearest settlement is Hennock which is approximately 1.3 kilometres (km) away, although the larger town of Bovey Tracey is some 3 km away.
 4. The Dartmoor National Park Authority (DNPA) Core Strategy Development Plan Document (June 2008) (the Core Strategy) and the DNPA Development Management and Delivery Development Plan Document (July 2013) (DMD) together form the Development Plan for the area.
 5. Policies COR2 and COR15 of the Core Strategy steer new residential development on the basis of a hierarchy of Local Centres and Rural Settlements, chosen to ensure that development is located to reduce the need to travel and maintain the rural character of the area. Along with Policy DMD23, it is clear that in the open countryside, new residential development is to be restricted to that serving the proven need of rural enterprises or through the appropriate conversion of existing buildings to affordable dwellings.
 6. Due to its location outside of any named settlement and given the remote, rural position of the appeal site, the provision of a new unrestricted dwelling would conflict with Policies COR2 and COR15 of the Core Strategy which attract full weight.
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7. DMD Policy DMD23 goes on to set out detailed criteria against which new dwellings for rural enterprises will be assessed. The requirements include that there should be: (i) no existing building that could be converted; (ii) an established existing functional need for a worker to be readily available at most times; (iii) the accommodation needs relate to a worker employed on the holding or enterprise; (iv) that the holding has been established for at least three years, profitable for at least one, financially sound and with a clear prospect of remaining so, and (v) that the need for permanent accommodation cannot be met by another suitable and available dwelling on the holding, or unit, or in the locality.
8. The farming enterprise presently employs both of the appellants, their son and a number of other part-time workers. It is intended that another full-time farm worker would be appointed to replace one which had recently left.
9. The appeal site and surrounding 90 acres (36 hectares) is approximately 27 km from the main farm, Sherberton Farm. The main farm comprises approximately 200 acres (80 hectares) of good quality grazing land and extensive moorland grazing. The site is also approximately 18 km from the appellants' other separately tenanted farmhouse at Higher Goodstone Farm, and approximately 16 km from another parcel of rented grazing land at Scorrison.
10. Though the site at Beadon Lane has a sizeable livestock capacity and a functional agricultural building, it has largely been used for overwintering of cattle and sheep which do not require more than daily visits. During the summer months, the land has been cut for hay and silage to supplement the wider farm. Though there is suggestion that limited numbers of cattle were resident on the steeper pasture at Beadon Lane throughout, the more clearly evidenced pattern is for the site to receive more intensive use in winter and lay largely dormant throughout the summer and autumn.
11. Dealing with the criteria of DMD Policy DMD23 in order, (i) relates to whether any buildings exist that could be converted for a rural worker. The appeal site at Beadon Lane comprises only the functional agricultural building which rules out such an option.
12. In respect of (ii), the established need for a worker to be readily available at the site at most times, the originally submitted evidence was based on the size of the enterprise as a whole, the current farming practices and total livestock numbers. Whilst it has been made clear that the site would not become a separate business for accounting purposes, recent evidence in the form of the updated 'Functional Need' spreadsheet and the discussion at the hearing focussed on the site as a largely standalone unit, disaggregated from the wider holding for management purposes.
13. The intention to disaggregate the site from the wider enterprise in this way is largely related to the potential effects of tightened TB¹ restrictions on cattle movement, or through 'force majeure' owing to other environmental or business factors. With permanently resident livestock and a resident farm worker within 'sight and sound', it was suggested that maximum use would be made of the site and that lambing and calving would also be undertaken there, when relevant, akin to an intensification.

¹ Bovine Tuberculosis

14. Based on the appellants' updated Functional Need data, with livestock numbers of around 200 heads in total and the upkeep of the whole site, it is suggested there would be a for 1.13 full-time resident workers on a year-round basis. The DNPA's assessment of the same results in a figure in the region of 0.9 FTE employees, but not throughout the year given the seasonal use basis that the site has largely received to date.
15. It is, to an extent, understandable that the full quota of livestock has not been permanently based at the site given the time and travel demands that this would have generated. However, the future intentions to use the site with permanently resident livestock and for lambing and calving has not been specifically documented anywhere in the written evidence, i.e. in the form of a farm management plan, and nor was the appeal proposal assessed on this basis by the DNPA. Whilst I accept that farming practices may not be simple to predict, and nor would it be sensible to allow for the livestock to get stranded or into difficulty, through TB related issues or otherwise, just to generate the demand for a resident worker, there is a need to ensure that the essential and functional needs are established and existing under the terms of the Development Plan and National Planning Policy Framework (Framework) (paragraph 79).
16. In respect of (iii), whether the accommodation needs relate to a worker employed on the holding or enterprise, it has been stated that such a worker would be full-time and employed by the wider farming enterprise. Who specifically that worker is would be determined at a future date. The appellants accepted that the said worker will still be required for duties at the main Sherberton Farm and therefore, whilst travel could be reduced, the proposal would not entirely avoid the movement of personnel between the two bases.
17. In terms of (iv) and whether the holding has been established for at least three years, profitable for at least one, and with a clear prospect of remaining financially sound, the parties agree that this is the case for the wider enterprise. Though it may not become a financially separate businesses, with the appeal site disaggregated to the extent that the appellants intend, it may be prudent to assess the capability of the livestock that would be based there to yield sufficient income to sustain a permanently resident farm worker. Owing to the evolving nature of the proposal, no financial forecasting of this type had been considered or undertaken prior to the hearing.
18. In respect of (v), whether the need for permanent accommodation could be met by another suitable and available dwelling on the holding, or unit, or in the locality, a number of suggestions were raised. The potential for the relaxation of the use of the holiday let/annexe at Sherberton Farm has not been fully explored. The barn at Goodstone Farm was claimed by the appellants as not being available for this purpose either. Whilst the Council highlighted potential alternative accommodation in Bovey Tracey, the appellants claimed that this would also be too distant and practically challenging to enable the proper management of the appeal site.
19. Whilst I can understand that these options would still not be as practically attractive as a dwelling on the site, as the disaggregation of the appeal site from the main farm was a relatively new direction, some of these suggestions were only introduced at the hearing itself, which raises a degree of uncertainty about this aspect.

20. Drawing together this main issue, I am of the view that whilst there may be a future intent to manage the site differently to the way it has been and is presently managed as part of the wider enterprise, this has not been decisively planned or detailed adequately in the evidence. Whilst the change in practices may allow for the site to be used to its livestock capacity on a year-round basis and better futureproof the enterprise as a whole, there is insufficient evidence that the changes have occurred, or would be so certain to take effect in order to justify a permanent dwelling now.
21. As there is insufficient evidence to conclude that there is a need for the proposed agricultural workers dwelling at the appeal site, the proposal conflicts with Core Strategy Policies COR2, COR15 and DMD Policy DMD23, which seek to restrict housing development outside of Local Centres and Rural Settlements to that serving the *proven* needs of agriculture, forestry or other essential rural businesses (my emphasis).

Other Matters

22. I note the agreed matters between the parties, including the size and design of the dwelling. The absence of other harms is neutral factor in the planning balance.

Planning Balance and Conclusion

23. For the reasons given above, the proposal conflicts with the Development Plan. None of the other points put forward amount to considerations of sufficient materiality to outweigh this conflict.
24. For the above reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

DOCUMENTS SUBMITTED

Document 1	Updated functional test spreadsheet
Documents 2, 3, 4	Extracted pages from Agricultural Budgeting & Costing Book 88 th Edition May 2019.
Document 5	Updated statement from Roger Sewell

APPEARANCES

FOR THE APPELLANT:

Mr Anton Coaker	Appellant
Miss Alison Geen	Appellant
Mrs Amanda Burden	Partner – Luscombe Maye
Ms Lucinda Lyle	Luscombe Maye

FOR THE LOCAL PLANNING AUTHORITY:

Mr James Aven	Dartmoor National Park Authority
Mr Roger Sewell	Chartered Land Agent from NPS