



Appeal Decision

Site Visit made on 3 September 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/U1105/W/21/3276628

Bottom Barn, Road Past Crammer Barton, Broadhembury EX14 3LN

- 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 & Mrs D & G Thorpe against the decision of East Devon District Council.
 - The application Ref 21/0362/FUL, dated 8 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is the use of the land for the stationing of a mobile home to allow for the business manager to live on site and oversee the business property outside operational working hours (retrospective application).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application description identifies that this is a retrospective proposal and I noted the presence of the mobile home at my site visit. I have dealt with the appeal accordingly.
3. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been given the opportunity to make any comments on the implications of the revised Framework to this appeal and I have taken the comments into account in my considerations.

Main Issue

4. The main issue is whether there is an essential need for a rural worker to be resident on-site in this location.

Reasons

5. The approved business site lies in a rural location, adjoining a scattering of dwellings and other buildings, but it is otherwise surrounded by fields and some areas of woodland. In planning terms this is a countryside location outside any settlement. In these circumstances, Policy H4 of the East Devon Local Plan (2013 to 2031)(the Local Plan) sets out the policy criteria against which the provision of dwellings for persons employed in rural businesses will be judged. Criterion 1 includes that, in summary, there should be a proven and essential rural business need for the occupier of the proposed dwelling, in this case within the mobile home, to be housed permanently on the unit.
6. The supporting text to Policy H4 explains that essential need means a specific management activity or combination of activities which require the presence of

a worker at most times if the proper functioning of an enterprise is not to be compromised and which cannot be achieved by any other practical means such as electronic surveillance, mechanical watering etc. Furthermore, it is explained that concerns relating to security will not, on their own, be sufficient to justify a new dwelling.

7. The approach in Policy H4 of the Local Plan is generally consistent with the policy in paragraph 80 of the Framework. Relevant to this appeal is that the Framework specifies that decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Planning Practice Guidance (the Guidance) provides further advice on the considerations which may be relevant to the assessment of such proposals. This includes, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products.
8. The business building on the site is used as a factory unit and workshops along with storage and related office space. The appellant's business activities operating from the site include a design and management consultancy, the final modification of off-road motorcycles, maintenance and preparation of motorcycles with the associated storage, and the organisation of off-road events. This is all in connection with Moto Cross and additionally a British Championship race team is based at the site. The office activities also include the organisation of an off-road centre which is based elsewhere. The accompanying details to the application explain that there are ten employees working at the site, five of which are full-time at the site, with the remaining five part-time and away from the building for some of their time. This use of the site, predominantly within the main building, benefits from a planning permission granted in 2015.
9. The appellant has explained that the on-site residential presence is required predominantly for security purposes. The case is made that, with the significant amount of stock and its related value, the on-site presence is required in order to protect the continuance and future viability of the business. The submissions explain the nature of the stock and why it may be attractive to theft and that on regular occasions the site is unoccupied.
10. The residential unit is in sight and sound of the business and the mobile home is presently occupied by the business manager who is a full-time worker at the site. The appellant has confirmed a willingness to accept a condition restricting the occupation to such a full-time worker. It is explained that when the business activities operated from a business park elsewhere there were two attempted break-ins and since relocation, and with the on-site presence, no attempts to steal stock have taken place.
11. The support for this established business, which benefits from a planning permission on this site within the countryside, is an important consideration. However, the activities on site are not ones which require regular 24 hour attention such as with farm animals or to deal with emergencies that could cause serious loss of crops or agricultural products. In this way, the need for the on-site presence appears to me to be materially different to the situations envisaged in the Guidance.

12. While I understand the benefits of the security that is provided by the on-site worker in the accommodation, when the business is not operating, there are also dwellings in the vicinity and, in particular, the dwelling at Naavah Barn is shown within the blue lined application site as falling within the control of the appellant. While the evidence indicates that there is CCTV and alarm systems, based on my site visit, I have sympathy with the Council's view that there appears to be potential for the provision of additional fencing and gates at the entrance and along some boundaries which would enhance the physical deterrent to unauthorised entry to the site.
13. Furthermore, I have not been presented with a detailed and convincing technical justification why enhanced CCTV and alarms, which could provide real time coverage of the site to occupants of Naavah Barn, could not provide a timely and reliable alert of any unauthorised presence. It seems to me that the occupants of Naavah Barn once alerted could attend the site in a very short time and, on the information before me, this would not appear to be especially different from the on-site occupant who may be present but may not normally be working during such times.
14. I understand the particular circumstances of this business, the nature of the stock and the situation with the adjoining road network and access to the site. I have also taken into account the support of the Parish Council. However, many businesses are located in rural areas and could also have valuable equipment and stock and, in this case, the stock would be secured within a building and not an external yard. While it is explained that the Police may take time to attend to any break-in this would be the case in many rural areas due to simple physical geography. With this site, the business benefits from a dwelling that, while not within sight and sound, is reasonably well located to enable an occupant to attend the site reasonably quickly.
15. There is Framework support for the sustainable growth and expansion of all types of businesses in rural areas. I also accept that not all situations fit into the neat categories envisaged by planning policies and it is necessary to look at all the other material considerations that contribute to a decision. However, both development plan and national policy sets a high bar that must be met to justify the introduction of new residential units in the countryside. I am not satisfied that the circumstances and justifications which are advanced in this case, to predominantly prevent crime and where there appears to be reasonable and practical alternatives, leads me to the conclusion that the essential need for an on-site presence has been proven. A temporary or personal planning condition would not address this policy conflict.
16. As a consequence, I conclude that the proposal involves the provision of a residential unit for a worker on this site in the countryside which has not been demonstrated to meet with the policy approach for such development. The appeal proposal would therefore conflict with Policy H4 of the Local Plan and paragraph 80 of the Framework which sets the relevant policy tests.
17. It follows from this conclusion that the unit of accommodation would not accord with the locational strategy for development in the countryside as set out in Strategy 7 of the Local Plan. Furthermore, the scheme would also not comply with Policy TC2 of the Local Plan which requires that new development should be well related to compatible land uses so as to minimise the need to travel by car. In coming to this view, I have had regard to the appeal decision which has

been provided for a housing development at Lamerton¹. However, I attach the relevance of that decision limited weight in this appeal because that site was located near to a village which had some services and facilities which appeared to be accessible by foot.

Other Matters

18. I have regard to the case made that the site should be considered previously developed land and that Strategy 3 of the Local Plan is supportive. However, I give limited weight to the additional unit of accommodation that would be provided. This is because the location would not meet with the strategy for the delivery of housing across the plan area. The supporting aspects and benefits of the scheme would not be outweighed by the policy conflict that I have identified.

Conclusion

19. For the reasons explained above, the scheme has not demonstrated that there is an essential need for the accommodation on this site within this countryside location. In the circumstances of this case, dismissing the appeal would be a proportionate response even though the mobile home is on site and provides residential accommodation.
20. In conclusion, the appeal proposal does not accord with the development plan when considered as a whole and the evidence does not indicate a departure from the development plan would be justified. Accordingly, taking all other matters into account, I conclude the appeal should be dismissed.

David Wyborn

INSPECTOR

¹ APP/Q1153/W/18/3206945