



Appeal Decision

Hearing (Virtual) held on 30 March 2022

Site visit made on 11 April 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/J9497/W/21/3283196

**Blackdown Piper Farmhouse, Widecombe-in-the-Moor, Newton Abbot
TQ13 7UB**

- 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 Cator Blackton Farming Ltd SASS against the decision of Dartmoor National Park Authority.
 - The application Ref 0625/20, dated 17 December 2020, was refused by notice dated 19 March 2021.
 - The development proposed is described as: "permanent use for temporary agricultural workers dwelling (principal dwelling) - granted ref 0257/18".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Between the determination of the planning application and the appeal coming before me the Dartmoor Local Plan 2018-2036 (Local Plan) was adopted. This has replaced the Dartmoor National Park Authority Core Strategy Development Plan Document (June 2008) (Core Strategy) and the Development Management and Delivery Development Plan Document (July 2013) (DMD) and the policies therein.
3. The parties agreed at the Hearing that the Local Plan policies most relevant in the determination of this appeal are Strategic Policies (SP) 1.1, SP 1.2, SP 1.3, SP 1.5, SP 2.1 and Policies 1.7 and 3.9. The Dartmoor National Park Authority (NPA) had originally indicated that Policy 2.3 relating to Biodiversity Net gain was applicable. However, the main parties agreed that matters relating to biodiversity did not feature in the NPA's refusal reasons, and it was decided not to include that policy.
4. At the Hearing the appellant presented late evidence in the form of a signed and dated new Farm Business Tenancy Agreement (nFBTA) relating to Blackdown Piper Farm that was made on 12th January 2022. This would replace the existing FBTA (eFBTA) and would come into effect on the expiry of that exiting agreement. I chose to accept the information as late evidence and allowed a short adjournment for the NPA to note the content of the document and prepare comments. I was also able to read the document during this time. Accordingly, the nFBTA has formed part of my assessment of the proposal.

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within the Dartmoor National Park; and
- whether there is sufficient justification for an agricultural worker's dwelling, having regard to policies which seek to restrict rural development in the Dartmoor National Park.

Reasons

Character and appearance

6. The appeal site comprises a small field enclosure, bordered largely by mature hedgerow and perched on the upper slopes of a small, wooded valley. The site has been partially levelled and occupies an elevated position above a cluster of buildings to the south and east. It is proposed to construct a single storey agricultural worker's dwelling at the site, with access gained via the existing gateway onto the B3212 road.
7. The site lies within the Dartmoor National Park (NP) and paragraph 176 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to conserving and enhancing the landscape and scenic beauty of National Parks, as well as to the conservation and enhancement of wildlife in such areas.
8. The Dartmoor National Park Design Guide (2011) Supplementary Planning Document (SPD) indicates that encouraging high quality, sympathetic and well-informed design is vital to maintaining the special qualities of the NP. Essentially, this will include consideration of such issues as appropriate quality, choice of materials, accessibility and layout, all within the overall aim of conserving the quality and distinctiveness of the built environment and reinforcing local character.
9. The appeal site occupies a remote rural location within the NP, albeit is in close proximity and visible to passers-by travelling along the B3212. A detached dwelling and barn are located at Lower Blackaton, a short distance to the south. Both structures display a simple unfussy form characterised by rubble stone walls and saddle roofs finished in natural slate. During my site visit I observed further dwellings along the road network surrounding the appeal site, at Soussons, Chalcombe and Old Langworthy Farms. Those also displayed a similar vernacular form and use of materials, while incorporating chimney stacks and neatly arranged window openings. Collectively, along with the many dry-stone walls bordering the locality's fields and roads, the local buildings with their strong vernacular appearance and use of materials form an integral and unifying feature within the landscape and make a valuable contribution to local distinctiveness and the scenic qualities of the NP.
10. The appeal dwelling would have profile metal sheeting walls and roofing giving it a utilitarian and bland appearance, that would fail to harmonise with the vernacular stone walls and slate roofs evident in the construction of dwellings in the locality. Moreover, there would be large and irregular window openings on three sides of the building that would be appreciably at odds with the

smaller scale and uniform arrangement of windows I saw on the local dwellings. With a ridge height of around 6m the proposal would be seen from the road, rising above the adjacent boundary vegetation, while its elevated position above nearby buildings would make it prominent and serve to reinforce its discordance with the locally distinctive buildings at Lower Blackaton. This failure to adhere to the surrounding built typology would harmfully erode the character of the area and the scenic qualities of the NP.

11. It was noted during my site visit that there are buildings in the locality constructed in metal profile sheeting similar to the appeal proposal. The appellant has also referred to sizeable buildings recently built as Soussons and Chalcombe Farms. However, those were primarily large agricultural sheds, not vernacular dwellings. The contrast between the appearance and scale of dwellings and agricultural buildings in the locality demonstrates that there is a clear hierarchy in the built form between domestic buildings and those serving a specific agricultural function (e.g. storage of livestock and machinery). In this regard the proposal's external finishes and architectural detailing would be inconsistent with other residential properties and would therefore fail to reinforce the established character.
12. Landscaping around the appeal site's boundaries could partially screen the building from adjacent vantage points. However, planting would inevitably take time to establish, and I am not convinced, given the building's height, elevated position and the gap created by the site access, that the proposal would be completely obscured from view.
13. Notwithstanding my concerns in relation to the dwelling's appearance, the general scale and horizontal form of the proposal would be acceptable. Furthermore, its position close to the hedge bank boundary and rising land to the rear would be consistent with other dwellings in the locality. The proposal would be positioned close to the existing buildings to the south and east, and when viewed together would appear as a nucleated group of buildings.
14. The appellant alluded at the Hearing to the high building costs associated with the approved dwelling at Land at Blackaton (Ref 0457/18), which has led the landowner to temporarily suspend works at that site. This has consequently informed the use of more affordable materials for the construction of the proposed dwelling. I do not doubt that there would be some differences in the cost of the materials used in the construction of the appeal dwelling and the more vernacular and traditional materials (i.e. granite facing walls and slate roofs) found in dwellings locally. However, I have not been presented with any cost analysis of the materials to be used to construct the proposal or information that would indicate that the dwelling's construction in more traditional materials would make the enterprise unviable.
15. The appellant indicates that the proposed dwelling would be constructed in 3-4 weeks due to the nature of the building materials being used. It would also have a sustainable design. Yet, whilst the building process would be very time efficient this would not overcome my concerns, while I have no specific details of the building's thermal rating or its sustainable design features.
16. It is acknowledged that the NPA's position on the design of the dwelling has altered since it assessed the 2020 appeal scheme¹ and the now lapsed

¹ APP/J9497/W/19/3235086, dismissed on 23rd January 2020

temporary permission² at the site. Nonetheless, in this case they have provided clear reasons why the proposal would be contrary to policies which seek high quality design and those that protect the special qualities of the NP. Accordingly, the NPA's somewhat inconsistent approach does not alter my concerns in respect of the proposal.

17. Therefore, the proposed development would have an unacceptable effect on the character and appearance of the area, with particular regard to the location of the site within the Dartmoor National Park. It would be contrary to SP 1.1, SP 1.2, SP 1.5, SP 2.1 and Policy 3.9 of the Local Plan and the SPD, where they require proposals to conserve and enhance the landscape and scenic qualities of the NP, reinforce local character, respect local distinctiveness and vernacular, and use traditional and natural materials to complement Dartmoor's vernacular.
18. The proposal would also conflict with paragraph 130 of the Framework which seeks to ensure that developments are sympathetic to the local character; paragraph 174 which requires that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes; and paragraph 176 which requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues.

Agricultural worker's dwelling

19. SP 1.3 of the Local Plan sets out the NPA's spatial strategy for development, where housing development would primarily be directed towards a list of specified local centres, settlements, and villages. Outside of those areas development will be acceptable in principle if it relates to a farming, forestry or other land-based rural business with a proven need to locate in the open countryside.
20. Policy 3.9 of the Local Plan goes on to set out detailed criteria against which new rural workers' housing will be assessed. Acceptable proposals will include circumstances where: a justified essential need for a full-time rural worker to live permanently at or near their place of work is demonstrated; the business has been established for at least three years, profitable for at least one, is currently financially sound and has a clear prospect of remaining so; proposals should use suitable redundant historic buildings before proposing the construction of new buildings; proposals conserve and/or enhance the special qualities of the NP; and proposals are sized to reflect the evidenced need and do not have a gross internal floor area of larger than 106m².
21. The appeal site is located on the holding known as Blackdown Piper Farm, and comprises 143 acres, along with common grazing rights. There are two clusters of farm buildings on the holding, one consisting of an older group of livestock sheds close to the appeal site, and some more modern buildings located to the north several fields away. I observed during my site visit that both groups of buildings are currently in use. There is currently no dwelling at the holding, the extent of which is shown on the submitted plan outlined in blue. The proposal seeks to secure a permanent agricultural worker's dwelling at Blackdown Piper Farm.

² DNPA Ref – 0257/18 – temporary permission expired on 17th October 2021

22. The appeal site and the surrounding land has an extensive planning history, while the ownership and tenancy of land is multifaceted. I have understood it from the appellant that Blackdown Piper Farm is currently in the freehold ownership of Cator Blackaton Farming Ltd SSAS (Small Self-Administered Scheme) (CBFL-SSAS). An SSAS is a form of pension trust that is made up of beneficiaries that include Cator Blackaton Farming Ltd (CBFL). Mr C Godfrey (who was present at the Hearing), along with his wife are the owners of CBFL and they are currently the tenants at Blackdown Piper Farm.
23. There is agreement between the main parties that the presence of at least one agricultural worker is required to reside at the holding and be readily available to attend to essential needs associated with the significant levels of livestock present (e.g. lambing, calving and general animal husbandry). The permanent presence of a farm worker would also enhance security over the livestock on the holding.
24. Third parties living locally have questioned the extent of livestock at the holding. However, I have no detailed evidence of head counts, while those parties would not have access to the buildings that house the livestock to carry out such an exercise. Therefore, in the absence of any compelling evidence to the contrary I have no reason to doubt the livestock numbers presented by the appellant.
25. Notwithstanding the agreement between the parties for the presence of a farm worker to be readily available, the NPA indicates that there is insufficient security over the land to ensure the future long-term viability of the existing agricultural business.
26. The nFBTA presented at the Hearing comes into effect following the expiry of the eFBTA (on 1st November 2024) and will then run until 1st November 2030. This increase in the duration of the lease could allow the tenant to invest in the land through the additional purchase of stock or invest in other improvements to buildings and facilities at the holding, while capturing the return on those investments. The increased term of the lease could also be more favourable should the tenant wish to borrow capital as it would likely cover the term of a farm loan. From the landlord's perspective a term of this length would mean that a new tenant would not have to be found for a considerable period of time. Therefore, the resulting unexpired term of around 8 years, in my view strikes the right balance with giving assurance to the tenant and providing an element of control and flexibility over the management of the land. Consequently, the term of the lease provides sufficient security to ensure that the viability of the farm business endures.
27. Despite the increased term introduced by the nFBTA, the NPA maintain that there is still insufficient security of tenure, due to a clause that allows either party to terminate the agreement on 36 months' notice. However, it would be reasonable to expect such a clause, given that circumstances might arise that would require an early release from the agreement. Moreover, this clause does not reduce the term of the lease.
28. On the opposite side of the road, is the neighbouring holding referred to as Land at Blackaton, which comprises some 33 acres under the freehold ownership of CBFL and leased to a tenant (Mrs R J Haffenden). The FBTA, for that property, indicates that the tenancy of the land runs until 1 March 2025, while an accompanying plan shows the extent of the holding outlined in red.

Permission exists for the construction of a permanent agricultural dwelling, Ref 0457/18, at the holding. Although as indicated earlier, works have been suspended, with construction costs cited as a reason.

29. In determining the 2020 appeal, my colleague did not have a FBTA for Land at Blackaton before her, while at the time the evidence suggested that there was fluidity between it and Blackdown Piper Farm in terms of management control, labour, livestock movements and subsidy and payment regimes. This led her to the view that Land at Blackaton and Blackdown Piper Farm should be considered as one entity. Consequently, she concluded that there was nothing preventing the permitted dwelling at Land at Blackaton (Ref 0457/18) being used to service the appeal farm.
30. The situation now appears different, in that each holding has a separate FBTA. Although Mr. Godfrey has an ownership interest in both Land at Blackaton and Blackdown Piper Farm, the latter is subject to the more nuanced SSAS ownership model, whereby any changes to the terms of the FBTA would need to be agreed by members of a trust administered by a management company. Equally, this would apply to decisions relating to the farm's income and value. Therefore, given those complexities, I am not convinced by the NPA's suggestion that, through Mr Godfrey's interest in both holdings, the dwelling under construction at Land at Blackaton could simply be acquired for the purposes of housing a farm worker at Blackdown Piper Farm. Accordingly, there is no satisfactory existing building at the appeal holding that could be used, nor are there any opportunities to convert buildings given that all those that I saw on the holding are currently in use.
31. It was confirmed at the Hearing by Mr. Godfrey that he would be involved in acquiring farm subsidies for both holdings thus suggesting some fluidity between the farms in terms of payment regimes. However, they operate independently from each other, in terms of labour and land management. There would be some livestock movements between the two farms, but these would only be for occasions when TB testing is undertaken.
32. The NPA is satisfied with the account details submitted for the holding in that it's been profitable for at least one of the past three years. They have assessed that this would be able to support one full time agricultural dwelling at the holding. I have no reason to disagree with this finding, therefore the proposal satisfies the financial test.
33. Despite some differences between the main parties on the total gross internal floor area of the proposed dwelling, it was agreed at the Hearing that it would be below 106m². This would comply with the requirement of Policy 3.9 as well as safeguarding the farm holding's affordability, thus ensuring it could be purchased at a competitive value in the future.
34. On the basis of the above findings, an essential functional need for a full-time worker to live permanently at the site has been demonstrated, while there is sufficient evidence that the holding is financially sound to support one agricultural worker's dwelling. There are also no suitable existing buildings at the holding that could be utilised. However, the proposal would not fully meet the requirements of Policy 3.9 given my conclusions on the first main issue in respect of the harmful effects on the character and appearance of the NP.

35. Accordingly, there is insufficient justification for an agricultural worker's dwelling at the site, having regard to policies which seek to restrict rural development in the Dartmoor National Park. The proposal therefore conflicts with Policy 3.9 of the Local Plan in that it fails to conserve or enhance the special qualities of the NP.

Other Matters

36. I acknowledge that the proposal would have certain benefits, principally in resulting in an increase to housing stock which aims to enable a farm enterprise to operate in a more convenient and intensive manner than at present. That would be to the benefit of the rural economy, albeit that there are few nearby services and facilities nearby such that the wider benefits specific to the area would be limited. The benefits of one new home would inevitably be modest, particularly relative to the annual housing requirement of around 65 dwellings outlined in the Local Plan.
37. Given the relatively modest weight I have attributed to the scheme's benefits, these would not outweigh the proposal's significant harm to the special landscape and scenic qualities of the NP, the conservation of which attracts great weight.

Conclusion

38. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, and with regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR

DOCUMENTS SUBMITTED

Document 1	New Farm Business Tenancy Agreement (nFBTA)
------------	---

APPEARANCES

FOR THE APPELLANT

Mr Charles Godfrey	Tenant of Blackdown Piper Farm
Mr Ed Persse	Planning Consultant

FOR THE NATIONAL PARK AUTHORITY

Mr P Tawmley	Planning Officer
Mr James Clack	Chartered Land Agent from Kivells

INTERESTED PERSONS

Ms T Arrowsmith-Brown	Soussons Farm
Mr Paul Hammett	Grendon Lodge