



Appeal Decision

Site visit made on 10 May 2022

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Appeal Ref: APP/Y1138/W/21/3281110

South West Game Birds, Keymelford Cross, Colebrooke, Crediton EX17 5JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr A Polhil against Mid Devon District Council.
- The application Ref 21/00782/FULL, is dated 8 April 2021.
- The development proposed is described as '*Application for temporary rural workers dwelling (mobile home) for management of a rurally based business*'.

Decision

1. The appeal is allowed and planning permission is granted for a temporary rural workers dwelling (mobile home) for management of a rurally based business at South West Game Birds, Keymelford Cross, Colebrooke, Crediton EX17 5JG in accordance with the terms of the application Ref 21/00782/FULL, dated 8 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan.
 - 2) The occupation of the dwelling shall be limited to a person or persons solely or mainly working, or last working, at the farm business operating from the land edged blue on the Site Location Plan, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
 - 3) The use hereby permitted shall be for a limited period being the period of three years from the date of this decision. The dwelling hereby permitted shall be removed, the use hereby permitted shall be discontinued, and the land restored to its former condition, on or before the expiry of that period of three years in accordance with a scheme of work that shall first have been submitted to and approved in writing by the Local Planning Authority.

Procedural Matter

2. At my visit I observed that the mobile home has been placed on site. The Parish Council is concerned that the mobile home does not fulfil the legal definition of a caravan. By my observations it does, and, in any event, the description of the proposed development specifically refers to a mobile home.

Reasons

3. The appeal site is a new farm business based on poultry and game birds. There are a number of small functional buildings dotted within the site, and fairly centrally is the mobile home. On 19 March 2019 permission was granted at the site for the '*Change of use of mobile home from incidental to agriculture to a*

mixed use of incidental to agriculture and temporary residential for management of a rurally based business'. In granting permission the Council would have been satisfied that there was an essential need for a rural worker to live on site and that the enterprise has been planned on a sound financial basis. These were two of the principal tests for such development set out within local policy at the time. The applicable local policy now is DM8 of the Mid Devon Local Plan 2013 – 2033 (adopted 2020) (MDLP), which is similar in approach.

4. Following that permission, the mobile home placed at the site was damaged in high winds. Then followed the COVID-19 pandemic. Whilst the farm is now established, these events have logically delayed the business plan. The proposal subject to this appeal seeks to effectively restart the time period for the use of the temporary workers dwelling in these circumstances, but with the mobile home located more centrally in the farm site, set down from the hilltop.
5. The appeal has been made because the Council failed to determine the planning application. However, the Council subsequently clarified that it would not be contesting the appeal. As such, the Council has offered no substantive evidence to call into question the continued validity of the appellant's initial business plan as a justification for a temporary worker dwelling onsite.
6. The ward member has queried certain activities taking place and infrastructure provision at the farm. However, my assessment is focused on the underpinning and unchanged business case for the temporary dwelling; any potential issues about the progression of the business are more appropriately addressed if a permanent dwelling were to be sought in the future. Consequently, on the evidence before me, I conclude that the proposal accords with Policy DM8 of the MDLP insofar as a temporary dwelling is justified at this point.

Conditions

7. In addition to the accord with plans condition, conditions are necessary to ensure that the mobile home is sited on a temporary basis and occupied only by those associated with the farm. Given that the mobile home is set down discreetly in the landscape, a landscaping condition is not required. Likewise, no reason has been given by the Council explaining why a condition requiring drainage works to be undertaken and retained is essential.

Conclusion

8. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeal.

Matthew Jones

INSPECTOR