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# Appeal Decision

Site visit made on 21 September 2023

**by E Pickernell BSc MSC MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 December 2023**

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**Appeal Ref: APP/X1118/W/23/3315932**

**Loscombe Farm, Road From Lower Mattocks Down To East Down, East Down, Devon EX31 4NA**

- 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 Matthew Lavis against the decision of North Devon District Council.
  - The application Ref 74837, dated 11 February 2022, was refused by notice dated 24 August 2022.
  - The development proposed is change of use on agricultural land for the siting of a Shepherd's hut for holiday accommodation.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appeal site is within the Zones of Influence (ZOI) of two Special Areas of Conservation (SACs). I return to this matter later in my decision.

## Main Issues

3. The main issues are:
  - whether the proposal would represent an acceptable farm diversification scheme;
  - whether the appeal site would be in a suitable location for new tourist accommodation having regard to the relevant development plan policies.

## Reasons

### *Farm diversification*

4. Loscombe Farm is currently around 22 hectares in size and accommodates around 22 cows for beef production. The appeal proposal would be part of a farm diversification project to support the ongoing development of the farm.
  5. The appellant's submitted Farm Diversification Plan includes information about the financial state of the business. Present sources of income include the cattle, the appellant and his son's cattle foot trimming business and part-time relief milking for other farms. Further income is generated via the Basic Payment Scheme which is reducing and being phased out.
  6. The Farm Diversification Plan shows that projected net income from the proposed shepherds hut would be around £6,250 per annum. I have no doubt that this additional income would be helpful to the appellant's business.
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7. However, the diversification plan provides limited detail on the short- and long-term business plans for the existing farm. Notably, there is limited information regarding the overall existing and projected income of the farm, and as such, it is not clear how the appeal proposal would reinforce its long-term viability. Furthermore, no clear evidence has been provided which explains how the appeal proposal would help to meet the operational needs of the farm.
8. The supporting text to Policy DM15 of the North Devon and Torridge Local Plan 2011-2031 (Adopted October 2018) (LP) states that in considering agricultural proposals Local Planning Authorities will take into account, amongst other things, the need to maintain agricultural efficiency.
9. The appellant explains that when the shepherds hut would be occupied, use of the adjacent machinery store would be limited, to avoid disturbance to visitors. During these times the farm would not be able to operate as normal and therefore the proposal would conflict with the operational needs of the enterprise and would not reinforce its viability in this regard.
10. I conclude that the proposal would not represent an acceptable farm diversification scheme. It would conflict with Policy DM15 (a) of the LP which seeks to ensure that the scale of development is justified by the operational needs of the enterprise and would reinforce the viability of the existing farm business.

#### *Suitable location*

11. The appeal site comprises a small area of land adjacent to an existing barn associated with Loscombe Farm which is accessed via a steep track from a rural lane. The farm is located within the open countryside outside of any settlement. Policy ST07 of the LP seeks to limit development in the countryside except where it would be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.
12. The proposal would provide a benefit to the local economy in terms of tourist spending and, in this respect, would make a contribution to local economic needs, although given the small scale of the development the benefits would be small.
13. The proposal would not make a significant contribution towards meeting social needs and does not involve building re-use. No clear evidence has been provided which would indicate that such a use is necessarily restricted to a countryside location, and that it would not be possible to provide tourist accommodation in an area more accessible by non-vehicular modes of transport. Whilst the appellant would be able to service the hut without the need for additional vehicular trips, the circumstances outlined in Policy ST07 (4) do not apply. The proposal would therefore conflict with the aim of the Policy to control dispersed development in unsustainable locations.
14. Policy DM18 of the LP supports new tourist accommodation outside of centres in certain circumstances. The proposed shepherds hut would not be directly related to an existing tourism, visitor or leisure attraction and it would not involve the reuse or conversion of an existing building. Therefore, the proposal would not comply with the circumstances outlined at (2a) or (2b) of Policy DM18.

15. The appellant contends that the proposal would comply with (2c) of Policy DM18 as it would help to diversify the range of tourist accommodation and help tourists learn about where food comes from. However, there is limited evidence before me that similar accommodation is not already available within the area and that the proposal would significantly diversify the range of tourism accommodation. Furthermore, it is not clear how the proposal would educate tourists about farming, other than by being in close proximity to a cattle herd.
16. Having regard to the above, I conclude that the appeal site would not be in a suitable location for new tourist accommodation having regard to the relevant development plan policies. It would conflict with Policies ST07 and DM18 of the LP which together seek to ensure that development in the countryside is strictly controlled to that which is essential or appropriate and support the development of new tourist accommodation as set out above.

### **Other Matters**

17. I have taken account of the letter of support submitted by the Country Land and Business Association (CLA), which raises concerns about the Council's assessment of farm diversification schemes. However, in this instance I have found conflict with the development plan policies and these comments do not outweigh these concerns.
18. The Council have indicated that there would be no conflict with Local Plan policies in respect of the siting of the proposed accommodation on the site, the living conditions of nearby occupiers and the effect on highway safety. However, in this case compliance with these policies is a neutral factor.
19. The appeal site is within the ZOI of the Exmoor and Quantock Oakwoods and Exmoor Heaths SACs. However, there is no need for me to undertake a Habitats Regulations Assessment because the scheme is unacceptable for other reasons.

### **Conclusion**

20. Overall, I conclude that the proposal conflicts with the development plan when read as a whole and there are no material considerations of sufficient weight to indicate a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

*E Pickernell*

INSPECTOR