



Appeal Decision

Site visit made on 13 December 2023

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2023

Appeal Ref: APP/W3330/W/23/3319636

Kimmins Moor, Frogwell Cross to Skilgate, Skilgate, Somerset TA4 2DL

- 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 P Govier, GPG Developments Ltd, against the decision of Somerset West and Taunton Council.
 - The application Ref 3/30/22/002, dated 9 August 2022, was refused by notice dated 9 February 2023.
 - The development proposed is described as Retrospective application for the siting of a log cabin for farm workers [rural worker] occasional temporary accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. With the proposed development already in situ, I was able to observe it on my site visit. I have dealt with the appeal on this basis.
3. The Council's decision notice refers to Policy NC/1 of the West Somerset Local Plan to 2032 (LP). However, rather than this forming a reason for refusal, the reference indicates that the Council simply took account of the policy when determining the planning application and the decision notice does not allege a conflict with the policy. I have determined the appeal on this basis.

Main Issue

4. On the basis of the above, the main issue is whether the location of the proposed development is essential for a rural worker.

Reasons

5. The appeal site is in the open countryside, as defined by the LP. The log cabin is situated in a corner of a field near to a hedge, various trees and a stream. Although positioned on the furthest land from the farmhouse, it is a short walk from the public highway and approximately half a mile from Kimmins Moor.
6. LP Policy OC1 sets out that development in the open countryside will only be permitted where it can be demonstrated that, amongst other things, such a location is essential for a rural worker. In this instance, the log cabin is proposed to provide welfare facilities and occasional temporary accommodation for the full-time employed farm worker, and for use by the appellant on the holding.
7. The available evidence indicates that the holding now includes some 42 Ruby Red cows. These animals, who prefer to reside outside, clearly need looking

after, with particular attention needed at certain times of the year, such as during calving. When the livestock are in the part of the holding where the cabin is proposed to be permanently sited, it is also not possible to see them from the farmhouse and barn. In such circumstances and without the cabin, this would mean that someone would have to travel to check on them. It is said that the log cabin would avoid the need for this whilst providing shelter for the farm worker and ensuring sufficient care for the cows. For example, the cabin was used to provide cover in 2022 for a calf suffering from cold and meant that someone was on hand to help a calf born in the placenta.

8. Be that as it may, the distance between the farmhouse and appeal site is not particularly far. The journey therefore only takes a few minutes by vehicle, even if the latter part requires walking across fields. Walking the whole way would take longer, but the distance means that it would also not take a significant amount of time. It seems to me that it is therefore possible to ensure the cows' welfare is sufficiently maintained in this part of the holding, even during times where more monitoring may be required. I also have little substantive evidence that the cows could not be moved to fields nearer to (and visible from) the farmhouse and barn if/when the cows require closer attention and/or faster access is necessary. Furthermore, corresponding with the description of development, the available evidence indicates that the accommodation is only needed occasionally, whereas the proposal is for the cabin's permanent siting.
9. Accordingly, the proposed permanent siting of the log cabin in the open countryside for farm worker accommodation is not justified and the proposed location cannot, on the basis of the available evidence, reasonably be described as being essential. I therefore find that the proposed development conflicts with LP Policy OC1. In coming to this view, I have taken into account that the appellant employs a full-time worker (who lives some 20 miles away) to farm the holding because their main business keeps them away from the farm; considers that it is neither appropriate to accommodate the worker or provide welfare facilities for them at the farmhouse nor viable to do so from the attached one-bedroom annex; and is said to not have any other permanent or temporary shelter to cater for the use and welfare of the farm worker.

Other matters

10. Notwithstanding this, I note that the log cabin is said to be moveable and thus would be classed as permitted development if it is not sited permanently in one place. Although moving it may in some situations make it more visible in public views, it seems to me that its high-quality appearance and design, which is supported by the National Planning Policy Framework, means that it would not read as a harmful feature in such views. Alternative locations may also be as well screened as its current siting, whilst I have little substantive evidence that any land disturbed from it being moved (particularly during the winter months and wet weather) would not be able to recover relatively quickly. Accordingly, even if it is not possible or desirable to move the cows to fields closer to the farmhouse when more monitoring of them is necessary, the ability to keep and use the log cabin under permitted development rights means that the cows could still be closely monitored in parts of the holding not visible from the farmhouse. Dismissing the appeal would therefore not mean that the appellant would be unable to ensure the cows' welfare in the furthest parts of the holding from the farmhouse or that the farm worker would have insufficient

shelter/welfare facilities. That it would be easier to deal with waste water from the cabin does not lead me to a different conclusion.

11. It has been put to me that similar accommodation to the cabin (such as shepherd huts) have been used for hundreds of years and may rarely have been moved, and that farm worker employment could not easily be accommodated within or adjoining any nearby settlements. I recognise that the appellant is keen for the holding to continue being farmed despite the small financial returns and that the cabin is said to support this. By providing employment, the appellant is also supporting the rural economy, whilst the cabin, which does not harm the surrounding landscape, reduces the need to travel, provides shelter for the farm worker and helps to ensure that the welfare of the livestock is met. Be that as it may, these matters do not outweigh the conflict I have identified with the development plan, and the conditions suggested by the appellant would not change this.
12. The appellant has indicated that they did not receive the Council's Officer Report and that this made it difficult to understand the decision and prepare a response. The decision was also made well after the original determination date, whilst the appellant has been frustrated by the lack of communication from the Council and that the initial indication was that permission would be granted. Be that as it may, and irrespective of the reasons behind the Council's changed position and the parish council's actions, these are procedural matters. Accordingly, neither these nor the planning permission for the very different and not comparable proposal of two 'glamping' units elsewhere in the parish are determinative as to the acceptability of the appeal proposal, which I have determined on its merits, based on the evidence before me.

Conclusion

13. The proposal conflicts with the development plan read as a whole and there are no material considerations which carry sufficient weight to warrant a decision otherwise than in accordance with it. The appeal is therefore dismissed.

T Gethin BA (Hons), MSc, MRTPI

INSPECTOR