



Appeal Decision

Site visit made on 12 March 2024

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 05 April 2024

Appeal Ref: APP/P1133/W/23/3329026

Ingsdon Quarry, Liverton, Devon, TQ12 6JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Anderson against the decision of Teignbridge District Council.
 - The application Ref is 21/01846/OUT.
 - The development proposed is described as an outline application for manager's dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved. I have determined the appeal on that basis.

Main Issues

3. The main issues in this appeal are:
 - Whether there is sufficient justification for a dwelling at the site, having regard to national and local planning policies which seek to restrict development within the countryside; and,
 - The effect of the proposed development on biodiversity and ecology.

Reasons

Location of Development

4. The appeal site comprises land and buildings used for the storage of caravans and motorhomes, and which is located outside of a settlement. As set out in Policy S22 of the Teignbridge Local Plan 2013-2033 (the Local Plan), land outside defined settlement limits is open countryside for the purposes of planning policy. The appeal site is located within open countryside by that definition. In such locations, the policy seeks to strictly manage development apart from a number of exceptions, one of which is dwellings for agricultural, forestry and other necessary rural workers.
5. The appeal proposal is for a manager's dwelling at this rural site. Policy WE9 of the Local Plan specifically concerns rural workers' dwellings. That policy provides that dwellings for workers in agriculture, forestry or other rural businesses will be permitted in the open countryside where there is an

essential functional need arising from the business for a full-time worker to be housed at the site. Furthermore, that policy requires that the business unit is of sufficient size to require a full-time employee, is economically viable and has clear prospects of remaining so.

6. These requirements reflect the guidance contained within paragraph 84 of the National Planning Policy Framework (December 2023) (the Framework), which refers to an essential need for a rural worker to live permanently at, or near their place of work. Furthermore, those requirements also reflect the advice contained within the National Planning Practice Guidance, in respect of assessing the need for isolated homes in the countryside for essential rural workers.
7. In essence, the Council's concerns are that, whilst in principle, the proposal accords with countryside uses permitted by Policy S22 of the Local Plan, the Appellant has failed to satisfactorily demonstrate that the proposal would accord with the functional and viability requirements of Policy WE9 of the Local Plan as described above.
8. It is common practice for applicants for essential rural worker's dwellings to provide supporting evidence of a functional need to permanently reside at a particular site. In respect of the appeal proposal, the Appellant maintains that there are overriding security and operational requirements of the business that could only be satisfied by having a manager's dwelling at the site. The Appellant refers to instances where customers have requested attendance at the site outside of normal business hours in order to collect or deposit their caravan or motorhome. Furthermore, the Appellant refers to an instance where livestock broke down fencing and fell into the former quarry site, with the Appellant maintaining that a permanent onsite presence would potentially prevent this from happening again.
9. In addition to the above, the Appellant cites other reasons why it is essential for a manager to reside at the site. These reasons include concerns regarding security of the site and the vehicles stored there, and that there are tasks, such as resurfacing gravelled areas and tree maintenance, which should be done outside normal working hours on grounds of health and safety.
10. Whilst I note the reasons given by the Appellant, they appear to largely relate to matters of convenience rather than demonstrating an essential need for a manager to be housed at the site. I acknowledge that given the isolated countryside location of the site, security could be a concern. In that respect, the Appellant has provided a CCTV Risk Assessment which appears to identify areas where there could be a risk of a targeted attack or opportunistic burglary. However, that risk assessment does not indicate that the site is at high risk of criminal attacks, nor provides evidence that CCTV would not be a suitable solution to security concerns. The risk assessment rather provides that the location is a generally low risk area of criminal activity, but then notes that the wider area is subject to regular criminal attacks but offers no supporting evidence of any specific instances.
11. Further to the above, in my view, it is also unlikely that a permanent residence at the site would necessarily prevent livestock from entering the site, and that whilst I have noted the out of normal business hours tasks as mentioned, such works are unlikely to be needed other than occasionally.

12. In terms of the viability requirements of Policy WE9 of the Local Plan, the Appellant has provided very brief details of the business advising that there is currently a waiting list of customers, supported by a letter from their financial advisor which provides a general statement of profitability. Whilst those very brief details are noted, in my view the submitted information does not provide the robust supporting evidence of business viability that is required in order to show the unit is of sufficient size which requires a full-time employee, or that the business is likely to be economically viable going forward.
13. In summary of the above, I am not persuaded that the matters raised by the Appellant would justify an on-site presence by a worker at all times and all year round. I am also not persuaded that the submitted details, which are brief in nature, sufficiently demonstrates that the business is likely to be economically viable going forward. As such, the proposal would conflict with Policies S22 and WE9 of the Local Plan, and would fail to accord with those paragraphs of the Framework which concern Rural Housing.

Biodiversity and Ecology

14. The evidence before me indicates that the appeal scheme would result in the removal of vegetation and trees at the site. The appeal site is located within the Bat Landscape Connectivity Zone for the South Hams Special Area of Conservation. The Appellant's Ecological Impact Assessment identifies that the site is used by nine species of bat, and acknowledges that there would be some impact on bats in terms of a reduction in an amount of foraging habitat and with regards to lighting. Mitigation in the form of a green roof on the proposed dwelling, provision of additional wildflower planting and enhancement of other woodland at the site, is suggested in respect of the loss of trees. It is further suggested that lighting at the site should be directed downwards, that lighting should be kept to the minimum required for security and safety, and that lighting should not be left on overnight.
15. In terms of biodiversity, the Appellant's submitted ecological report confirms that, following provision of wildflower planting, there would be a biodiversity net loss of 4.24%. However, as noted above it appears that the appeal proposal would result in the loss of trees at the site and from the information before me, I cannot be certain what the extent of any woodland enhancement would be or that the proposed mitigation would adequately replace the loss of woodland. Furthermore, whilst I note the suggestion that lighting should not be left on overnight, that may prove impractical, difficult to monitor and enforce. Consequently, I cannot be sure that the offered mitigation measures would be effective.
16. It is acknowledged that the appeal scheme is in outline and that matters such as layout are reserved for later consideration. It is also noted that the Council considers that an alternative location for the proposed dwelling within the site, might overcome the concerns regarding the biodiversity net loss. However, I have not been provided with any details to show that the proposal could be located elsewhere within the site and, therefore, I cannot be sure that the concerns regarding biodiversity loss at the site could be overcome.
17. In light of these concerns, I conclude that the proposed development would conflict with Policies EN8, EN9, EN11 and EN12 of the Local Plan. Together and amongst other things, these policies seek net increases in biodiversity and require that development contributes towards the protection and enhancement

of trees, hedgerows, legally protected and priority species, and important habitats and features. For the same reasons, the appeal scheme would also fail to accord with those sections of the Framework which concern conserving and enhancing the natural environment.

Conclusion

18. I acknowledge that the appeal proposal could provide limited economic benefits in terms of employment opportunities during construction, would contribute a single dwelling towards housing supply and may result in a small reduction of vehicle movements to and from the site thereby reducing carbon emissions. In those respects, I attach only limited weight to benefits of the proposal. However, I do not find that, cumulatively, those potential benefits of the scheme would outweigh the identified harm and conflict with the policies of the development plan as described above, and to which I attach significant weight in the determination of this appeal.
19. For the reasons given above the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR