The Planning Inspectorate

Appeal Decisions

Hearing held on 30 April 2024

Site visit made on 30 April 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal A Ref: APP/J9497/W/24/3337657
Stancombe View, Liverton, Newton Abbot, 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 planning permission.
- The appeal is made by Mr Ashley Kerslake against the decision of Dartmoor National Park Authority.
- The application Ref is 0174/23.
- The development proposed is erection of an agricultural building for the storage of agricultural machinery, fodder, and livestock accommodation.

Appeal B Ref: APP/J9497/W/24/3337658
Stancombe View, Liverton, Newton Abbot, Devon TQ13 6JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Ashley Kerslake against the decision of Dartmoor National Park Authority.
- The application Ref is 0166/23.
- The development proposed is erection of an agricultural workers dwelling.

Decision

Appeal A Ref: APP/J9497/W/24/3337657

1. Appeal A is allowed, and planning permission is granted for erection of an agricultural building for the storage of agricultural machinery, fodder and livestock accommodation at Stancombe View, Liverton, Newton Abbot, Devon TQ12 6JA in accordance with the terms of the application, Ref 0174/23, subject to the conditions in the attached schedule.

Appeal B Ref: APP/J9497/W/24/3337658

2. Appeal B is dismissed.

Applications for costs

3. Applications for costs were made by Mr Ashley Kerslake against the Dartmoor National Park Authority. These applications are the subject of separate Decisions.

Preliminary Matters

4. Since the appeals were made, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have taken the revised Framework into account as part of the determination of these appeals.

5. Since the applications were refused, the Authority has adopted a Housing Supplementary Planning Document (the Housing SPD) in December 2023. The appellant has had the opportunity to comment on the SPD and it was discussed at the hearing. I will therefore take it into consideration in my determination of the appeals.

Main Issues

6. The main issue in Appeal A is the effect of the proposed agricultural building on the character and appearance of the Dartmoor National Park landscape.

7. The main issues in relation to Appeal B are:

   - Whether there is an essential need for a dwelling to accommodate a rural worker;
   - Whether foul and surface water from the development site would be adequately dealt with; and
   - Whether the proposal would make adequate provision for the principles of sustainable construction and good design.

Reasons

Appeal A

Character and appearance of the DNP

8. The appeal site is located to the south of Liverton, within the Dartmoor National Park (DNP). The site of the proposed building is in the corner of a field to the northeast of the existing small stone agricultural barn on site and some 100m or so from the established farmstead of Stancombe Farm, which is outside the ownership of the appellant. An existing access track serves the field in question, with an established hedgerow running along the northern boundary. In an otherwise sloping topography of pastoral fields, the building would be sited on a relatively level parcel of land.

9. As assessed under the Dartmoor Landscape Character Assessment (the LCA) (April 2017), the appeal site falls within Landscape Character Type 3A Upper farmed and wooded valley slopes. The Authority summarised its landscape character as undulating upper valley slopes, comprising of small to medium sized pastoral fields with irregular boundaries. There is a dispersed settlement pattern characterised by isolated farmsteads nestled into the folded landform. One of the 'Landscape and Planning Guidelines' of the LCA is to 'avoid locating any new development on prominent slopes and ridgelines, including the steep slopes above the Teign Valley. Any new development should utilise the screening effects of the landscape's woodlands and sloping topography to reduce its visual impact'.

10. The A38, which runs to the south-east, forms the boundary of the DNP, and is visually and audibly noticeable from Stancombe View. The old A38, which lies outside of the DNP, runs south-east alongside the A38, on the other side of the valley. The site of the proposed agricultural building would be visible from sections along the old A38, including from the car park of The Welcome Stranger Public House. This is in part due to an existing gateway to the east of the proposed building opening up views into the site. The existing stone barn

on site is seen as a relatively isolated building in the landscape from the other side of the valley.

11. The design of the proposal would be a simple agricultural building, with Yorkshire timber boarding on the side elevations, with the northern elevation open sided. Whilst the building would be located away from other buildings, its siting would avoid developing on a ridgeline. Furthermore, whilst the field in which it would be situated is visible from the old A38, its position would be at the bottom corner of a sloping field. Its siting would utilise the sloping topography to reduce its visual impact and would take advantage of the screening afforded by the existing field boundaries, as well as being able to use the existing access track.

12. Whilst it would not be as nestled as some of the other farmsteads in the landscape, the slope of the field also extends further up beyond the building, which would soften its impact, both visually and on landscape character. Furthermore, the proposed landscaping scheme, which could be secured via a suitably worded condition, would close the visual gap afforded by the existing gateway to the east, helping to anchor the building into the surrounding landscape. Consequently, I consider that the development would respect the valued attributes as set out in the LCA.

13. Furthermore, although it would be positioned away from the existing stone barn, there would still be a visual relationship between the 2 buildings, and they would be viewed within the context of each other when seen from the old A38. Whilst it would introduce activity, noise and lighting into a previously undeveloped area, the scale of the development would relate well to local topography and would not require significant earth works. There would be no external lighting except for low-intensity lighting and a suitably worded condition would control the specific details of any permitted lighting. The building would be served by six translucent roof lights to reduce the need for internal electric lighting during daylight hours. In my mind, taking into account the special characteristics of the area, the proposal would conserve the National Park’s Special Qualities, in particular its landscape character.

14. The application form states that the roof would be ‘natural grey fibre cement’. However, given the sites position in the DNP, it is considered both reasonable and necessary to attach a suitably worded condition to ensure that the proposed roofing would be 'Anthracite Grey’ coloured profiled sheeting. It was agreed at the hearing that this would be the most suitable finish for the roofing for it to assimilate into the local landscape.

15. Therefore, for the above reasons, I conclude that the proposed agricultural building would not harm the character and appearance of the DNP landscape. The proposal would be in accordance with Policies SP1.1, SP1.2, SP1.5, SP2.1, SP2.6, and P5.8 of the Dartmoor Local Plan (Local Plan) (adopted 2021), as well as the Dartmoor National Park Design Guide (the Design Guide) (adopted 2011). Together these policies and guidance, amongst other matters, require that development conserves and/or enhances the landscape and scenic qualities of the DNP, whilst also setting out detailed design expectations, to ensure that new developments reinforce the local landscape character of the National Park.

16. It would also be in accordance with paragraph 182 of the Framework which states that great weight should be given to conserving and enhancing

landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. It would also be in accordance with the advice of the English National Parks and the Broads UK Government Vision and Circular 2010 (the Circular), in relation to conserving and enhancing the natural beauty of National Parks.

Appeal B

Essential Need

17. It is an area of disagreement between the parties as to whether the proposal was submitted as a permanent dwelling, and therefore should be considered on the existing enterprise, or whether it should be considered as a temporary dwelling, and consequently based on the proposed expanded enterprise. Therefore, for the purposes of my decision, I shall consider both scenarios.

Functional Need

18. The appellant purchased the landholding in 2017. Between 2017 and 2020, they lived off-site. In March 2020, they moved into a touring caravan on the site. Then in 2021, due to Mr Kerslake's daughter moving in with the appellants and Mrs Kerslake giving birth to their son, they required more space. Therefore, they converted the first floor of the existing stone barn on site in order to accommodate the family of 4. Since purchasing the site, the appellant has significantly invested in the landholding, including fencing the fields so they are secure for livestock and ensuring the fields all have a water supply.

19. The appellant has established a small mixed farming enterprise on the landholding over the past 7 years, with the enterprise mix being established to spread risk and costs across the business. Current livestock on the holding include 16 head of cattle. The suckler cows have previously finished up to 9 calves per year. The calves are reared with their mothers and live together as a herd, finishing at around 24 to 30 months. Calves are also bought in in small batches (6-8 per quarter) and reared on grass on an all-year-round grazing system. Apart from the young calves, the cattle are not housed. The majority of cattle are sold as stirks or stores, but some are held back and slaughtered for the appellant's meat box scheme. There were currently no young calves on site due to an inconclusive reactor being detected during a round of TB testing. This has resulted in a restriction in buying and selling cattle.

20. In addition, there are 46 ewes on the holding and the ewes lamb from December through to March, producing approximately 80 lambs per year. The existing building on site is used for lambing. The majority of lambs are sold as stores or fat at market, but some are held back and slaughtered for the meat box schemes. The appellant also does 2 batches of 2-3 pigs per year, reared for their meat and sold locally as part of the meat boxes.

21. The appellant intends to expand the calf rearing enterprise to have an intake of 30 dairy calves per quarter, rearing a total of 120 calves per year. Reared indoors for six weeks, being fed milk, the calves would be sold at around 3 months either as rose veal or as store beef animals to join larger more conventional extensive herds to be finished at 18 to 24 months. They also propose to expand the ewe flock to 100 head. The agricultural building

proposed under Appeal A would be used to accommodate the expansion of the calf rearing, as well as being used to lamb indoors, should the weather conditions dictate such a requirement. The calf rearing would be carried out all year around and would be programmed around the lambing season and the block calving.

22. Mr Meek, the Authority's agricultural consultant, accepted at the hearing that calf rearing, due to the care and attention requirements and acknowledging that early intervention is critical, the proposed calf rearing enterprise, alongside the lambing and block calving, would justify a functional need for a rural worker to live on site 24/7, all year round. He reiterated that it would be the establishment of the expanded calf rearing enterprise that would be key to demonstrating a functional need. However, based on the scale and nature of the existing enterprise, he was not satisfied that the essential need was met.

23. However, the appellant already carries out the proposed enterprise, including the calf rearing, albeit in a much smaller scale. It was clear from the discussions, including the viewpoints of the interested parties, that the appellants strive to provide a high level of welfare for their livestock. Given the acknowledgement that the care and attention involved in calf rearing is critical for their welfare, I consider that the nature of the calf rearing enterprise, regardless of the scale of the existing enterprise, demonstrates an essential physical need for a rural worker to live on site.

24. The appellant also cited security as one of the reasons for them to live on site. Whilst electronic surveillance would be a way of remotely monitoring activity on the site for security purposes, I acknowledge that such measures would not be suitable to verify the health of the individual animals.

25. I appreciate that a proportion of the labour needs set out in the Standard Man Day (SMD) calculation could be done during the day. However, during the discussions it became apparent that due to the topography of the site, it isn't possible to drive around all of the site and that a lot of the land holding can only be accessed on foot. Therefore, some of the basic day-to-day jobs take longer to carry out. Accordingly, I accept that there is a functional requirement for a dwelling to accommodate a rural worker in order to facilitate the daily activities and requirements of this farming business, as well as securing the animals welfare and security.

26. The appellant has drawn my attention to an earlier appeal decision[1], where the Inspector stated that 'I therefore find the appellant's assertions that the functional need for the proposed dwelling should be demonstrated as needed within the trial period, rather than at the outset of establishing the business, to be compelling.' However, given my findings above, my decision to accept that there is a functional need for the proposal is not contingent on this decision.

27. The Authority provided a number of examples of alternative accommodation, both to buy and to rent. I was advised at the hearing that they were all 3 or 5 miles away which was considered too far to provide the welfare needs for the livestock. Therefore, the appellant discounted these on the basis of distance from the appeal site. The prices of properties, both to buy and to rent, were briefly discussed and from what I heard, are not available at a cost which would be affordable to the appellant. It is also appreciated that the nature of

[1] Appeal Ref: APP/J9497/W/23/3333517

the rural roads leading to the appeal site would mean that welfare emergencies could not be dealt with effectively or efficiently. Furthermore, they would not meet the functional need of the enterprise. Therefore, the functional need could not be fulfilled by an existing suitable and available dwelling.

28. Based on the above reasons, I am persuaded by the evidence that the calf rearing enterprise, alongside the lambing and calving, gives rise to situations where immediate, regular, and unpredictable care throughout the year is required to safeguard the general welfare of the livestock. On this basis I consider that the functional test, both in regard to the existing and the proposed enterprise, has been met.

Financial Test

29. The financial test is a secondary consideration if the essential need is established. For a permanent dwelling, criteria 1 b) of Local Plan Policy 3.9 requires the business to be established for at least 3 years, profitable for at least one, is currently financially sound and has a clear prospect of remaining so. For a temporary dwelling, criteria 4 of Policy 3.9 would be applicable which states 'to support the establishment of a new farm or other rural land-based business, permission for a residential caravan will be granted for a temporary period up to 3 years. New enterprises will be required to meet the functional and financial tests set out in Part 1 of the policy, and the viability of the business should be demonstrated through business planning.

30. Applying the criteria of a permanent dwelling, although an enterprise has existed on the land for approximately 7 years, limited information regarding the viability and accounts of the enterprise over this time has been submitted. The appellant provided tax returns for the years 2020 to 2023 which have been 'provided to demonstrate the ongoing growth of the business and intention of the appellant to establish the business as a profitable, financially sound business'. However, it is noted that in the tax returns for the years 2020 to 2022, it is Mr Kerslake's business as 'grounds maintenance and farming' that is itemised, so it is not clear what income in the years 2020 to 2022 is directly attributable to the farm business itself. Only in the year 2023 is Stancombe Farm identified as a separate business in the tax returns, which identified a profit of £6,740. Therefore, whilst the profit in the tax year ending April 2023 is encouraging, the existing tax returns for the combined on and off farm trading would not satisfy the financial test for a permanent dwelling, as set out by criteria 1 b) of Policy 3.9.

31. Nevertheless, the appellant submits that the proposal should be considered as a temporary dwelling, particularly as the proposal relates to an expansion of the existing enterprise. In regard to the criteria for a temporary dwelling, the dwelling would be of permanent construction, with rendered walls and a slate roof. It would not fall under the definition of a caravan and would not be the type of temporary structure envisaged by criteria 4 of Policy 3.9. Whilst the Housing SPD refers to a mobile home being an acceptable temporary dwelling, the proposal would still fall outside what is usually accepted as a 'temporary' dwelling. Whilst I appreciate the nature of the access roads serving Stancombe View are narrow and steep in places, which may present a challenge in terms of getting a larger mobile or static home on to site, based on the limited

evidence before me, this option cannot be completely ruled out yet. Therefore, the proposal would conflict with criteria 4 of Policy 3.9 in this regard.

32. Furthermore, I have concerns regarding the reliability of the financial forecasting that has been provided. A 'Cashflow Analysis' was submitted with the application which included forecasting for the years 2023 (Year 1), 2024 (Year 2) and 2025 (Year 3). These figures calculated that there would be an overall loss of approximately £25,000 in Year 1, a loss of approximately £3,000 in Year 2 and then an overall profit of approximately £26,000 in Year 3. A 'simplified Gross Margin Analysis' (GMA) was submitted with the appeal which outlined that the appellant was now forecast to make a net profit of £685 in Year 1, £5,248 in Year 2 and £24,835 in Year 3. At the hearing, I was given a revised GMA which now incorporated Sustainable Farming Incentive (SFI) payments which increased the forecasted profits by £4,492 in Year 1, £13,084 in Year 2 and £12,343 in Year 3. I was also given a breakdown of fixed costs.

33. Clearly, there are some huge variations between the Cashflow Analysis Figures and the GMA figures. Apart from stating that the 'drawings' figure had been removed, and the inclusion of the expected SFI payments, the appellant was unable to explain the difference in the Cashflow Analysis figures and the revised GMA figures. Specifically, it could not be adequately explained how the business was originally expected to make a loss of approximately £25,000 in its first year (2023) in the Cashflow Analysis to making a profit of approximately £5,000 in its first year in the revised GMA. The Authority's agricultural consultant was also concerned that there would be other fixed costs in the business that had not been covered. I concur that the itemised fixed costs seemed quite brief. This only adds to my concerns regarding the reliability of the financial forecasting submitted.

34. Furthermore, the application for SFI payments, which I was told were only applied for the day before the hearing, seems to be an eleventh hour way of increasing the profits. I have not been provided with any information as to what land the SFI payments relate to and how this would work alongside the proposed farming enterprise.

35. The interested parties spoke very positively about the work of the appellant, and I do not question Mr and Mrs Kerslake's firm intentions and ability to develop the proposed enterprise. I also acknowledge that as the appellant's youngest son gets older, Mrs Kerslake would be able to spend more time on the farm which aligns with the farm's growth objectives.

36. However, taking account of the absence of reliable forecasting in relation to the expansion of the agricultural business, I am not currently persuaded that the proposed enterprise has been planned on a sound financial basis or that it would be financially viable in the long term. Therefore, even if I were to consider the proposal as a temporary dwelling, the proposal would not meet the financial test, nor would it be the type of temporary residential accommodation supported by criteria 4 of Policy 3.9.

<u>Conclusion on Essential Need</u>

37. For the above reasons, by virtue of the proposal failing to meet the financial test, an essential need for a rural worker to live either temporarily or

permanently at the site has not been satisfactorily demonstrated. The proposal would be in conflict with Local Plan Policies SP1.1, SP1.2, SP1.3, SP3.1 and P3.9. These policies, in combination, seek to ensure that the housing needs of the DNP are met, whilst protecting Dartmoor's special qualities and purpose. Outside classified settlements, development will be acceptable if it is, amongst others, for farming with a proven need to be located in the open countryside. Rural workers' housing is only acceptable where an essential need is demonstrated and where, in regard to a temporary dwelling, the viability of the business has been demonstrated through business planning.

38. It would also conflict with the Housing SPD which states that an application for a temporary dwelling should be supported by evidence the enterprise and its growth has been planned on a sound financial basis demonstrated with a 5 year business plan. It would also be contrary to paragraph 84 of the Framework which states that decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker. Furthermore, it would conflict with the advice of the Circular which states that the Government recognises that the Parks are not suitable locations for unrestricted housing and that the expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services.

Foul and Surface Water Drainage

39. The appellant set out in their evidence that surface water associated with the proposal would disperse via an existing soakaway which currently takes the surface water from the agricultural building. Foul waste would be directed to a new package treatment plant as there is no nearby mains connection.

40. However, at the hearing, it emerged that there was in fact no existing soakaways on site and that surface water simply ran off the existing hardstanding on to surrounding land. Whilst the rough location of the soakaway has been shown, no infiltration testing has been provided to demonstrate that the proposed soakaways would be sufficient to manage surface water from the proposal.

41. Whilst I appreciate that there might not be any surface water flooding at present, what is before me is a new building on the site. I must be satisfied that the proposed soakaways would be a viable solution and that the proposal would be served by acceptable and feasible surface water drainage. Based on the limited information before me, I cannot be satisfied that the proposal would ensure that surface water from the development site would be adequately dealt with, and that the development would not increase flood risk to any existing property or land beyond the site boundary.

42. Furthermore, no details of the new package treatment plant have been provided. An indicative location of the treatment plant has been shown. However, I have not been provided with any manufacturer's details or an indication of the necessary unit size. Therefore, I cannot conclude that foul water associated with the proposal would be adequately dealt with.

43. Whilst a condition to address both foul and surface water has been suggested, given the lack of certainty I have in regard to these fundamental matters, a

condition to deal with both foul and surface water drainage would not pass the tests of precision and reasonableness, as set out in paragraph 56 of the Framework.

44. Therefore, I am not satisfied that the proposal would be served by adequate foul or surface water drainage systems. Given the lack of information before me, it would not be appropriate to condition these matters. The proposal would be contrary to Local Plan Policies SP1.2, SP1.5 and P2.5. Together, these policies seek to protect the National Park's special qualities, including its water environment, whilst avoiding development which has an adverse impact of flood risk, and allows for the natural drainage of surface water. The proposal would also conflict with the objectives of Section 14 of the Framework and also the Circular in terms of protecting soils and recognising that water quality and water management issues are important in National Parks.

Sustainable Construction and Good Design

45. Local Plan Policy SP1.5 relates to delivering good design, including ensuring that all development creates a strong sense of place with a clear and distinctive character by reinforcing the local character respecting Dartmoor's vernacular. Local Plan Policy SP1.6 relates to sustainable construction and states that all development proposals should minimise their impact on climate change by reducing carbon emissions further than required by Building Regulations and improving their energy efficiency using a 'fabric first' approach. All new residential buildings must achieve a minimum 10% reduction in carbon emissions over Building Regulations or Association for Environment Conscious Building. The Design Guide sets out that in 'vernacular buildings, the walls are invariably constructed from locally available sort stone'.

46. The appellant describes the proposed dwelling as 'utilitarian' and argues by virtue of the proposal being a temporary dwelling, the requirements of these policies should not be applicable. They state that 'any construction issues could be attended to as part of that subsequent application' for a permanent dwelling on the site. The appellant's statement sets out that it would be Mr and Mrs Kerslake's intention 'to expand the existing agricultural business to fulfil the LPA's requirements in order to successfully apply for permanent retention of the dwelling'[2]. It was put to me that again this could be controlled via a condition, although no suggested wording has been provided. However, I consider that it would be hard to retrofit the proposed alleged temporary dwelling so that it would meet the requirements of the policies.

47. The appellant also argues that the proposal would be served by solar panels and would be an energy efficient building, although no details have been submitted in regard to the carbon emission reductions that the proposed dwelling would achieve. Whilst I note that all of the building materials and internal features would be re-used in the event that the 'temporary' dwelling would have to be removed, I do not consider that this is the type of 'sustainable construction' envisaged by SP1.6.

48. Clearly, if the proposal before me was indeed a temporary building in the form of a mobile home or caravan, then the conflict with these policies would be less as there would be no intention of it staying after the temporary 3 year period.

[2] Paragraph 3.3 of the Appellant's Statement of Case.

However, the apparent temporary dwelling as clearly been designed as a permanent dwelling, with rendered walls and a slate roof, and as the appellant has set out themselves, would be retained in the event the agricultural enterprise is expanded as proposed.

49. Due to its walling material, the rendered dwelling would not be of a traditional Dartmoor design and would therefore appear as quite a stark building in an otherwise traditional landscape. Whilst the low eaves, and knock-on window positioning, has been done so that the dwelling would be more 'nestled' into the landscape, its resultant appearance would not respect Dartmoor's vernacular. The introduction of the wrap-around corner window would also be out of character with a more traditional form of building and fenestration layout. Whilst I note the lack of visibility from wider public vantage points, this would not negate the need for good design in line with Policy SP1.5.

50. Therefore, I conclude that the proposal would not make adequate provision for the principles of sustainable construction and good design and would be contrary to Local Plan Policies SP1.2, SP1.5 and SP1.6. These policies, in combination, supports good design and sustainable construction and considers that development would be sustainable where it conserves and enhances the character, quality and tranquillity of the National Park and sustains and enhances the setting, character and local distinctiveness of settlements.

51. It would also conflict with the principles within Chapter 12 of the Framework which seek good design sympathetic to the local area, as well as paragraph 182 of the Framework which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. Furthermore, it would be contrary to the advice of the Circular, in relation to conserving and enhancing the natural beauty of National Parks.

Other Matters

52. I acknowledge the frustrations the appellant alleges they experienced during the consideration of the applications and that the refusals were issued 'without any communication or opportunity for discussion or negotiation'. Whilst this may have been frustrating for the appellant, this does not materially affect my consideration of the planning merits of the appeal proposals.

53. In regard to Appeal B, the Authority has raised concern that the appellant has not provided a legal agreement tying the proposed dwelling to the holding, in line with criteria 3 b) of Local Plan Policy 3.9. The appellant argues that as the proposal is for a temporary dwelling, a legal agreement would not be required in these circumstances. However, given that I am dismissing Appeal B on other grounds, I do not need to give any further consideration to the matter.

Planning Balance

<u>Appeal A</u>

54. I have found that the proposed agricultural building would not be harmful to the character and appearance of the Dartmoor National Park landscape and therefore would accord with the development plan as a whole.

Appeal B

55. In exercising my function on behalf of a public authority, I am also consciously aware of my duties under the Public Sector Equality Duty (PSED) contained within the Equality Act 2010 which sets out to eliminate discrimination, harassment and victimisation, advance equality and foster good relations, and the protected characteristics under the PSED. I am also aware of my duties under Article 8 of the Human Rights Act 1998 (Article 8) that bestows the right to private and family life and for the home, and that the Article 8 rights of a child should be viewed in the context of Article 3(1) of the United Nations Convention on the Rights of the Child. I have placed no single aspect above the best interests of the children whose family intends to live on the site.

56. I have found that the proposal would result in a new isolated home in the countryside, for which it has not been satisfactorily demonstrated that there is an essential need for a rural worker to live at the site, either temporarily or permanently. I have also found that the proposed dwelling would not be served by adequate foul or surface water drainage systems, nor would it achieve the required standards of good design or sustainable construction. It would therefore conflict with the development plan as a whole.

57. The Appellant resides exclusively at the appeal site. It is currently a safe haven for the appellant's elder child. Evidence that I heard at the Hearing confirms that the accommodation afforded at the appeal site does, and would, be of benefit for the mental health of the child. Furthermore, the proposal would provide one new house together with economic benefits during its construction. However, cumulatively the weight given to other considerations would not outweigh the conflict to the development plan.

58. I have also throughout my decision considered whether a temporary planning permission would be appropriate. However, for the reasons already set out above, based on the evidence before me now, I cannot support a temporary permission.

59. Whilst there is an opened enforcement case, a notice has yet to be served. I recognise that the failure of this appeal may put the occupation of the stone barn by the Appellant at risk. However, I have had regard to the legitimate and well-established planning policy aims and public benefits of ensuring that planning decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, and that local planning authorities should ensure that flood risk is not increased elsewhere. In this case I consider that greater weight attaches to the public interest. Dismissal of Appeal B is therefore necessary and proportionate, and it would not result in a violation of the human rights of the Appellant.

Conditions

60. I have considered the suggested conditions in relation to Appeal A in light of the discussions at the hearing and the advice in both the Framework and the Planning Practice Guidance (PPG). During the discussion, it was agreed that a number of the suggested conditions needed re-wording. The conditions and wording set out in the attached schedule reflect those discussions.

61. A condition setting a time limit for commencement of the development is required by statute. It is also appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.

62. As already alluded to, conditions to specify the roof material and colour, and to restrict external lighting are both considered reasonable and necessary to protect the landscape character and appearance of the DNP, and in regard to the lighting, in the interests of nocturnal biodiversity.

63. To safeguard the character and appearance of the DNP, a condition to protect existing trees and hedgerows is considered reasonable and necessary. The wording of the condition has been amended slightly for clarity purposes.

64. In the interests of the landscape character and appearance of the DNP, it is considered necessary to attach a condition which would require the removal of the agricultural building should it become redundant for agricultural purposes. I have removed the tail-piece phrase which permitted the Authority to grant planning permission for an alternative use of the building, as this would allow for a significant change to the building without going through the statutory route to change the development, depriving interested parties of the opportunity to comment. I have also amended the wording for clarity purposes.

65. In order to ensure that the proposal makes a proportionate contribution towards biodiversity enhancement, a condition to ensure that full details of a biodiversity enhancement scheme are submitted to the Authority is considered reasonable and necessary.

66. As already alluded to, a condition to secure the landscaping scheme is considered reasonable and necessary in the interests of the landscape character and appearance of the DNP. I have amended the wording slightly for clarity purposes and to reflect the revised wording that was discussed at the hearing.

67. Whilst an Ecological Appraisal has been submitted with the application[3] it dates from November 2021, so the report is now 2 and a half years old. However, given the low ecological value of the site 'with limited potential to support protected or notable species, similarly buildings impacted provide negligible bat roosting potential', whilst an updated report would be necessary, it is considered reasonable for an updated ecological appraisal to be submitted to the Authority prior to the commencement of development. This is in the interests of safeguarding statutorily protected species.

68. Finally, in order to ensure that surface water is adequately dealt with, it is considered necessary to require full details of the proposed surface water drainage works to serve the development to be submitted to the Authority for approval.

Conclusion

69. For the reasons given above, I conclude that Appeal A is allowed, and Appeal B is dismissed.

Laura Cuthbert INSPECTOR

[3] Preliminary Ecological Appraisal prepared by Arbtech, dated November 2021

Schedule of Conditions for Appeal A

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:2500 Location Plan, 1:500 Site Plan, Site Levels Plan – Proposed drawing no. SL42BG-PO, proposed plans drawing no. 2226-2000, Proposed-North-and-South-Elevations drawing no. 2226-2100 and Proposed East-and-West-Elevations drawing no. 2226-2101 received 09-02-2023 and landscaping scheme dated 30/06/2023.

3) Notwithstanding the details hereby approved, the roof of the development hereby approved shall be clad in 'Anthracite Grey' (RAL7016) coloured profiled sheeting and thereafter only approved roofing material shall be used in the development.

4) No external lighting shall be installed on or in association with the building except for low-intensity, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by wildlife). Any lights should be mounted at a height no greater than 1.9m from ground level, directed/cowled downwards and away from the site boundaries. The lights should produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more.

5) No tree or hedge on the land (other than any permitted to be felled or removed as shown on the approved plans) shall be felled, lopped, topped, cut down or grubbed out without the prior written consent of the local planning authority. Any tree or hedge removed without consent, or found to be dying, damaged or diseased, shall be replaced on a like for like basis, details of which, including the species, age and details of planting and means of protection, shall have previously been submitted to and approved in writing by the local planning authority.

6) The agricultural building hereby approved shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. Upon becoming redundant for such purposes, the building shall be removed, and the land reinstated to its former condition within a period of six months, in accordance with a scheme of works that shall have previously been submitted and approved in writing by the local planning authority.

7) Prior to the development hereby approved being brought into use, full details of a biodiversity enhancement scheme that complies with Part 3 of Policy 2.3 of the Dartmoor Local Plan (Biodiversity Net Gain), shall be submitted to the local planning authority for approval in writing. Thereafter, the approved enhancement measures shall be completed within 6 months of the commencement of the development hereby approved and thereafter shall be maintained in perpetuity.

8) Within 12 months of the commencement of the development hereby approved or within the first planting season thereafter, landscaping and planting shall be carried out strictly in accordance with the details provided in the approved landscaping scheme and landscaping statement received 30 June 2023. Any trees or plants which within a period of 5

years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, details of which, including the species, age and details of planting and means of protection, shall have previously been submitted to and approved by the local planning authority.

9) No development shall begin on the land until an ecological appraisal has been carried out by a competent person to determine whether there is evidence of any protected priority species or habitat on the land. A full copy of the appraisal which shall include any necessary mitigation measures and a timeframe for their implementation shall be submitted in writing to the local planning authority for its approval before any works commence on site. Any mitigation measures shall be carried out strictly in accordance with the details contained in the approved ecological appraisal report.

10) All foul surface water run-off shall be disposed of so as to prevent discharge to any well, borehole, spring or watercourse, including any dry ditch forming a connection to a watercourse. Full details of the proposed surface water drainage works to serve the development shall be submitted to and approved in writing by the local planning authority prior to being installed on site and shall be installed in accordance with the approved details prior to the building hereby approved being brought into use.

APPEARANCES

FOR THE APPEALLANT

Mrs Lizzie Chance MSc PGDip MRICS FAAV	Director of West Country Rural Ltd
Mr Ashley Kerslake	Appellant
Mrs Lydia Kerslake	Appellant

FOR THE LOCAL PLANNING AUTHORITY

Ms J. Rumble	Dartmoor National Park Authority
Mr D. Meek	South West Norse Limited

INTERESTED PARTIES

Mr Edward Setty	Local Resident
Mr Nicholas Boustead	Local Resident

DOCUMENTS

1. Appeal Decision - Appeal Ref: APP/J9497/W/23/3333517 Coombehead Farm, Bridford, Exeter EX6 7LQ
2. Updated Gross Margin Analysis to include Sustainable Farming Incentives
3. Breakdown of Fixed Costs
4. Summary of Tax Returns for the tax years 2020 to 2023