



Appeal Decision

Hearing held on 07 August 2024

Site visit made on 07 August 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2024

Appeal Ref: APP/Q1153/W/24/3343532

Meadow View Farm, Road From Beare Farm To Farthingland Cross, Exbourne EX20 3SH

- 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 Mrs Jason and Hazel Carvil against the decision of West Devon Borough Council.
 - The application Ref is 4401/22/FUL.
 - The development proposed is described as an application for a rural workers dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a rural workers dwelling at Meadow View Farm, Road From Beare Farm To Farthingland Cross, Exbourne EX20 3SH in accordance with the terms of the application, Ref 4401/22/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether it has been demonstrated that there is an essential need for a permanent dwelling to accommodate a rural worker; and
 - whether the proposal would provide sufficient carbon reduction measures.

Reasons

Essential need

3. The appeal site comprises part of a storage barn which is located on Meadow View Farm, a small, mixed farm located in an isolated position within the open countryside. The farmstead houses sheep, pigs and poultry and contains a barn, a number of outbuildings and poultry houses and a polytunnel. The appellants have been running the farm since 2012, having initially lived in a mobile home which was the subject of a temporary permission¹ on the site between 2013 and 2019. The appeal proposal seeks to convert the appeal property to a rural worker's dwelling with additional workspace for the farm. The appellants have been living in the barn subject of this appeal since 2019.

¹ Application reference 3258/17/FUL

4. As the appeal site is located outside the boundaries of the district's main settlements, for the purposes of the Local Plan it lies within the countryside. Policy TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (LP) only permits development in the countryside in exceptional circumstances, including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. This policy reflects the approach set by Paragraph 84 of the National Planning Policy Framework (the Framework). The appellant seeks to demonstrate that it is essential, for the proper functioning of the farm, that a permanent dwelling is located on site.
5. Meadow View Farm extends to approximately 55 acres, 25 of which are owned by the appellant. The farm comprises approximately 80 ewes, 6 sows, 300 laying hens and 22 geese and it is anticipated that this year 120 weaners and 1100 meat birds will be produced². On the basis of the information before me it appears that the business turned a loss in its early years, which led an Inspector in a 2017 appeal³ to conclude that there was insufficient evidence to support the case for a permanent agricultural worker's dwelling on the holding.
6. Based on the profit and loss accounts submitted during the course of the appeal⁴ and the financial statements submitted in support of the proposal, the financial years ending 31 March 2022, 31 March 2023 and 31 March 2024 show increasing annual income and modest profits, demonstrating a continued viability for the business. It was explained during the hearing that much of this is reinvested into capital projects such as the livestock barn which have facilitated the expansion of the farm resulting in increased income and profit with further growth anticipated in future years.
7. Nonetheless, it is necessary to ensure that the profit from the farm enterprise is sufficient to sustain a living wage. At the hearing the Council suggested an annual profit of between £21,000- £22,500 as a benchmark to sustain reasonable living wage, though I note that this figure is not set down in any policy documents to which my attention has been drawn. The submitted financial information indicates that salaries for the appellants have not been drawn. The exclusion of labour costs conceals a legitimate cost to the business and if factored into the accounts would impact on profitability.
8. The annual profits would appear insufficient for a full-time worker to draw a living wage based on the figures suggested by the Council and I note that the appellants receive income from other sources, including pensions and benefits. However, I heard at the hearing that the largely self-sufficient nature of the farm resulted in very low running costs for the household of approximately £500 per month. In these particular circumstances the modest profits posted in recent years would appear to be adequate to cover a living wage sufficient to sustain the running of the household. Consequently, I am satisfied that the farm can financially support a full-time worker permanently living on site and has a reasonable prospect of continuing to do so.
9. Nonetheless, the Council is concerned that an essential functional need for a full-time worker has not been demonstrated. In order to determine whether the need is essential, it is necessary to establish whether there is a physical need

² Livestock information document

³ Appeal reference APP/Q1153/W/16/3159610

⁴ Profit and loss accounts April 2022-March 2023, April 2023-March 2024 and March 2024-July 2024

for someone to be on-site at most times of the day and night. The Planning Practice Guidance⁵ (PPG) indicates that in considering Paragraph 79a of the Framework, it may be relevant to consider the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise. It refers to examples where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products.

10. At the hearing I heard that most of the farm duties are carried out by Mr Carvil with Mrs Carvil assisting with limited duties. Mr Carvil set out his daily routine, clarifying that up to 18 hours per day were involved in managing the holding with much of that time devoted to livestock, including animal welfare checks throughout the day, feeding animals, collecting eggs, caring for vulnerable animals and taking animals to slaughter, with additional hours spent during lambing season when there is a greater need for supervision of animals. It was also explained that, during the course of the working day, Mr Carvil also undertakes caring duties for his wife in the dwelling.
11. The appellant advises that the animals require close supervision 24-hours a day to reduce risks to animal welfare and to deal swiftly with emergencies. Potential problems that can occur at any time and which require immediate remedial action include problems with the power and water supply, which, if not attended to quickly, could result in animals overheating, suffocating or becoming dehydrated, posing a risk to animal health and potential loss of livestock. A prompt response to animals escaping, and to intrusion by dogs, predators and pests, is also necessary to prevent injury and loss of livestock.
12. In my view, it is clear that in such events a quick response time is paramount to ensure that there is not a loss of livestock. Realistically, this can only be achieved by having a worker within close enough proximity to detect and promptly deal with such unforeseen circumstances. Whilst during the normal working day such matters could be managed without the need for an on-site dwelling, the same cannot be said for times outside of normal working hours. The dwelling significantly increases the chances that issues with animal welfare will be addressed swiftly, reducing the risk of loss of livestock, thereby ensuring the effective operation of the farm.
13. At the hearing I heard about the difficulties in finding wheelchair and ambulance-accessible accommodation in the local area and the unsuitability of mobile and temporary accommodation for Mrs Carvil, who requires wheelchair access. Given this, I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
14. From the evidence put to me at the hearing, temporary or demountable accommodation would be unable to satisfactorily meet the appellants' needs and there are no suitable dwellings located within proximity to the farm which could realistically accommodate the appellants. Furthermore, it would appear

⁵ PPG Paragraph 010 Reference ID 67-010-20190722

that Mrs Carvil's active involvement in the farm, as well as Mr Carvil's caring duties for his wife, would only be possible through the provision of suitable on-site, wheelchair-accessible accommodation. I give significant weight to this consideration in favour of the appeal.

15. I acknowledge that the farm holding is of a smaller scale than other agricultural enterprises in the district. Nonetheless, a substantial labour requirement at the site has been demonstrated by the appellant necessitating on-site attention 24-hours a day. Taking account of the animal welfare benefits, as well as the absence of suitable alternative accommodation nearby, an essential need for a permanent dwelling has been demonstrated. It therefore follows that there would be no conflict with LP Policy TTV26, the aims of which are set out above.

Carbon reduction measures

16. In its pursuit of a low carbon future and an ambition to halve carbon emissions from 2005 levels by 2034, LP Policy DEV32 requires consideration of opportunities to minimise the use of natural resources in development over its lifetime. This will be achieved by the incorporation of low carbon or renewable energy generation amounting to 20% less than that required to comply with Building Regulations Part L. This approach is supported by the Plymouth and South West Devon Climate Emergency Planning Statement (2022) (SPD) which also seeks to reduce the amount of carbon emitted through the development process. The SPD sets out that this will be achieved by, amongst other matters, improving energy efficiency through minimised energy use, increasing on-site renewable energy generation, prioritising the re-use of buildings and reducing the need to travel and avoiding development that results in a reliance on the private car.
17. The proposal does not detail any proposed low carbon or renewable energy generation measures for the dwelling and thus does not set out how a carbon reduction will be delivered. Nonetheless, it is stated that the farm is run in a low carbon manner, generates on-site renewable energy through an existing solar array on the barn roof and utilises minimal natural resources through the recycling and reuse of materials. The development re-uses an existing building and, by siting the dwelling within the farmstead, the need for a commute to the farm is avoided. The low carbon nature of the farm makes a demonstrable contribution to the Council's wider objective to promote a low carbon economy and reduce carbon emissions through reduced energy demand.
18. My attention has been drawn to an appeal decision at Bandleigh⁶ in which the Inspector found that the proposal failed to provide suitable carbon reduction benefits and therefore was in conflict with LP DEV32. However, there is limited information regarding this case before me and whether this proposal also formed part of a wider site which incorporated renewable energy generation and which was run in a low carbon manner. Thus, I cannot be certain that this case represents a direct parallel to the appeal proposal. I therefore give it limited weight in this decision.
19. In light of the above, the proposal does not have a harmful effect on carbon emissions. Consequently, the development accords with LP Policy DEV32 and the SPD which together seek to reduce carbon emissions through development.

⁶ Appeal reference APP/Q1153/W/23/3330619

Conditions

20. I have considered the conditions suggested by the Council against the advice set out in the PPG and the discussion at the hearing. A condition specifying the approved plans is necessary as this provides certainty.
21. A condition restricting the occupation of the dwelling is necessary to preclude the dwelling being used for general housing purposes, contrary to planning policies limiting new isolated dwellings in the countryside and to accord with the terms of the proposal.
22. A condition concerning the removal of permitted development rights is necessary in order to ensure that the dwelling remains of an appropriate scale for agricultural workers in perpetuity. However, as the appeal site limited in extent to the appeal building and its access only, there would be no scope for extensions and alterations under Classes A (enlargement or other alterations), D (porches) or E (outbuildings). Given this, I have amended this condition so that it refers to restrictions under classes AA, B and C only (roof additions and alterations and the construction of additional storeys).
23. As the development has been completed it is not necessary to attach the standard time limit condition. For similar reasons, and in the absence of evidence of any significant adverse impacts on the local environment, a condition requiring the approval of surface water drainage details is not necessary.
24. At the hearing an interested party suggested that details of proposed carbon reduction and renewable energy generation measures could be approved by condition. However, as set out in relation to the main issues I have found no conflict with LP Policy DEV32 in relation to carbon emissions, and consequently the approval and implementation of such measures are not necessary to make the development acceptable.

Conclusion

25. The proposed development would comply with the development plan when taken as a whole. There are no other considerations which outweigh this finding.
26. Accordingly, for the reasons given above, the appeal is allowed.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Live/Work Unit Elevations,
 - Proposed Live/Work Unit Floor Plans,
 - QWCJC Location Plan
 - QWCCARV08 block Plan
2. The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person and to any resident dependants.
3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
 - Part 1, Class AA - enlargement of a dwellinghouse by construction of additional storeys
 - Part 1, Classes B and C (roof addition or alteration).

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Jason Carvil	Appellant
John Gower	Quiet Waters Consultancy

FOR THE LOCAL PLANNING AUTHORITY:

Hayley Easter	Senior Planning Officer
Clare Stewart	Principal Planning Officer
Sheamus Machin	Agricultural Specialist

INTERESTED PARTIES:

Michelle Wilson	Local resident and customer
Stephen Blakeman	Vice Chairman, Exbourne with Jacobstowe Parish Council

HEARING DOCUMENTS

1. Livestock information document