

Appeal Decision

Hearing held on 28 August 2024

Site visit made on 28 August 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th of September 2024

Appeal Ref: APP/U1105/W/24/3344323

Land at Dunsmore Farm, Silverton EX5 4DX

- 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 Mark Weekes against the decision of East Devon District Council.
 - The application Ref is 23/1849/FUL.
 - The development proposed is erection of a permanent rural worker's dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a permanent rural worker's dwelling at Land at Dunsmore Farm, Silverton EX5 4DX in accordance with the terms of the application, Ref 23/1849/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Before the hearing, the Council submitted in evidence a planning permission¹ for change of use of a barn at Dunsmore Farm that had been granted by Mid Devon District Council (MDDC) in August 2024. I consider this to be relevant to the appeal because it is directly related to the agricultural unit in question. Given the decision date, I accept it could not have been submitted earlier. I gave the appellant the opportunity to comment in writing on the relevance of this decision to the appeal prior to the start of the hearing, and the matter was discussed during the hearing itself. I am therefore satisfied there has been no procedural unfairness in my taking account of this additional evidence.
3. The Council has consulted on an emerging draft Local Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This is a relatively early stage in plan preparation, and I am not aware of the extent of unresolved objections or whether the emerging policies will be considered as consistent with the National Planning Policy Framework (the

¹ Permission reference 24/00769/FULL granted 14 August 2024

Framework). Consequently, in accordance with Framework paragraph 48, I give it little weight.

4. On 30 July 2024 the Government published a consultation on proposed reforms to the Framework and other changes to the planning system. At the hearing, both parties said the proposed reforms are not directly relevant to this appeal. I concur.

Main Issues

5. The main issues are:

- whether the site represents an appropriate location for the proposed development, having regard to the settlement strategy; and
- the effect of the proposal on the character and appearance of the surrounding countryside.

Reasons

Appropriate location

6. The appeal site is outside of settlement boundaries so is in the countryside for planning policy purposes.
7. The proposed dwelling would be some distance from the nearest settlements. Although there are a few dwellings on the other side of the lane from the appeal site, the new house would not be close enough to them to form a proximate cluster of homes. Consequently, I find the proposal would comprise an isolated home in the countryside. Paragraph 84 of the Framework states planning decisions should avoid such development unless one of several circumstances apply, one of which is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
8. The relevant Policies in the East Devon Local Plan 2016 (EDLP) are broadly consistent with this approach: Strategy 7 supports development in the countryside only where it accords with a specific development plan policy that explicitly permits it; and Policy H4 states permission for dwellings for persons employed in rural businesses will be granted where several criteria are fully satisfied.
9. The Council recognises Dunsmore Farm is an established business with clear prospects of remaining commercially viable and that the functional need for a permanent new dwelling to house a full-time farm worker has been demonstrated. The occupant would be the appellant's son, who would be employed full-time in the business. The Council accepts the scale of the proposed dwelling would be commensurate with the scale of the established functional need, and that this need could not be met by an existing dwelling within a nearby location or settlement. On the evidence before me, I see no reason to disagree with these findings.
10. The EDLP Policy H4 criteria that are in dispute are at sections 1 and 5 of the Policy. Section 1 requires the occupier of the proposed rural worker's dwelling to be housed permanently "on the unit or in the specific rural location for functional reasons".

11. The Dunsmore Farm enterprise comprises some 270 hectares of land, of which the majority is owned by the appellant. This includes an extensive area of fields surrounding the main Dunsmore farmstead, which is used for a combination of sheep and arable farming. The appellant confirmed at the hearing that the activity on individual fields varies from year to year, and sometimes within the year, according to business needs and soil management requirements. The appeal site is in the corner of one of these fields, so is part of the farming enterprise. I am satisfied this field is sometimes used for growing crops and sometimes for grazing sheep, notwithstanding the aerial photographs provided, which show snapshots in time only.
12. The appellant also confirmed that sheep and lambs require attention across different parts of the farm and throughout the year, not just within the livestock buildings at the main farmstead. Furthermore, the farm's business plan would involve a higher proportion of outdoor lambing in future years. Consequently, even during the intense lambing period, the requirement for the occupant of the proposed dwelling to attend to sheep away from the main farmstead and across different parts of the holding would increase.
13. The somewhat elevated position of the appeal site would allow surveillance across a greater proportion of the farm than from the main farmstead alone. The site would also enable quick access to several parts of the holding using an all-terrain vehicle or via the adjacent road. This would have benefits for both livestock management and for mitigation of security risks, which the appellant confirmed could occur on any part of the farm.
14. Taking all this together, I am satisfied the proposed dwelling would be located on the agricultural unit and would serve the functional needs that have been identified. Consequently, I find the requirements of EDLP Policy H4 section 1 would be satisfied.
15. Section 5 of EDLP Policy H4 states there should be no buildings on the operational holding suitable for conversion to meet the residential need. Most buildings at Dunsmore farmstead are purpose-built agricultural and industrial structures in active commercial use. There is a Grade II listed barn, which I understand is used for storage. Even if it were available for conversion, there is no compelling evidence to persuade me permission for residential use of this barn would be granted, bearing in mind its status as a designated heritage asset and its relationship with other listed buildings at the farmstead. This is notwithstanding policy support within MDDC's development plan for the reuse of redundant agricultural buildings.
16. I acknowledge the former threshing barn is redundant. However, permission for its change of use to Class E has recently been granted². In its decision report, MDDC identified demand for an alternative business use and found the proposed commercial use would not result in any significant harm to the setting of the designated heritage assets or fabric of the barn itself. There is no pertinent evidence that MDDC would make a comparable assessment of heritage impact for a proposed residential use of the building. In any event, there is every likelihood the appellant will implement the permission for

² Reference 24/00769/FULL

change of use, in which case the barn would not be available as a potential dwelling.

17. There is no suggestion of buildings elsewhere on the operational holding that could be suitable for conversion to residential use. There is also little to substantiate the suggestion of other land more suitably located to fulfil the functional need. Therefore, on the evidence before me, I am satisfied there are no other more suitable alternatives to the appeal site currently available on the holding. Consequently, I find the test at section 5 of EDLP Policy H4 has been addressed.
18. The new dwelling could be tied to the farm business via an occupancy condition, were the appeal to be allowed.
19. At the hearing, the Council confirmed its concern over the 'unsustainable location' of the appeal site and conflict with EDLP Policy TC2 followed from the conflict it had identified with EDLP Policy H4. It has raised no concern with the levels of car-use the proposal would generate and, on the evidence before me, I see no reason to disagree. Therefore, given the need for a rural worker's dwelling has been fully demonstrated, I am satisfied the sustainability of the proposed location has been addressed through the exception-based policy approach to development in the countryside.
20. For the above reasons, I conclude the site represents an appropriate location for the proposed development, having regard to the settlement strategy. Accordingly, I find no conflict with EDLP Policies Strategy 7, H4 or TC2. I also find no conflict with paragraph 84 of the Framework.

Character and appearance

21. The countryside surrounding the appeal site is gently undulating and comprises fields, pockets of woodland, hedgerows, narrow country lanes and occasional farmsteads. It has the character of a working agricultural landscape. The appeal site itself is occupied by a pole barn with associated hardstanding and agricultural paraphernalia.
22. The dwelling's proposed siting in the corner of a field already occupied by a structure and close to a lane and hedgerow would attenuate its impact on the landscape. The house would be seen from the lane, but its form and design would be relatively understated and materials appropriate to the area could be secured by condition, were the appeal to be allowed. There would be a modest increase in soft landscaping, which would help integrate the development into the countryside. The proposed parking and turning area would be largely concealed between the house and the hedgerow. Opportunities to glimpse distant landscape from the lane would increase with the removal of paraphernalia surrounding the current barn. Overall, as a working part of an active farming enterprise, the proposed rural worker's dwelling would not look out of place in its agricultural context.
23. I therefore conclude the proposal would not have a harmful effect on the character and appearance of the surrounding countryside. Accordingly, I find no conflict with EDLP Strategy 7, which requires development in the countryside not to harm the distinctive landscape, amenity and environmental qualities within which it is located; or with EDLP Policy D1,

which requires development to respect the key characteristics and special qualities of the area in which it is proposed. I also find no conflict with the Framework, where it seeks development that is sympathetic to local character, including the surrounding landscape setting.

Other Matters

24. The complex of buildings on the main Dunsmore farmstead includes Dunsmore Farmhouse (Grade II* listed), its gateway arch and wall (Grade II listed), and the Grade II listed barn. The Farmhouse originates from the early-16th century, with several later alterations and extensions; and the 19th century barn's plinth could be contemporary with the 16th century arch and wall. The significance of the structures as designated heritage assets is derived primarily from their vernacular agricultural architecture and their historic function as a cluster of farm buildings around their farmyard. The setting of the listed buildings is largely functional and is defined primarily by the rural farmstead and the associated farm buildings.
25. The appeal site is some distance from the main Dunsmore farmstead with remote inter-visibility. The main façade of Dunsmore Farmhouse faces into the farmyard, away from the appeal site. There is no suggestion of an historic functional link between the appeal site and the original Farmhouse. Consequently, I find the appeal site does not form part of the setting of the listed buildings.
26. According to the appellant's Heritage Assessment (HA), the appeal site is located within a wider landscape containing evidence of potential prehistoric to Romano-British archaeology. However, the potential for previously unknown archaeology to be present within the site itself is identified as low. At the hearing, the Council confirmed the County Archaeologist has raised no concern with the proposed development and has not requested an exploratory investigation of the appeal site. I am therefore satisfied there is no need to secure such an investigation via condition.

Conditions

27. I have considered the conditions put forward by the Council and have taken account of the parties' comments on these at the hearing. I have amended the wording where necessary in the interests of clarity and simplicity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
28. The conditions relating to site levels, external materials and finishes, and landscaping are necessary to ensure a satisfactory appearance for the development and to protect the character of the surrounding countryside.
29. The condition requiring compliance with the recommendations of the appellant's Preliminary Ecological Appraisal is necessary to protect biodiversity. The condition securing approval of external lighting details is necessary for the same reason, and to protect the character and appearance of the surrounding area.
30. The condition restricting occupation of the dwelling is necessary to comply with section 6 of EDLP Policy H4. The condition removing permitted

development rights for enlargement or alteration of the house and for the erection of buildings incidental to its enjoyment is necessary to ensure the size of the dwelling remains commensurate with the scale of the established functional need, in accordance with EDLP Policy H4.

Conclusion

31. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Mark Weekes	Appellant/landowner
Mrs Tracy Weekes	Appellant's wife
Miss Naomi Jackson BA Hons MSc MRTPI	Associate Director XL Planning Ltd
Miss Gabrielle Wilde BA Hons MSc	Planning Consultant XL Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Ms Lynne Shwenn MRTPI Senior Planning Officer - East Devon District Council
Mr Paul Golding MRTPI Senior Planning Officer - East Devon District Council

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: PSP/DF/23 Page 01 Location Plan and Page 02 Existing Site Plan; EFP/WF/23 Existing Floorplan; EEL/WF/23 Existing Elevations; PBP/WF/23 Proposed Block Plan; PFP1/WF/23 Proposed Ground Floor Plan; PFP2/WF/23 Proposed Ground Floor Plan; PFF2/WF/23 Proposed First Floor Plan; PEL/WF/23 Proposed Elevations.
- 3) The development hereby permitted shall be carried out in accordance with the recommendations in sections 5 and 6 of the Preliminary Ecological Appraisal by Western Ecology, dated December 2022.

- 4) Notwithstanding condition 2, no development above ground level shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) Notwithstanding condition 2, no development above ground level shall take place until details and samples of the materials and finishes to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 6) Notwithstanding condition 2, no development above ground level shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - any localised regrading of site levels;
 - all existing trees and hedgerows to be retained on and adjoining the site and measures for their protection throughout the course of the development;
 - new planting including layout, number, species mix and plant size;
 - areas of hardstanding including finished surfacing materials;
 - boundary treatments.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and 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.
- 7) Prior to the installation of external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 8) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken.

End of schedule