Planning Inspectorate

Appeal Decision

Hearing held on 14 January 2025

Site visit made on 14 January 2025

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2025

Appeal Ref: APP/Y1138/W/24/3353131
Greenacres, Road From Thorne Cross To Hole Cross, Cheriton Bishop, Devon EX6 6HW

- 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 Kellaway against the decision of Mid Devon District Council.
- The application Ref is 24/00493/FULL.
- The development proposed is replacement of a static caravan for an agricultural workers dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the implications of this change and no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issue

3. The main issue is whether there is an essential need for a rural worker to live permanently at the appeal site with particular regard to the financial viability of the enterprise.

Reasons

4. The Framework seeks to avoid the development of isolated homes in the countryside, unless certain circumstances apply, including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Furthermore, in assessing such a need, the Planning Practice Guidance[1] refers to, amongst other things, the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.

5. Policy DM8 of the Mid Devon Local Plan 2013-2033 (LP) seeks to support rural worker's dwellings providing, amongst other things, that the rural enterprise is currently financially sound, and has a clear prospect of remaining so.

6. The appellant has provided financial information, which whilst simplistic, outlines income, certain expenditure and profits over three financial years. These details show a modest increasing profit of £3690.40 in 2021/22, £9068.11 in 2022/23 and

[1] Paragraph: 010 Reference ID: 67-010-20190722

£11360.15 in 2023/24. There has also been a further additional modest profit from the appellant diversifying the business since April 2024 by way of selling eggs for breeding/hatching purposes. The evidence indicates that monthly income from this diversification ranges from £75 (May 24) to £198 (August 24), and I heard at the Hearing how the appellant wishes to expand this area of the business.

7. Furthermore, the agricultural appraisal[2] (AA) includes predicted figures for the year ending 31 March 2025, which indicates a substantial increase in turnover and profits. However, at the Hearing, the appellant stated that this has been over-estimated, although no evidence was provided of the likely profit for this year.

8. The appellant also stated that he had personally invested in the business through the erection of agricultural buildings at the appeal site, and this was funded privately. However, the profits have been calculated without consideration of other costs associated with the enterprise. These include electricity, with electricity bills being £2607.84 for the period of October 2022 – October 2023, or water bills, which I heard at the Hearing were in the region of £120 per quarter.

9. In terms of any other costs which have not been detailed, the appellant confirmed at the Hearing that other expenditure that could be expected for such an enterprise, such as maintenance & repair of equipment are dealt with by the appellant at minimal cost. Furthermore, financial costs have been provided within the AA, which whilst minimal, I am told covers such items as legal and insurance fees.

10. Nevertheless, I heard that a vehicle is required to collect feed, and a vet is sometimes required in relation to vaccinations or animal welfare. Although I was told historically this has not resulted in any significant cost, these items could also result in additional expenditure in the future that are not clearly accounted for.

11. Additionally, I heard that a mobile home currently on the site which had benefited from temporary planning permissions[3], is occupied by an employee. I was told this employee works 1 or 2 hours a day, with the appellant also working full time at the enterprise. Whilst it was explained to me that the employee lives in the mobile home ‘rent free’ and does not receive a salary, and the appellant utilises the profit made by the enterprise as his salary, salaries are nevertheless also not detailed within the submitted accounts.

12. Furthermore, I also heard that the proposed dwelling would be financed by the sale of the appellant’s existing house, although a bridging mortgage would be required during the construction period. In combination these additional expenditure costs, however minimal the individual costs may be, would inevitably result in a further unaccounted reduction in the profitability of the enterprise.

13. Whilst there is no defined threshold of what level of profit is required to demonstrate that an enterprise is financially sound, it is reasonable to consider that the enterprise should provide a reasonable living wage and sufficient income to sustain the costs of building and running a dwelling.

14. The detailed profit levels year on year are low and would be reduced further by the expenditure not provided in the financial details. Although profits may be increased by the appellant’s diversification and/or expansion of the enterprise, there is no

[2] Neil Jory ACIB ACIS
[3] 18/008325/FUL, 21/01418/FULL

business plan or projection with anticipated profits before me that provides confidence that this would increase the profit margin by a significant amount.

15. The enterprise has had challenges associated with avian flu and COVID-19 which has delayed business growth. Nevertheless, whilst the enterprise may contribute to the local economy, the profit levels are not sufficient to demonstrate that the enterprise is able to provide a reasonable wage for a full-time worker or sustain the costs of building and running the proposed dwelling, whilst remaining financially viable for the foreseeable future.

16. Consequently, I conclude that it has not been demonstrated that there is an essential need for a rural worker to live permanently at the appeal site with particular regard to the financial viability of the enterprise. The proposal conflicts with LP policies S1, S14 and DM8, which seek amongst other things to promote sustainable development and support a prosperous rural economy.

Conclusion

17. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations individually or cumulatively are of such weight that indicate a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Edward Persse – Planning Agent;
Matthew Kellaway – Appellant;
Carrie-ann Quinton – Appellant's partner.

FOR THE LOCAL PLANNING AUTHORITY:

Helen Govier – Principal Planning Officer;
Adrian Devereaux – Area Team Leader.