



Appeal Decisions

Hearing held on 14 January 2025

Site visit made on 14 January 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal A Ref: APP/Q1153/W/24/3346316

Land adjacent to Catsmoor Cross, Bridestowe, Sourton EX20 4QD

- 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 and Mrs Horn against the decision of West Devon Borough Council.
 - The application Ref is 3173/23/FUL.
 - The development proposed is described on the application form as 'Retrospective application for the retention of an agricultural barn'.
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Appeal B Ref: APP/Q1153/W/24/3346321

Land adjacent to Catsmoor Cross, Bridestowe, Sourton EX20 4QD

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 A Horn against the decision of West Devon Borough Council.
 - The application Ref is 3200/23/FUL.
 - The development proposed is provision of a temporary rural workers dwelling (mobile home).
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for an agricultural barn at land adjacent to Catsmoor Cross, Bridestowe, Sourton EX20 4QD in accordance with the terms of the application, Ref 3173/23/FUL, and the plans submitted with it, subject to the conditions in the attached Schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for provision of a temporary rural workers dwelling (mobile home) at land adjacent to Catsmoor Cross, Bridestowe, Sourton EX20 4QD in accordance with the terms of the application, Ref 3200/23/FUL, and the plans submitted with it, subject to the conditions in the attached Schedule.

Preliminary Matters

3. There are minor inconsistencies in the site address as it appears on the application form, appeal form and decision notice. For the avoidance of doubt, I have used the site address given in the agreed Statement of Common Ground (SoCG).

4. The relevant plans for the appeals were set out in the SoCG and clarified by the main parties at the hearing. I have proceeded on the basis of these.
5. Appeal A relates to an agricultural barn which has been erected on site but not yet completed in accordance with the submitted plans. Appeal B relates to the provision of a caravan for occupation by a rural worker. The appellants are currently living in a caravan on the appeal site. This has a lean-to structure to the side and has not been sited in accordance with the submitted block plan. I have determined the appeal on the basis of the submitted plans.
6. In relation to Appeal A, I have used a different description in the formal decision which more accurately describes the proposal and leaves out words that are not development.
7. I have used the word 'appellants' throughout my decision as although Appeal B has just one appellant named on the application form, the enterprise is run by both Mr and Mrs Horn.
8. Since the Council's decisions a revised version of the National Planning Policy Framework (the Framework) has been published. The main parties have had the opportunity to comment on this and I have considered it in my determination of these appeals.

Main Issues

9. With regards to Appeal A, the main issue is whether there is a proven agricultural need for the barn.
10. With regards to Appeal B, the main issues are whether there is an essential need for a rural worker to live at or near their place of work in the countryside and whether the business is planned on a sound financial basis.
11. With regards to Appeals A and B, the main issue is the effect on the character and appearance of the area.

Reasons

12. There is no dispute between the parties that the appeal site is in an isolated location within the countryside where development is necessarily limited, including to that where there is a proven agricultural need that requires a countryside location. This is set out in Policy TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (LP).
13. The appellants' dispersed holding extends to approximately 50 hectares (120 acres) with the majority of the land being rented. Both appeal sites are located within the area of land owned by the appellants. The remainder of the holding is made up of three fields in the same vicinity as the appeal sites with additional grazing on common land. Other than the barn the subject of this appeal, there are no other buildings on the holding.
14. The current business is based on a suckler herd of 23 suckler cows with 18 calves, 15 yearlings and a bull. In addition, the appellants keep 23 sheep and a ram. They also grow and cut silage for feed and sale.
15. Plans for the business include increasing the suckler herd to 30 cows with 70 followers and bucket rearing calves in two batches per year with an opportunity for a third batch in summer. They also intend to run a pig rearing and fattening

enterprise with 2-3 sows farrowing twice a year and bought in weaners to fatten. This expansion of the enterprise relies on the appeals succeeding.

Appeal A

Proven agricultural need for the barn

16. At the hearing, the appellants explained that they were grazing sheep and yearlings on a combination of owned and rented land in the vicinity of the appeal site. Cattle were also grazed on the common land which is some distance away from the application site, near Lydford. The current enterprise is therefore made up of dispersed land.
17. Livestock are brought from these various locations to the building for calving and lambing. I observed that the building was housing livestock. The tractor and feed were stored in the open as there was no space in the barn. The barn is therefore required for the existing enterprise to function and the dispersed nature of the holding does not diminish the need for the building.
18. The proposed enterprise would involve bucket-rearing calves and they would also require housing. The Council's agricultural consultant acknowledges that a building is 'critical' for the management of the proposed livestock enterprise. Therefore, in order for the proposed enterprise to develop, shelter for livestock is required.
19. Therefore, there is an existing need on the holding for a barn and that need would grow with the expansion of the enterprise. The existing and planned enterprises are reliant on the availability of rented land, a matter which I shall come on to later. However, Policy TTV26 of the LP and the accompanying SPD¹ do not require that responding to a proven agricultural can only occur on owned land.
20. Therefore, in order for the existing enterprise to function and the proposed enterprise to develop, shelter for livestock is required. In respect of Appeal A, the proposal for a barn responds to a proven agricultural need that requires a countryside location. For this reason, no conflict with Policy TTV26 (2)(iv) of the LP occurs.

Appeal B

Essential need for a rural worker to live at or near their place of work in the countryside

21. There is nothing in Policy TTV26 of the LP or the Framework which explicitly sets out how an essential need to live on the holding should be demonstrated. Paragraph 11.58 of the SPD² requires applicants to provide 'operational details of the farm business'.
22. The appellants' submissions include a 'Full Holding Labour and Essential Need Analysis' (ENA) which provides a breakdown of the various tasks involved in running the proposed farming system at the holding, including the labour hours required to carry out those tasks. The appellants' figures indicate a need for two full-time workers.

¹ Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document 2020

² Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document 2020

23. The ENA is based on the actual time which would be taken to complete tasks on this specific holding. It sets out those tasks which need to be carried out outside of normal working hours. Whilst lambing is for a relatively short period in the year, calving takes place year-round and there is a need to provide immediate aftercare. The bucket reared calves require welfare checks as well as regular feeding. Each sow would farrow twice a year and can lie on their piglets if left unchecked. The appellants also referred to incidents of animals escaping and their vulnerability to theft and trespass. As a small enterprise, these tasks take longer because it is more labour intensive and the financial consequences to a small enterprise if livestock are lost are more greatly felt. Whilst they acknowledge that no one part of the business justifies an on-site presence year-round, the appellants assert that collectively, the tasks would require an on-site presence at most times.
24. The ENA has not used the standard approach using the Nix Farm Management Pocketbook (Nix), advocated by the Council. The Council calculate that the proposed need would only amount to a part-time labour requirement, although they provided no figures based on Nix or similar approaches, to demonstrate this.
25. I find that the appellants approach is reasonable due to the small scale of the enterprise and its dispersed nature which means that tasks would take longer. On the basis of the information provided, I am satisfied that the operational requirements demonstrate that if the business expands as envisaged, there would be a need for two full-time workers.
26. The Council say that no evidence of the availability of suitable properties in the area have been provided with the appeal. Given that the appellants' case is that the essential need on the holding can only be satisfied by living on the appeal site, it is not unreasonable that they have not undertaken a search of available properties in the local area.

Planned on a sound financial basis

27. The appellants were not able to provide any accounts for the current enterprise which started when they moved onto the site in September 2023. They have provided unaudited accounts for the final three years of their previous farm business tenancy elsewhere which indicated that a profit was made.
28. A financial projection summary³ (FPS) for the proposed business for a twelve month period was submitted. This indicates that with the proposed levels of livestock, a profit would be forthcoming at the end of that period. However, it does not indicate what twelve month period this covers nor the projected performance of the business over a sustained period.
29. The Council had concerns that the Single Farm Payment, a Government farming subsidy, in the FPS had been overstated although I understand that the final figures had not been clarified by the issuing authority. If this income was to be significantly less than envisaged, it would cast doubt on whether the enterprise could be profitable.
30. There is limited evidence to demonstrate the security of the tenure of the land required for grazing livestock. Whilst it is not unusual for holdings to be made up of rented land, the tenancy agreements submitted with the appeal lack

³ Document titled 'Financial 12 month projection summary – Horn, Catsmoor Cross'

substance and do not cover all the land farmed by the appellants. The appellants have been grazing cattle on the common land in excess of twenty years without any formal agreement. These animals are 'leared' which means they are accustomed to the public accessing the land so there is no evidence that this is likely to be terminated in the near future. However, should this occur, I have no substantive evidence that replacement land could be secured. The appellants did advise at the hearing that they had secured the rental of a further five hectares of grass keep at Meeth although no copies of rental agreements were provided to me.

31. I therefore have some concerns about the information before me. The appellants have experience in running an agricultural enterprise. They have utilised their existing knowledge and experience to project income and costs as best they can bearing in mind that, in the absence of permission for the barn and caravan, they have not yet been able to fully develop the enterprise. A temporary permission for the caravan would provide sufficient time for them to expand the business as set out in their submissions, provide robust evidence that the business is financially sound and to secure further land as necessary.
32. In summary of all the above, I am satisfied that the multifaceted nature of proposed business and particularly the animal welfare requirements would amount to an essential need for a rural worker to live at their place of work in the countryside. In the absence of robust financial evidence and given that the enterprise has yet to fully develop, a temporary three year permission to enable them to establish the business is justified. Accordingly in respect of Appeal B, no conflict would arise with Policies SPT1, SPT2, TTV1, TTV2 and TTV26(2)(iv) of the LP which set out the strategy for the location of development and the need to protect the special characteristics and role of the countryside.

Appeal A and B

Character and appearance

33. The appeal sites are located on elevated land in a gently rolling pastoral landscape. The area is covered by the South Hams and West Devon Landscape Character Assessment 2018 where the key characteristics of the Moorland Edge Slopes landscape type (LCT 2D) includes elevated land, sparse settlements, clustered farmsteads and little modern development. The field pattern is described as small-scale with field boundaries based on medieval or post-medieval enclosures. The appeal sites and the landscape in which they are located, display these characteristics.
34. The barn is sited close to the northern boundary of the field, and the relocated caravan would be. The remainder of the field remains open and free from development and the existing hedges would be retained. This means that when the appeal sites are viewed from the south, there is no interruption to the established field pattern as indicted on the 1844 tithe maps.
35. The appeal sites are located close to a modern farm complex at Rowden. Despite being set away from the buildings there, when approaching the appeal site from either direction along the road to the north, the barn and the site for the caravan are seen together with the buildings at Rowden and therefore do not appear as isolated features within the landscape.

36. Although the barn has been dug into the slope of the land so that the boundary hedge provides a degree of screening from the road, it occupies an elevated position in the landscape. From viewpoints to the east and south, the barn is visible in the wider landscape. However, from a number of locations, the barn is seen against rising land to the north and does not break the skyline. Elsewhere, it is seen together with an existing cluster of development at Pool or in views where the neighbouring buildings at Rowden are also visible.
37. No landscaping scheme has been proposed. However the residual effects of the barn could be mitigated by the introduction of landscaping to the southern boundary of the appeal site. This could be secured by an appropriately worded planning condition. This would accord with Policy EH5 of the Bridestowe and Sourton Neighbourhood Development Plan 2016-2034, made September 2012 (NP), which encourages the provision of additional planting of native trees and hedges to enhance the landscape character of the wider area within the two parishes. For these reasons, I do not find that it would be necessary to restrict any subsequent use of the building through the removal of permitted development rights.
38. The caravan would be located close to the barn. Made of materials which are less commonplace in the countryside, it would be out of character in this rural setting. However, it would be sited on a temporary basis, small-scale and located adjacent to the barn which would minimise its impact on the wider landscape. A landscaping scheme for the barn would also inevitably provide some screening of the caravan for the period that it would be in-situ but it would be necessary to secure appropriate hard surfacing and means of enclosure details by condition given its rural location.
39. The Council refer to lower areas of ground within the field which they found to be preferable to the current siting of the barn. Indeed, they raised no objection to a Prior Approval proposal in 2007⁴ for a building approximately 40 metres away. However, I must consider the proposal before me.
40. Policy DEV23 of the LP requires that development conserves and enhances landscape character and scenic and visual quality. However, the proposal introduces a barn and a caravan into the countryside landscape that would be visible from a number of public vantage points. Accordingly, they cannot be said to enhance landscape character and the scenic and visual quality of the area. That said, given the small scale of the caravan and with a landscaping scheme in place for the barn, I am satisfied that the appeal proposals would not give rise to a harmful effect on either landscape character or visual amenity. Overall, I am satisfied that the proposals in Appeals A and B comply with the requirements of Policy DEV23 of the LP which seeks to avoid significant and adverse landscape or visual impacts and Policies EH1 and EH5 of the NP which seek to respect, conserve and enhance where possible the landscape character of the area including through the provision of additional planting.

Conditions

41. I have had regard to the advice in the Planning Practice Guidance, the conditions provided by the Council and the discussion regarding conditions at the hearing. I have considered all the suggested conditions and imposed them

⁴ LPA Ref: 10296/2007/OKE

where they meet the tests set out in Paragraph 57 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.

42. In respect of Appeal A, a time limit condition is not necessary as the construction of the barn has already commenced. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty.
43. A condition relating to external lighting is necessary to safeguard the character and appearance of the area. I have also attached a condition to ensure that details of landscaping, drainage and biodiversity enhancements are submitted, approved and implemented. I have applied a timetable for compliance given the retrospective nature of the scheme. This ensures it is enforceable. This condition is necessary in the interests of surface water management and biodiversity.
44. I have not imposed a condition restricting permitted development rights for other uses as I do not find that such a condition is reasonable or necessary to make the development acceptable.
45. In respect of Appeal B, and for the same reasons as Appeal A, I have imposed conditions requiring that the development is carried out in accordance with the approved plans and controlling external lighting.
46. A condition requiring the submission of a drainage scheme is necessary to ensure that adequate facilities are put in place to deal with surface water and foul drainage
47. In order to establish if the business as envisaged is viable, it is necessary to impose a condition making the permission temporary and requiring the removal of the building at the end of that period. In the interests of the appearance of the area it is also necessary to include a re-instatement clause. It is also necessary to restrict the occupancy of the caravan to a rural worker and their resident dependents given its countryside location.

Conclusion

48. For the reasons set out above, both appeals should be allowed.

Alison Fish

INSPECTOR

Schedule of Conditions

Appeal A

- 1) The development hereby permitted shall be carried out in accordance with the following unnumbered drawings: Location plan (dated 19 September 2023), Block plan (undated) and the two elevation drawings referenced QWCAH Agricultural Barn.

- 2) No external lighting shall be installed on the building hereby permitted unless it is in accordance with details which shall have first been submitted to and approved in writing by the local planning authority.
- 3) The building hereby permitted shall be demolished and all associated equipment and materials brought onto the land shall be removed within three months of the date of failure to meet any one of the requirements set out in i) to vi) below:
 - i) Within three months of the date of this decision a scheme which shall include details of hard and soft landscaping including any means of enclosure shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) Within three months of the date of this decision a scheme which shall include details of surface water drainage shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - iii) Within three months of the date of this decision a scheme of biodiversity enhancements which shall include bat boxes and bird boxes shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - iv) If within twelve months of the date of this decision the local planning authority refuse to approve the submitted details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - v) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - vi) The approved details shall have been implemented in accordance with the approved timetable.

Upon implementation of the approved details specified in this condition, the approved works shall thereafter be maintained. If within a period of five years from the implementation of the soft landscaping, any trees or plants which formed part of the approved details die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Appeal B

- 1) The use hereby permitted shall be for a limited period of three years from the date of this decision. At the end of this period, the use hereby permitted shall cease. Within three months of the date of the use ceasing, the caravan and any associated structures shall be removed and the land restored to its condition before the development took place or in accordance with a scheme of work which shall first have been submitted to and approved in writing by the local planning authority.
- 2) The development hereby permitted shall be carried out in accordance with the following unnumbered drawings: QWCAH Location Plan (undated) and block plan (undated).
- 3) The use hereby permitted shall not commence until a foul, surface and waste water drainage scheme and a timetable for its implementation shall have been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be carried out in accordance with the approved timetable and retained for the lifetime of the permission.
- 4) The use hereby permitted shall not commence until details of any means of enclosure and hard surfacing together with a timetable for its implementation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in accordance with the approved timetable.
- 5) The occupation of the caravan hereby permitted shall be limited to a person solely or mainly or last employed in the locality in agriculture or forestry, as defined in Section 336 of the Town and Country Planning Act 1990 (as amended), or a widow or widower or surviving civil partner of such a person and to any resident dependants.
- 6) No external lighting shall be installed on the caravan hereby permitted or within the application site unless it is in accordance with details which shall have first been submitted to and approved in writing by the local planning authority.

APPEARANCES

FOR THE APPELLANT:

Mr J Gower

Quiet Waters Consultancy

Mrs A Horn

Mr G Horn

FOR THE LOCAL PLANNING AUTHORITY:

Mrs H Easter MRTPI MSc BA (Hons)

Senior Planning Officer

Mr A Noon

Principal Planning Officer

Mr S Machin FRICS FAAV

Chartered Surveyor and Agricultural Valuer

Mrs A Urmson CMLI

Senior Specialist Natural Environment
(Landscape)