



Appeal Decision

Hearing held on 5 March 2025

Site visit made on 5 March 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/Y1138/W/24/3346562

**West Newton, Road from Farley's Grave to Newton Cross, Zeal Monochorum
EX17 6LL**

- 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 L Wilson and E Hosegood against the decision of Mid Devon District Council.
 - The application Ref is 23/00085/FULL.
 - The development proposed is resubmission - erection of 3 worker's dwellings in replacement of three rural workers' caravans.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the original application form which is broadly replicated in the Council's decision notice.
3. The appellants and Council were provided with an opportunity to revisit two suggested conditions on a without prejudice basis and submit their respective positions following the close of the hearing. The related correspondence was received on the 11 March 2025, including an alternative plan, Ref *P1/SLP/2021 Rev B*, (with annotation changes to omit removal of one of the caravans). In respect of the changes proposed by the correspondence and amended plan, consideration should be given to the tests in *Holborn Studios Ltd*¹, as to whether the changes would result in a development that is in substance different from that applied for. I consider that incorporating the suggested changes and taking account of the amended plan would result in a development different in substance to that originally applied for and considered. Though I return to this later in my decision, I shall determine the appeal on the basis of the development described in the original application form and detailed in the submitted plans.

Main Issue

4. The main issue is whether there is sufficient justification for the proposed permanent rural workers' dwellings, having regard to the policies of the development plan.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

Reasons

Justification

5. The proposal seeks to construct a short terrace of three dwellings to the north-west of the farmyard complex which would be restricted to occupation by staff based at the site. The three dwellings would contain a total of seven bedrooms (1 No 3 bed and 2 No 2 bed). The plans detail that three existing caravans accommodated by staff would be removed from the site in lieu of the dwellings.
6. The written evidence supporting the application and appeal seemed relatively dated despite the application having been submitted in January 2023. It transpired that some evidence had been reused from an earlier application (for a scheme for five dwellings) and that despite seeking to appoint an appropriate specialist to prepare a bespoke justification statement, none had felt as though they were sufficiently familiar with the scale and specialist nature of the businesses to make a robust case. Therefore, the hearing discussion was useful for understanding the case being presented by the appellant, also taking into account a number of changes that have since occurred.
7. In terms of the planning policy context, Policy S1 of the *Mid Devon Local Plan* (adopted 2020) (Local Plan) seeks to promote a sustainable pattern of development within the district, through means such as focussing development within the main settlements and allowing only limited development in identified villages. Policy S14 further explains the approach to the countryside and indicates that outside of the defined settlements, development will be expected to preserve character, appearance and biodiversity while promoting sustainable diversification of the rural economy. Detailed development management policies are promoted as the assessment tool for proposals in the countryside.
8. Local Plan Policy DM8 is the relevant development management policy to assess rural workers dwellings and indicates that permission will be granted where:
*“a) It can be demonstrated that the nature and demands of an existing rural business are such that a full time worker has an essential need to be permanently resident at or near their place of work so that they are available most times.
b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site;
c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site; and
d) The rural enterprise has been established for at least three years, is currently financially sound and has clear prospects of remaining so.”*
9. The appeal site and wider holding lie within a rural location around 5km from the closest settlement of North Tawton. They host a number of separate but interrelated businesses that predominantly centre around the breeding of competition horses that has evolved from its original beginnings some twenty or so years ago. The evidence underpinning the appeal application referred to *Newton Equine Services*, *Newton Stud*, *Elite Stallions UK*, the agricultural farming enterprise - *EJ Hosegood and Partners* and *Equus Vets*. *Elite Dressage UK* is a separate company based at the site not strictly linked to the proposal. Since the

refusal of the appeal application, *Equus Vets* has moved and is no longer within the control of either of the appellants. A new business, *Equii Arts Ltd*, has been created.

10. Whilst the 'red line' identifying the appeal site on the location plan encloses the area on which the dwellings are to be constructed and the existing caravans, the blue line encompasses the main farm dwelling, a dressage arena, the yard, office, a shared staff house, a laboratory and recently constructed *intracytoplasmic sperm injection* (ICSI) laboratory, some grazing land, and other largescale livestock and storage buildings of various sizes. From the evidence, the wider holding within which the yard complex sits broadly comprises over 250 hectares of farmland, used for mixed arable and pastoral purposes. Feed and bedding for the animals is produced and used on the holding. Cattle and sheep are also bred, reared and sold on in large numbers.
11. The evidence refers to a 'horse village' or 'horse farming', though the evidence also underscores that each individual equine is highly valuable; a point not disputed by the Council. The evidence indicates that around 85 – 100 foals are born each year, and that care is also given to around 80 one year olds, 60 two year olds and 20 three year olds. In addition, other mares are brought to site for reproductive treatments.
12. In terms of whether the rural enterprise has been established for at least three years, is currently financially sound and has clear prospects of remaining so, accounts were provided for only one of the businesses, *Newton Equine Services*, for the accounting years ending 2020, 2021 and 2022. The financial security of this particular business did not appear to be in doubt and clearly this is only one of the businesses which is represented on site which shares in the costs of staffing and overheads. In one of the documented accounting years, a grant award had been secured which was indicated as being linked to the ICSI laboratory. Notwithstanding the absence of planning permission for the same, it was clear from the site visit that this had been an area that had received investment recently. Therefore, taking a holistic view of the scale and diversity of the businesses and the period of time over which they have evolved, I consider that the key businesses are well established and financially sound.
13. During the hearing, discussion was held about the number of staff, the nature of their contracts and with which business they are engaged, whether full or part time and, in some cases, where they currently live. The total of around 21 full time equivalent staff appears broadly accurate, although the contractual obligations and duties performed can be with any one or numerous of the aforementioned businesses due to the way that they are interrelated.
14. The case is made that a number of key staff need to be within sight and sound of the yard around a 24/7 'on call' rota, with a greater intensity of demand for staff during the typical foaling season (around February to September). The businesses also operate largely within the site, preferring even administrative functions to be undertaken in the onsite office rather than via remote working arrangements. At present, the 24/7 care duties are largely provided by the appellants, who reside in the main farmhouse which has an unrestricted occupation and at least four other members of staff that currently live on site and work full time; one in the shared staff house and three within the caravans.

15. The future demands of the evolving ICSI element of the businesses may increase the need for vets and/or specialists to be available year-round, rather than within the concentrated foaling season. Though the appointment of appropriately qualified staff has been suggested as being problematic without accommodation packages to offer, how precisely the needs for onsite accommodation will increase is not particularly clear from the evidence.
16. In terms of the currently available staff accommodation, the staff house is a house over two storeys, with three bedrooms. It does not have any external space, one of its bedrooms has a restricted ceiling height and it is located entirely within the yard complex. It is currently shared by another individual whose role is important across the businesses but which is not 'hands on' with the equines or other livestock. A bedroom within the shared house has also been used regularly by interns and others on work experience placements over recent years. Whilst the house has its limitations, it is still a dwelling which has a lawful use for occupation by staff and should be counted in the overall number of dwellings available to the businesses.
17. In terms of whether there are any other buildings that could be converted to additional accommodation, it was clear that all buildings on site are in current use. The appellants indicated that other barns with permission to be converted on a nearby farm were not within their ownership, even if they are owned by others to whom they are related. These barns are therefore unavailable to the businesses to accommodate its workers.
18. In respect of the availability of houses within nearby settlements, there is a relatively limited housing stock locally of which only few are available for purchase or rent at any one time. The cost of houses at outlying settlements is somewhat prohibitive for yard staff, despite being paid fairly for their time and skills, though not so problematic for veterinarians.
19. Given the nature of the roads, the drive from North Tawton takes around 10 minutes with appropriate care, depending on where in the settlement the drive commences. Other settlements with a housing stock of reasonable size are further away and naturally involve longer journey times to the site, similarly along routes that can be narrow and winding. In essence, the closer proximity of the proposed dwellings to the site is favourable for the needs and wellbeing of both livestock and staff, allowing the operation of an on-call rota system, avoiding repetitive journeys by car, often at night and in many situations where time is of the essence.
20. Taking into account the current scale and intensity of the collective businesses, the high value nature of the horses on site and other animal welfare considerations which require a care rota over 24 hours a day, 7 days a week, I am of the view that the businesses could not operate with any fewer dwellings than it presently has on site, taking into account the appellants' dwelling, the shared staff house and 3 existing caravans. The caravans have been in situ for staff accommodation for some time, allowing the businesses to operate effectively, with key staff readily available at close hand and with some flexibility in rota cover. The replacement of the caravans with dwellings would inevitably enhance the living conditions of the resident staff members occupying the caravans with their respective partners and family members.
21. The Council suggested a condition to secure the removal of the three caravans and cessation of the associated residential use of land within one month of

occupation of the proposed dwellings. The proposed condition is problematic as it does not link to a plan that clearly defines the extent of the land in residential use that would need to cease. No planning obligation has been submitted by the appellant as an alternative means to secure the outcome that is inferred by the description of the development.

22. Taking all of the above aspects together, even if sufficient justification existed for the proposed permanent rural workers' dwellings in replacement of the caravans currently occupied, there is no mechanism to satisfactorily secure such an outcome. As such, the proposal conflicts with Policies S1, S14 and DM8 of the Local Plan.
23. The dialogue between the appellant and Council after the close of the hearing resulted in the appellant reneging on the offer to remove all three caravans, but rather to remove only the two directly adjacent to the yard complex. However, the appeal proposal has been assessed on the basis of the three caravans being replaced by the three dwellings. The suggestion to retain a caravan and offer to remove only two caravans materially changes the nature of the proposal and the evidence does not clearly address the total number of staff dwellings that would result from this alternative proposal.
24. The appellant's evidence details a number of examples where dwellings have been permitted for rural enterprises elsewhere. It is not disputed that where robustly demonstrated to be necessary, permission can be given for rural workers dwellings. However, the justification for each rural enterprise is based on site and business-specific merits. The appellant's point about the relatively unique scale and nature of the collective businesses at the site underlines this point.

Other Matters

25. The Council did not raise any particular concerns with the size, location, or design of the dwellings and no issues were raised with their wider landscape or visual impact. I find no reason to reach alternative conclusions in these regards.

Conclusion

26. The scheme conflicts with Local Plan policies S1, S14 and D8 and, thus, with the development plan when taken as a whole.
27. The public benefits of the proposal would flow from the economic benefits generated during the construction phase, and thereafter, from the economic advantage to the rural economy from the support provided to the businesses. The absence of other harms does not weigh in favour or against the proposal.
28. However, even taken together, the other considerations in this case, including the public benefits, do not outweigh the identified harms such as to indicate that a decision should be made other than in accordance with the development plan.
29. As such, for the foregoing reasons, the appeal is dismissed.

H Nicholls
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Lorna Wilson	Appellant
Edward Hosegood	Appellant
Emmalynne Berkeley-Hann	Elite Stallions UK
Irma Rosati	Lead Clinical Veterinarian

FOR THE LOCAL PLANNING AUTHORITY:

Adrian Deveraux	Area Team Leader
Helen Govier	Principal Planning Officer
Sheanus Machin	On behalf of Mid Devon District Council
Heather Nesbitt	Planning Enforcement

DOCUMENTS SUBMITTED AFTER THE HEARING

Document 1	Email from Council to appellant in respect of suggested conditions
Document 2	Cover email from Council in respect of suggested conditions, copied to appellant
Document 3	Plan from appellant with amended annotations
Document 4	Email from appellant to Council in respect of suggested conditions