



Appeal Decision

Hearing held on 7 October 2025

Site visit made on 7 October 2025

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/X1118/C/24/3354009

Tower Farm, Knowstone, South Molton, Devon EX36 4RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Mr Andrew John Winslade against an enforcement notice issued by North Devon District Council.
- The notice was issued on 11 September 2024.
- The breaches of planning control as alleged in the notice are:
 - 1 Without Planning Permission, within the last 4 years, unauthorised operational development consisting of the following works: Construction of small building used for domestic purposes (home office);
 - 2 Without Planning Permission, within the last 10 years, unauthorised material change of use of the land to a mixed use of agriculture and the storage and residential use of a mobile home..
- The requirements of the notice are to:
 - 1 Cease residential use of the land outlined in red on the attached plan;
 - 2 Remove all non-agricultural items and domestic paraphernalia from the land edged red on the attached plan;
 - 3 Cease residential use of building outlined in green on the attached plan;
 - 4 Remove building outlined in green from the land outlined in red on the attached plan;
 - 5 Remove mobile home outlined in blue from the land edged red on the attached plan;
 - 6 Remove from the land edged red any rubbish or debris resulting from compliance with steps 1-5 and dispose of these in a responsible manner.
- The period for compliance with the requirements is: 9 months.
- The appeal is proceeding on the ground[s] set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice is corrected by:
 - Deletion of the words “used for domestic purposes (home office)” in paragraph 3(1)
 - Deletion of the words “storage and residential use of a mobile home” in paragraph 3(2) and their replacement with “siting of a mobile home occupied for residential purposes”
2. Subject to the corrections, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a small building and the mixed use of agriculture and the siting of a mobile home occupied for residential purposes. as shown on the plan attached to the notice and subject to the following conditions:

- i. The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, 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.
- ii. The use, hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. At the end of this period the residential use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.

Preliminary Matters

3. There was some debate at the hearing regarding the grounds of appeal and whether the appellant was also claiming an appeal under ground (b) due to the way in which the use of the building within allegation 1 has been referred to. It is appropriate to deal with the appeal under that ground as well.
4. The second allegation relates to the material change of use but also refers to “the storage” as well as residential use of a mobile home. It was agreed at the hearing that the word storage is confusing because there is no suggestion that the mobile home is stored without being occupied. Alternative wording was discussed and is set out above. It was agreed that I could make this change using my powers under s176(1)(a) of the Act to correct any defect, error or misdescription in the enforcement notice as it would not cause injustice to the appellant or the Council.
5. The Council drew my attention to the lean-to structure that has been erected to the side of the mobile home. This is used as a porch and boot-room. The mobile home remains on its own chassis and I saw nothing that would indicate that it was more permanently fixed to the ground or that the structure would not prevent it from being moved by towing. It appears to remain a caravan within the definitions of s29 of the Caravan Sites and Control of Development Act 1960 (the 1960 Act).

Appeal on ground (b)

6. To succeed on ground (b), it is incumbent on the appellant to demonstrate that the matters which are stated in the allegation have not occurred, as a matter of fact. This ground of appeal can also be used to argue that the way in which the allegation has been described is incorrect.
7. This ground of appeal relates to the first allegation concerning the small building. It was agreed by the Council that this allegation is one of operational development involving the construction of the building and that the use for “domestic purposes (home office)” relates to use of the site as an ancillary activity to the occupation of the mobile home. It is unnecessary to refer to an ancillary use especially when operational development is being alleged.
8. From what has been submitted along with what I saw, the building appears to be used partly for the agricultural elements of the mixed use with medicines and feed for animals being stored as well as various office paraphernalia. Some of this can look domestic but things like the desk and storage shelves can serve several purposes. It would seem that this probably is a general office for the site which at the moment does include the residential occupation of the mobile home. It was agreed by all that I could and should remove reference to the use of the building

and that this would not cause injustice to the appellant or the Council.

9. The appeal under ground (b) succeeds to the extent that the description of the first allegation is incorrect and requires correction in the above terms.

Appeal on ground (c)

10. The appeal on this ground is that what is alleged does not constitute a breach of planning control. The onus is upon the appellant to demonstrate their case. This relates to the residential use of the site, as per the second allegation.
11. The appellant has constructed a large agricultural shed on the site which was subject to a 'prior notification' submission under the provisions of Schedule 2, Part 6 of the GPDO¹. That prior notification was submitted in 2013 and approved on 11 February 2013. Paragraph A.2. Schedule 2, Part 6 sets out conditions for such development including that the development must be completed within 5 years. The Council visited the site on 15 February 2018, more than 5 years after the approval and the building was only constructed to foundation level. By August 2019, the building had been continued with and although could not be considered as permitted development, it was accepted by the Council to be lawful through the passage of time.
12. A subsequent prior notification application was submitted in 2020 for the erection of a further agricultural building for machinery and forage storage. On 20 November 2020 the Council determined that further details were not required.
13. There is no dispute between the main parties that the mobile home in which the appellant and his wife reside, was initially stationed and occupied in 2017. The GPDO in Schedule 2, Part 5 provides some circumstances when the use of land temporarily as a caravan site would be permitted development. This cross-refers with the 1960 Act and the exclusions from the requirement for a caravan site licence. These are set out in the first schedule, section 2 and of relevance here is paragraph 9. This provides for the use as a caravan site "of land which forms part of, or adjoins, land on which building or engineering operations are being carried out". The Council does not dispute that this permitted development can potentially apply to the circumstances when operations to construct an agricultural building are being carried out.
14. Even if permitted development rights could have been claimed initially for the occupation of the caravan, they can not be claimed if the building is in breach of the GPDO 5 year completion condition. There are a few weeks left to complete the 2020 prior notification development, but very little has been carried out on site towards the construction. The appellant has no materials and has no programme of works towards completing it. Within the appellant's first appeal statement they predicted that the building would be completed by October 2025 but I saw for myself that not much has been undertaken towards its construction.
15. Given that the 5 years conditional limitation is soon to expire, I do not consider that the appellant can be reasonably considered as being actively employed in connection with the building operations and he is not living on site in order to construct the permitted building. Furthermore, the appellant does not dispute that this site is his and his wife's main residence. I saw that the mobile home and the

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

outbuilding are set within a well-established residential part of the site which has a more domestic feel than the agricultural nature of the wider site. There is a mixed use of the land for the residential use and agriculture as alleged and the occupation of the caravan is not of the nature described within Schedule 2, Part 5 of the GPDO which is meant as a temporary provision to enable building or engineering operations which have planning permission, to be completed.

16. As a matter of fact and degree, the stationing and occupation of the mobile home is not permitted development and requires planning permission. The appeal under ground (c) must therefore fail.

Appeal on ground (a)

17. Under this ground of appeal, I have to consider whether planning permission ought to be granted for the matters stated on the notice as the breach of planning control. The development as alleged includes the mobile home which has resulted in the material change of use of the land as well as the erection of the outbuilding. The reasons for issuing the notice do not present any reason why the Council consider that the outbuilding is harmful other than in relation to domestic use.

Main issue

18. The main issue is whether this is a suitable and justified location for the residential part of the mixed use given the position within the countryside, with reference to the needs of the farming enterprise.

Reasons

19. The appeal site is within a very rural area well away from any clusters of buildings that I could see. It is remote from any settlements, the nearest of which is Knowstone, around 1 mile away. This is within the countryside for the purposes of LP Policy ST07 which requires development be limited to that which is enabled to meet local economic and social needs, rural building re-use and development which is necessarily restricted to a countryside location. This is not a location where housing would normally be permitted. LP Policy DM28 then relates to accommodation for rural workers. These will be supported where, in summary, it can be demonstrated that there is an essential operational need for a full time worker to be resident at or near the place of work and the size and nature of the development is such that it can be sustained by the scale of the operation, reflective of the location and setting and proportionate to the needs of the intended occupants. Of relevance in this case is also that it should be shown that the accommodation needs cannot be met by any other means including within a nearby settlement or by an existing dwelling at or near the site.
20. The appellant provided limited information prior to the appeal hearing regarding their farm enterprise. A 2026-2027 business plan was submitted at the hearing. This has not been put together with professional assistance. It includes estimates of stock levels and some costs as well as being accompanied by sales figures. The plan shows predictions of what may happen from April 2024 to May 2025. These are based on what has happened in the last few years.
21. The appellant works full time on the holding which is 20ha (approximately 50 acres) in area. This involves keeping and breeding of livestock, growing of some crops as well as carrying out land management on a substantial landholding. Stock levels will vary depending on how successful breeding programmes are as well as what is

sold at market. The appellant aims to increase stocking and also predicts, based on current stock levels, that in 2026-2027 there will be 30 goats, 40 lambs 20 turkeys and 9 cattle that are being raised as fat-stock. In response to the Planning Contravention Notice dated 9 January 2024 (PCN) there were also 30 laying hens and whilst these are not referred to in the business plan, it does refer to egg sales.

22. The Council's Rural Workers' Dwellings Supplementary Planning Document, Adopted January 2020 (SPD) supports the LP policies, fleshing out the way the Council considers the requirements of the policies. As this explains, the assessment of essential need is not about convenience for the people running the enterprise. Paragraph 3.9 clarifies that in assessing whether an enterprise requires a resident worker, consideration will be given (amongst other things) to: the scale and nature of the enterprise, the potential for things to go wrong which would require attention unexpectedly or at short notice; the frequency of such events; the period of time over which a need may occur and the accessibility and suitability of nearby accommodation. The SPD encourages the use of standard farm management books. I did not have the benefit of any expert agricultural evidence from either party. At the hearing, the Council referred to the 'John Nix Pocketbook', 2023 53rd Edition. According to the method advised in that, depending upon how the nuances of interpreting the multipliers for each activity, the Council estimate that between 0.25 to 0.3 Standard 'Man'² Days (SMD) would be applicable. The appellant's response to the PCN which indicated that 56 hours per week were worked at that time with 21 of those being involved with animal husbandry and the rest being land management.
23. The John Nix Pocketbook draws attention to its limitations. For example, it states just before the table setting out the livestock multipliers, "*SMD does not recognise the efficiency of larger units, so SMD requirements fall per unit as the enterprise grows. Equally, this data is designed to reflect commercial scale agriculture so will be of limited value to smallholder scale production operations.*" The appellant's enterprise is clearly on the lower end of this commercial farming scale.
24. According to the conventional way of calculating the number of hours employed in animal husbandry therefore, the farm may not justify a full-time worker. At the hearing, the appellant referred to the efficiencies of scale and that does seem to be a commonsense point which is also reflected in the context set out in the John Nix Pocketbook. In other words, in the case of a small enterprise such as this, there will be tasks that take the same amount of time as they do on a larger holding with much greater livestock numbers and other functional necessities.
25. The appellant emphasised that even with smaller flocks for example, there will be day to day unknowns such as stragglers and sheep rolling over when they can be vulnerable. Turkeys and chickens are vulnerable to predators including foxes as well as a specific example mentioned at the site visit when a mink found its way into the bird enclosure. Even with these livestock numbers there will be some husbandry requirements therefore which would be most effectively undertaken if someone was living on or as close to the site as possible. Being within sight and sound of livestock and able to react to emergencies gives the farmer the best chance of securing the welfare of animals.

² I am referring literally to the conventional terminology used within reference material which is outdated

26. The most significant need for being close to the site is during the lambing and kidding seasons. The appellant explained that goats can have more than one season through the year. Sheep will be put to the ram in November for lambing in the spring. Turkeys and hens are incubated in the existing shed. It was pointed out by the Council that the main need for sight and sound surveillance is seasonal. There is however some variation to that particularly due to the multiple breeding routine for the goats. Furthermore, even during other periods of the year, it is clearly crucial to the business that other livestock are adequately safeguarded from predators and inclement weather. The appellant referred to and I saw for myself that the site is very exposed to the south-west which is the prevailing direction of incoming weather. It seems realistic that the functional needs of the farm extend beyond just the lambing and kidding season into the autumn and winter for example when turkeys are being prepared for Christmas.
27. There are no alternative lawful buildings on the site that could realistically be converted without compromising the current farming practices. It was however confirmed at the hearing that the appellant's wife is going through the process of selling her house which is 9 or 10 miles away which it was agreed is around 20 minutes by road. Whilst this may be close enough to enable the effective carrying out of many tasks, particularly if supported by technology to remotely monitor, it will not be sufficient to cater for all potential emergencies, particularly during poor weather conditions. Losses or injuries through harm to livestock at any time of year could be very significant especially for the modest enterprise. Access by the exposed country roads that I drove to get to the site and when I left, could also be affected by those prevailing conditions. There was limited evidence presented about the availability of other existing properties within 5 miles to rent, although the area is sparsely populated, largely undeveloped and very rural.
28. Financially, the business is diversified by the limited processing and then selling of goods such as wood for decoration derived from the on-site woodland, sheep fleeces for various arts and crafts and is starting to produce soap and other products from goat milk. Some of this is undertaken and will be developed in the small building which is subject to the notice. A well-known on-line shopping site is used as the vehicle to sell through. A large amount, around 1/4 of the income is also from agricultural grants and subsidies. There are 5ha of mixed woodland and scrub which is managed as well as providing income through firewood sales as well. The business plan is limited in its projections. The appellant says this would be £29,850, enough to provide an income. The enterprise does appear to make a profit but there were no certified accounts provided for previous years to demonstrate a track record. Taking what was presented to the hearing at face value, there should be prospects of continuing to make a profit in the future. This is however a weakness in the appellants case again through lack of further projections of income, costs and clear business plans. The appellant stressed that the issuing of the enforcement notice has held his business plans back. Other future plans include increasing livestock numbers, increasing value-added products for sale, educational visits as well as low-impact 'glamping'. No figures were presented for these additional potential means of diversification.
29. There is a substantial need for someone to be on site for a significant proportion of the working week, at times out of normal hours and for a large proportion of the year, not just on a seasonal basis. However, the appellant has not sufficiently demonstrated that this essential operational need is for a full-time worker although

living away from the site would clearly be very difficult. This in my view would be more significant than it just being an inconvenience to not live on site. I am satisfied that the functional needs could not be met by any existing accommodation nearby which is also in short supply and because it is important that emergencies can be spotted and reacted to quickly. Without the ability to live on site, the enterprise as a whole would be greatly hindered.

30. A permanent home on the site would not be supported by LP Policy DM28 given the information provided and the current stock levels of the farm business. Sub-paragraph (3) does allow for the provision of temporary accommodation. It states that this is for an initial period of 3 years. The SPD explains that Policy DM28 allows consideration to be given for a temporary dwelling to support a rural enterprise which is not well established, with such accommodation normally being a caravan or mobile home. It goes on to explain that the provision of temporary accommodation, normally over a three year period, offers the opportunity for the enterprise to become established while enabling operational needs to be met and confirmed prior to progression to a permanent dwelling if justified. The SPD does also make it clear that a temporary dwelling will need to be demonstrated on the same functional need basis as a permanent dwelling.
31. The mobile home along with the related outbuilding have been on site for much longer than the initial 3 years allowed for by LP Policy DM28. The appellant considers that the prospect of enforcement action has held things back in terms of further investment. He and his wife have occupied the mobile home since 2017, well before the enforcement action was commenced. The unauthorised nature of the occupation may have hindered some elements of the business due to the risks involved, but the development does not comply with LP Policies ST07 and DM28. In that respect, this is not a suitable and justified location for the residential part of the mixed use given the position within the countryside, with reference to the needs of the farming enterprise and the development plan as a whole.

Other matters and the planning balance

32. Whether or not the residential use of the site is acceptable, the small shed is used as part of the wider use of the site. The Council has not suggested that it causes landscape harm. It is a multi-purpose building which is used as an office as well as for other ancillary purposes for the farm business. As such its presence is justified.
33. It is accepted by the Council that they can only demonstrate a 4.86 year's supply of housing sites and not a 5 year supply. The advice in paragraph 11 of the National Planning Policy Framework (the Framework) needs to therefore be considered. LP Policy ST07 sets the hierarchy of locations where housing will normally be permitted and is the most important in determining the acceptability of all housing proposals. Paragraph 11(d)(ii) of the Framework applies and I am required to assess whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. Paragraph 11(d)(ii) also requires having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination
34. The Framework states that that decisions should avoid the development of isolated homes in the countryside unless a number of scenarios apply. Those scenarios

include where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. The Framework does not specify the details of how to assess the hours functionally required on site and supports a prosperous rural economy including through the development and diversification of agricultural and other land-based rural businesses, as well as the boosting of housing supply.

35. Whilst the appellant's business does not, for reasons set out above, support the essential need for a full-time worker living on-site at the moment, it does support a significant proportion of his time needing to be on site. In terms of sustainability of the location, the appellant lives and works on site in a substantially self-contained manner which is preferable in sustainability terms to living and having to drive even from the nearest settlements. I came away from the hearing feeling that overall, the business was based on a sound footing even though the documentary evidence was insufficient to justify a permanent dwelling. It is modestly profitable and those profits would diminish if the appellant was not able to live at the site which could be seriously detrimental to this worthwhile rural business. That would conflict with the aims of the Framework regarding the rural economy.
36. More time should be allowed to further establish the business and importantly for the appellant to put together the evidence required by LP Policy DM28 and the SPD. Whilst the appellant was not asking for a temporary planning permission to live on the site, I consider that allowing the mobile home to remain would give him an opportunity to expand the business and try to justify permanent occupation in the future. A condition limiting the development to 3 years was discussed at the hearing along with another limiting the occupation to a person working in agriculture. In that way, it will enable the appellant to build up a better case if it comes to attempting to achieve a permanent home after the 3-year period. If he could not do so effectively with sufficient evidence, it would not prevent future decision makers from refusing any attempt at a further permission if the permanent occupation of the site was still not justifiable. This is the general approach in paragraph (3) of LP Policy DM28 although that policy is not entirely complied with, as I have explained above, the degree of conflict is reduced if a temporary planning permission is given for the residential element. Planning Practice Guidance³ is however also clear in stating that it will rarely be justifiable to grant a second temporary permission and that there is no presumption that a temporary grant of planning permission will then be granted permanently.
37. Overall, the development adheres to the guidance in the Framework. Approval would make a small but worthwhile short-term contribution to housing supply as well as potentially allowing for the future permanent dwelling. The appellant's wife has a serious illness and the site is in a very pleasant rural area which will help her recovery. The appellant does not however consider that his wife is disabled. These personal advantages have a moderate degree of additional weight.
38. The appellant and his wife live a very environmentally sustainable lifestyle being based at the site with solar panels providing most of their energy needs and growing much of their own food. The site is relatively sustainably located due to it being required on this holding and the off-grid lifestyle of the appellant limits any other environmental harm which is therefore neutral within the overall balance.

³ <https://www.gov.uk/guidance/use-of-planning-conditions>

39. Taking all of the above factors into account, when assessed against the policies of the Framework taken as a whole, the harm by reason of conflict with an out of date development plan policy does not significantly and demonstrably outweigh the benefits of the development. Planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise⁴. In this case, the presumption in favour of sustainable development is a material consideration of sufficient weight to indicate that permission should be granted notwithstanding the conflict with the development plan.

Planning conditions

40. No planning conditions have been suggested by either party. It was agreed at the hearing that if I were allowing the appeal, it would be necessary to limit residential occupation to an agricultural worker and the wording of that was agreed. We also discussed the wording of a condition limiting the residential occupation to a temporary period as explained above. Given the fine balance of issues above, I consider that such a condition is necessary as the case does not justify a permanent home on the site at this time based on current evidence. I do not consider that it is necessary to limit the outbuilding temporarily as it has a justified function even if the residential use is not allowed to continue after the 3 years.

Conclusion

41. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the use as described in the notice as corrected. The appeal on ground (f) does not fall to be considered.

Andy Harwood

INSPECTOR

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

APPEARANCES

FOR THE APPELLANT:

Mr Winslade represented himself

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Butler MRTPI – Senior Planning Officer

Mr Clifford – Senior Planning Enforcement Officer

Mr Evelyn MRTPI - Lead Planning Officer

DOCUMENTS

- 1) Tower Farm business plan 2026-2027 & actual sales information
- 2) Housing Land Supply figures from LPA
- 3) Search results of rental properties
- 4) John Nix Pocketbook extract and Council calculation email
- 5) Appeal decision 2173102