



Appeal Decision

Hearing held on 19 November 2025

Site visit made on 19 November 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Appeal Ref: APP/U1105/W/25/3369499

Higher Ponchydown Farm, road past Middlegate Farm, Blackborough EX15 2HE

- 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 MA and EJ Bennett against the decision of East Devon District Council.
 - The application Ref is 24/1798/FUL.
 - The development is described as “Retrospective siting of a temporary agricultural workers dwelling.”
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Decision

1. The appeal is allowed and planning permission is granted for siting of a temporary agricultural workers dwelling at Higher Ponchydown Farm, road past Middlegate Farm, Blackborough EX15 2HE in accordance with the terms of the application, Ref 24/1798/FUL, subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the approved plans that are listed as follows:
 - Location Plan SM1
 - Drawing no. 2052/01 (Elevation, Floor and Roof Plan)
 2. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or forestry, or a widow or widower or surviving civil partner of such a person, or to any resident dependants.
 3. The permission hereby granted shall be for a limited period expiring 3 years after the date of this permission, on or before which date the land shall revert to an agricultural use, the mobile home shall have been removed and the site restored to its previous condition.

Preliminary Matters

2. There is a temporary dwelling on the site in the form of a mobile home which I observed on my site visit. The word “retrospective” however does not constitute development under s55 of the Town and Country Planning Act 1990 (as amended). Therefore, I have not referred to it in my formal decision above but have dealt with the appeal on the basis that permission is being sought retrospectively for the siting of a temporary agricultural workers dwelling.

3. The red lines depicting the site on the 'Site plan 3987/01' and 'Location plan SM1' are not identical. It was agreed at the hearing that the appeal should be determined on the basis of 'Location plan SM1'.

Main Issues

4. The main issues are:
 - whether there is an essential need for a second dwelling to accommodate a rural worker; and
 - whether the site is in a suitable location having regard to the development plan policies concerned with the location of new housing, including the effect of the development on the Blackdown Hills National Landscape.

Reasons

Need

5. The proposal relates to Higher Ponchydown Farm which comprises a dairy holding of approximately 41.28ha with a further 25.89ha of rented land adjacent to it. The farm comprises various livestock buildings, with the construction of two further buildings also having commenced, and a two storey farm house now occupied by the appellants' son who has primary responsibility for running the farm. The mobile home was vacant at the time of the hearing, the full time worker who had occupied it having recently left the farm.
6. Livestock numbers at the farm comprise 220 milking cows, 30 dairy followers and 70 beef cattle of various ages and 200 store lambs. The number of milking cows on the farm has increased from 180 in 2022/23 to 200 in 2023/24 before rising to the current number of 220 in July 2024. It is common ground between the parties that the holding generates a labour requirement of 3.96 workers which it was agreed could be reasonably rounded up to 4 workers. Whilst this is the agreed requirement based on the Agricultural Appraisal, the current workforce comprises two full time and two part time workers employed on the farm. I heard that the two full time workers worked long hours to carry out all the necessary tasks on the farm and ensure livestock were fully cared for. Nevertheless, the standard labour requirement set out in the Agricultural Appraisal is a reasonable indication of the amount of labour a livestock farm of this nature requires.
7. I heard that the cows would calve approximately 200 times a year with around 60% taking place late at night, often in the small hours. The dairy herd calves year round and the frequency and timing of calvings in any given week is irregular. To take place safely, calving generally requires two people. I heard that if the birth does not go smoothly, two people need to be present for around 3 or 4 hours at a time as calving cows can be dangerous due to their size, weight and maternal protective instincts. Around 15 calvings a year would be by caesarean delivery. Where a vet is required to assist, insurance requirements mean that a second person must attend with them. Cows that breed naturally would still be inspected during the night as calving problems could put both the cow and the calf's health at risk. New born calves also require care and attention to ensure they receive sufficient quantities of colostrum. Milking takes place twice a day between approximately 5:30am and 9:00am and from approximately 5:30pm to 7:00pm.

This means that a farm worker who had been up during the night to deal with calving may then be required to then start milking in the early morning.

8. From what I heard at the hearing and from the submitted evidence, the demands of regular night time calving, where two people are required to safely manage the calving, followed by the need to carry out early morning milking demonstrates that two people are required to be available at the farm during those parts of the day.
9. For planning permission to be granted for dwellings in the countryside for persons employed in rural businesses, policy H4 of the East Devon Local Plan 2016 (EDLP) requires that a number of criteria are satisfied. The first of these relevant to this appeal is whether there is a proven and essential agricultural need for the occupier of the proposed dwelling to be housed permanently on the unit.
10. Until recently occupied by a farm worker, the existing farmhouse which received planning permission in 1995 had been rented out to someone who was not working on the farm. I heard that during that period the farm was run from the appellants' other farm nearby with the farm workers living elsewhere. I was told that the appellants were shuttling back and forth to Higher Ponchydown Farm during the night. The resulting delay in attending to calving cows however increased the risk of harm being caused to the cows and their calves as calving issues could arise at short notice and without prior warning. The Agricultural Appraisal also makes clear that failure to provide the necessary supervision and prompt attendance to emergencies could result in increased calf mortality and financial harm to the business.
11. Whilst the livestock have previously been cared for without a worker being housed permanently on the farm, the number of milking cows kept at Higher Ponchydown Farm has increased since 2022/3. The investment in the additional farm sheds under construction is a further indication that the enterprise is growing.
12. The Council has accepted that "at face value" based on the numbers of head of cattle alone there may be a case for allowing a second temporary form of accommodation. Although more recently, a single worker has been living either in the farmhouse or in the mobile home, the evidence I heard, including from a qualified vet, about the significant risks to cows, their calves and to farm workers arising from solo working or delayed attendance to calving cows was compelling. It is evident that unforeseen eventualities and risks can be addressed much more quickly by resident staff. The mobile home is sited adjacent to the livestock buildings and within sight and sound of them enabling any future occupant to respond quickly to any animal welfare need which might arise in the night.
13. Therefore, the number of calving cows; the frequency of night time calvings; the year-round calving activity; the health and safety risks to livestock and farm workers arising from lone working; the delays to livestock care arising from the need to travel to the farm from elsewhere; and the requirement to be available for daily early morning milking; when combined together indicate that there is an essential agricultural need for a second worker to be housed on the unit.
14. Turning to policy H4 criteria 2 to 6, the future operational and commercial viability of the agricultural holding is not challenged by the Council and it is common ground that there is a labour requirement for more than two full time workers on the farm. There are no buildings on the operational holding which are suitable for conversion to residential use and the Council has accepted that there is no other

existing accommodation in the area that is suitable or available for occupation by an agricultural worker employed at the farm. I have not been provided with any sound evidence to reach a different conclusion on this.

15. Whilst the fact that the farm has been run without two workers being housed on the farm causes the Council to cast doubt on the proven need for a second dwelling, policy H4 nevertheless states that a temporary dwelling, such as a mobile home, may be permitted to allow time to establish that there is a genuine functional need. Whilst I have concluded from the evidence before me that there is an essential agricultural need for a second dwelling, the proposal is for a temporary agricultural workers dwelling. Even if the proven need for the dwelling was in doubt, the proposal would therefore comply with policy H4.
16. In conclusion, for the reasons given, there is an essential need for a second dwelling to accommodate a rural worker on the farm and the development complies with EDLP policy H4 regarding dwellings for persons employed in rural businesses.

Location

17. The site lies in the countryside and, whilst there are other occasional buildings in the vicinity, is some distance from the nearest settlements. It is therefore in an isolated, rural location.
18. Strategy 7 of the EDLP states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive, landscape, amenity and environmental qualities within which it is located.
19. I have already found that the development would accord with EDLP policy H4. Turning to its effect on the distinctive landscape and other qualities, the site lies within the Blackdown Hills character area¹ of the Blackdown Hills National Landscape. It is located on a hill top plateau comprised of fields, hedgerows, pockets of woodland with larger woodland on the descent from the escarpment to the north of the site.
20. The mobile home is sited on rough ground adjacent to a large existing agricultural building and between the building and a slurry store. Together with a substantial boundary hedge along the road, the existing buildings screen it from public views from the road. Whilst visible from the farmland to the north east, the dwelling is small in comparison to the adjoining buildings. It is viewed as part of the group of existing farm buildings and its light colour blends into the backdrop of the building next to which it is sited. As a consequence, it does not cause harm to the distinctive qualities or scenic beauty of the National Landscape, the statutory purposes of which I have a duty to seek to further².
21. The Council did not find that the development conflicts with EDLP Strategy 46 regarding its effect on the National Landscape and I have found no reason to arrive at a different conclusion.

¹ East Devon and Blackdown Hills Landscape Character Assessment 2019

² s85 Countryside and Rights of Way Act 2000 (as amended)

22. Strategy 5B of the EDLP states that development proposals should contribute to the objectives of promoting sustainable modes of travel and transport. However, the site's isolated location means that occupiers of the temporary dwelling would be heavily reliant on the use of the private car. This is to be expected in isolated rural locations without convenient pedestrian or public transport access to services and facilities. Whilst Strategy 5B indicates that development will need to be at a location which will encourage transport with overall low impact on the environment, the location of the dwelling is dictated by the functional requirements of the farm.
23. The supporting text to EDLP policy TC2 recognises that vehicular access will be an essential requirement for most developments, especially in rural areas. This is also recognised in the National Planning Policy Framework which states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.
24. For the reasons given, I conclude that the site is in a suitable location having regard to the development plan policies concerned with the location of new housing and does not conflict with EDLP Strategy 7 regarding development in the countryside or Strategy 5B and policy TC2 regarding sustainable transport and accessibility of new development.

Conditions

25. A condition identifying the site location and details of the temporary dwelling is necessary for reasons of certainty. As the dwelling on the site is only acceptable in policy terms based on a demonstrated essential need, a condition restricting its occupation is both reasonable and necessary. Given the temporary nature of the accommodation, a condition restricting the permission for a period of 3 years clearly relates to the development being permitted and is reasonable taking account of EDLP policy H4. As discussed at the hearing I have omitted the 'tailpiece' from the wording of the condition.

Conclusion

26. For the reasons given above the appeal should be allowed.

R Kent

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

E Persse	Planning Consultant EJFP Planning Ltd
S Machin	Agricultural Consultant
R Mangham	Mount Vets Farm Practice
MA and EJ Bennett	Appellants

FOR THE LOCAL PLANNING AUTHORITY:

G Stephenson	Principal Planning Officer
N Barrett	Senior Planning Officer