Appeal Decision

Hearing held on 28 November 2012
Site visit made on 28 November 2012

by R W N Grantham BSc(Hons) MRSC MCIWEM
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 January 2013

Appeal Ref: APP/X1118/A/12/2180401
Strawberry Field, Bishops Nympton, South Molton EX36 4PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Daniel Nettelfield against the decision of North Devon District Council.
- The application Ref 53534, dated 10 February 2012, was refused by notice dated 19 July 2012.
- The development proposed is the siting of one mobile home for use as an agricultural/forestry workers’ dwelling together with the erection of one 0.2kW wind turbine (height 5.96m, height to hub 5.4m, blade diameter 0.9m) and one composting toilet.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description of the development is derived from descriptions given on the application and appeal forms. It provides a reasonable reflection of the scheme for which planning permission is sought.

3. Whilst there is only one named appellant, it is evident that he and his partner are both fully engaged in the agricultural and forestry enterprise here at Strawberry Field and both live in the mobile home on the site. Therefore, for the sake of simplicity, I refer below to appellants in the plural.

Main Issue

4. The main issue raised by the appeal is whether there is an essential need for agricultural/forestry workers to live here in the mobile home.

Reasons

5. The appellants’ 6ha holding, which they purchased in 2009, is made up of broadleaved woodland (3.2ha) that they intend to manage and pasture (2.8ha) which has been divided up for grazing and for growing vegetables and fruit. They moved onto the site in April 2011 and started selling produce in June of that year. Now, they are seeking temporary permission for their mobile home to remain here so that they can develop the business.
6. Their enterprise is based on the principles of permaculture. It aims to be productive, in agricultural terms, without using chemicals and with minimum reliance on imported materials or on energy derived from fossil fuels. The intention is to develop ecosystems which have the diversity, stability and resilience of natural systems. In these terms, the enterprise is highly sustainable, as are the on-site arrangements for water supply, drainage, waste management and renewable energy generation; a wind turbine and solar panels provide electricity to supply appliances such as lighting, mobile phones and a laptop computer.

7. Accommodation is sometimes available to rent in nearby villages, albeit at a cost which the appellants say would render the business unprofitable. However the main thrust of their argument is that, given the nature of their enterprise, it would not be viable to live off-site in any event.

8. Whilst the holding is small, when compared with more mechanised farm and forestry undertakings, it is labour intensive. The appellants work full time on the business and place heavy reliance on timely human intervention, rather than constructed control and containment systems, to respond to changes in the weather and to threats by predators. Given the nature of their enterprise, the mobile home is suitably sited in relation to the holding as a whole.

9. There is evidence of the appellants’ intention and ability to develop the business. Both of them have relevant experience and, prior to this year, they invested more than £68,000 in buying the land as well as some £7,500 on tools and training; on improvements to the infrastructure, including fencing and access arrangements; on construction of a small (3.6m x 3m) shed and compost toilet; and, on installation of a small (3m x 4.5m) polytunnel. Earlier this year, they were granted planning permission to erect a larger shed (5.6m x 5.6m) and polytunnel (20m x 7.3m) here. Once installed, the larger polytunnel would be used for growing and the smaller one for propagation, whilst the new shed would provide space for storing and packing vegetables.

10. Nevertheless, consistent with recently published (2012) government policy\(^1\), LP\(^2\) Policy HSG10 only allows for a temporary dwelling to be installed on the holding if there is a functional need for the occupants to live here and if it is clear that the enterprise has been planned on a sound financial basis.

11. If the appellants are to pursue their aim of developing a sustainable livelihood, as an integral part of a low impact lifestyle, it is understandable that they would choose to live on-site. Amongst other things, this would allow them to make quick and frequent adjustments to conditions in their polytunnel(s); to protect crops with fleeces at short notice; to remove slugs when they appear on and around the vegetables at night; and, to deter more mobile pests such as pigeons, pheasants and deer, without having to rely on netting.

12. Living on site would also enable the appellants to keep a close eye on their livestock; to maintain high standards of animal welfare; and, to respond quickly when emergencies arise. They keep sheep, chickens and bees to help meet their own needs and to improve conditions on the land, but the only livestock which form part of their business plan for the next 3-4 years are geese. These birds need to be shut in at night, and then let out in the

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\(^1\) National Planning Policy Framework
\(^2\) North Devon Local Plan 2006
morning, but this does not demand an overnight presence. Nor am I persuaded that an open countryside location is needed for keeping the goslings during the first 3 weeks of their lives, given the controlled environment which they require and bearing in mind that stock-rearing for business purposes, until the end of 2016, is expected to be no more than 30 geese for Christmas each year.

13. Certainly, many of the necessary on-site tasks could be performed during daytime hours when it reasonable to expect that an agricultural worker would be present in any event and, although hand picking offers an effective and chemical-free way of dealing with slugs, night-time visits for this purpose could be built in to the working rota.

14. These considerations suggest that there is little functional need to live on-site. Also, the current scale of the enterprise is very small and, whilst I accept that the mobile home is well placed to enhance security and that extensive netting for crop protection is expensive, the financial advantages of living on site do not constitute functional need, as the Council’s SPD points out. In sustainability terms, it would be beneficial to minimise the reliance that is placed on synthetic materials and on car journeys to commute to and from the site. However, these factors do not in themselves warrant the provision of a dwelling in the countryside.

15. The appellants prepared a detailed business plan to support their application. The level of income which they expect to derive from their enterprise is far below the income which agricultural workers normally expect to receive, but this is partly offset by the fact that they expect to grow much of their own food and generate a significant proportion of their own energy. Also, unlike rural households that were the subject of a recent study for the Commission for Rural Communities, the appellants aspire to a simple lifestyle where non-essential costs, such as those needed to buy new clothes or to participate in social/cultural events, are kept to a bare minimum.

16. Unfortunately though, the appellants’ sales forecasts have proven to be extremely optimistic. It seems that they have yet to develop the weather resilient system of permaculture which they are hoping for. Notwithstanding the fact that this year’s weather has been very poor, unreliable growing conditions are one of the uncertainties which the agricultural sector faces. Certainly, the appellants’ sales have fallen far short of expectations in 2012. They anticipated selling 30kg of mushrooms, from inoculated logs, but the first fruit have only recently appeared and there have been no sales. Sales of salad leaves have been, at most, about half of what had been expected and rather than producing 280 boxes of vegetables for home delivery, they produced none; some loose vegetables were sold at market, but the quantity and variety was inadequate to support regular deliveries to customers’ homes. Sales of geese appear to have fared better; 17 out of the 18 remaining birds on the holding have been ordered for Christmas.

17. I see no reason to believe that the appellants’ pricing policy is wrong and accept that people would like to buy high quality vegetables that are grown locally in soil that is free of added chemicals. I also recognise that sales of

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3 Supplementary Planning Document (2009): Agricultural, Forestry & Other Essential Occupational Dwellings Guidance
4 A minimum income standard for rural households, Joseph Rowntree Foundation (November 2010)
firewood from the 3.2ha of woodland are expected to commence in 2014 and that, whilst the appellants have invested further in the holding this year, the amount spent has been limited by uncertainties over the outcome of their planning application and subsequent appeal. Even so, the evidence to date does not suggest that the enterprise has been planned on a sound financial basis.

18. I do not doubt that a permaculture based system of living and working on the land is capable of energy efficient agriculture. Indeed my attention has been drawn to linked appeals\(^5\) where permissions were granted for a change of use to permaculture and to several appeals\(^6\) where permission has been granted for temporary accommodation to be provided on smallholdings. However the circumstances surrounding those appeals are different from those which exist here. In particular, the decisions mostly appear to concern enterprises that are better established than the appellants’.

19. I also accept that SP\(^7\) Policy ST1 provides some support for the proposals, given the appellants’ commitment to sustainability principles, and that working the Strawberry Field smallholding has the potential to support local shops; to enhance local wildlife; and, to provide employment. Nevertheless, for the reasons given above, I am led to conclude that the appellants have failed to demonstrate that there is an essential need for them live in the mobile home here and, on that basis, the proposals run contrary to LP Policy HSG10 and to government policy in the (2012) National Planning Policy Framework.

20. I have taken account of all other matters raised, including letters of support for the development and the limited impact it has on the appearance of the local countryside. However, nothing outweighs my considerations in relation to the main issue and, for the reasons given above, I conclude that the appeal should be dismissed.

\textit{Rupert Grantham}

INSPECTOR

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\(^5\) APP/K1128/C/06/2032148, C/07/2039820 and A/06/2018778
\(^6\) APP/F1230/C/07/2055628 and 9, APP/19947/C/11/2149857 and 2149861, APP/K0905/C/07/2058055 and 2058053, APP/C1435/C/00/1050705 and 6 and 7, APP/F1230/C/04/1162420 and 21, 22 and 25.
\(^7\) Devon Structure Plan 2004
APPEARANCES

FOR THE APPELLANTS:
Mr Daniel Nettelfield  Appellant
Ms Liz Coates  Appellant

FOR THE LOCAL PLANNING AUTHORITY:
Mrs Butler MA  Planning Officer

INTERESTED PERSONS:
Mr David Fergie  Local Resident
Mr D R Cronk  Parish Council

DOCUMENTS

1  2009 Supplementary Planning Document: Agricultural, forestry & Other Essential Occupational Dwellings Guidance
2  Summary Closing Statement by the Council