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## Appeal Decisions

Inquiry held on 29, 30 and 31 January 2013

Site visit made on 31 January 2013

**by Jessica Graham BA(Hons) PgDipL**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 April 2013**

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### **Appeal A Ref: APP/Y1138/A/12/2181808**

#### **Land at Greenham Reach, Holcombe Rogus, Devon (NGR 307117/120011)**

- 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 Ecological Land Co-operative against the decision of Mid-Devon District Council.
  - The application Ref 12/00045/MFUL, dated 27 December 2011, was refused by notice dated 7 June 2012.
  - The development proposed is the siting of a temporary agricultural worker's dwelling for a period of 5 years together with an agricultural barn with PV array, greenhouse, W.E.T. waste water treatment system and alterations to the existing highway access and private ways as part of a scheme for new entrants to ecological agriculture.
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### **Appeal B Ref: APP/Y1138/A/12/2181821**

#### **Land at Greenham Reach, Holcombe Rogus, Devon (NGR 307117/120011)**

- 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 Ecological Land Co-operative against the decision of Mid-Devon District Council.
  - The application Ref 12/00107/MFUL, dated 17 January 2012, was refused by notice dated 7 June 2012.
  - The development proposed is the siting of a temporary agricultural worker's dwelling for a period of 5 years together with an agricultural barn with PV array, W.E.T. waste water treatment system and alterations to the existing highway access and private ways as part of a scheme for new entrants to ecological agriculture.
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### **Appeal C Ref: APP/Y1138/A/12/2181807**

#### **Land at Greenham Reach, Holcombe Rogus, Devon (NGR 307117/120011)**

- 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 Ecological Land Co-operative against the decision of Mid-Devon District Council.
  - The application Ref 11/02007/MFUL, dated 5 December 2011, was refused by notice dated 7 June 2012.
  - The development proposed is the siting of a temporary agricultural worker's dwelling for a period of 5 years together with an agricultural barn with PV array, poultry hatcher/brooder, W.E.T. waste water treatment system and alterations to the existing highway access and private ways as part of a scheme for new entrants to ecological agriculture.
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**These decisions are issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersede those issued on the 4<sup>th</sup> April 2013**

## **Summary of decisions**

1. All three appeals are allowed, and planning permission is granted in accordance with the conditions scheduled in the appendices attached to this decision letter.

## **Procedural matters**

2. The description of the proposed development given in each of the three planning applications included the creation of a borehole. That element of the proposals was withdrawn during the application process, and the Council determined the applications on the basis that no borehole would be created. My determination of these appeals proceeds on the same basis.
3. At the inquiry the appellant submitted a S.106 Undertaking [Document 15] which has, as subsequently established by submission of Document 18, been duly executed by all necessary parties. I have taken the existence of this legal deed into account in my consideration of the appeals, and discuss its content and implications below.

## **Background**

4. The appellant is a co-operative society founded to support the creation of affordable and sustainable land-based livelihoods in the UK. It purchased the freehold of some 8.85 hectares of land at Greenham Reach with the intention of creating a pathway into ecological farming for new entrants, by selling leasehold agreements to operate smallholdings on the land. It now seeks planning permission for three temporary dwellings, each associated with one of three smallholdings to be established on the site, for a period of five years.
5. Since the land at Greenham Reach has been sub-divided into three separate plots, each to be leased to different occupiers, I can understand why the Council requested three separate planning applications (now the subject of these three linked appeals) detailing the agricultural activities that would be taking place on each. However, the evidence indicates that the development proposal as a whole, which has remained consistent throughout the application and appeal process, does not straightforwardly equate to establishing three conventional independent smallholdings.
6. Rather, the co-operative society would retain ownership of the land and would provide communal facilities for the benefit of all three enterprises. Tenants would be obliged to operate their smallholdings in strict accordance with principles of low-impact living set out in the co-operative's over-arching Management Plan, and could, ultimately, have their tenancies terminated if they failed to do so. The co-operative society would also have the responsibility of monitoring, on an annual basis, the business accounts of the smallholders and (among other things) the impact of the development on landscape quality and biodiversity.
7. In my judgment the ongoing involvement of the co-operative society is an integral component of the development that is here proposed, and forms part of the context in which the individual appeals should be considered.

## **Main issue**

8. The main issue, common to each of these three appeals, is whether there are circumstances that would justify the creation of the proposed new homes in the countryside, having regard to relevant local and national planning policy.

## Reasons

### *The proposed development*

9. The area of land in question is currently laid to grass, and used for grazing sheep. It lies some 1.5 miles from the village of Holcombe Rogus, which is the nearest settlement, along an unclassified road. The appellant's proposal is to subdivide this land into Plots A, B and C, for the establishment of 3 separate smallholdings, with some 0.3ha retained for the provision of shared facilities and landscaping. A track would be constructed from the sole vehicular access point on the northwest boundary to the communal barn, and onward to provide access to the three plots. Other communal facilities would include a barn, water storage, a solar PV array, a waste water treatment system and visitor parking. The proposed use of the land would be in keeping with the agricultural character and appearance of the surrounding landscape.
10. The supporting information submitted in respect of Plot A (now the subject of Appeal A) explained that this plot is located on 2.8 ha of relatively flat land. The Business Plan provided by the prospective tenant sets out his intention to develop a profitable business that would benefit the local economy, while also playing a positive role in improving soil fertility, ecological diversity, the drawing down of atmospheric carbon and the aesthetic appearance of the site. The produce would be organic, and its production and transportation as close to fossil-free as practically possible. The plot would be used to grow vegetables and salad crops for a box scheme; a variety of grains; a willow plantation, to produce wood for hand-crafted willow furniture and baskets; a 2 acre agroforestry scheme comprising a fruit and nut orchard under-sown with herbs and perennial vegetables; and a flock of hens and ducks would be kept.
11. Plot B (the subject of Appeal B) extends to about 2.2 ha. The supporting information submitted with the planning application explained that the proposed business activities on this smallholding would be horticultural, revolving in the first few years around the production of quality salad bags, culinary herbs and gourmet salad dressing ingredients, with production of fruit juices and cider vinegar in later years once the proposed orchard was established. Bees and a flock of Maran hens would also be kept. I heard at the inquiry that the prospective tenants who had drawn up this Business Plan were no longer involved, but were happy for it to be adopted by others. The evidence of the appellant was that it has a long list of prospective smallholders, and would have no problem finding a suitably experienced grower to implement these proposals.
12. Plot C (the subject of Appeal C) comprises some 3.6 ha of land, some of it steeply sloping, and part of it adjoining the river. The supporting material prepared by and on behalf of the prospective tenants is that their business would consist of several components, to provide income throughout the year. These would include a market garden; a vegetable and herb nursery; a silvopastoral agroforestry scheme based on a forest-edge ecosystem, with the floodplain meadow grazed by sheep and further up the slope, native woodland trees, top and soft fruit, perennial vegetables and mushroom-bearing logs; poultry for sale as point-of-lay hens; and the processing of surplus produce and purpose-grown and gathered fruit into preserves for year-round sale.

*The policy context*

13. Paragraph 55 of the government's *National Planning Policy Framework* (NPPF) explains that locating new isolated homes in the countryside should generally be avoided, unless there are "special circumstances". It goes on to list four examples of such special circumstances, which include "the essential need for a rural worker to live permanently at or near their place of work in the countryside".
14. It is worth emphasising here that the guidance set out in the NPPF replaces that formerly contained in the government's Planning Policy Statement (PPS) 7: *Sustainable Development in Rural Areas*. Annex A of PPS 7 advised that where permission was sought for a dwelling on a temporary (rather than a permanent) basis to support a new farming activity, the proposal would need to demonstrate a firm intention and ability to develop the enterprise, provide clear evidence that the enterprise had been planned on a sound financial basis, and pass the "functional need" test: that is, show that it would be essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.
15. The evidence given on behalf of the Council proceeded on the basis that the tests formerly set out in PPS 7 would be helpful in gauging whether an "essential need" for the proposed temporary dwellings exists, and cited in support of that approach the findings of an Inspector in a recent appeal decision (Ref APP/C1625/C/12/2171928 & 2172069). I share that Inspector's view that in some circumstances the methodology set out in Annex A can still be a material consideration, albeit on the basis that it is no longer government policy, but it is crucial to note (as he did) that the terms of paragraph 55 of the NPPF do not preclude the demonstration of "essential need" by evidence that does not seek to, or cannot, show that all of the Annex A tests have been met.
16. Against that background, I note that the Council's emerging "Local Plan Part 3" contains a draft policy dealing with rural workers dwellings (DM/10), which not only seeks to amalgamate the "essential need" test set out in the NPPF with a more restrictive version of the old "functional need" test from PPS 7, but also to re-introduce, for the purposes of assessing whether a temporary dwelling may be permitted, the other superseded PPS 7 tests of "a firm intention to establish a rural enterprise" and "sound financial planning".
17. I understand the appellant's concerns about the extent to which such a policy could be considered "consistent" with the NPPF, since it was open to the government to include the old Annex A tests as part of this new guidance, and it chose not to do so. However, paragraph 1 of the NPPF explains that it is intended to provide a framework within which communities can produce their own plans, and in my view there is nothing to prevent the Council formulating a policy that seeks to "flesh out" the terms of this framework, provided it has sound reasons for so doing. Since the soundness of draft policy DM/10 has yet to be tested at a public examination, and since a number of unresolved objections to its terms persist, I consider that for the purpose of determining the current appeals this emerging policy should be afforded only limited weight.
18. Of more significance, since it forms part of the adopted Development Plan for the area, is Policy COR 18 of the Mid-Devon Core Strategy. The appellant rightly points out that in dealing with dwellings in the countryside, this policy refers to the needs of "agricultural or forestry" workers rather than the more

inclusive term “rural workers” preferred by paragraph 55 of the NPPF, and in that respect I agree that it is inconsistent with the NPPF; aside from that important point, I consider the provision it makes for “housing essential to accommodate [an agricultural or forestry worker]” to be consistent with the relevant part of paragraph 55.

19. The appellant also points out that Policy COR 18 differs from paragraph 55 of the NPPF in that the former could be interpreted as providing an exhaustive list of the circumstances in which development would be permitted in the countryside, whereas the latter could be interpreted as leaving open the possibility that such development may also be justified if other “special circumstances” exist. While it is true that Policy COR 18 makes no specific provision for the existence of any other “special circumstances”, it seems to me that this absence does not necessarily render individual policies out-of-date or inconsistent with the NPPF, but rather should be considered as a matter on which the Development Plan as a whole is, as yet, silent.

#### *Essential need*

20. The proposed development seeks to use the land’s resources in a sustainable manner, aiming to develop ecosystems which have the diversity, stability and resilience of natural systems. Each of the smallholdings proposes to minimise its reliance on imported materials and energy derived from fossil fuels, so as to minimise its carbon footprint, and thus would be more labour-intensive, and require more human intervention, than more conventional, mechanised agricultural enterprises.
21. As a fellow Inspector noted when determining an appeal concerning an enterprise based on principles of permaculture (Ref APP/X1118/A/12/2180401), it is understandable that those pursuing the aim of developing a sustainable livelihood, as an integral part of a low impact lifestyle, would choose to live on-site. I accept that for any such enterprise (indeed, for most conventional agricultural enterprises too) the presence of a resident worker would have obvious benefits in terms of enabling a quicker response time to emergencies and changes in weather conditions than if all workers were living off-site, and would also reduce the need for journeys involved in commuting to and from the site. However, those acknowledged benefits do not in themselves amount to an “essential need” for a worker to live on site.
22. The evidence of the appellant is that while some aspects of the three proposed smallholdings, such as the agroforestry plantations, could be wholly managed during the course of a normal working day there are other aspects which would require “out of hours” attendance, and so generate a need for a permanent on-site presence. I am told that such tasks, common to all three plots, would include morning and early-evening irrigation of crops to minimise evaporation loss; night-time hand-picking of slugs to minimise depredation of crops; shutting up poultry at dusk; and responding to extreme weather conditions, large pests and escaped livestock. I am also told that the wood burners proposed on Plot C to maintain temperatures within polytunnels would need to be re-stoked during cold winter nights, and the off-grid electricity powering heat lamps for chicks would require diligent monitoring: further, judgments about whether or not to use fleece to protect the salad crops proposed on Plots A and B may need to be made late in the evening, if cloud clears unexpectedly.

23. The Council contends that some of these arrangements appear to adopt a “hair shirt” approach to the management of the smallholdings, and points out that other less labour-intensive methods of controlling pests and heating polytunnels could be adopted.
24. However, it is important to have regard to the full extent and context of the proposals for Greenham Reach. Fundamental to the establishment and operation of the smallholdings are the appellant’s aims of addressing the need to reduce the negative environmental impacts of conventional farming and globalised food distribution, and the need to facilitate and learn from low-impact development. To that end, they have put in place extensive safeguards to ensure that the proposed smallholdings would be operated in accordance with the principles of low-impact development, while providing opportunities for research into its operation and effect.
25. The prospective tenants were carefully selected by the appellant on the basis of, among other things, their experience of low-impact living and the quality of their business proposals. The leasehold agreements for the smallholdings would require the occupiers to comply with the terms of the co-operative society’s overarching Management Plan for Greenham Reach, and the S.106 Undertaking executed by the appellant makes the co-operative society (and any subsequent owner of the land) responsible for ensuring the implementation of that Management Plan.
26. The Management Plan itself is an extensive document, which places a number of obligations and requirements upon the tenants of the smallholdings. Among these are a prohibition on the use of agro-chemicals, and the use of artificial inputs in the form of synthetic pesticides, herbicides or fertilisers; a requirement to manage, on a communal basis, the on-site facilities for rainwater harvesting, biological treatment of grey water and compost toilets; a requirement to generate electricity on-site from a renewable source, and to meet their heating needs through the use of solar energy and/or biomass crops; a requirement that their temporary dwelling must achieve at least a Code 4 rating within the BRE Code for Sustainable Homes; and a restriction on the number of vehicles to be kept at the site and the overall number of vehicle trips to and from the site each year.
27. Further, the Management Plan requires the operators of the smallholdings to comply with, and contribute to, the co-operative society’s provisions for the extensive monitoring of all aspects of the proposed development, including an annual assessment of the ecological and biodiversity condition of the site by a qualified professional, reports on soil condition and water erosion, carbon footprint analysis and the provision of annual business accounts for each smallholding.
28. Supporting evidence submitted with the planning applications demonstrates that there is abundant and wide-ranging interest in taking up the research opportunities offered by the proposed development at Greenham Reach. At the inquiry I heard convincing evidence as to the particular value of such research opportunities. While other low-impact development initiatives are in existence, the proposals for Greenham Reach would provide a unique opportunity to undertake baseline surveys and monitoring before the proposed smallholdings were established; importantly, the Management Plan would secure tenants’ continuing involvement in monitoring the progress, impact and

- success or otherwise of the proposals, forestalling difficulties experienced elsewhere in securing smallholders' cooperation with researchers.
29. The Management Plan, then, is clearly aimed at securing the use of the proposed smallholdings to create and sustain low-impact livelihoods, while facilitating research into the viability of such livelihoods. In this context it is not unreasonable that prospective tenants should adopt and seek to develop, as part of their business proposals, methods of pest-control, crop-care and eco-agriculture that both comply with this ethos and are proportionate to their particular small-scale enterprises. I accept that the labour-intensive nature of such practices, necessary to ensure that a sustainable livelihood could be developed without resort to agro-chemicals and reliance on fossil fuels, would require the worker's presence and involvement to such an extent that the need could only be met by living on-site.
30. Moreover, the requirements and restrictions of the Management Plan, along with others contained in the leasehold agreements and the S.106 Undertaking, would be likely to deter prospective tenants who might simply be seeking a means of obtaining a dwelling in the countryside. Living a low-impact lifestyle and developing a symbiotic relationship with the land involves foregoing some of the normal trappings of modern day life while engaging in extensive, and at times very intensive, physical labour. I consider that the co-operative society's role in assessing applicants, and subsequently assisting and monitoring their progress, would also help to ensure that prospective tenants were genuinely committed to this type of rural enterprise.
31. Taking all of these considerations into account, I am satisfied that the requirements of the proposed smallholdings at Greenham Reach, which are considered here as integral components of the development proposals for the site as a whole, give rise to an essential need for a worker to live at each of those smallholdings. For the avoidance of doubt, this finding applies to Plot B even in the current absence of an identified tenant, since I accept the appellant's undisputed evidence that it has an ample supply of prospective tenants willing and able to implement the Business Plan submitted with the planning application; such tenants would also be bound by the restrictions of the leasehold agreement and Management Plan.
32. I conclude that the proposed development now the subject of these three appeals would comply with Policy COR 18 of the Mid Devon Core Strategy.
33. The Council raised a number of legitimate concerns about some of the financial information and forecasts supplied with the applications, which place in doubt the size, and timing, of some of the predicted profits. While I do not consider the identified extent of the potential reduction in profitability sufficient to undermine the overall viability of any of the proposals, it is fair to note that acknowledged omissions from the projected profit and loss accounts limit the extent to which the proposal could be said to accord with the requirement in emerging Policy DM/10 for "clear evidence of... sound financial planning." In all other respects, I consider the requirements of DM/10 to be met: the five years' work the appellant has put in to researching, consulting on and preparing its applications for this site constitute clear and convincing evidence of its firm intentions.
34. As discussed above, Policy DM/10 is not yet a part of the adopted Development Plan, and there remains some doubt about whether it will, in its current form,

become so. I therefore attach little weight to the limited extent to which the proposed development conflicts with this emerging policy. I attach much greater weight to the material consideration that the proposed development would have substantial benefits in terms of not only its own sustainability credentials, which are considerable and are not disputed by the Council, but also the contribution it could make, through facilitating much-needed research, to informing and improving future developments in the field.

#### *Other matters*

35. The Council's second reason for refusing the proposals was its concern that they would set a precedent for further dwellings, in association with permaculture and agroforestry proposals, in the countryside. Firstly, it is important to note that development does not proceed by way of precedent; each proposal must be considered on the basis of its own individual merits. Secondly, the particular circumstances of the current proposals, which combine (a) strict requirements for the establishment and maintenance of low-impact livelihoods with (b) unique opportunities for research and (c) the ongoing involvement of a purpose-formed co-operative society, clearly demand a great deal of commitment and investment from those involved and are unlikely to be easily replicated by people merely seeking a dwelling in the countryside. Thirdly, provided that proposals for other dwellings associated with permaculture and agroforestry complied with the relevant policies, it is not clear to me why the Council would consider encouragement for them to be undesirable.
36. Concerns were expressed by some local residents about the impact that additional traffic associated with these proposals would have on the local road network. The highway authority considers that the proposals would be acceptable in highway safety terms, subject to conditions securing the provision of visibility splays at the site entrance and the creation of passing spaces, and I have no reason to doubt that professional assessment. Further, the leasehold agreement for prospective tenants places strict limits on the number of vehicle movements to and from the site, and the need to comply with that limit would inform the operations of the smallholders, for example sharing transport to take produce to markets and local buyers.

#### *Conditions*

37. The Council suggested a list of conditions that it considers should be imposed if I were minded to grant planning permission for the proposed development. I have considered these in the light of the advice set out in Circular 11/95 *The Use of Conditions in Planning Permissions*.
38. It is necessary to attach the standard condition requiring development to be carried out in accordance with the submitted plans, which differ for all three proposals. Since the proposals for Plots A and B do not (unlike the proposal for Plot C) include details of the design and dimensions of the proposed dwelling, it is necessary to attach a condition to each of these permissions requiring the Council's approval of these details prior to the construction of those dwellings. Other than these, the suggested conditions are common to all three proposals, and I deal with them together below.
39. Since it is fundamental to the acceptability of the proposals that the dwellings are needed to house workers on the land, it is necessary to attach a condition

restricting their occupation to such workers. As the permission granted is for temporary dwellings to subsist for a period of five years, it is also necessary to attach a condition requiring their removal at the end of this period, and the reinstatement of the land to its former condition.

40. I agree with the Council that if any of the three plots were to be amalgamated with either (or both) of the others, it would be appropriate to require the removal of the temporary dwelling(s) thus rendered excess to requirements, and have attached a condition to that effect. I also agree with the Council that a condition is needed requiring its prior approval of the timetable for constructing the communal facilities and implementing the proposed landscaping is needed, to ensure that these are provided in a timely manner to serve the occupiers of the dwellings. I have also attached the Highway Authority's suggested conditions securing the provision of visibility splays, hardsurfacing at the start of the access track, and the provision of 2 passing bays. Finally, I have attached the Council's suggested condition requiring retention of a riparian buffer, to prevent disturbance to otters.

### **Conclusions**

41. Each of the three proposals accords with the objectives of the adopted Development Plan, and taken together, other material considerations weigh heavily in favour of granting planning permission. I therefore determine that the appeals should be allowed.

### **Formal decision: Appeal A**

42. The appeal is allowed and planning permission is granted for the siting of a temporary agricultural worker's dwelling for a period of 5 years together with an agricultural barn with PV array, greenhouse, W.E.T. waste water treatment system and alterations to the existing highway access and private ways as part of a scheme for new entrants to ecological agriculture on land at Greenham Reach, Holcombe Rogus, Devon (NGR 307117/120011) in accordance with the terms of the application, Ref 12/00107/MFUL, dated 27 December 2011, subject to the conditions scheduled at Appendix 1 to this decision letter.

### **Formal decision: Appeal B**

43. The appeal is allowed and planning permission is granted for the siting of a temporary agricultural worker's dwelling for a period of 5 years together with an agricultural barn with PV array, W.E.T. waste water treatment system and alterations to the existing highway access and private ways as part of a scheme for new entrants to ecological agriculture on land at Greenham Reach, Holcombe Rogus, Devon (NGR 307117/120011) in accordance with the terms of the application, Ref 12/00107/MFUL, dated 17 January 2012, subject to the conditions scheduled at Appendix 2 to this decision letter.

### **Formal decision: Appeal C**

44. The appeal is allowed and planning permission is granted for the siting of a temporary agricultural worker's dwelling for a period of 5 years together with an agricultural barn with PV array, poultry hatcher/brooder, W.E.T. waste water treatment system and alterations to the existing highway access and private ways as part of a scheme for new entrants to ecological agriculture on land at Greenham Reach, Holcombe Rogus, Devon (NGR 307117/120011) in accordance with the terms of the application, Ref 11/02007/MFUL, dated 5



### **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 List of appearances for the appellant
- 2 S.106 Unilateral Undertaking, executed by the appellant
- 3 Signed Statement of Common Ground
- 4 Copy of Agenda Item 8 of the Planning Committee of 9 May 2012, described as "joint background information" in respect of the three proposals now the subject of these appeals
- 5 Copy of opening submissions made on behalf of the appellant
- 6 Copy of opening statement made on behalf of the Council
- 7 Copy of appeal decision ref: APP/Y1138/A/12/2177825
- 8 Copy of appeal decision ref: APP/X1118/A/12/2180401
- 9 Updated version of the Management Plan for the proposed new smallholdings at Greenham Reach
- 10 Transcript of the judgment in J R Cussons & Son (A Firm) v Secretary of State for Communities and Local Government & Anor [2010] EWHC 2463 (Admin) (15 October 2010)
- 11 Copy of Plot A "Profit and Loss Account" for years ending 31/10/12, 31/10/14 and 31/10/16
- 12 Copy of representations made orally to the inquiry by Ms G Westcott
- 13 List of suggested conditions, agreed between the Council and the appellant
- 14 List of the plans submitted for each proposal, agreed between the Council and the appellant
- 15 Updated version of S.106 Unilateral Undertaking, executed by the appellant
- 16 Copy of closing submissions made on behalf of the Council
- 17 Copy of closing submissions made on behalf of the appellant

### **DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED, WITH THE PRIOR AGREEMENT OF THE INSPECTOR**

- 18 Letter from Lloyds TSB dated 13 February 2013, confirming that its legal charge over the appeal sites has been released
- 19 Copy of an e-mail from the Council dated 14 February 2013, confirming that as a consequence of the discharge letter from Lloyds TSB [Document 18 above], it would not require Lloyds TSB to be a party to the appellant's S.106 Undertaking [Document 15 above]

## **Appendix 1: Schedule of Conditions for Appeal A**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: L-01 A (site location plan); L-02 A (site plan and block plan); L-03 (barn elevations and floor plan); L-06 (greenhouse elevations and floor plan); L-09 (landscape plan).
- 2) Prior to the provision on site of the temporary dwelling hereby permitted details of its dimensions, means of construction, design and materials shall be submitted to and approved in writing by the local planning authority, and development shall be carried out in accordance with the approved details.
- 3) Prior to the provision on site of the temporary dwelling hereby permitted a timetable shall be submitted to and approved in writing by the local planning setting out the timing of the provision of
  - the communal barn and solar PV array, in accordance with the approved plans;
  - the provision of the landscaping scheme, in accordance with drg. no. L-09;
  - the provision of the W.E.T. waste treatment facilities, in accordance with the approved plans; and
  - the provision of the composting toiletsand development shall be carried out in accordance with the approved timetable.
- 4) The occupation of the temporary dwelling hereby permitted shall be limited to persons solely or mainly employed in the agricultural business operated on Plot A or a widow or widower of such a person, together with their spouse or partner and any resident dependants.
- 5) No other part of the development hereby permitted shall begin until
  - Visibility splays have been laid out and constructed in accordance with details first submitted to and approved in writing by the local planning authority; and
  - For a minimum of its first 6m back from the nearside edge of the carriageway the site access road, including the bellmouth radii, has been hard-surfaced and drained in accordance with details first submitted to and approved in writing by the local planning authority.

The visibility splays and access road shall thereafter be retained in accordance with the approved details at all times. Any site access gates shall be set back a minimum of 6m from the nearside carriageway edge and shall be hung to open inwards only.
- 6) Within 12 months of commencement of the development hereby permitted, two passing bays shall be provided on the site ownership frontage with the public highway in accordance with details first submitted to and approved in writing by the local planning authority, and shall thereafter be retained in accordance with those approved details.

- 7) A riparian buffer of 6m from the river edge, when it is at the top of its typical river range (1.09m) shall be retained at all times to prevent disturbance to otters on the River Tone.
- 8) When the temporary dwelling hereby permitted ceases to be occupied by persons specified in condition 4 above, or on the date 5 years from the date of this decision letter, whichever is the sooner, the dwelling shall be removed, and the land restored to its former condition, in accordance with a scheme of work which has first been submitted to and approved in writing by the local planning authority.
- 9) If Plot A (the subject of this permission) should be amalgamated with either Plot B (the subject of Appeal Ref APP/Y1138/A/12/2181821) or Plot C (the subject of Appeal Ref APP/Y1138/A/12/2181807) or both of them, so as to constitute one holding, only one temporary dwelling shall be permitted to remain on the amalgamated site and the other(s) shall be removed from the land within 6 months of the date that the amalgamation of the plots occurred, in accordance with a scheme of work which has first been submitted to and approved in writing by the local planning authority.

## **Appendix 2: Schedule of Conditions for Appeal B**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: L-01 B (site location plan); L-02 B (site plan and block plan); L-03 (barn elevations and floor plan); L-09 (landscape plan).
- 2) Prior to the provision on site of the temporary dwelling hereby permitted details of its dimensions, means of construction, design and materials shall be submitted to and approved in writing by the local planning authority, and development shall be carried out in accordance with the approved details.
- 3) Prior to the provision on site of the temporary dwelling hereby permitted a timetable shall be submitted to and approved in writing by the local planning authority setting out the timing of the provision of
  - the communal barn and solar PV array, in accordance with the approved plans;
  - the provision of the landscaping scheme, in accordance with drg. no. L-09;
  - the provision of the W.E.T. waste treatment facilities, in accordance with the approved plans; and
  - the provision of the composting toiletsand development shall be carried out in accordance with the approved timetable.
- 4) The occupation of the temporary dwelling hereby permitted shall be limited to persons solely or mainly employed in the agricultural business operated on Plot B or a widow or widower of such a person, together with their spouse or partner and any resident dependants.
- 5) No other part of the development hereby permitted shall begin until
  - Visibility splays have been laid out and constructed in accordance with details first submitted to and approved in writing by the local planning authority; and
  - For a minimum of its first 6m back from the nearside edge of the carriageway the site access road, including the bellmouth radii, has been hard-surfaced and drained in accordance with details first submitted to and approved in writing by the local planning authority.The visibility splays and access road shall thereafter be retained in accordance with the approved details at all times. Any site access gates shall be set back a minimum of 6m from the nearside carriageway edge and shall be hung to open inwards only.
- 6) Within 12 months of commencement of the development hereby permitted, two passing bays shall be provided on the site ownership frontage with the public highway in accordance with details first submitted to and approved in writing by the local planning authority, and shall thereafter be retained in accordance with those approved details.

- 7) A riparian buffer of 6m from the river edge, when it is at the top of its typical river range (1.09m) shall be retained at all times to prevent disturbance to otters on the River Tone.
- 8) When the temporary dwelling hereby permitted ceases to be occupied by persons specified in condition 4 above, or on the date 5 years from the date of this decision letter, whichever is the sooner, the dwelling shall be removed, and the land restored to its former condition, in accordance with a scheme of work which has first been submitted to and approved in writing by the local planning authority.
- 9) If Plot B (the subject of this permission) should be amalgamated with either Plot A (the subject of Appeal Ref APP/Y1138/A/12/2181808) or Plot C (the subject of Appeal Ref APP/Y1138/A/12/2181807) or both of them, so as to constitute one holding, only one temporary dwelling shall be permitted to remain on the amalgamated site and the other(s) shall be removed from the land within 6 months of the date that the amalgamation of the plots occurred, in accordance with a scheme of work which has first been submitted to and approved in writing by the local planning authority.

### **Appendix 3: Schedule of Conditions for Appeal C**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: L-01 C (site location plan); L-02 C (site plan and block plan); L-03 (barn elevations and floor plans); L-04 (hatchery elevations and floor plans); L-05 (dwelling elevations and floor plan); L-09 (landscape plan).
- 2) Prior to the provision on site of the temporary dwelling hereby permitted a timetable shall be submitted to and approved in writing by the local planning setting out the timing of the provision of
  - the communal barn and solar PV array, in accordance with the approved plans;
  - the provision of the landscaping scheme, in accordance with drg. no. L-09;
  - the provision of the W.E.T. waste treatment facilities, in accordance with the approved plans; and
  - the provision of the composting toiletsand development shall be carried out in accordance with the approved timetable.
- 3) The occupation of the temporary dwelling hereby permitted shall be limited to persons solely or mainly employed in the agricultural business operated on Plot A or a widow or widower of such a person, together with their spouse or partner and any resident dependants.
- 4) No other part of the development hereby permitted shall begin until
  - Visibility splays have been laid out and constructed in accordance with details first submitted to and approved in writing by the local planning authority; and
  - For a minimum of its first 6m back from the nearside edge of the carriageway the site access road, including the bellmouth radii, has been hard-surfaced and drained in accordance with details first submitted to and approved in writing by the local planning authority.The visibility splays and access road shall thereafter be retained in accordance with the approved details at all times. Any site access gates shall be set back a minimum of 6m from the nearside carriageway edge and shall be hung to open inwards only.
- 5) Within 12 months of commencement of the development hereby permitted, two passing bays shall be provided on the site ownership frontage with the public highway in accordance with details first submitted to and approved in writing by the local planning authority, and shall thereafter be retained in accordance with those approved details.
- 6) A riparian buffer of 6m from the river edge, when it is at the top of its typical river range (1.09m) shall be retained at all times to prevent disturbance to otters on the River Tone.

- 7) When the temporary dwelling hereby permitted ceases to be occupied by persons specified in condition 3 above, or on the date 5 years from the date of this decision letter, whichever is the sooner, the dwelling shall be removed, and the land restored to its former condition, in accordance with a scheme of work which has first been submitted to and approved in writing by the local planning authority.
- 8) If Plot C (the subject of this permission) should be amalgamated with either Plot A (the subject of Appeal Ref APP/Y1138/A/12/2181808) or Plot B (the subject of Appeal Ref APP/Y1138/A/12/2181821) or both of them, so as to constitute one holding, only one temporary dwelling shall be permitted to remain on the amalgamated site and the other(s) shall be removed from the land within 6 months of the date that the amalgamation of the plots occurred, in accordance with a scheme of work which has first been submitted to and approved in writing by the local planning authority.