

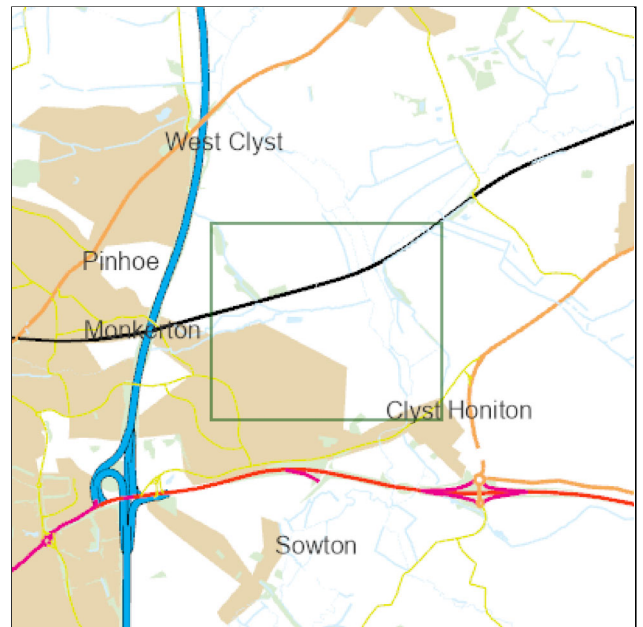
**Ward** Broadclyst

**Reference** 25/0711/FUL

**Applicant** Mr Henry Gent (Mosshayne Farm Partnership)

**Location** Mosshayne Farm West Clyst Devon EX1 3TR

**Proposal** Siting of temporary rural workers dwelling (retrospective)



## RECOMMENDATION: Refusal

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		<b>Committee Date: 15.07.2025</b>
<b>Broadclyst (Broadclyst)</b>	<b>25/0711/FUL</b>	<b>Target Date: 25.06.2025</b>
<b>Applicant:</b>	<b>Mr Henry Gent (Mosshayne Farm Partnership)</b>	
<b>Location:</b>	<b>Mosshayne Farm West Clyst</b>	
<b>Proposal:</b>	<b>Siting of temporary rural workers dwelling (retrospective)</b>	

**RECOMMENDATION: Refusal**

### **EXECUTIVE SUMMARY**

**This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Ward Councillor and the Parish Council.**

**The application seeks temporary retrospective approval for the siting of a small dwelling for two rural workers at Mosshayne Farm, which sits just over a kilometre from West Clyst. The proposed dwelling would be sited approximately 150 metres south of the main farmhouse.**

**Local Plan Policy H4 lends support for new dwellings in the countryside for people employed in rural businesses, subject to a proven and essential agricultural need for the occupier of the proposed dwelling to be housed permanently on the unit.**

**The holding comprises 290 acres of land and is farmed as a mixture of ley, vegetables and grass. Vegetables are grown organically, and the proportion of the farm given over to vegetable production has grown since 2018. Three of the farm partners live in the farmhouse but only work part time on the farm due to other commitments.**

**The application states that organic vegetable growing is very labour intensive, and the dwelling would also help with security as the farm has the well used Mosshayne Lane cycle path and public footpath running through the middle of it. However, security is seldom sufficient justification for a rural dwelling and there is insufficient evidence that a 24/7 on site presence is needed in addition to the existing farmhouse. Moreover, the application has not demonstrated future operational viability.**

**The building is sited some distance from the rest of the farm buildings and would lead to harm to the character and appearance of the countryside. On the**

**basis that the proposal would not meet the criteria for a temporary dwelling under Policy H4 and would be contrary to policies contained within the Local Plan and guidance contained within the NPPF, the application is recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

Thank you for consulting Broadclyst Parish Council.

At the Annual meeting of the Council on May 12th 2025, the Council was in agreement to support the application 25/0711/FUL Mosshayne Farm West Clyst Devon EX1 3TR, Siting of temporary rural workers dwelling (retrospective) with the following conditions:

- A 3-year temporary consent;
- Occupancy restriction to rural workers employed at Mosshayne Farm;
- A review mechanism linked to the farm's business plan progress.

Thank you

#### **Broadclyst - Cllr Paula Fernley**

I know this little caravan well. I walk past it regularly. I think to say it is easily visible on public realm is an exaggeration, you can only see the top windows as you go past which are very small. I thought it was something that housed chickens not people it's so small.

We are in an age where young people with poorly paid jobs find it difficult to find suitable housing close to their places of work. As the tenants are working on the farm is it not going against climate policy to make them move further away from their place of work to make them drive to an organic farm.

I'm not sorry to say that I support this retrospective application for temporary accommodation for farm workers.

#### **Climate Change Mitigation and Sustainability - NPPF February 2025 Paragraphs 161 & 163**

The application aligns with national goals on climate change.

161. The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

If the dwelling were removed, staff would be required to commute by vehicle, increasing carbon emissions and undermining sustainable development objectives. The current on-site location is consistent with the NPPF's climate ambitions.

As there are around 600 more houses to build in the surrounding area in what was the countryside, objecting to 1 small temporary dwelling is a little excessive.

### **Technical Consultations**

#### **Environmental Health**

I have considered the application and do not anticipate any environmental health concerns.

#### **Other Representations**

No third party representations have been received.

### **PLANNING HISTORY**

**88/P2704** Conversion Of Barn To Dwelling. Refusal

**11/2754/FUL** Construction of replacement two storey extension, construction of porch , single storey extension, construction of raised deck and installation of new septic tank. Approval.

**14/0134/GPD** Construction of single storey rear extension measuring 5.23m deep at a maximum height of 3.15m and eaves height of 2.45m. Prior approval not required.

**17/0018/FUL** Creation of new vehicular access and driveway. Approval.

**17/0302/VAR** Variation of condition 2 of planning permission 11/2754/FUL to allow extensions and alterations to west elevation including revised ramped and stepped access from parking area to first floor flat. Approval.

**21/0538/FUL** Proposed store building for vegetables, machinery and equipment with workshop area. Approval

### **POLICIES**

#### **Adopted East Devon Local Plan 2013-2031 Policies**

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 10 (Green Infrastructure in East Devon's West End) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

EN14 (Control of Pollution) Adopted

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System) Adopted

EN22 (Surface Run-Off Implications of New Development) Adopted

H4 (Dwellings for Persons Employed in Rural Businesses) Adopted

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Broadclyst Neighbourhood Plan (Made)

D1: High Quality Design

Policy DC3: Sustainable Drainage

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy WS09 (Clyst Valley Regional Park) Draft

Strategic Policy AR01 (Flooding) Draft

Policy HN11 (Housing for rural workers) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport)  
Draft

Policy TR04 (Parking standards) Draft

Policy TR05 (Aerodrome safeguarded areas and Public Safety Zones) Draft

Strategic Policy OL01 (Landscape features) Draft

Policy OL09 (Control of pollution) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

Site Location and Description

Mosshayne Farm comprises a range of historic and modern agricultural buildings and a farmhouse which sit either side of Mosshayne Lane, a private lane and public footpath which runs between West Clyst to the north and Clyst Honiton to the south.

The holding comprises 290 acres of land, 160 acres of which are owned and 130 are rented. The land is farmed as a mixture of ley (60 acres), vegetables (50 acres) and grass (180 acres). The holding has moved away from organic milk production and towards organic vegetable production since 2018, and now supplies a number of local shops, restaurants and businesses. The farm also has a small free range flock of hens.

The application site is within the Clyst Valley Regional Park, but no formal landscape designations apply to the site.

Proposed Development

Retrospective approval is sought for a temporary rural worker's dwelling in support of the wider farming operations at Mosshayne Farm.

The proposed dwelling occupies a total footprint of 7 metres wide by 5.5 metres deep, which comprises the dwelling of 7 metres long by 2.5 metres deep and a covered veranda.

The dwelling is constructed off a deck which is raised off the ground. The veranda has an eaves height of 2.9 metres, and the dwelling has an eaves height of 4.5

metres. The proposal also includes a ground mounted solar array of six solar panels which provides power for the dwelling.

Approval is sought for a temporary period of three years.

### Analysis

The proposal falls to be assessed having regard to the following material considerations that are discussed in turn.

### Principle of Development including functional and financial tests

The site lies outside of any Built Up Area Boundary as defined within the East Devon Local Plan, therefore Strategy 7 applies. This strategy is an overarching strategy for all development and 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". Additionally, development must not harm the distinctive landscape, amenity and environmental qualities within which it is located. Local Plan Policy H4 lends support for dwellings in the countryside for people employed in rural businesses, which reflects guidance set out within the National Planning Policy Framework at para. 84. This states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a number of stated circumstances apply. One of the listed circumstances is 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 application seeks approval for a temporary dwelling for two permanent employees at Mosshayne Farm.

Local Plan Policy H4 - 'Dwellings for Persons Employed in Rural Businesses' states that permission for dwellings in the countryside for new agricultural or forestry workers or people employed in rural businesses or activities will be granted, where the proposal fully satisfies all six criteria of the policy. In terms of scale, the dwelling should be commensurate with the established need and should not be overly large to the extent that any future prospective purchaser of the farm could be priced out of a sale. Where a dwelling is permitted it must not exceed a size necessary to meet the reasonable needs of the worker/s. Any dwelling, under the control of the applicant, which houses the holdings worker/s, will be subject to an occupancy condition. These measures will help to protect the countryside against undue pressure for new houses.

Addressing the criteria of policy H4 in turn:

1. *There is a proven and essential agricultural or forestry or rural business need for the occupier of the proposed dwelling to be housed permanently on the unit or in the specific rural location for functional reasons and the size of the proposed dwelling is commensurate with the scale of the established functional need. Where this need is unproven or a new business is being established a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary*

*dwelling will normally be permitted for a period of three years, subject to meeting relevant criteria detailed below.*

Since the dairy herd was dispersed in 2018, the acres given over to vegetable crops on the holding has increased from 37 acres in 2023 to 45 acres in 2025. In addition to the vegetable growing, the farm has two honesty boxes selling vegetables and eggs, one opposite the farmhouse and a second box at the southern end of Mosshayne Lane, on the junction with Blackhorse Lane, just under a mile south of the site. The turnover from the two honesty boxes has climbed considerably since their inception in 2019. The holding has plans to expand upon the existing enterprise, through the installation of polytunnels, and potentially a 'manned' shop, subject to planning / permitted development. The installation of polytunnels could increase turnover in the two honesty box shops by a further 25/35%.

A Standard Man Day (SMD) calculation is traditionally provided to demonstrate the number of labour units required to run the business, with 275 SMDs equating to a full time worker.

The submitted planning statement confirms that the farm currently employs 6 no. staff through the peak months, all of whom live locally. These staff members are predominantly young people including school and university students working in their summer break. One full time member of staff lives locally. Three of the farm partners live within the farmhouse but are part time owing to other commitments and their individual circumstances. Permission is sought for a temporary dwelling for two workers; one worker who works four days a week at the farm and one who is working one day per week and occasional weekend days.

The application documents state that the budgeted labour hours for 2025 is 6,000 hours of work which is approximately equivalent to three full time members of staff. A detailed breakdown has been provided detailing how this figure has been arrived at, based on previously recorded labour hours per crop and per acreage, extrapolated to provide the labour requirement for the additional acreage of vegetable growing planned.

This application is for a temporary dwelling, this is normally relevant for new farming enterprises to allow time for them to prove if they can be viable. In this case the new business has been running since 2018, so for 7 years already. No detailed accounts or business plan have been provided to demonstrate the current or future viability of the business, instead a few headline figures have been provided showing the overall margins in recent years. In the absence of detailed accounts or a detailed business plan it is not possible to assess current or future viability

With regard to labour requirements no break down of day-to day activities has been provided to ascertain whether this number of hours is realistic, but the LPA has no reason to doubt the stated figures.

Functional need to live on the site

The application states that the production of organic vegetables is very labour-intensive, and a large labour input is required for planting, weeding, and most of all for harvesting, which is largely manual.

The statements submitted with the application give an indication of the day to day activities on the farm which require an on site presence. The statement confirms that having staff on site who are able to do extra work at short notice or at the weekend in response to changing weather conditions is a significant benefit. The irrigation system needs monitoring during the evenings and weekends in summer. Birds can damage crops by pulling them up during the early morning and during daylight hours. Loud gas fired bird scarers cannot be used because of the proximity to nearby housing therefore there is a requirement for physical barriers and visual deterrents to keep birds away. The farm currently has 100 hens which need letting out at dawn and are shut in again at dusk. A pilot project to feed insect larvae to the hens is about to commence, and the application states that the insects also need looking after 7 days a week included weekends and evenings. In addition the farm have three pigs which also need daily attention. The honesty shop at the farm also requires topping up, particularly over the weekend.

Mosshayne Lane is a well used public footpath and cycle path which runs through the middle of the farm, which makes the farm vulnerable to vandalism, trespassing, and theft. The farm has had a number of 'near misses' of people walking around the land or looking in buildings without permission, therefore the application states that staff living on site would act as a good deterrent. However the application is retrospective, therefore the deterrent is already in place.

However, security is seldom sufficient justification for a rural dwelling and there are other security measures such as CCTV and alarms which could provide rural security. Without the proposed dwelling, the farm would still have three residents within the farmhouse. The proposed dwelling would not be within visual proximity of either of the two honesty boxes, with one being almost a mile south of the farm, and one being opposite the main farmhouse. In addition, the business is dominated by horticulture which has a lower propensity to need around the clock attention than caring for livestock does. Damage to crops could have a large impact on such an enterprise but no evidence has been provided that other options for security have been explored.

The outline financial assessment and business plan states that should the application for a worker's dwelling be refused, the potential loss of the two employees may result in the farm having to use agency labour which would cost significantly more. The provision of cheaper labour through the provision of year round on site accommodation is not one of the reasons or tests that should justify a second farm dwelling at this site.

Furthermore, insufficient justification has been provided in respect of which elements horticulture and welfare require a 24/7 on-site presence beyond the timeframe of a normal working day, including evidence that this need would subsist throughout the year. The farm is in relative close proximity to nearby settlements at West Clyst and Exeter where alternative accommodation could be sought.



2. *In the case of a permanent dwelling, the rural business has been operational for a minimum of three years, it is demonstrable that it is commercially viable and has clear prospects for remaining so.*

This criterion is not relevant as a permanent dwelling is not proposed.

3. *In the case of a temporary dwelling, a financial assessment, specifically in the form of a business plan setting out projected future operations, must demonstrate future operational viability.*

Financial statements for the years ending March 2021, March 2022, and March 2024 have been provided, on a confidential basis. It has not yet been demonstrated that the business is viable and the submitted Outline Financial Assessment and Business Plan recognises that the farm needs to improve in order to be viable, despite the new enterprise having started in 2018. No figures have been submitted to demonstrate future operational viability. The statement contends that the proposed dwelling would enable the farm to improve its viability by retaining good quality staff. The statement includes information regarding future expansion plans for the farm, but no information such as a robust business plan has been submitted which would specifically demonstrate future operational viability.

4. *The qualifying test of occupancy must involve at least one occupant being employed full time in the relevant rural business. Two occupants in partnership can meet the condition so long as their joint weekly hours equate to a full working week*

The submitted planning statement confirms that one employee works four days a week on the farm, and one works one day a week with occasional weekends. Their joint hours would equate to a full working week.

5. *There are no buildings on the operational holding suitable for conversion to meet the residential need or exiting dwellings available now or likely to be available within a nearby location or settlement. Sale within the last three years of any dwellings or buildings suitable for conversion will be taken into account and will count against 'need' in the assessment carried out.*

The application documents state that the remainder of the barns and outbuildings are required for agricultural purposes and there are no other viable possibilities on the farm or within the control of the farm partnership.

The existing farmhouse is occupied by three part time partners of the farm. It is material in the assessment of criteria 5 to consider whether the existing dwelling could be occupied by the additional workers. There is case law on the matter of whether or not a dwelling can reasonably be considered to be available. The key High Court judgments regarding this are *Keen v. Secretary of State for the Environment and Aylesbury Vale District Council* (1996), the approach within which was confirmed in *JR Cussons and Son v. Secretary of State for Communities and Local Government* (2008). Both judgments made it clear that it is necessary to test whether there is accommodation which is both suitable and available and, where there is existing accommodation, it must be subject to scrutiny as to whether it can reasonably be held to be available. It is insufficient for accommodation to merely

exist. In accordance with Keen, it is contended that the farmhouse is not available to house additional workers since it would be unreasonable to expect the applicants to vacate this property. However since there are already 3 occupants living in the main farmhouse there is already a 24/7 presence at the farm. Given the nature of the farming operations, which are dominated by horticulture, the requirement for a full time presence of five staff at the farm year all year round is not justified.

*6. Any permission granted will be subject to an occupancy condition tying it to the relevant business on the proposed dwelling and where appropriate, any existing dwelling on the farm holding.*

The applicant confirms that the imposition of an agricultural occupancy condition would be acceptable.

As a matter of principle, therefore, the lack of a demonstrable functional requirement for a permanent on-site presence set out within Policy H4 are considered to weigh significantly against the proposed dwelling.

#### Design impact on character of site including Landscape Impact

The site is approximately 30 metres north of Broadclyst Footpath 29 / Mosshayne Lane which is a well used public footpath, unclassified lane and cycle path which runs between Clyst Honiton to the south and West Clyst to the north.

The East Devon and Blackdown Hills Landscape Character Assessment places the site within Landscape Character Type (LCT) 3B 'Lower rolling farmed and settled valley slopes'. The LCT is characterised by a gently rolling landform, of predominantly pastoral farmland with many hedgerow trees. There are various ages and styles of buildings with the predominant building materials including stone, cob, whitewash/ render, slate, thatch and tile. Larger agricultural buildings are noted as being prominent in the landscape but are considered part of a working farmed landscape. Immediately to the north of the footpath is an agricultural shelter with a low pitched corrugated shelter. The height of the proposed temporary dwelling, results in the proposal being highly visible over the roof of the shelter, with the building appearing as an incongruous structure with its highly conspicuous row of square upvc windows within the horizontal black cladding. Additionally, the proposed structure is over 100 metres away from the farmhouse and other associated farm buildings and stands in an isolated location, rather than being sited alongside the existing farm buildings where the proposed building would be read against the existing structures to minimize its visual impact.

Strategy 7 - Development in the Countryside 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 lead to the adverse disruption of a view from a public place which forms part of the distinctive character of the area. The proposal is within close proximity of Broadclyst Footpath 29 / Mosshayne Lane and the proposal would be out of character with the surrounding rural landscape, would not be well integrated with the existing setting and would be highly visible from the adjacent public footpath. The

proposal would therefore lead to harm to the character and appearance of the countryside.

Local Plan Policy D1 Design and Local Distinctiveness requires that proposals are locally distinctive. In addition, Policy D1 High Quality Design of the Broadclyst Neighbourhood Plan requires that proposals respect and / or complement local character setting in relation to the height, scale, layout, orientation and spacing of buildings as in the Broadclyst Design Code and draw inspiration from the best and most locally distinctive buildings. The proposal, being siting away from the other farm buildings, and by way of its height and siting next to a public footpath would have a significant adverse impact upon the visual amenity of the surrounding landscape.

Given the above, the proposal would be contrary to Local Plan Strategy 7 and Policy D1 and Broadclyst Neighbourhood Plan Policy D1.

#### Residential / Neighbour Amenity

The proposed dwelling would provide 16 square metres of accommodation. This is significantly smaller than the Nationally Described Space Standard (NDSS) of 50 square metres for a one bedroom two person dwelling. Officers would not normally apply NDSS to temporary caravans, however this application is not for a caravan, whilst temporary consent is sought the building appears to be constructed as a permanent structure and does not meet the definition of a caravan. It is currently occupied and seeks consent for occupation of 3 more years. This is a significant time period for persons to live in sub-standard accommodation. Furthermore, if the farming business is proven to be profitable it is likely an application would be submitted to retain the building permanently.

There is no defined residential curtilage or identified parking area. Arrangements on site are ad hoc but outside of the application site boundary. The proposal would not lead to any adverse impacts to the residential amenity of any adjoining residential properties.

As such the proposal would fail to comply with local plan policy D1 as it would not provide suitable living standards for occupiers.

#### Highways, access and parking

Vehicular access is currently provided via Mosshayne Lane. It is considered that the proposals will not result in a significant increase in traffic movements to and from the site that would give rise to any highway safety concerns. Parking is provided alongside the dwelling accessed off an existing concrete track off Mosshayne Lane.

Given the above, the proposal would comply with local plan policies TC7 and TC9.

#### Ecology / biodiversity

The proposal is raised on stilts above the existing site, which is mown grassland, therefore it is not considered that the proposal would give rise to any adverse impacts to any protected species.

In terms of biodiversity net gain, BNG does not apply to retrospective planning applications as the BNG condition cannot be applied by way of a standard pre-commencement condition as the development has already been commenced.

The proposal would therefore comply with local Plan Policy EN5.

### Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

### Drainage

Foul drainage is being dealt with by a composting toilet. Grey and surface water would be disposed of via soakaway. Should the application be recommended for approval a condition would be imposed requiring the submission of a written compost management plan (CMP) detailing how liquid and solid outputs from the composting toilet will be managed, and to ensure that output from the composting toilet is not used on any land used for the production of food where there is a risk of contaminants being taken up by the produce being grown.

With the appropriate condition in place, the proposal would comply with Local Plan Policies EN14, EN19 and EN22.

### Other matters

There are no listed buildings near the site therefore the proposal would not lead to any harm to the setting of any listed buildings. There are no trees on the application

site that could be impacted by the proposal. The site lies within Flood zone 1 therefore is at low risk of flooding.

The Ward Councillor's comments about the location are noted in that it would appear be against climate change policy to require workers to live further from the farm. However, in the absence of evidence that there is a need for a worker to be housed permanently on the farm, the proposal would not comply with any Local Plan Policy and would represent unjustified development in the countryside. Guidance within the NPPF also seeks to avoid the development of isolated homes in the countryside, stating instead that housing should be located where it will enhance or maintain the vitality of rural communities.

It is also considered that living at the farm does not necessarily result in less vehicle movements. People tend to travel to their work place once a day, but may make multiple trips a day to access services such as schools, leisure facilities, shops, pubs etc.

### Conclusion

Insufficient evidence has been provided to demonstrate that the proposed dwelling would meet the essential functional need to provide accommodation at the holding.

The proposal, which stands at some distance from the farmhouse and rest of the farm buildings, would appear as a highly incongruous structure which would be highly visible from the adjacent public footpath and would not be well integrated with the surrounding rural landscape.

The proposal therefore represents an unjustified form of development amounting to the provision of a dwelling in a non-sustainable open countryside location remote from an adequate range of services and facilities.

The dwelling fails to meet Nationally Described Space Standards and so fails to provide an adequate standard of living accommodation, contrary to Policy D1 of the East Devon Local Plan and the provisions of the NPPF.

It is therefore recommended that permission for the retention of the dwelling be refused. It is further recommended that the appropriate planning enforcement action be authorised to secure its removal, it being expedient to do so in the interests of upholding national and local planning policies that seek to restrict new dwellings in the open countryside unless robustly justified in terms of satisfying the requisite functional and financial tests alongside other contextual considerations.

### **RECOMMENDATION**

REFUSE for the following reasons:

1. The site occupies a location within the open countryside outside of the Built-up Area Boundary of any established settlement or site-specific allocation set out in the adopted East Devon Local Plan 2013-2031. Within such areas, there is a presumption against new build residential development unless there is a proven and essential functional requirement for a rural worker to live permanently at or near their place of work in the countryside. On the basis of the information submitted, the Local Planning Authority is not satisfied that it has been adequately demonstrated that there exists an essential need for the proposed dwelling to facilitate the functional requirements of the holding. Accordingly, the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Policy H4 (Dwellings for Persons Employed in Rural Businesses), and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013 to 2031, and the guidance set out in paragraph 84 of the National Planning Policy Framework (2024).
2. The proposal would appear as a highly incongruous structure which would represent unnecessary built form in the countryside which would be easily viewable from the public realm. As such the proposed dwelling represents an unjustified and harmful development in the countryside that is not sympathetic to the rural setting and fails to reflect the established landscape character of the area. Accordingly, the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 to 2031, Policy D1 of the Broadclyst Neighbourhood Plan 2022-2031.
3. The proposed floor area of the proposed dwelling is substantially below Nationally Described Space Standards and would result in a poor standard of residential amenity for future users. The proposal would therefore be contrary to Local Plan Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013 to 2031 and Para. 135 of the National Planning Policy Framework, December 2024.

## NOTE FOR APPLICANT

### Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

### Plans relating to this application:

Location Plan	26.03.25
Proposed Block Plan	26.03.25

**Statement on Human Rights and Equality Issues****Human Rights Act:**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Equality Act:**

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.