



Appeal Decision

Hearing held on 9 June 2026

Site visit made on 9 June 2026

by **E Pickernell BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2026

Appeal Ref: 6003339

Mosshayne Farm, road past Mosshayne Farm, West Clyst, Devon EX1 3TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Henry Gent of Mosshayne Partnership against the decision of East Devon District Council.
 - The application Ref is 25/0711/FUL.
 - The development proposed is siting of temporary rural workers dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The temporary rural workers dwelling (the dwelling) is already at the site. For the avoidance of doubt, I have assessed the proposal on the basis of the submitted plans.

Main Issues

3. The main issues are:
 - whether there is an essential need for a dwelling to accommodate a rural worker at the appeal site having regard to functional need, viability and the availability of other dwellings nearby;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal provides suitable living conditions in respect of internal space.

Reasons

Essential need for a dwelling

4. The appeal site comprises an existing farm within an area of open countryside close to Exeter. The site is outside of the built-up area boundary of any settlement in a location where development is restricted by local planning policy.
5. Policy H4 of the East Devon Local Plan 2013 to 2031 (Adopted January 2016) (LP) relates to the provision of dwellings for persons employed in rural businesses. The policy states that permission for dwellings in the countryside for new agricultural workers will be granted where the proposal fully satisfies 6 criteria.

These policies are broadly consistent with Policy 84 of the National Planning Policy Framework (the Framework) which seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. This includes 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 criteria of Policy H4 which are in contention are 1, 3 and 5.

Functional need

6. Mosshayne Farm has been in the appellants' family since 1895. It comprises approximately 117 ha (290 acres) in total (approximately 53 ha (130 acres) of which is rented). The farm started to transition from dairy farming to organic vegetable production in 2018 and around this time the appellant's daughter became involved in the business. It is the intention of the appellant and his wife to retire shortly.
7. The dwelling has been in situ since 2021. The occupiers work on the farm, carrying out general farming tasks such as weeding, planting and harvesting. The appellant contends that their presence on site is required outside of normal working hours and at weekends to carry out additional tasks associated with the monitoring and watering of the crops and the care of the animals on the site.
8. Whilst some of these tasks need to be carried out in the early morning and the evening, outside of the farm's standard 8am-4pm working day, they nevertheless are regular tasks which happen at relatively predictable times.
9. In addition, sometimes, help is required to scare off birds, however, this is a relatively infrequent occurrence. Extra help is sometimes required when weather conditions are appropriate for additional harvesting or planting sessions. However, this is unlikely to occur outside of working hours or could be anticipated using forecasting services.
10. There are no tasks which require the presence of a worker overnight. Although some occur early in the morning and late at night, many jobs involve working unsocial hours and this does not necessarily justify someone living at the site. Two of the farm partners who live on the site are shortly to retire and the other has family commitments which mean that they cannot always attend to these matters. However, I am unconvinced that there are not alternative working patterns and monitoring arrangements which might avoid the need for a worker to live on the site.
11. Nevertheless, criterion 1 of Policy H4 states that there must be a proven and essential agricultural (amongst other things) need for the occupiers of the proposed dwelling to be housed permanently [my emphasis] on the unit. In this instance a temporary consent for three years is sought.
12. The Policy goes on to say that where this need is unproven or [my emphasis] 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.
13. The Council consider that as Mosshayne Farm is an established business and because the dwelling has been in situ since 2021, the dwelling should be

considered as though it were permanent. However, this approach is not supported by the policy, and the description of development is clear that the proposal is for a temporary dwelling. Although the dwelling has been in situ for some time it is not reasonable to consider it as a permanent structure and its removal could be controlled by condition. As such, even though I do not consider the functional need to be fully proven, there would be no conflict with criterion 1 of Policy H4 of the LP.

Viability

14. Criterion 3 of Policy H4 states that 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.
15. I have been provided with financial statements of the farm dating back to 2021. These indicate significant losses each year as well as capital injections into the business.
16. The appellant attributes the losses to a number of factors including global economic circumstances which have resulted in increased costs. Furthermore, an element of trial and error has been involved in establishing the best type of crops to grow and the best places to grow them which has resulted in some crop failures.
17. The appellant contends that the capital injections have been used to invest in establishing the enterprise such as the construction of a vegetable shed, chiller and the introduction of the borehole and irrigation system. They do not consider that these investments should be taken into account in a consideration of viability as they are unlikely to be repeated. They also consider that domestic costs associated with the farmhouse and depreciation should be discounted. On this basis, the appellant considers that the farm made a profit in 2021 and 2024. Even taking this into account it has clearly been challenging for the farm to generate a consistent level of profit.
18. The accounts show that the most significant income stream to the farm has been from Riverford, an organic vegetable delivery company to which most of the farm's output is sold.
19. An Outline Financial Assessment and Business Plan document has been prepared which sets out a three-year plan. In 2025 the intention was to install polytunnels (some of these were erected, albeit without the benefit of planning permission), a 17% increase in acreage for Riverford, an estimated 100% increase in shop turnover, and a possible start to farmers market sales. In 2026 the plan involves potentially selling output from the polytunnels to Riverford and an increase in farmers market sales. In 2027 further growth from Riverford is anticipated along with more sales from the farmshops and markets along with investigating other options such as a manned shop.
20. A Farm Budget Forecast has been provided which sets out a budget from April 2025 to March 2028. Actual figures are provided for the first 9 months of this period which indicate that a significant loss occurred during this period rather than the anticipated profit. At the hearing it was explained that this was due, amongst other things to crop damage, crops not meeting the specification of Riverford and incorrect crop selection and planting/harvest timings.

21. The appellant explained that in contrast with the prepared business plan, which was predicated on increased production for Riverford, the actual programme with Riverford for next year entails a reduction in the amount of product they wish to buy from the farm. They are currently working on a new budget going forward to reflect an anticipated reduction in income from Riverford which will concentrate on more direct sales and growing a smaller range of crops. There is also the possibility of ending the arrangement with Riverford and exploring a local vegetable box scheme.
22. Consequently, the business plan and budget forecast documents which involved increasing sales to Riverford as the primary source of income no longer accurately reflects the future plans of the farm.
23. The partners are confident that the business can be made profitable and has a positive future ahead. On this basis investments have been made using funds from the sale of land to house builders, including, most recently a new satellite guided tractor.
24. However, no business plan, costings or projected profits are available based on the new plan for future operations of the farm. Neither is it clear whether further investments or injections of capital will be necessary to achieve this. Consequently, and bearing in mind the general pattern of losses in previous years, I have no firm basis upon which to conclude that the plans for the business will result in a viable enterprise.
25. As such future operational viability has not been demonstrated and therefore an additional dwelling in association with the enterprise is not justified. Therefore, the proposal conflicts with criteria 3 of Policy H4 of the LP.

Availability of other dwellings

26. Criteria 5 of Policy H4 states that there should be no buildings on the operational holding suitable for conversion to meet the residential need or existing dwellings available nor likely to be available within a nearby location or settlement. The parties disagree in respect of the applicability of this criterion to a temporary dwelling. Given that it does not differentiate between permanent and temporary dwellings in the way that other criteria do, I consider it to be relevant to the proposal.
27. At the hearing it was established that there are several residential properties on the holding in addition to the main farmhouse. These are either occupied by other family members or are commercially let. I accept that at present, these are not available to be occupied by the rural workers.
28. The possibility of converting a building at the farm to a dwelling was discussed at the hearing. Although there are buildings which could potentially be converted, no specific building has been identified, and no plans have been drawn up which indicate how or where this might occur. Given that a temporary dwelling is sought and the timeframes that would be involved in planning and implementing a conversion scheme, I accept that this would not be a viable alternative in this instance.
29. Although the farm is in the open countryside outside of any settlement it is close to the edge of Exeter and is near to new housing development, the construction of

which is on-going. It was put to me that any dwelling near to the appeal site would be prohibitively expensive for the occupiers. However there has been no robust exercise or analysis carried out which demonstrates either the affordability or availability of suitable alternative accommodation near to the appeal site.

30. The temporary dwelling comprises a modular mobile home which is owned by the occupiers. It has been designed to meet their needs and desire for a minimalist, 'off-grid' lifestyle. Therefore, moving to a 'conventional' home nearby would not be desirable for them. Nevertheless, this is an area of constraint in terms of new housing and as such the accommodation of personal preferences can be given only minimal weight.
31. Consequently, I am not satisfied that it has been adequately demonstrated that there are no suitable existing dwellings available nearby and as such the proposal conflicts with criteria 5 of Policy H4.

Conclusion – essential need

32. Overall, even though I am not persuaded that there is a functional need for a rural worker to live at the site, this does not result in conflict with the provisions of Policy H4 given the temporary nature of the accommodation proposed. However, I am not satisfied that the future operational viability of the farm has been demonstrated, neither am I satisfied that there are no other dwellings nearby that could meet the residential need. As such in these respects I conclude that there is not an essential need for a dwelling to accommodate a rural worker at the appeal site. I therefore conclude that the proposal conflicts with Strategy 7 and Policies H4 and TC2 of the LP which together seek to ensure that development is located in accessible locations and that in the open countryside development is restricted to that for which there is a proven need.

Character and appearance

33. Mosshayne Farm is located in the open countryside near to Exeter. It comprises several fields located around a central cluster of buildings including dwellings, courtyard and several agricultural buildings of varying age and design.
34. Although recent and on-going housing development is visible from several vantage points within the farm and on approach, the farm and the immediate surroundings maintain a distinctly rural character. According to the East Devon and Blackdown Hills Landscape Character Assessment¹ the appeal site is situated within Landscape Character Type 3B 'Lower rolling farmed and settled valley slopes'. Such areas are characterised by a gently rolling landscape, long views, patches of woodland and agricultural land within a settled landscape. The countryside in which the appeal site is located is typical of this character area.
35. The dwelling is located within an area of land to the southwest of the main group of buildings and courtyard within the farm. It is a mobile home with wheels and a tow hitch and is mono-pitched with a flat roof dormer element which facilitates an upper floor. A terrace structure rests on sleepers adjacent to the dwelling.
36. On approach from the south the dwelling is visible above hedging and an adjacent agricultural building. However, although away from the larger farm buildings to the

¹ Prepared by Fiona Fyfe Associates with Countryside & Robin Lines Landscape, on behalf of Devon County Council, East Devon District Council, East Devon AONB and the Blackdown Hills AONB. March 2019.

northeast the dwelling is seen in the context of the building adjacent to the pig enclosure and the pump house in the adjacent field. As such the dwelling does not appear unduly separated from the farm buildings and is not incongruous in public views from the footpath. Thick vegetation exists to the east and west of the dwelling which limit views of it across the fields from the west and from the footpath to the east. As a consequence, the structure does not appear overly prominent and does not conflict with the landscape character of the area.

37. The small white square windows which serve the first floor of the structure are somewhat jarring in this rural location, however on the whole the dwelling sits relatively unobtrusively in its setting. It is small in scale and has a muted colour palette comprising black painted and natural timber which are reflective of the surrounding countryside.
38. I therefore conclude that the proposal does not result in harm to the character and appearance of the area and therefore accords with Strategy 7 and Policy D1 of the LP and Policy D1 of the Broadclyst Neighbourhood Plan. Together these policies seek to ensure that developments are well designed, do not harm local landscape character and respect their local context.

Living Conditions

39. At the hearing, the parties agreed that the internal floorspace of the dwelling is 26.5m². The Council contend that this is below the minimum internal floor area within the Nationally Described Space Standard² (NDSS).
40. The Council do not have a policy which makes reference to the NDSS. Policy D1 of the LP seeks to ensure that a good standard of design is achieved. Securing a good standard of accommodation is part of this consideration, however internal space standards can only be applied if there is a relevant plan policy.
41. The dwelling is compact, however it has been designed to include all of the necessities for living including a separate bedroom and living room upstairs with open plan kitchen and dining area on the ground floor with a separate bathroom. The occupiers also have access to a generous decking area and open space around the structure. Consequently, despite its small size the dwelling provides a good standard of living for the occupiers.
42. In this instance, bearing in mind the temporary nature of the proposal and the standard of the accommodation I saw at my site visit, I am satisfied that the proposal provides suitable living conditions in respect of internal space. As such the proposal complies with the provisions of Policy D1.

Other Matters

43. The appellant wishes to retain good quality staff and the occupiers provide expertise and support which is very valuable to the farm. The dwelling has been designed to be efficient in terms of energy use and negates the need for travel to work for at least one of the occupiers. However, these benefits are not of sufficient magnitude to outweigh the harm which has occurred as a result of the conflict with local plan policy.

² Department for Communities and Local Government, March 2015

44. The appeal site lies within the 10km zone of influence for recreational pressure of the East Devon Heaths Special Area of Conservation (SAC)/Special Protection Area (SPA) and Exe Estuary SPA/Ramsar sites. Were I to allow the appeal, it would be necessary for me, as the Competent Authority to carry out an Appropriate Assessment (AA) into the effects of the proposal upon these European Habitat sites. However, in this instance, there is no need for me to undertake an AA because I am dismissing the appeal for other reasons.
45. At the hearing, the occupiers of the dwelling referred to an issue pertinent to their wellbeing which they consider is relevant. I have taken account of the benefits of the proposal in respect of eliminating discrimination, advancing equality of opportunity and fostering good relations for persons who may have a protected characteristic as defined by the Equality Act 2010. However, my finding is that the harm caused by the appeal development outweighs its benefits in this regard.

Conclusion

46. The proposal conflicts with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
47. Therefore, for the reasons given above the appeal should be dismissed.

E Pickernell

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Chris Wilkinson	Senior Planner, Avalon Planning and Heritage
Gavin Spiller	Planning Director, Avalon Planning and Heritage
Henry Gent	Appellant, Mosshayne Farm
Ella Gent	Mosshayne Farm
Kate Jellyman	Mosshayne Farm
Cameron Crook	Mosshayne Farm

FOR THE LOCAL PLANNING AUTHORITY:

Jill Himsworth	East Devon District Council
Jamie Quinton	East Devon District Council