
Appeal Decision

Site visit made on 19 September 2016

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 28 September 2016

Appeal Ref: APP/C1760/W/16/3150281

Snowdrop Equestrian Centre, Stanbury Road, Fyfield, Andover, SP11 8NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Leonard Willoughby against the decision of Test Valley Borough Council.
 - The application Ref 15/01236/FULLN, dated 26 May 2015, was refused by notice dated 7 March 2016.
 - The development proposed is to use existing mobile home as a dwelling in association with stables – proposed workers accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice includes three reasons for refusal. The second and third reasons seek to secure the provision of affordable housing and off-site public open space. However, the Council has now set out that following revisions to the Government's Planning Practice Guidance (the PPG), such provisions should no longer be sought. I agree with this view and therefore, I have not considered such matters further in my decision.

Main Issue

3. Having regard to the above preliminary matter, I consider that the main issue of the appeal is whether there is an essential need for a dwelling at the appeal site within the countryside.

Reasons

4. The appeal site is located between the villages of Fyfield and Thruxton. I observed that the site accommodates a number of stable buildings, together with the mobile home that is the subject of this appeal. The wider site also includes paddocks. The site is used by the appellant to keep up to 9 horses and the appellant has set out that he has lived on the site for over 5 years. The proposal seeks permission for the mobile home that is currently in place to be used as a permanent dwelling in association with the stables.
 5. The appeal site is located outside of any settlement boundary and therefore is considered to be within open countryside. Policy COM2 of the Test Valley Revised Local Plan (2016) (the LP) sets out that development outside of the settlement boundaries will only be permitted if: it is appropriate in the
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- countryside as set out in Policies COM9-COM15, LE10, LE16- LE18 of the LP; or it is essential for the proposal to be located in the countryside.
6. Policy COM10 of the LP is of relevance to the appeal, insofar that it considers the circumstances when occupational accommodation for rural workers in the countryside would be acceptable. This includes a number of criteria, which are related to the needs of a business. It is clear in this case that the horses and other animals kept on the site are not for commercial purposes and are not part of a business. As a result, there is no development plan support for a permanent dwelling to be located outside of a settlement boundary that relates to the personal use of the site, such as in this case. The proposal is therefore contrary to Policy COM2 (a) of the LP.
 7. Criterion (b) of Policy COM2 identifies that development may be acceptable where it is essential for the proposal to be located in the countryside. The appellant has set out a number of reasons why there is a need for him to reside permanently on the appeal site. The first of these is for the welfare of the horses and other animals that are kept on the site. The appellant has set out that he takes in unwell and/or mistreated horses which require 24 hour care and that he has in the past spent many nights on-site tending to sick or foaling horses. However, I agree with the Council that little detail has been provided to demonstrate how often such a need arises or that it requires the appellant to be on-site 24 hours a day.
 8. I acknowledge that there may have been thefts and acts of vandalism in the past. I have been provided with only limited details in relation to such events. Although, I have been provided with a greater level of detail in relation to two events that relate to the vandalism of the ball valves to all the automatic feeders and an unauthorised intruder on 9 July 2016, this does not indicate that there is a persistent problem. I am therefore not satisfied that there is a need for a permanent presence on the appeal site or that I have sufficient evidence before me to confirm that other methods of deterrent, such as CCTV cameras could not feasibly be adopted that would address this matter.
 9. The appellant has also set out that there are many other tasks that need to be done on the site such as general maintenance, the upkeep of the stables, weed removal, chain harrowing, topping fields, collecting dung and fertilising. However, I am not suitably convinced that such tasks in combination with the welfare needs of the horses, require a 24 hour a day presence on the site and that the site could not be maintained and run as a welfare facility from an existing dwelling in the locality. Consequently, I must agree with the Council that it has not been demonstrated that there is an essential need for the appellant to be on-site 24 hours a day or that there is an essential need for the proposal to be located in the countryside. The proposal therefore also runs contrary to criterion (b) of Policy COM2 of the LP.
 10. Further to all of the above, the National Planning Policy Framework (the Framework) at Paragraph 55 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The same paragraph also goes on to identify that new isolated homes in the countryside should be avoided, unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

11. As identified above, the stables are not operated on a commercial basis and therefore the special circumstance set out above, is not applicable to the appeal scheme. I acknowledge that the appellant's horses are used for charity events at local fetes and that feed is purchased from local merchants. However, it was evident from my site visit that the appeal site is relatively isolated from any significant local services and facilities and would in my view, not enhance or maintain the vitality of the rural community. The proposal therefore conflicts with Paragraph 55 of the Framework.
12. In conclusion, the proposal would result in an unsustainable dwelling in the countryside that would not enhance or maintain the vitality of the rural community. Further, I am not satisfied that there is an essential need for a permanent presence on the appeal site in connection with the existing stables. The scheme therefore runs contrary to Policy COM2 of the LP and Paragraph 55 of the Framework.

Other matters

13. The appellant has set out that should the appeal fail then he would be homeless. However, I have been provided with limited evidence in relation to the appellant's personal circumstances to demonstrate, without any reasonable doubt, that this would be the case.
14. There are several letters of support for the proposal. Whilst these are acknowledged, they are not sufficient to overcome or outweigh my above concerns.
15. The appellant has provided details in relation to a number of other matters, which include the hedge associated with a previous planning permission on the site, the on-site generator, the on-site greenhouse and concerns in relation to activities at Brook Cottage. In addition, interested parties have raised a number of other concerns. Many of the matters that the appellant and the interested parties have raised are not related to the planning merits of this case and some appear to be personal disputes. However and in any event, I am dismissing the appeal on other grounds. Consequently, such matters do not affect my overall conclusion and have therefore not had a significant bearing on my decision. Although, it is important to note that all matters that the appellant has raised that are related to the planning merits of the case have been fully considered and taken into account in reaching my decision.

Conclusion

16. For the reasons set out above and having regard to all other matters raised, there are no material considerations that individually or in combination outweigh the identified harm. The appeal is therefore dismissed.

Jonathan Manning

INSPECTOR