The Planning Inspectorate

Appeal Decision

Site visit made on 1 November 2016

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 8 November 2016

Appeal Ref: APP/Z3825/W/16/3152498
Mobile Home at Newbrook Riding Stables, Newbrook Business Park, Pound Lane, Upper Beeding, West Sussex BN44 3JD

- 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 Newbrook Farm & Fisheries against the decision of Horsham District Council.
- The application Ref DC/15/1862, dated 17 August 2015, was refused by the Council by notice dated 17 December 2015.
- The development proposed is to retain an existing Mobile Home and its residential use at Newbrook Riding Stables.

Decision

1. I dismiss the appeal.

Main Issue

2. Whether there is an essential need for a rural worker to live in this location.

Reasons

3. Policy 20 of the Horsham District Planning Framework 2015 states that outside the defined built-up area new housing for rural workers will be supported provided that there is a functional need for the dwelling and the occupation of the dwelling is to support the established business use. The viability of the rural business is to be demonstrated. Policy 26 sets requirements for proposals outside built-up area boundaries to be essential to a countryside location, including supporting the needs of agriculture or forestry, quiet informal recreational use or sustainable development in rural areas.

4. Paragraph 55 of the National Planning Policy Framework states that new isolated homes in the countryside should be avoided unless there are special circumstances such as the needs of a rural worker to live permanently at or near their place of work. Support for economic growth in rural areas is set out in paragraph 26.

5. Previous Government guidance in Planning Policy Statement 7 *'Sustainable Development in Rural Areas'* contained in Annex A the need for a functional test, which if satisfied, was followed by a financial test. Whilst that process is still commonly used, the wording of the Framework is less prescriptive in this regard, but does still require there to be a functional, or essential, need. As stated, Policy 20 does require the financial test to be proved, and this policy

was adopted after the Framework and has the full force accorded by section 38(6) of the Planning and Compulsory Purchase Act 2004.

6. The Design and Access Statement gives a concise account of the background and history, to which should be added that whilst the Riding for the Disabled Association were using the stables, a residential use had the benefit of an express permission granted on appeal in 1996 (Council Ref; UB/23/95). The Inspector's reasoning made clear that the Decision was based on the needs of the Association with its charitable status, and the age and number of the horses. Permission was granted for 5 years only, or until the Association stopped using the site, which they did in 2007. The residential use has continued somewhere on the site without the benefit of permission.

7. One point as a preliminary matter, the Council refers to the present occupier as having work as a roofer, and hence the view that he does not satisfy the need for day-and-night presence. But, the application was not for a personal permission notwithstanding the references to what the present occupier does in connection with the stables, the business units and the agricultural holding, and was merely for residential use. The test should be whether the activities require residential use as provided for in policy. If permission is granted, a condition would be attached, as suggested by the Council, limiting the occupation of the dwelling to a person solely or mainly working in the locality in connection with those activities.

8. The residential use is contrary to general policies of restraint in the countryside, and the exception for a rural worker is to be tested as set out in policy. However, the mobile home is clearly visible from viewpoints on public footpaths as seen at the site inspection and appears a discordant feature in the rural landscape along the lane, mitigated slightly by the commercial activities visible at the entry.

9. The application and Design and Access Statement refers to the continued need to provide for the wellbeing of horses, although the case has been extended at appeal to include the security of the commercial units and the wellbeing of livestock on the agricultural holding.

10. Looking first at the stables and horse activities, and on the basis of the total numbers of horses on site, the numbers kept at DIY livery, and the remainder appearing to be personal to the occupier's family, the reasoning that led the previous Inspector to grant permission as a special case regarding the Riding for the Disabled Association no longer applies. On the basis of the needs of horses alone, there is not sufficient proven requirement for on-site residential use to continue.

11. The business units appear thriving enterprises, close to the village and are of the type supported at national level in paragraph 28 of the Framework, providing employment near where people live and reducing the need to travel. However, limited weight can be accorded to a requirement for an on-site presence as technology is well-able to protect premises such as this and the support given to rural businesses does not envisage a need for a residential use that would not accord with local Policy 20 and paragraph 55 of the Framework.

12. That leaves the needs of the agricultural holding, referred to in the application as Newbook Farm. The appellant's Appeal Statement sets out the land that is farmed and an extensive tour of the land was carried out during the site

inspection. This includes land to the north up to the River Adur, some to the south towards the A28, some to the south-west at Annington Mere, some to the east including Waterworks Corner, and some closer to the farmhouse at Windmill Hill and nearby in the valley. Cattle, sheep, pigs and chickens were seen at various locations as well as fields recently cut for silage and barns north of Windmill Hill. Much of the land is on the far side of the farmhouse from the appeal site and the mobile home.

13. It is clear that the agricultural holding is extensive, if somewhat scattered in some instances, but is roughly centred on the village and the nearby farmhouse, requiring travel through the village to gain access from some parts to others. It is further clear that with cows in-calf at the time of the inspection and 23 breeding heifers referred to in the Statement, a need for some special presence would be likely at certain times.

14. The aim of having an agricultural worker's dwelling close to a holding is to provide ready access at all times. As stated in the Framework, there has to be an essential need for a rural worker to live permanently at or near their place of work in the countryside.

15. In this case, the village of Upper Beeding is very close to much of the holding, and the farmhouse closer still. It may well be useful for the agricultural business to have access to someone who is living in the mobile home at the stables and business site, but in terms of that access, a home in the village would be hardly less accessible, and for some parts of the holding, more so. A dwelling in the village would easily meet the requirement for a worker to 'live permanently at *or near* their place of work in the countryside'.

16. No information has been provided as to why a dwelling in the nearby village would not provide the same level of supervision and on-call presence, and there is no claim that such a dwelling would be unavailable, or not be suitable for some other reason. The facts appear to be also that the farmhouse is well-placed to provide attention at the barns and to much of the holding on that side of the village. The Council states that when questioned by the agricultural advisor, the farmer said he was able to care for livestock from that location.

17. The Council's objection is to the lack of justification for the essential need, and that view has been concurred with in the reasoning to this appeal Decision. In line with the established process there would be no need to go on to consider the financial test, although there appears to be no reason to doubt that the agricultural business is being run on a firm financial basis.

18. In conclusion, whilst the is doubt over the status of the present occupier and his other work, the application and appeal has been considered on the merits of the mobile home and residency being required as an essential need of the stables, and rural businesses. Such need has not been proved on the evidence presented, and evidence on the alternatives such as residency in a house in the village has not been presented. The proposed use does not accord with Policies 20 and 26 of the Development Plan, nor with paragraph 55 of the Framework. Considerations on the rural economy and sustainable development do not outweigh the harm to the aims of countryside policies. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth INSPECTOR