



Appeal Decision

Site visit made on 22 November 2016

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 5 December 2016

Appeal Ref: APP/R2520/W/16/3153731

**Oakhill Equestrian Centre, Eagle Road, Swinderby, Lincoln, Lincolnshire
LN6 9HS**

- 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 Miss Vicky Allen against the decision of North Kesteven District Council.
 - The application Ref 16/0220/FUL, dated 8 February 2016, was refused by notice dated 17 June 2016.
 - The development proposed is temporary siting of caravan.
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Decision

1. The appeal is allowed and planning permission is granted for temporary siting of caravan at Oakhill Equestrian Centre, Eagle Road, Swinderby, Lincoln, Lincolnshire LN6 9HS in accordance with the terms of the application, Ref 16/0220/FUL, dated 8 February 2016, subject to the following conditions:
 - 1) The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.
 - 2) The occupation of the caravan shall be limited to the person solely or mainly working, at Oakhill Equestrian Centre, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PF02 Proposed Site Plan; PF10 Site Location Plan.

Procedural Matters

2. For clarity I have used the address given on the decision notice in the heading above.
 3. The Council has cited the emerging Central Lincolnshire Local Plan (CLLP) in its reasons for refusal; as this is in the examination phase I give its policies only moderate weight.
 4. The Council's reasons for refusal also cite saved Policies C2 and DC2 of the North Kesteven Local Plan 2007 (LP). LP Policy DC2 tests the erection of rural
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workers' dwellings against both a functional and financial test which is not entirely consistent with the requirements of Paragraph 55 of the National Planning Policy Framework (the Framework). This states only that there should be an essential need demonstrated. However, although Paragraph 215 of the Framework notes that due weight should only be given to relevant policies in existing plans according to their degree of consistency with the Framework, I consider LP Policy DC2 provides more detail in relation to how essential need should be assessed. It is also consistent with emerging policy CLLP Policy LP55 which sets out similar criteria to use as functional and financial tests when considering new dwellings in the open countryside.

5. Saved LP Policy C2 permits development within the open countryside subject to a number of criteria. These include the maintenance or enhancement of the environmental, economic and social value of the countryside, the protection of countryside character, the possibility of location within or near a settlement, and issues around sustainable transport. This policy is broadly consistent with Paragraph 55 of the Framework with regard to isolated dwellings in the countryside, and I give it full weight.

Main Issue

6. The main issue is whether, with regard to local and national policies, there is an essential need for a temporary dwelling in the countryside.

Reasons

7. The appellant runs an equestrian centre in open countryside between Swinderby and Morton. I noted on my visit that the site currently comprises paddocks, stabling for 10 horses, with associated office accommodation and storage for horse boxes and feed. The stables are located a short distance from the lane along a surfaced track which also gives access to Park Farm. It is visible from the lane, and there are no other dwellings in the immediate vicinity. At my visit, there were a few ponies in the stables and other horses and ponies grazing in the nearby paddocks.
8. The appellant has planning approval to build additional stables to enable expansion of the equestrian business¹, and argues that there is a need for a presence on the site in order to provide care for the horses, and to prevent theft and damage. The granting of permission to enable expansion indicates to me that the Council considers this to be an appropriate location for an equestrian enterprise.
9. The Council notes that their consultant's report² has concluded that the enterprise does not have an essential need for a 24 hours presence, although it also notes that such presence would be beneficial. However, there is no supporting text to outline how this conclusion has been reached. The report notes that there were 11 livery horses on the site at the time of their visit, but does not give a threshold above which a permanent site presence would be justifiable.
10. With regard to site security, I noted on my visit that the gated Park Farm access beside the appeal site has coded entry. This indicates to me that farms and businesses in the area have security issues. Furthermore, there are no

¹ 15/1415/FUL and 15/1398/FUL

² Landscape Land and Property Ltd, May 2016

nearby dwellings to provide informal surveillance of the appeal site. Whilst the consultant's report notes the presence of CCTV cameras, their effectiveness, even if operational, would depend on the response time of local police which in a rural area such as this would probably be unlikely to be prompt.

11. Although a financial test is not required under Paragraph 55 of the Framework, emerging CLPP Policy LP55 requires evidence that the business is an ongoing concern, through the submission of business accounts or a detailed business plan. The financial evidence before me indicates that the net profit for year ending 2015 was sufficient to pay a full-time agricultural wage as well as a return on the capital required for both the proposed stables and the caravan. Although I appreciate that the financial information provided is not a full business plan it nonetheless outlines income and expenditure over a three year period and generally shows that turnover is increasing over that period.
12. As such, I am satisfied that the financial information provided indicates that the business is financially sustainable and that there is no significant conflict with emerging CLPP Policy LP55 or saved LP Policy DC2. Although the consultant's report reaches a different conclusion and states that the income is insufficient to demonstrate financial viability, again, there is no explanation as to the basis upon which this conclusion was reached. As such, I give the conclusions of this report limited weight in this regard.
13. Given that a key element of the appellant's business necessitates a duty of care to other people's animals, as well as their security and welfare, as well as the evidence of local security issues, I am satisfied that a presence on site is needed for the business in its current stage of development. As such, in the light of the above I conclude that there is an essential need for a dwelling on site, and that the business has demonstrated financial sustainability.
14. I appreciate that the appellant has not provided evidence to demonstrate that there would not be locally available housing. However, the appeal site is situated in open countryside between the village of Swinderby and the hamlet of Morton. Even if accommodation was available, the dwellings would not be within sight or sound of the equestrian centre. Moreover, I noted on my visit that dwellings in the vicinity were relatively large and I am mindful that the area is within easy commuting distance of Lincoln. As such, I see no reason to disagree with the appellant's statement that an agricultural wage would be insufficient to finance the purchase, or rent, of such a local property.
15. Consequently I find no conflict with the provisions of Paragraph 55 of the Framework, as outlined above. Furthermore, Paragraph 28 of the Framework states that planning policies should promote the development and diversification of land-based rural businesses. The Council has clearly done this by allowing the future expansion of the stables, but the evidence before me indicates that the future growth and prosperity of the business is at least partly dependent on the safeguarding of property and horses at the current time, and that this requires a presence on site.
16. The Council has not raised any concern in relation to visual amenity, trees and landscape, or highway safety or transport issues. Furthermore, the approval of the extension to the stables indicates that the business is considered to maintain or enhance the economic value of the countryside. In addition, the development would reduce the number of journeys to the site made by the appellant. As such, the only point of LP Policy C2 that is relevant to this appeal

is whether the dwelling could be located within or adjacent to a settlement. Given the need to be on the appeal site and the distance to the nearest settlement, I give this argument limited weight and consequently find no conflict with saved LP Policy C2.

Conditions

17. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty.
18. I have also imposed a condition restricting occupancy of the caravan to ensure it remains connected with the ongoing business need of the equestrian centre, as well as a condition ensuring that the use is temporary in view of the stage the appellant is at in establishing the business, to ensure the local planning authority is able to reassess the need at a later date, and because its construction renders it unsuitable for permanent retention.
19. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

20. For the reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and emerging Core Strategy and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR