The Planning Inspectorate

Appeal Decision

Hearing held on 22 February 2017

Site visit made on 22 February 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 15 March 2017

Appeal Ref: APP/J3530/W/16/3163504
Low Barn Farm, Great Glemham Road, Stratford St Andrew, Suffolk IP17 1LL

- 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 S Foster against the decision of Suffolk Coastal District Council.
- The application Ref DC/15/4656/FUL, dated 18 November 2015, was refused by notice dated 20 May 2016.
- The development proposed is the change of use of land for the siting of a temporary dwelling.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether there is sufficient justification for a temporary dwelling at the site in order to house a rural worker.

Reasons

3. The appeal site known as Low Barn Farm comprises a site of about 5 acres on the north eastern side of Great Glemham Road adjacent to, but just outside, the 'physical limits boundaries' of the hamlet of Stratford St Andrew[1]. As such there are residential properties on the opposite side of the road and immediately to the south. The site, which was bought by the appellant in 1999 as bare grassland, has since been developed for equine purposes.

4. Initially a block of six stables and a pole barn were erected on the site subject to a restricted use condition. In 2003 the condition was varied to allow use for 'private stabling throughout the year and for short term livery purposes in association with a commercial stud business between March and August only in any one year'. This business venture proved unsuccessful, and subsequently the stables have been used for private purposes, for liveries, and latterly as a base for a carriage driving business, albeit without the restrictive user condition being further varied. Since 2003 the premises have been adapted and extended to provide a seventh stable, store, implement shed, field shelters, tack room and an all-weather exercise area. The appellant also has use of about 5 acres of grazing land at Benhall Place about a mile away by road.

[1] as defined by the Site Allocations and Area Specific Policies DPD adopted in January 2017

5. The proposal is for the siting of a temporary mobile home within the stable yard adjacent to the existing buildings and grazing pasture. In this central position it would be ideally situated to enable easy supervision of all equine activity on the site. In addition, being within the existing group of buildings and well screened from the road by hedging and panel fencing, there would be negligible visual impact on the rural setting of the hamlet.

6. The intention is for the mobile home to be located on site initially for a three year period to enable the existing carriage driving business to be developed into a full time equestrian enterprise. Once the business is fully established it would be possible to justify a permanent dwelling on the site.

7. The existing carriage driving business, Alde Driving, started as a hobby about eight years ago and has now developed into a part time enterprise run by Mr S Foster in partnership with Ms A Warne. Currently with 6 horses based at Low Barn Farm, the business offers carriage rides to the public at Thorpeness at the weekends and during school holidays from Easter to October, and these are proving increasingly popular. In addition, horse drawn carriages are provided for weddings, funerals and pub trips throughout the year. The business generated profits of £2,000 in 2014, £5,000 in 2015 and £8-10,000 in 2016[2].

8. The appellant's plan is to expand the business by increasing the number of carriage rides provided and to supplement this by providing livery services all year round and horse training services, the latter particularly during the winter months outside the main season. In this way Mr Foster would develop a full time role assisted by Ms Warne, family and friends.

9. The business plan assumes, by year 3, several distinct elements:

- 450 carriage rides per annum at Thorpeness
- 10 weddings, 8 funerals, 40 pub trips and some childrens parties each year
- the provision of full livery places for five horses with 85% take up
- the provision of training livery places for 12 week periods with an estimated take up of 5 horses per annum
- the provision of holiday livery places for 40 nights per year

10. Based on the evidence given at the hearing, the recent growth of the carriage driving business and a number of written testimonials it seems clear that Mr Foster and Ms Warne have many years experience of looking after horses and a growing reputation for training them for driving. The expertise needed to develop the equine business is not therefore in doubt, the question is whether the business plan is realistic and the stables and grazing land available are sufficient to support its growth to the level anticipated.

11. In relation to the different elements of the business set out in paragraph 9, the projections for the carriage driving business (bullet points 1 and 2) assume the growth achieved in recent years will continue over the three year period but not excessively so[3]. As the business has a track record in this respect, these

[2] final accounts not yet available
[3] for example, trips at Thorpeness are assumed to increase from 400 to 450 and weddings from 6 to 10

carriage ride numbers seem achievable and the projected gross income of £19,150 from these sources is not therefore unreasonable[4].

12. However, in addition to this, the business plan projects significant new income from providing full livery, training livery and holiday livery services. These are assumed to generate income after costs of £15,302, £7,893 and £346 in year 3 respectively, a total of £23,541. This is more than the carriage driving income and thus critical to the success of the overall venture. The Council agreed at the hearing that the proposed charges for these services and the variable costs for feed etc were reasonable, but the likely demand for these liveries is unproven and the projections therefore somewhat speculative.

13. The appellant accepts it is possible for full livery horses not to receive 24 hour supervision and states some full liveries have been provided in the past. In addition, there is said to be demand for 'do it yourself' i.e. less supervised liveries. It is therefore surprising that there is no evidence of any liveries being provided in the recent past and there were none at the time of the site visit despite the existence of spare stables. It is appreciated that a permanent presence on site would encourage the take up of liveries but the apparent lack of any clients at present does reduce the credibility of the appeal case[5].

14. The business case also assumes a significant build-up of horses over the three year period – in year 3 there could potentially be 18 horses at any one time[6]. However, it is unlikely that this number could be satisfactorily accommodated with just seven stables available. With five horses in full livery for most of the year, perhaps two in training livery (possibly three over the winter when there is more time available), the occasional horse in holiday livery and stabling for five or six carriage driving horses over the summer, there would be a shortage of stables at peak times. The Council estimate that for sufficient flexibility to allow the business to fully grow about twelve stables would be required.

15. The appellant accepted at the hearing that the position would ‘not be ideal’ but maintains by doubling up the use of some stables the situation would be manageable. However, double use of stables would reduce the flexibility of the business, involve very careful planning, additional labour at peak times and may deter livery clients, thus reducing its potential growth. The number of stables would thus in reality act as a significant constraint on the business and would probably prevent it from reaching the level anticipated in year 3.

16. In addition, the planned number of horses would appear excessive in relation to the amount of grazing land available – just 5 acres on site and 5 acres at Benhall Place. Whilst there are many variables such as the amount of time stabled, bought in feed, and the quality of grazing land, the Council’s rule of thumb of one horse per acre would be greatly exceeded and the business plan assumes an even lower stocking rate of 1.8 horses per hectare[7]. It was agreed at the hearing that additional grazing land should be readily available at reasonable cost but without firm agreements in place its location may be inconvenient and this may be a further factor that constrains the growth of the business and/or deters livery clients.

[4] weddings £3,500 funerals £1,600 pub trips £1,800 Thorpeness trips £11,250 and childrens parties £1,000
[5] there was also little activity on site when a council officer visited at the time the planning application was determined and at the end of 2016 when the stable roofs were in poor condition
[6] Statement of Case page 6
[7] Planning Report 18 November 2015 Appendix 3 page 1

17. It may be possible to adapt or further extend the buildings on site to provide additional stables, but this would require planning permission and there are no proposals as part of this appeal. Since the number of stables is a significant constraint affecting the expansion of the business, the absence of approved plans counts against the proposal. An application for stables within the adjacent land to the north was refused in 2004 due to its impact on the character of the area and the flood plain[8], but the appeal site is closer to the hamlet, the existing buildings are compact and the site well screened.

18. The Council point out that the business uses proposed would be in conflict with the restrictive use condition on the stables although no enforcement action has been taken against the use of the site as a base for Alde Driving. The condition, imposed in 2003 'having regard to restrictive planning policies regarding new buildings for commercial use in the countryside in the interests of rural amenity' may not be relevant today with the increased emphasis on supporting rural businesses[9]. However, in the interests of certainty, the matter should be resolved prior to any further expansion of the business.

19. If these concerns could be overcome, the financial projections for year 3 show a gross margin of £46,191 and, after costs, a profit of £27,554. These figures were not seriously disputed at the hearing. In addition, Mr Foster indicated that he only aspired to a mobile home on site in the long term and could procure one relatively cheaply, thus the allowance of £7,650 pa for a 30 year mortgage would not be required. The projected profit would therefore easily fund a full time agricultural wage of £17,000, perhaps £20,000 with overtime. With £2,000 already in the budget for employed labour, the profit in year 3 would also allow nearly £10,000 to fund additional or casual labour, sufficient to fund about 0.5 of another full time agricultural wage.

20. The Council calculate, using the 'Equine Business Guide', that the business at year 3 would require an average of about 100 hours labour per week plus about 20 hours per week during the summer months. In theory it would therefore require about 3 people to run the business, and the projected profit would not be sufficient to provide a reasonable income for those concerned. However, the appellant puts the labour requirement at between 1.5 and 1.8 people, which would be a reasonably close match to the available funds.

21. The financial projections in the business plan indicate a sustainable business may be achieved, but only on the basis of providing a modest income for its operators. There would also need to be substantial reliance on voluntary and/or casual help from friends and family, particularly at peak times in the summer months. However, it was clear from the hearing that Mr Foster and Ms Warne are well connected in the local area and are likely to have access to such support. Overall, the likelihood of a relatively low financial return from the business may be offset by the attraction of working with horses and in my view this factor should not preclude the enterprise from the opportunity to develop if the owners are prepared to accept the position.

22. The Council agreed at the hearing that should the business expand to the full extent anticipated in the business plan, ensuring the welfare and security of the horses would justify a full time presence on site. On the other hand the current business operates successfully without such a presence, and a small

[8] application C/04/1537
[9] eg National Planning Policy Framework paragraph 28

number of liveries could also be provided without 24 hour supervision as in the past. However, training driving horses would be a more time consuming and intensive operation, and clients would understandably be more likely to take up the service if Mr Foster were able to be on site full time. Full liveries would also be more attractive to clients. The appellant's case for a temporary mobile home is both to assist the overall business to develop and to give enough time to test its potential. If the concerns outlined above can be overcome, there is no reason in principle why permission should be withheld, and this would be consistent with the other appeal decisions submitted by the appellant[10].

23. The site is relatively close to existing housing in the hamlet, but even the nearest properties are some distance away and do not directly overlook the stables and yard. Consequently, they would not be suitable as a base for supervising the various activities on site nor ensuring the overall wellbeing of the horses if the business were to expand to the full extent anticipated.

Conclusion

24. A temporary mobile home on site would be an obvious benefit for Mr Foster personally and would greatly assist the development and more efficient operation of the business. However, the policy test in paragraph 55 of the National Planning Policy Framework (NPPF) is whether there is an *essential* need for a rural worker to live at or near their place of work.

25. The appellant's proposition in this appeal is that the absence of a mobile home is the critical factor preventing the business from expanding to its full potential. However, as identified above, the business is not currently providing liveries when there is some capacity to do so, and most importantly has insufficient stables and grazing land to comfortably accommodate the number of horses necessary to fulfil the business plan. In the absence of further stables and grazing land, or at least clear plans for their provision when necessary, the growth of the business would be restricted to a level which would not justify a mobile home on site. In addition, the business would conflict with the restrictive use condition which currently applies to the site.

26. Consequently, as matters stand at present, the absence of a temporary dwelling is not the only factor preventing the business from expanding to its full potential. In these circumstances there is insufficient justification for a temporary dwelling at the site in order to house a rural worker, and the policy test in paragraph 55 of the NPPF is not met.

27. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

[10] The most relevant, APP/A1530/A/06/2032356, related to a business involved in training carriage driving horses where eight horses would be trained. The Inspector accepted the functional need for an on-site presence.

APPEARANCES

FOR THE APPELLANT:

Matt How BSc	Acorus Rural Property Services, Agent
Stephen Foster	Appellant
Annabel Warne	Business Partner

FOR THE LOCAL PLANNING AUTHORITY:

Hannah Smith MRTPI	Suffolk Coastal District Council
Tony Kernon BSc MRICS FBIAC	Kernon Countryside Consultants

DOCUMENTS SUBMITTED AT THE HEARING

Letter from Nick Barker of Benhall Place confirming grazing arrangements

Ordnance Survey map showing grazing land at Benhall Place

Ordnance Survey map showing 'physical limits boundaries' of Stratford St Andrew

Extracts from Equine Business Guide 6th Edition

Copies of plans relating to planning applications C/O2/0008, C/O3/0557, C/O4/1537 and C/05/0224