The Planning Inspectorate

Appeal Decision

Hearing and site visit on 4 July 2017

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 13 July 2017

Appeal Ref: APP/V0510/W/17/3170625
Coedendderw Stud, Bradley Road, Kirtling, Newmarket CB8 9JB

- 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 Mrs Linda Tate against the decision of East Cambridgeshire District Council.
- The application ref 16/00556/FUL, dated 18 April 2016, was refused by notice dated 31 October 2016.
- The development proposed is the siting of a residential caravan in conjunction with a stable business, change of use from private stable to business use, and improvements to access.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant, who is a highly qualified and experienced horsewoman, purchased the site, which is in the open countryside, around 17 years ago. She has lived there since 2010, originally in a different caravan (which has been removed) and since 2013 in a mobile home which remains in situ. She currently shares the accommodation, which does not benefit from planning permission, with her partner who runs his own building company that is based elsewhere. The Council advises that the use of the site for keeping horses is authorised, although this is for private rather than commercial purposes. Planning permission is now sought for the retention of the existing mobile home and its use as residential accommodation for a period of three years in order for the appellant to establish an equine business that she expects to become financially viable within that time.

3. The Council has no objection to the establishment of a commercial equine use on the site, and I consider that this would be consistent with national policy that promotes the development and diversification of rural businesses[1]. Nor has the Council any concerns about the proposed access improvements, which would entail setting the gate back a further two metres into the site, although it does not consider this to be necessary to ensure highway safety.

4. National policy advises that isolated new homes should be avoided in the countryside other than in a limited number of defined circumstances, one of which is where there is an essential need for a rural worker to live permanently

[1] National Planning Policy Framework (NPPF) paragraph 28.

at or near their place of work[2]. Policy HOU5 of the East Cambridgeshire Local Plan (adopted 2015) is consistent with that advice and sets out a number of criteria relevant to proposals for dwellings for rural workers, including in circumstances where a new business is being established.

5. In light of the above, the main issue in the determination of this appeal is whether there is an essential need for a rural worker to live on the site for a period of up to three years in order to ensure the establishment of a business that is likely to become and remain viable.

Reasons

The Site and Proposed Business

6. The site is located a few miles to the south of Newmarket in an area where racehorses play an important role in the local economy. It consists of around one hectare of land enclosed by fences and mature vegetation with a securely gated access from Bradley Road, a narrow rural lane. There is a row of four stables, one of which has specialist equipment for intense heat therapy, a further single stable, and various ancillary storage buildings as well as a few small paddocks and a lunge ring. The appellant currently has access to an adjoining field and has agreed a price to purchase this, although she advises this is not required for the scale of the business that she is in the process of establishing. At the time of my visit the site was tidy and well maintained, and two of the stables were occupied.

7. The business involves looking after up to five pedigree race horses, which can be highly strung and prone to injury or illnesses such as colic, at any one time when trainers want them out of their main stables. This could be because they are recovering from illness or an injury; they need relaxation or to be "sweetened up"; they are to be prepared for sale and kept whilst transport is arranged; or for a variety of other reasons.

8. The appellant, who has recently given up her job, intends to dedicate all of her time to establishing the business over the next three years. She advises that she has been inundated with requests to take in horses, but has only responded to a limited number due to the uncertainties that exist about the future of the business in the absence of planning permission. The scale of the proposed operation is intended to allow her to run it on her own with part time help with site maintenance and management from her partner.

Whether there is an essential need for a rural worker to live on the site to ensure the establishment of a business that is likely to become and remain viable

Financial Viability

9. Local plan policy HOU5 only allows a permanent dwelling if a number of criteria are met including that the enterprise has been established for at least three years and is and should remain financially viable. However, in the case of a new business that cannot yet demonstrate financial soundness, a temporary dwelling may be acceptable provided all the other criteria are met. In this

[2] NPPF paragraph 55.

case, whilst the site has been owned by the appellant for many years, the business that is being established is relatively new and it cannot yet demonstrate financial soundness. It is, however, reasonable to expect there to be sufficient evidence to show that the business has been planned on a sound financial basis such that there is a realistic prospect of it becoming properly established and demonstrating financial soundness within three years.

10. The appellant is clearly committed to the site and has invested over £58,000 in buildings, infrastructure and equipment over the last few years. She understandably wishes to make good use of that investment, and in 2016 identified an opportunity to utilise her experience and expertise to respond to demand in the local area for the provision of specialist and dedicated care for racehorses. At the hearing I was told that there are other local businesses that provide similar services, and that these vary in size with some catering for a handful of horses and others for a hundred or so. She advises that she works with some of the largest racing stables in and around Newmarket, and that this means that it is not easy to obtain references. However, some evidence of support from racehorse establishments for her and the "boutique service" that she now offers has been provided.

11. Despite having now operated the business, albeit on a limited basis, for a year or so there are no audited accounts and little substantive evidence of services that have been provided or future orders. Nor is there a comprehensive business plan that clearly sets out the nature of the enterprise, the potential market, and the means by which the aspirations will be realised in the next three years. Financial figures have been submitted for income that could be generated and for some costs, including forage and bedding, insurance, utilities, manure removal and basic wages. However, the anticipated income of £51,000 per year assumes that four stables would be occupied for every day of the year which seems to be highly optimistic. Even if demand were to be as high and consistent as the appellant hopes, which cannot be guaranteed, the length of all stays could not be predicted with certainty and there would be a need to thoroughly clean out stables between visits. It is likely, therefore, that there would be a significant number of days throughout the year when one or more stable is empty.

12. The potential costs associated with establishing and sustaining an enterprise such as this seem to be underestimated. For example, no allowance has been made for the maintenance of buildings and infrastructure; the replacement or provision of new equipment; contingencies; or the provision of and on-going costs (including Council tax) associated with a permanent dwelling, which I am told is an essential component of the business. The fact that the appellant and her partner have funds available that they would be willing to use to build a modest house on the site is indicative to me of a commitment to live there, but provides little reassurance that the enterprise could actually cover all of the future costs associated with it in the long term. An approach that is based on monitoring outgoings and increasing fees to cover any additional costs seems to me to run a high risk of pricing the enterprise out of the market.

13. In a case such as this where the fledgling business appears to benefit from being free of any financial burdens associated with purchasing the land, buildings and infrastructure upon which it is based I would expect a robust and cautious approach to be taken when making projections about future income

and costs. That has not been the case here, and I am not, therefore, persuaded that the business has been planned on a sound financial basis or that there is realistic prospect of it demonstrating within three years that it has become and is likely to remain financially viable.

Functional Need

14. The appellant advises that owners and trainers of racehorses, some of which are worth hundreds of thousands of pounds, would not entrust their animals to her care unless she was resident on the site and available to attend to their needs and provide security at all times of day and night. Written testimony from one establishment has been provided to illustrate this, and I have no doubt that many potential customers would indeed have that expectation. However, little evidence has been provided about the extent and nature of demand for such services, or the types of offer from competitors. Nor have I been made aware of any attempts to establish the business on the basis that the site is secure and animals would be routinely visited early in the morning and late in the evening as well as attended to throughout the day. So it has not been demonstrated that such a business that did not rely on having residential accommodation on site would necessarily fail to attract customers.

15. Whilst many of the animals that would be on site would be recovering from injury or illness, many of their needs could be addressed throughout the day, and some horses would be kept prior to sale or for other non-health related reasons meaning that there would be no particular need for emergency attention during the night. The small number of horses that would be on the site at any one time means that the number of times that urgent action would be needed at night is likely to be limited. Therefore, on the few occasions that a horse was considered likely to need regular monitoring for 24 hours or longer (as appears to have been the case with "Book of Poetry" and "Lottie"), it would not be unreasonable to expect temporary arrangements to be made. If routine round the clock monitoring was deemed essential, I would expect the use of monitoring equipment in the stables with remote access to have been thoroughly investigated.

16. The appellant and Council agree that the theft of racehorses is unlikely to be a significant problem due to the effective measures that are in place to prevent onward sale. Whilst the risk of damage to or loss of equipment and machinery is always likely to be present in remote rural locations, the site is reasonably secure with only one practical point of access and this is protected by sturdy gates and a CCTV camera. There are, therefore, no exceptional security considerations in this case that make it essential for there to be a permanent presence on the site.

17. House prices may be high in Cambridgeshire and Suffolk, and suitable dwellings for rent may be limited in supply, but I am advised that there is a large number of properties within a ten minute drive or so of the site. I am not convinced that real efforts have been made to find alternative accommodation nearby which may be close enough to make visits to the site at unsocial hours, including in response to remote alarms, a practical proposition.

18. I can understand why the appellant wishes to continue to make use of the mobile home that she has installed on the site, along with the good quality

equine facilities that she has invested in. However, whilst it would clearly be desirable and make the establishment of the enterprise easier for her to achieve, I am not persuaded that it is essential for a rural worker to live on the site for the type and scale of operation proposed.

Conclusion

19. I conclude that it has not been demonstrated that there is an essential need for a rural worker to live on the site to ensure the establishment of a business that is likely to become and remain financially viable. The proposal would, therefore, be contrary to national policy and local plan policy HOU5. Accordingly, the appeal is dismissed.

William Fieldhouse

INSPECTOR

Appearances at the Hearing

For the Appellant	
Linda Tate	Appellant
Mark Watson	Partner
Mike Hardy	Fraser Dunchurch Limited
For the Local Planning Authority	
Barbara Greengrass	Senior Planning Officer
Sam Franklin	Landscape Land and Property Limited
Interested Parties	
Jack Ramsden	Local resident