
Appeal Decision

Site visit made on 15 July 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2019

Appeal Ref: APP/W1850/W/19/3222915

The Stables, Kinnersley, Hereford, Herefordshire, HR3 6NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Deborah Mitchell against the decision of Herefordshire Council.
 - The application Ref: 174089 dated 17 October 2017 was refused by notice dated 29 August 2018.
 - The application sought planning permission for a mobile home in association with an equine business without complying with a condition attached to planning permission Ref: P143727/F dated 10 February 2015.
 - The condition in dispute is Condition No. 1 which states that:
The development hereby permitted shall terminate on February 5th 2018.
 - The reason given for the condition is:
The development is allowed on a temporary basis in order to give the applicants the opportunity to demonstrate if there is an essential functional need in relationship to a financially viable sustainable business on site and to comply with Policy H8 of the Herefordshire Unitary Development Plan and the aims and objectives of the National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the original planning permission (Ref: P/143727/F) the Council adopted the Herefordshire Local Plan Core Strategy (2015) (the Core Strategy), thereby superseding the cited policies from the Herefordshire Unitary Development Plan. I have therefore dealt with this appeal under the policies as set out in the adopted Core Strategy.

Main Issues

3. The main issues are whether or not the condition is necessary and reasonable having regard to:
 - the suitability of the location for a permanent dwelling having regard to local and national policy for housing; and
 - the effect of the development on the character and appearance of the area.

Reasons

Suitable location

4. The planning permission to which this condition was attached was for a mobile home associated with an equestrian enterprise. The condition was imposed to grant this permission on a temporary basis in order to give the appellant the opportunity to establish her business. The purpose of the condition was to prevent the home becoming permanent in the absence of an adequate justification.
5. The Stables is located close to a small cluster of development known as Ailey. The nearest village is Kinnersley. The Inspector who considered a previous appeal¹ seeking the removal of Condition 1 found that the site should be treated as being in the open countryside where housing development is restricted. The Inspector also found that the location was unsuitable for a house due to reliance upon a private car to access basic services. I have not been made aware of any change in circumstances, I therefore have no reason to disagree with the previous Inspector's conclusion in this respect.
6. Paragraph 79 of the National Planning Policy Framework (the Framework) allows for the development of isolated homes in the countryside where there is an essential need for a rural worker. Policy RA3 of the Core Strategy restricts residential development outside defined settlements unless they satisfy one or more of a number of criteria. In this case, since the residential development is associated with an equestrian business, the relevant criteria is that the dwelling is necessary to the establishment or growth of a rural enterprise providing that it complies with Policy RA4.
7. Policy RA4 allows such dwelling where there is a sustained essential functional need and it forms an essential part of a financially sustainable business. The Inspector for the previous appeal found that there was no evidence to show clearly that it is essential for a worker to live here or to demonstrate the financial viability of the business.
8. From what I have seen and read, The Stables is a small equestrian facility trading as Weggs Pony Stud. The site incorporates areas of grazing in addition to a number of paddocks, a stable block, storage barns, a riding arena and the dwelling that is subject to this appeal. The business operates as a pony stud, in association with which it has recently received a number of awards.
9. I have been provided with some evidence about the functioning of the equestrian business. However, this does not provide sufficient details about the scale of the operation including how many people the business employs, numbers of horses and how it functions throughout the year. It is not clear from the submitted evidence whether this requires someone to be permanently residing on site, as opposed to someone living nearby. Based on what is before me, I am not therefore persuaded that there is an essential functional need for a permanent dwelling on site.
10. Weggs Pony Stud appears to have been trading for over 20 years. The appellant has provided copies of business accounts for the past two years which show a small amount of profit. It appears to me that the level of profit would only be able to provide a very low level of income for a single worker

¹ APP/W1850/W/15/3129136

employed on the site. Even if the appellant, as proprietor, was to work without remuneration as is suggested is often the case for stud proprietors, this is unlikely to be sustainable in the long term. Whilst I accept that the appellant's business makes a contribution to the horse industry, given the low level of profit and the length of time this business has been operating, I am left in some doubt about whether this is a financially viable sustainable business.

11. In order to justify a new dwelling Policy RA4 also requires that suitable accommodation could not be provided within existing buildings on site. From my site visit, I observed that the buildings on site appeared to be in use either for stabling or storage purposes. I accept that a static caravan has probably been on site since at least 1999, and that the appellant's preference was to invest in this existing accommodation. However, I have not been provided with evidence that it would not be possible to utilise existing, more permanent structures on the site for accommodation. In these circumstances, I cannot be satisfied that there is an essential functional need for the dwelling and that it is associated with a financially viable sustainable business.
12. I conclude that the condition is reasonable and necessary in order to prevent a permanent residential development in an unsuitable location. I therefore conclude that allowing the development in non-compliance with Condition 1 on permission P/143727/F would conflict with Policies RA3 and RA4 of the Core Strategy as referred to above. It would also not accord with the Framework in respect of housing development in the countryside.

Character and appearance

13. The 'mobile home' on site appears to be a large, single-storey prefabricated cabin which has been insulated and clad in timber. The building is positioned between a barn and a stable block and to the front of a high breeze block wall associated with a building which appears to form part of an adjacent site.
14. The building is low profile and, due to its position between existing buildings, is not widely visible from the surrounding area. The timber cladding provides a slightly more rustic appearance to the cabin. However, it is out of character with surrounding residential developments which are more traditionally brick built with pitched roofs. The overall design and boxy shape of the building retains its underlying character and appearance as a temporary building, regardless of the cladding. The retention of this structure as a permanent dwelling would be out of keeping with surrounding traditional, residential properties in the wider area and therefore does not respect local character.
15. I therefore conclude the condition is necessary in order to protect the character and appearance of the area. Without it, there would be conflict with Policies RA4, SD1 and LD1 of the Core Strategy which among other things, together seek high quality design that respects local context. The scheme would also not accord with the design objectives of the Framework.

Other Matters

16. I acknowledge that the appellant has invested in the property and sought to utilise timber as a more sustainable material which provides energy efficiencies in terms of insulation. However, these positive aspects of the scheme do not outweigh the harm that would arise if the existing mobile home was to become a permanent feature in the countryside.

Conclusion

17. For the above reasons, the appeal should be dismissed.

Rachael Pipkin

Inspector