



Appeal Decision

Hearing held on 3 September 2019

Site visit made on 3 September 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2019

Appeal Ref: APP/W1850/W/19/3226137

The Priory Farm, Stoke Prior, Leominster, Herefordshire HR6 0ND

- 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 A Pearson against the decision of Herefordshire Council.
 - The application Ref 183431, dated 26 September 2018, was refused by notice dated 25 February 2019.
 - The development is the change of use of land for the siting of a mobile home (for an equestrian worker) and the erection of two new stable buildings.
-

Decision

1. The appeal is dismissed insofar as it relates to the change of use of land for the siting of a mobile home (for an equestrian worker). The appeal is allowed insofar as it relates to the erection of two new stable buildings and planning permission is granted for the erection of two new stable buildings at the Priory Farm, Stoke Prior, Leominster, Herefordshire HR6 0ND in accordance with the terms of the application, Ref 183431, dated 26 September 2018, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 200-01 and 200-02.
 - 3) All foul water shall discharge through connection to a septic tank private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate soakaway systems.

Procedural Matters

2. During the course of the appeal, a new Planning Practice Guidance (PPG) section was published with regard to the housing needs of different groups. Paragraph 010 sets out a number of considerations concerning how can the need for isolated homes in the countryside for essential rural workers be assessed. Accordingly, the main parties were made aware of this guidance and were given the opportunity to comment on it at the hearing.

3. The appellant submitted additional evidence prior to the hearing which consisted of letters of support and Policy RA6 of the Herefordshire Council, Herefordshire Local Plan Core Strategy 2011–2031 (2015) (Core Strategy). At the hearing the Council confirmed it was content for me to consider this evidence. Hence, I have done so in my decision and there is no prejudice to the parties.
4. The mobile home is already on site and has been applied for on the basis it would be in place for 3 years. As such, I have considered it retrospectively and that it is temporary. It is also severable in my decision from the proposed stable buildings as it is a separate structure.

Main Issues

5. The main issues are (i) whether the mobile home constitutes an isolated new home in the countryside and, if so, is there an essential need for a dwelling to accommodate a rural worker to live at or near their place of work in the countryside; and (ii) the effect of the development on the character and appearance of the area.

Reasons

Rural Workers Dwelling

6. The mobile home is a static caravan type structure. It is situated in close proximity to a building that is in use for equine purposes. The adjoining land is in an associated paddocks use. The paddocks separate the mobile home from the farmhouse and further buildings at Priory Farm, which lie approximately 320 metres away on the edge of the settlement of Stoke Prior.
7. Under the Humber, Ford and Stoke Prior Neighbourhood Development Plan 2011-2031 (2016) (NDP) the site lies outside defined settlement boundaries. The area in the vicinity of the site is open countryside with a dispersed pattern of built development. The site itself is well separated from Stoke Prior. Due to its location, the mobile home constitutes an isolated new home in the countryside.
8. Paragraph 79 of the National Planning Policy Framework (Framework) states that decisions should avoid the development of isolated homes in the countryside unless one or more of a number of circumstances apply. These include where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. Amongst the considerations that the PPG sets out when applying paragraph 79 is evidence of necessity for the rural worker, viability and whether the need could be met through improvements to existing accommodation on the site.
9. Policy RA3 of the Core Strategy limits proposals for development outside of settlements to a number of specified criteria, including where it meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of works and complies with Policy RA4. Under Policy RA4, such a dwelling is to demonstrate essential functional need and that it is part of a financially sustainable business, as well as that such need cannot be met in existing accommodation, amidst other factors.

10. Policy HFSP2 of the NDP approaches residential development on the basis that the main focus will be within settlement boundaries. It provides no particular guidance on rural workers dwellings and outside of the main settlements limits development to that covered in the Core Strategy policies in relation to open countryside.
11. It was evident at the hearing that the matters of dispute on this issue between the main parties are twofold. These are functional need, in particular whether or not the equine activities that relate to the mobile home are in fact distinct and separate from that which occurs from the rest of the holding, and whether an existing dwelling could fulfil the need for a worker to be on site. These form the basis of my deliberations. Matters in relation to the financial aspects and the ability to run the enterprise are not disputed.
12. The equine activities which are related to the mobile home concern a full livery that would accommodate up to 16 horses. This is run and managed by Carolyn Bufton, from the mobile home. The equine activities which are run from the land and buildings nearer to and around the farmhouse by Mrs Pearson are DIY livery, as well as related to Mrs Pearson's own horses.
13. The land in between the mobile home and the farmhouse is, though, indistinct as it comprises similar areas of paddocks. Gates permit access through the paddocks between the mobile home and the farmhouse, and the land could readily be used for equine activities originating from either. A loose stone track also permits vehicular access within the land between the mobile home and the farmhouse which is entirely under the appellant's control. Furthermore, I was informed at the hearing that Carolyn Bufton does on occasion attend to Mrs Pearson's horses.
14. I do not doubt that the appellant considers that the two are separate enterprises. However, when the factors above are taken together and in having regard to the balance of the evidence before me, they are not so distinct that a functional need for the mobile home on these grounds can be adequately demonstrated, even with the different types of livery on offer.
15. Turning to matters of whether an existing dwelling could fulfil the need for a worker to be on site, the farmhouse has been subdivided so that a modest sized second dwelling has been created. I was informed that the occupation of this dwelling is the subject of a short term occupancy agreement. The main part of the farmhouse is occupied by Mr and Mrs Pearson.
16. The appellant's position is that regardless of the accommodation in the farmhouse, the mobile home is required in order to be able to attend immediately to sick and injured horses, foaling and emergencies. The horses include eventing and racehorses that are in a period of recuperation, as well as broodmares and recreational usage. In relation to medical incidents, I am mindful that a letter of support has been submitted by an equine hospital which points to incidents of stranglers and colic on the site, as well as pregnancy and foaling.
17. The existing accommodation is, though, only a short distance away. It is easily accessible to the site by a vehicle using the connecting track and this also negates the steepness of the incline in between. During the day, the rural worker would be on site in any event and it would seem to me that an evening check prior to departure would also have the potential to limit medical issues.

Based on the information I have, I am also not persuaded that systems could not be put in place for monitoring purposes that would alert the rural worker to be on site with haste at night. The equine regulations and guidelines I was referred to at the hearing do not change my views, with these particular site circumstances.

18. Security related matters and fire risk have also been raised, although these are not normally in themselves a justification for a rural worker's dwelling. The existing security measures which have been utilised also appear to be of a limited nature.
19. The use of the second dwelling which has been created in the farmhouse would not appear to be an option that can be easily discounted, with the short term occupancy arrangement. The evidence before me concerning whether there is any alternative accommodation in the area that is available to purchase or rent is also of a limited nature. Overall, I consider there is not sufficient justification for the mobile home to be on site.
20. A trial period by way of the temporary basis on which permission has been sought to establish the sustainability of the enterprise, for the purposes of Policy RA4 of the Core Strategy and now the PPG, would not overcome my concerns over functional need and whether an existing dwelling could fulfil the need for a worker to be on site. However, as I have set out above, the evidence does not lead me to find this is truly a new enterprise for the purposes of considering a rural worker's dwelling under the planning system.
21. I conclude that the mobile home constitutes an isolated new home in the countryside and that an essential need for a dwelling to accommodate a rural worker to live at or near their place of work in the countryside has not been adequately demonstrated. As such, it does not comply with Policies RA3 and RA4 of the Core Strategy, and with Policy HFSP2 of the NDP.

Character and Appearance

22. The area where the site is found is an attractive landscape of agricultural fields and paddocks bounded by trees and hedgerows. Built development is limited to modest sized settlements and a dispersed pattern of farmsteads, small groups of buildings and isolated dwellings. The site falls within Timbered Plateau Farmland under the Council's Landscape Character Assessment (2004).
23. Due to, in particular, the trees and hedgerows in its vicinity, the site is well screened from broader visibility. The proposed stables would be positioned in a courtyard arrangement with the larger existing building. In this countryside landscape, they would not appear out of place as a small cluster of rural buildings.
24. In relation to visual impacts, public views would be limited to a Public Right of Way which runs to the north west. In this context, the proposed stables would be seen as modest structures and largely against the backdrop of the existing building. They would not be untypical in form and appearance, and would not be of undue detriment in visual terms.
25. The same cannot, though, be said of the mobile home. Its static caravan appearance appears in stark contrast to these pleasing surroundings and this draws attention to that it is out of keeping, despite that the visual impact is localised.

26. I conclude that the proposed stables would not have an unacceptable effect on the character and appearance of the area. They would comply with Policies SD1 and LD1 of the Core Strategy which seek to ensure that development proposals take account of local context and site characteristics, maintain local distinctiveness, and demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection, amongst other considerations. Nevertheless, the mobile home has an unacceptable effect on the character and appearance of the area, and so does not accord with these policies.

Other Matters

27. Whilst it is not contained in the reason for refusal, the Council also considers that there is not sufficient land in the holding to support the overall number of stables that would result. The Council explained at the hearing that its position was based on British Horse Society guidelines and disputed the amount of land which is contained within the holding. From what I heard at the hearing, however, there is some flexibility in these guidelines and the appellant also intends to obtain further land which lies in proximity to the site, as I observed from the site visit.
28. Moreover, there is no planning policy position that I have been made aware of that requires a minimum land amount to be established to demonstrate need for stables development in order for it to gain planning permission. This matter, as a consequence, attracts limited weight in my decision. The same applies as regards whether the full and the DIY livery could, in effect, be 'swapped around' because that does not form part of the appeal proposal for my consideration.
29. The proposed stables would bring economic benefits to the rural economy and so would accord with the intentions of Policy RA6 of the Core Strategy, despite that equine activities are not specifically mentioned in the policy. Similarly, they would accord with Policy HFSP12 of the NDP which the Parish Council has referred to. However, these policies concern rural business and are not so broad so as to justify the mobile home.
30. Pear Tree Cottage is a grade II listed building which lies within Stoke Prior. In undertaking my statutory duty pursuant to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, its setting would be preserved. This is in view of the distance, the landform and the intervening vegetation separating the listed building from the appeal site.
31. The Council has carried out an HRA Screening Appropriate Assessment (AA) under the Conservation of Habitats and Species Regulations (2018) in relation to an assessment of likely significant effects on the River Wye Catchment Special Area of Conservation (SAC). This concerns the means of drainage. Foul water would be managed to a connection to a septic tank and surface water would be managed through on-site soakaway features. On this basis, the AA concludes there would be no adverse effects on the integrity of the SAC. This is subject to the appropriate mitigation being secured concerning the drainage. Natural England concurs with the conclusion of the AA and I see no reason to disagree.
32. I am mindful of the letters of local support, including for the mobile home. I have, though, determined the appeal on its merits which do not favour this

part of the development. I have dealt with the relevant matters contained in these letters in my decision.

33. At the hearing, the Council stated that it did not have a deliverable five year housing land supply for the purposes of the Framework. Still, the mobile home attracts limited weight as a benefit in this regard as it constitutes one additional unit for a temporary period. The adverse impacts of granting permission significantly and demonstrably outweigh the benefits in respect of the mobile home.

Conditions

34. In respect of the proposed stables, as well as the time limit condition (1), I have imposed a condition in the interests of certainty concerning the approved plans (2). I have also imposed a condition in the interests of the protection of the integrity of the SAC concerning drainage matters which I consider necessary and reasonable in that it forms mitigation under the AA (3).
35. At the hearing it was discussed whether or not a landscaping condition should be imposed, if I was minded to allow the appeal. As the site is well screened and the form of the proposed stables would be in keeping with their rural location, such a condition is not necessary in order to protect the character and appearance of the area.
36. Where I have altered the wording of the conditions that have been put forward by the Council I have done so in the interests of precision and without changing their overall meaning.

Conclusion

37. I conclude that the appeal should be allowed insofar as it relates to the erection of two new stable buildings but dismissed insofar as it relates to the siting of a mobile home (for an equestrian worker).

Darren Hendley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Pearson	Appellant
Annabelle Pearson	Appellant's wife
Carolyn Bufton	Groom
Anthony Atkinson	Acorus Rural Property Services

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Banks	Herefordshire Council
Robert Fox BSc (Hons) MRICS FAAV	Fox Rural Planning & Land Management

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Agreed Statement of Common Ground dated 2 September 2019
- 2 Herefordshire Council HRA Screening Appropriate Assessment dated 2 July 2019 and Natural England response dated 4 July 2019.