
Appeal Decision

Site visit made on 21 July 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2020

Appeal Ref: APP/V0510/W/20/3250016

Brook Stud, High Street, Cheveley CB8 9DG

- 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 D Woods against the decision of East Cambridgeshire District Council.
 - The application Ref 19/01058/FUL, dated 29 July 2019, was refused by notice dated 5 December 2019.
 - The development proposed is two purpose built container homes to serve the accommodation requirements of staff working at Brook Stud.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of determining this appeal, the appellant for another site in the district, for which I am the appointed Inspector, drew my attention to a linked appeal decision¹ for two sites in Witchford (the Witchford appeals). This in turn referred to an appeal at Fordham². I therefore invited the main parties to provide comment in relation to any implications that the Witchford appeals would have for this appeal, particularly in relation to housing land supply.

Main Issue

3. The main issue is whether there is an essential need for two homes to accommodate rural workers on the appeal site.

Reasons

4. The appeal site concerns land to the rear of an existing isolation yard, occupied by a rectangular block of stables. This is some distance to the northeast of the main yard and existing residential accommodation associated with Brook Stud, in an area of countryside. The proposal follows a previously refused application³ and is for two container homes to house staff working at the stud. The containers would be finished externally in black stained horizontal timber cladding to the walls and steel sheeting to the flat roofs. There would be parking at either end of the isolation stable block.

¹ Appeal References: APP/V0510/W/18/3213834 & APP/V0510/W/19/3227487.

² Appeal Reference: APP/V0510/W/19/3227639.

³ Planning Reference: 17/00553/FUL, decided 20 July 2017.

5. I appreciate that the appellants' business has lost or failed to attract staff due to the absence of accommodation for workers at the stud and some operations of the business have been outsourced as a result. The business may therefore currently be understaffed with regard to the desired ratio of staff and horses. However, I understand that this situation is not unique to Brook Stud and affects the wider horse racing industry. Moreover, the Cambridge Centre for Housing and Policy Research⁴ has identified a lack of affordable and decent accommodation for racing industry staff in comparison to wages, as well as a reluctance in the private sector to rent to racing industry staff. They have therefore recommended the provision of temporary housing for staff.
6. Given the number of horses that would be on the site at any one time⁵, the requirement for urgent action overnight is likely to be a regular occurrence, particularly during foaling, and isolation protocols also require particularly stringent approaches to biosecurity. With this in mind and having regard to National Equine Welfare Council guidelines⁶ and health and safety regulations⁷, sufficient staff need to be available to regularly tend to the horses throughout a 24hr period. However, as the observation of horses in this manner is so commonplace, I would have expected that other alternatives would have been explored, such as the use of monitoring equipment in stables with remote access.
7. Nevertheless, in terms of accommodation that may best serve the need for staff to be available on the stud, I have been provided with estate agent listings of accommodation available for rent in the area, but this information is now over a year old⁸. Therefore, due to the passage of time, the evidence that staff would be priced out of renting accommodation nearby in Cambridgeshire or Suffolk, specifically in Cheveley, would be inconclusive. I am not therefore persuaded that there would be a shortage of alternative accommodation nearby that would be close enough for staff to access the site at unsocial hours, including in response to remote monitoring and alarms. It has also not been demonstrated that it would not be feasible to provide temporary overnight accommodation, such as beds within other accommodation at the stud, which would enable staff to be on site during covering, foaling or isolation.
8. I accept that staff residing in Newmarket or further afield, could be required to travel back and forth to the stud, sometimes on multiple occasions each day, and the wages of stable workers may be prohibitive to the ownership of private motorised transport. Walking and cycling may also not necessarily be practical during bad weather or the hours of darkness. However, other than allude to the availability of public transport and the potential cost and uncertainty of taxis, there is no substantive evidence before me to suggest that these would not be a practical alternative form of transport to the stud from locations beyond Cheveley.
9. There are currently three dwellings situated at the Stud. Two of these are occupied by the stud owners, one of which is also the Stud Manager, whilst the other manages clients. The third house is occupied by two existing stud

⁴ Identifying housing need in the Horseracing Industry for the Stable Lads Welfare Trust Housing Association (trading as Racing Homes), 2016.

⁵ Horse numbers vary and peak at about 110.

⁶ The Equine Industry Welfare Guidelines Compendium for Horses, Ponies and Donkeys (2009).

⁷ Health and Safety Executive Night Worker and Working Time Regulations.

⁸ Properties within three miles and rent under £600/month, undertaken on 25 July 2019.

workers. All of the houses are therefore already providing accommodation for persons, and their families, that are fulfilling essential roles at the stud. My attention has been drawn to a fourth dwelling that was granted permission on appeal⁹, as part of a new satellite foaling yard to be established on land further north of the current appeal site. This also included a barn and horse walker.

10. Although it is not for me to suggest whether or not that planning permission is extant, the Council has suggested that the approved dwelling could meet the functional need for further workers, including overnight or emergency situations. The dwelling is substantially larger than the proposed container homes, encompassing a lounge, kitchen and separate dining, utility and storage rooms and an attached garage at ground floor; and three bedrooms at first floor. Needless to say, this would be significantly in excess of the accommodation proposed by the container homes, which are modest in scale, and the costs of construction would also be likely to be significantly greater. The construction of the approved dwelling would therefore be unlikely to be a viable alternative to the proposed container homes, particularly without the other buildings proposed at the satellite foaling yard, and could prohibit the proposed expansion of that part of the business in the future. Moreover, in allowing the appeal for the dwelling, the Inspector concluded that it was required in connection with the proposed yard given its distance from the main yard.
11. I have been referred to other consented dwellings at stud farms within 10 miles of the appeal site, including some in neighbouring districts, with particular attention paid to the number of dwellings at each stud farm in relation to acreage. I find this to be an arbitrary figure that is not necessarily determinative to the individual circumstances of each case and the appellants have indicated that their principal concern is the desired ratio of staff and horses. It is therefore unclear how the information pertaining to other stud farms would relate to the appeal proposal in this respect. Although the appellants' business may face challenges competing with other studs that have more accommodation, as the circumstances affecting each stud farm are different, the examples of other consented dwellings do not alter my findings in relation to the appeal proposal.
12. Despite the fact the proposal would enable the appellants to reinstate all operations on site, which would affect the business in the long term, based on the evidence before me, I am not persuaded that it is necessary for two additional equestrian workers to reside full-time on the site. I am therefore not convinced that it would be appropriate for the proposed accommodation to be provided on a temporary basis.
13. In light of all of the above, I conclude that it has not been demonstrated that there is an essential need for two homes to accommodate rural workers on the appeal site. Hence the proposal would not accord with Policy HOU 5 of the East Cambridgeshire Local Plan (April 2015) (the LP), which suggests that dwellings for essential rural workers may be permitted as an exception where it can be demonstrated that it is essential to the needs of the business (i.e. there is a need for one or more workers to be readily available at most times) and there is no other accommodation within the site or nearby which is currently suitable and available, or could be made available. The proposal would also be in

⁹ Planning Reference: 08/00600/FUM was allowed by Appeal Ref: APP/V0510/A/09/2093303.

conflict with paragraph 79 of the National Planning Policy Framework (the Framework), which states that planning decisions should avoid the development of isolated homes in the countryside unless, amongst other things, 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.

Other Matters

14. I note that there were no objections to the proposal from external consultees and the Council has not raised any concern with respect to other technical matters. In particular, the visual impact of the proposed container homes would be limited due to their location behind the isolation yard. However, consideration of such matters does not lead me to a different conclusion on the main issue.
15. The appellant has referred to the conduct of the Council in the determination of the planning application and the consideration of the appeal, including the approach to and consistency of its decision-making and their evidence submitted as part of the appeal. However, in reaching my decision I have been concerned only with the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.

Planning Balance

16. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration.
17. The development plan for the area comprises the LP, which predates the current Framework, as it was examined when the 2012 version of the Framework was in place. However, the Framework makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their consistency with the Framework.
18. The appellants have referred to the consistency of Policies GROWTH 1 and GROWTH 2 with the Framework. However, I have not needed to find in relation to these policies given the approach to development outlined in Policy HOU5 of the LP. Moreover, this refers to the provision of dwellings for rural workers as an exception to other dwellings in the countryside and sets out the circumstances by which such development would be appropriate. It is also consistent with the revised Framework, so I have afforded full weight to the conflict of the proposal with the policy, as set out in the main issue.
19. A period of five years has passed since the adoption of the LP. In such circumstances, the Framework suggests that the housing requirement used in assessing a Council's five-year supply of deliverable housing land will be based on the standard method for determining local housing needs for the local planning authority area. Accordingly, the Council issued a new Five Year Housing Land Supply Report¹⁰ (FYHLSR), which has regard to the latest Housing Delivery Test results¹¹, so includes a 20 percent buffer. The FYHLSR

¹⁰ East Cambridgeshire District Council Five Year Housing Land Supply Report 1 April 2019 to 31 March 2024.

¹¹ Published in February 2020.

identifies that the Council can demonstrate 6.61 years supply of deliverable housing land within East Cambridgeshire.

20. In the Witchford appeals the Council argued that it could demonstrate 3.94 years supply of housing land but the Inspector ultimately relied on the Fordham appeal, where the position was only calculated to be 2.1 years. However, the Fordham appeal decision has since been quashed, specifically in relation to how the Inspector calculated the housing land supply. I am not therefore able to give any weight to the quashed decision or the Witchford appeals in respect of this matter.
21. I note that paragraph 74 of the National Planning Policy Framework (the Framework) states that a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State. There is no evidence before me to suggest that the supply of housing stated in the FYHLSR has been calculated using this method. However, other than point to the fragility of the situation presented by the Fordham and Witchford appeals, I have not been provided with any evidence by the appellants setting out an alternative calculation for the five-year housing land supply in the district.
22. I am also mindful that the presence of a five-year supply does not represent a ceiling on the delivery of housing, as the Framework supports the Government's objective to significantly boost the supply of homes. On this basis, I did not reengage with the main parties following receipt of their comments. Clearly should I determine that the Council cannot demonstrate a 5-year housing land supply, paragraph 11 of the Framework would be engaged.
23. I note the contribution that would be made to the supply of housing by the appeal proposal, particularly as it could be carried out relatively quickly, in a location that would be beneficial to the appellant's business. However, the contribution to the supply of housing would be minor in its extent. Some economic benefits would arise from the employment of staff at the appeal site due to the guarantee of housing and contributions to the local economy through expenditure and support to the wider horse racing industry. Nevertheless, the need for the proposed housing is based on the evidence before me, which has not persuaded me that it is necessary for two additional equestrian workers to reside full-time on the site. These benefits therefore only carry limited weight.
24. The proposed development would not comply with development plan policy in respect of the essential need for homes to accommodate rural workers on the appeal site. The proposed development would not amount to sustainable development under the terms of the Framework. Overall, the adverse impacts of the proposal are matters of significant weight against the grant of planning permission.
25. Even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested in the Fordham and Witchford appeals, the adverse impacts of granting permission identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This does not indicate the proposal should be determined other than in accordance with the development plan.

Conclusion

26. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR