



Appeal Decision

Site visit made on 17 August 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 28 August 2020

Appeal Ref: APP/Z3825/W/20/3252093

Beckley Stud, Reeds Lane, Southwater RH13 9DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr L Middleton against the decision of Horsham District Council.
 - The application Ref DC/18/1622, dated 2 August 2018, was approved on 17 February 2020 and planning permission was granted subject to conditions.
 - The development permitted is removal of existing mobile home and positioning of new mobile home (retrospective). Construction of 1.8m fencing along eastern/southern boundaries along with brick pillars and gates to entrance (retrospective). Proposed construction of 1.5m high fence along eastern/northern boundaries.
 - The condition in dispute is No 2 which states that: *"The dwelling hereby permitted shall be removed and the land shall be restored to its former condition on or before the 4 February 2023 in accordance with a scheme of work which shall be submitted to and approved in writing by the Local Planning Authority"*.
 - The reason given for the condition is: *"To allow for the justification of the temporary dwelling to be reconsidered at the expiry of the extended timeframe"*.
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Decision

1. The appeal is allowed and the planning permission Ref DC/18/1622 for removal of existing mobile home and positioning of new mobile home (retrospective). Construction of 1.8m fencing along eastern/southern boundaries along with brick pillars and gates to entrance (retrospective). Proposed construction of 1.5m high fence along eastern/northern boundaries at Beckley Stud, Reeds Lane, Southwater RH13 9DQ granted on 17 February 2020 by Horsham District Council, is varied by deleting condition No 2.

Procedural Matters

2. I have used the description of development from the decision notice for clarity.
3. The point of contention between the parties relates solely to condition No 2 of the planning permission. I have no reason to disagree with the conclusions reached by the Council in respect of all other issues relating to the determination of the planning application.

Background and Main Issue

4. The appeal is against condition No 2 imposed on the planning permission. There is no current breach of that planning condition because the temporary time period has not expired. In effect the appellant is seeking permission for the continuation of the approved dwelling in association with the equestrian use

operating at Beckley Stud without compliance with condition No 2 which would, if allowed, give the dwelling permanent planning permission.

5. Therefore, the main issue is whether condition No 2, which restricts the approved dwelling for a temporary period until 4 February 2023, is reasonable and necessary taking into account whether or not there is an established and viable long-term equestrian enterprise at the site.

Reasons

6. The dwelling is a mobile home positioned close to the entrance of Beckley Stud to the west of Reeds Lane. There would appear to be no dispute between the parties that there is an essential need for a worker to be at Beckley Stud in order for the enterprise to be managed properly and to meet the welfare requirements of the horses. Indeed, planning permission¹ for residential accommodation in association with the equestrian enterprise on the site was approved in March 2018. However, at that time, because the enterprise was still in the development stages and there was insufficient evidence to confirm that the business was financially sound and sustainable, a temporary period for the siting of a mobile home was considered more appropriate than the permanent retention of the dwelling.
7. I acknowledge that the nature of the appellant's business has to some extent changed since the approval of planning permission in March 2018. The business was focussed on providing box rest for racehorses and showjumpers and recuperation following injury, and the intention was to keep four broodmares at Beckley Stud. However, after the appellant identified a new market for breeding and selling Show Hunter horses and ponies for the international market, in particular to America, the business plan changed. I also note that the HOPE Charity Project, along with their associated animals, are no longer present at the site. However, notwithstanding the change in focus of the business and the departure of the HOPE Charity Project, the enterprise at the stud farm remains unequivocally equestrian.
8. In regard to the approved planning permission the subject of this appeal, the evidence indicates that in October 2018 the Council's agricultural advisors, Reading Agricultural Consultants (RAC), concluded that whilst the business at Beckley Stud had changed, the first year of submitted accounts exceeded the projections of the original five year business plan.
9. RAC carried out a further appraisal in December 2019 after another year of trading at Beckley Stud. The business plan update, dated November 2019, details that Beckley Stud is planning to extend its partnership with Billy Stud, with which it has been operating an embryo programme, and has secured a Brand Ambassador role for Equine America for 2020-2021. The business plan update includes accounts extracts of profit and loss and balance sheet for trading years ending 30 September 2018 and 2019 and financial projections for the year ending 30 September 2020. These indicate business turnover and net profit increasing, leading RAC to conclude that Beckley Stud has demonstrated that the business is viable and sustainable now and in the long term. In this regard, the approved dwelling would comply with paragraph 2 of Policy 20 of the Horsham District Planning Framework, November 2015, insofar as the

¹ Application Reference No: DC/17/2048

submitted evidence demonstrates the viability of the rural business for which the housing is required.

10. I saw at the time of my site visit that Beckley Stud has a good quality and range of facilities for the horses including a relatively new stable block and sand school, and a recently installed horse walker and turnout pen. Although still at a relatively early stage, the expansion and investment of the operation at the appeal site coupled with the adaptation of the business model to reflect an identified business opportunity, to my mind, serves to reinforce the commitment of the appellant to develop the business which is reflected in the future financial projections. Based on the evidence before me, the changing nature of the equestrian enterprise at Beckley Stud would not be detrimental to its viability and sustainability in the long term.
11. Paragraph 55 of the National Planning Policy Framework (the Framework) states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
12. The Planning Practice Guidance² (PPG) does not rule out the granting of a second temporary permission. However, it does advise that it will rarely be justifiable to grant a second temporary permission; the exception being in cases where changing circumstances provide a clear rationale to do so. For the reasons outlined above, I do not consider that there is a significant risk that the equestrian enterprise might cease in the near future, leaving behind a new dwelling that may not otherwise have been approved. Therefore, I do not consider that there is a clear rationale to justify the imposition of a second temporary permission.
13. I conclude that the condition which restricts the approved dwelling for a temporary period until 4 February 2023 is not reasonable or necessary, taking into account the advice within the Framework and the PPG on the use of planning conditions.

Conclusion

14. For the reasons given above, I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

Andrew Bremford

INSPECTOR

² Paragraph: 014 Reference ID: 21a-014-20140306