The Planning Inspectorate

Appeal Decision

Hearing Held on 2 November 2020

Site visit made on 2 November 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/P1133/W/20/3250242
Moorwood, Moor View, Ipplepen, Newton Abbott TQ12 5TP

- 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 and Mrs Jon Clyne against the decision of Teignbridge District Council.
- The application Ref 19/01877/FUL, dated 24 September 2019, was refused by notice dated 25 February 2020.
- The development proposed is the temporary siting of a log cabin for 3 years to serve as a key worker supervisory dwelling to meet the needs of an equestrian enterprise.

Decision

1. The appeal is allowed and planning permission is granted for the temporary siting of a log cabin for 3 years to serve as a key worker supervisory dwelling to meet the needs of an equestrian enterprise at Moorwood, Moor View, Ipplepen, Newton Abbott TQ12 5TP in accordance with the terms of the application, Ref 19/01877/FUL, dated 24 September 2019, subject to the conditions in the attached schedule.

Application for Costs

2. Before the hearing an application for costs was made by Mr and Mrs Jon Clyne against Teignbridge District Council. This is the subject of a separate decision.

Procedural Matters

3. The written evidence of interested parties questions the lawful land use at Moorwood. However, it is not for me to ascertain this matter within this section 78 appeal. That said, so far as is material to this appeal, I consider the site history[1] to indicate a commercial livery land use at the Moorwood site. This was the shared view of the appellants and the Council at the hearing, and I assessed the appeal on this basis.

4. A query was also raised regarding the description of the proposed temporary dwelling as a 'log cabin'. However, the plans submitted with the appeal show a structure with the form and appearance of a static caravan. The appellants consider the structure to fall within the definition of a caravan[2], which would be easily removed from the site after the three-year period. This was not disputed at the hearing, and I had no reason to reach a contrary view.

[1] Particularly Ref 20/00243/VAR and its condition No 5.
[2] The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of a Caravan) (Amendment) (England) Order 2006

Main Issues

5. The main issues are:

   - whether or not it has been demonstrated that there is an essential need for a rural worker to live at the site for a period of three years; and,
   - the effects of the proposal with regard to carbon emissions.

Reasons

Essential need

6. Policy S22 of the Teignbridge Local Plan 2013-2033 (adopted 2014) (TLP) states that development in the countryside will be managed to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. Development in the open countryside, such as at Moorwood, will be strictly managed and limited to given circumstances, including, of application here, necessary housing for rural workers.

7. TLP Policy WE9 sets out criteria against which proposals for rural worker dwellings are assessed. In the first instance, there must a) be an essential functional need arising from the business for a full time worker to be housed on the site, and b) the business unit must be of sufficient size to require a full time employee, be economically viable and have clear prospects of remaining so.

8. Whilst the business at Moorwood is yet to commence, I see nothing in these policies which precludes such a circumstance. Furthermore, such scenarios are anticipated by the Planning Practice Guidance (the PPG), which states that, in the case of new enterprises, the decision maker should consider whether it is appropriate to grant permission for a temporary dwelling for a trial period[3].

9. A central aspect of the appellants' case around essential functional need rests on the desire to be within 'sight and sound' of the stable in order to respond to potentially fatal illnesses, such as severe colic. However, the illnesses identified would not necessarily exhibit symptoms which residents of the temporary dwelling could be expected to respond to during night-time hours. I am unconvinced, therefore, that the monitoring for such illnesses could not equally be provided through alternative means, such as CCTV.

10. That being said, the demands of running a livery can lead to long and antisocial hours spent on site, with potential issues arising at any time. A temporary dwelling would allow Mrs Clyne the fullest opportunity to provide optimal care for the horses. Within this context, the argument was put to me by the appellants' equine expert that clients would expect a constant onsite presence in order to entrust valuable competition horses into the livery's care. I find this to be a logical argument, which credibly translates to an essential functional need for a dwelling arising from the specific demands of the proposed business.

11. In challenge to this point, I was referred to the existence of liveries in the area which do not have a dwelling. Yet, the individual circumstances of these liveries have not been set out in any substantive detail. Reference is made, second hand, to named equine experts in the written evidence of the interested party Mr Channon, but those experts have not provided submissions to this appeal.

[3] Paragraph: 010 Reference ID: 67-010-20190722

12. It was asserted that Mrs Clyne's qualifications, or lack of, would be dissuasive. However, Mrs Clyne clarified that the discussed qualifications are not necessarily expected to be a prerequisite to running a competition livery. The prospect of customers opting not to use the livery due to the standard of care or animal welfare is a matter best tested over the three-year trial run period in any case.

13. Turning to viability, there has been much investment at the site in recent years, above the purchase of the land itself, which indicates the appellants' commitment to establishing this enterprise. Whilst there are other aspirations for the business longer-term, such as a breeding programme, this element of the scheme relates to land off site, the status of which was not made wholly clear. Nonetheless, the appellants' forecasts suggest that the livery at Moorwood alone would create work for just over a fulltime worker and would be viable, generating an annual surplus from the second year on. This contrasts with the detailed forecasts of Mr Channon, which reach the opposite conclusion.

14. During the hearing, Mrs Clyne clarified that it is not her intention to personally drive horses to competition or to provide schooling or rider tuition at Moorwood, with external trainers of appropriate qualification brought in instead. It seems to me that this may well release Mrs Clyne from many of the potential costs forecast by Mr Channon. For the marketing, the appellants intend to largely rely on social media, which seems to me to be a proportionate way to reach out to potential clients in the nascent years of the business.

15. Whilst depreciation is an accounting principle, it would not, as far as I know, have a tangible impact upon the cash flow of the business year on year. Moreover, to thwart the proposal on the basis of depreciation would, in my view, be inconsistent with Paragraph 83 of the National Planning Policy Framework (the Framework), which requires decision makers to support the development of land-based rural businesses. To do so would also fail to appreciate that the development is proposed as a trial run.

16. The viability of the business was also challenged by suggestions that the appellants would need to use some of the available boxes to stable their own horses, and for required isolation. However, I understand that the appellants keep their owned horses elsewhere, and there is an emerging arrangement to utilise the approved fodder store at the site for isolation, when needs arise.

17. Within this content, I find that the greater weight attaches to the written and oral evidence of the appellants with regard to viability. In any event, even if I were to favour Mr Channon's forecasts, Paragraph 79 of the Framework does not require an assessment of viability. As such, any conflict with the viability requirements within criteria b) of Policy WE9 would attract only limited weight, and would not, in this case, cause conflict with Policy WE9 as a whole.

18. I therefore conclude on this issue that there is an essential need for a rural worker to live at the site for a period of three years. The proposal would accord with the relevant aims of Policies S22 and WE9 of the TLP and the Framework.

Carbon Emissions

19. Policy EN3 of the TLP requires proposals to seek to minimise their carbon footprint both during construction and in use, to achieve the carbon emissions target in Policy S7, that being about a 42% reduction from 2009 levels by 2030. Given that the proposal is for a temporary three-year period, its carbon

footprint would be inconsequential within the context of the 2030 target. Whilst the Council has questioned the fate of the temporary dwelling after the three-year period, and therefore its long-term carbon footprint, this matter is beyond the scope of the proposed development and, it follows, my assessment.

20. As such, the proposal would have an acceptable effect with regard to carbon emissions. It would accord with Policies EN3 and S7 of the TLP.

Other Matters

21. Much concern has been raised as to the welfare standards that would be achieved at Moorwood, with reference to the Animal Welfare Act. Similarly, reference has been made to Policy EC5 of the TLP which addresses equine development. However, the proposed development before me encompasses the temporary dwelling, and not the enterprise to which it is intended to facilitate.

22. With regard to the character and appearance of the area, the proposed temporary dwelling would relate well to the existing linear form of buildings at Moorwood and would also be well hidden behind the dense roadside boundary. It would not cause harm in this regard. These matters have not therefore been determinative in my assessment.

Conditions

23. In the event that I was minded to allow the appeal, the Council requested conditions to be applied, which I have assessed with regard to the tests set out in the Framework and the PPG. I have amended them where appropriate for the sake of clarity and precision.

24. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. Given the limitations to development in the countryside, it is necessary to impose a condition restricting the occupation of the temporary dwelling to one associated with the proposed business at Moorwood. As the proposed development is for a trial period, it is necessary to ensure that the temporary dwelling is removed from the site after three years from the date of its occupation. In the interests of protected species, a condition is needed to make any external lighting subject to further consideration by the Local Planning Authority prior to its installation.

25. It was suggested at the hearing that a condition may be utilised in order to confirm the detailed thermal efficiency of the temporary dwelling in reference to its carbon footprint. However, given my findings in respect of this issue, I do not consider such a condition would be reasonable or necessary in this case.

Conclusion

26. For the reasons outlined above, and taking all matters raised into account, I conclude that the appeal should be allowed, subject to conditions.

Matthew Jones

INSPECTOR

DOCUMENTS SUBMITTED

Document 1	Policy H15 (Rural Workers' Dwellings) of the Teignbridge Local Plan Review (2020 – 2040)
Document 2	Social media content

APPEARANCES

FOR THE APPELLANT:

Mr David Campion MRICS FBIAC	Agent
Ms Sally-Ann Tinsley BSc, LLDip, PgC, AgLaw	Equine Commercial-Legal
Mr John Clyne	Appellant
Mrs Leanne Clyne	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Anna Holloway MRTPI MSc BSc(Hons)	Senior Planning Officer
Ms Taya Cotterill MRTPI MPlan	Senior Planning Officer
Mr Gary Crawford MSc	Planning Officer

INTERESTED PERSONS

Ms Hayley Parker

Mr Rodney Channon BSc (Econ) A.C.A

Cllr Mandy Hutchings (Ipplepen Parish Council)

SCHEDULE OF CONDITIONS

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0087/09, 0087/10, 0087/11.

3) The occupation of the temporary dwelling shall be limited to a person or persons solely or mainly working, or last working, at the equestrian business operating from the land edged blue on the 1:1250 site location plan, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

4) The use hereby permitted shall be for a limited period, being the period of three years from the first occupation of the temporary dwelling. The temporary dwelling hereby permitted shall be removed, the use hereby permitted shall be discontinued, and the land restored to its former condition, on or before the expiry of that period of three years from the date of the first occupation of the temporary dwelling in accordance with a scheme of work that shall first have been submitted to and approved in writing by the Local Planning Authority.

5) Prior to the installation of any exterior lighting within the site, full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.