



Appeal Decision

Site visit made on 1 December 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2021

Appeal Ref: APP/E3715/W/20/3257180

Yardley's Meadow, Stretton Road, Wolston, Rugby CV8 3HX

- 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 & Mrs P Wilson against the decision of Rugby Borough Council.
 - The application Ref R19/0952, dated 4 June 2019, was refused by notice dated 6 February 2020.
 - The development proposed is the proposed siting of a stud manager's temporary dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
- (ii) The effect on the openness of the Green Belt;
- (iii) The effect on the character and appearance of the area; and
- (ii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. Policy GP2 of the Rugby Local Plan 2019 (LP) refers directly to national policy in respect of development in the Green Belt and therefore I shall determine this issue with regard to the revised National Planning Policy Framework (The Framework).
4. The purpose of the proposed dwelling would be for residential use, and as a new build dwelling in the Green Belt it does not fall within any of the exceptions set

out within paragraphs 145 and 146 of The Framework. Whilst the Council refers to the appeal site as previously developed land, the proposal would not represent the partial or complete redevelopment of previously developed land, to which paragraph 145g) of the Framework relates.

5. Therefore, the proposed development would be inappropriate development within the Green Belt and would fail to accord with the provisions of The Framework, and consequently with Policy GP2 of the LP.

Openness

6. A fundamental aim of Green Belt policy, as set out by The Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it.
7. At the present time there is no built development on the area on which the proposed dwelling would be sited and it is open paddock land. The introduction of the built form that is proposed would lead to a loss of visual openness and its presence would represent an encroachment into an area where there is not currently any built development.
8. For these reasons, I conclude that the proposed development would lead to harm to Green Belt openness and to the purposes of including land in the Green Belt. It would therefore be contrary to The Framework where it seeks to prevent urban sprawl and keep land permanently open.

Character and appearance

9. The proposed dwelling would take the form of a log cabin. Whilst I accept that it is intended to be retained on only a temporary basis, it would not be of a design or appearance that would be typical in its surroundings and as such it would form an incongruous feature within the landscape.
10. There is already some screening from Stretton Road provided by evergreen trees and the appellant has indicated a willingness to introduced further planted screening if required. However, this would need to take a structured form and in itself would not integrate well into the edge of the settlement surroundings, where the open countryside begins.
11. The appellant highlights that the location of the site is close to existing buildings, both on the site and on the edge of Wolston. Notwithstanding this however, due to its appearance the proposal would not be in keeping with the surrounding dwellings and it would sit outside of the settlement, appearing visually distinct from the positioning and appearance of the urban built form.
12. Therefore, there would be harm to the character and appearance of the area as a result of the proposed development. Accordingly, there would be conflict with Policies GP3, NE3 and SDC1 of the LP where they seek to protect character and appearance.

Other Considerations

13. The appellant currently runs an equestrian business from the appeal site and the appeal submissions indicate an intention to expand this to incorporate a stud for the breeding of horses. This they consider requires a full-time on-site presence and it is proposed to employ a Yard Manager who would live in the temporary dwelling that is subject to the appeal. The appellant contends that this would represent an essential need for a rural worker to live permanently at or near their place of work in the countryside, in accordance with the provision allowed by Policy H3 of the LP and paragraph 79a) of The Framework.
14. The reasons outlined for a full-time presence being required on the site relate primarily to the running of the stud and include for security, biosecurity, health and safety and for general equine management. The existing business consists of the breaking and training of horses and appears to have operated successfully at the site for a number of years without residential accommodation being present. Therefore, I am not persuaded on the evidence before me that there is an essential need for a dwelling in relation to the business that currently operates.

Essential need

15. The information provided by the parties with respect to the frequency at which a full-time presence would be required in relation to the operation of the proposed stud business is contradictory. The Council's Rural Consultant suggests that this would be for just 6 days a year in total when the 6 brood mares are giving birth and the period immediately after this. However, the appellant refers to a more extended period when close care would be required and also to times when care is needed to be provided for other horses on the site who may be ill or in need of ongoing treatment.
16. With regards to the latter general care, it appears that the existing business has operated without a residential on-site presence for a number of years and I see no reason why this should not continue. It may well be that close care is required for more than 6 days in total, particularly given the fact that the timing of this care may be unpredictable. Nonetheless, it does not appear from the evidence before me that this would in itself justify a full-time on-site presence.
17. Additionally, there is nothing before me to indicate that activity on the site could not be monitored, such as through the use of surveillance technology, to alleviate at least some of the stated need to have a physical presence on the site.
18. Furthermore, the appeal site lies immediately adjacent to the settlement of Wolston and is easily accessible both by vehicle and on foot. The information provided with respect to alternative existing accommodation that may be available is sparse and again the information provided by the parties is conflicting.
19. The appellant's submission does not however indicate that a thorough review of all local accommodation options has been undertaken. Such accommodation, in conjunction with modern monitoring technologies that the Council's Rural Consultant suggests are available, could allow quick attendance on the site in

the event any problems or emergencies arise. It is therefore a reasonable expectation that a more detailed exploration of such a solution should be undertaken.

20. I accept that there would be security benefits in having a night and day presence on the appeal site and I note the past instances of crime referred to by the appellant. However, I have no evidence of other steps such as improved physical security or electronic surveillance which could be implemented to address this.
21. The appellant suggests that in the event of a fire that a person living on the site would have a better chance of evacuating the horses than a person living off the site. Whilst this may be the case, no evidence has been provided to suggest that the business is so susceptible to a fire that it represents a risk which would in itself justify the presence of a dwelling.
22. The appellant draws attention to what they consider to be the number of trips that are made to and from the appeal site at times when horses are ill and need to be attended to frequently. This they consider may result in personal health issues in the future and that it causes unnecessary movements along Stretton Lane. However, I have no specific details as to the human health implications that could arise. The number of such trips generated would, given the scale of the business, be minimal.
23. Whilst routine healthcare appointments such as for vaccination and dental checks may take place during evenings or on weekends, this requires only attendance at the site as opposed to a residential presence.
24. Taken together, on the basis of the evidence before me, an essential need for a dwelling on the appeal site has not been demonstrated and therefore the proposal would not accord with Policy H3 of the LP or Paragraph 79a) of The Framework. Accordingly, this consideration does not offer support in favour of the proposed development.

Viability

25. Paragraph 79a) of The Framework does not explicitly require a consideration of the future viability of the business to be undertaken and I note the appellant's reference to the case of R(Embleton PC) vs Northumberland CC [2013] in this regard. However, Paragraph: 010 Reference ID: 67-010-20190722 of the National Planning Practice Guidance suggests that a relevant consideration when applying paragraph 79a) could be the degree to which there is confidence that the enterprise will remain viable for the foreseeable future. Policy H3 of the LP also requires that the rural enterprise concerned be financially sound.
26. The appellant has provided a projection for the future viability of the proposed stud business, and this demonstrates that the temporary period that the proposed dwelling may need to be on the site could be significant in length in what is a sensitive location.
27. Furthermore, the evidence before me raises the possibility that the risks inherent with the breeding of animals means that the projections presented by the appellant are optimistic and could be significantly jeopardised by

uncontrollable factors such as the quality of the foals that are produced. Therefore, on this basis, I am not persuaded that the evidence provided adequately demonstrates that the proposed stud would operate on a sound financial basis, nor that it would become profitable within a reasonable period of time. This uncertainty means that I can therefore afford this consideration only limited weight.

Other

28. There is support in both Policy ED4 of the LP and in The Framework for the rural economy, in particular in paragraph 83. Whilst there are other relevant local and national policies which also guide whether developments are acceptable, nonetheless this consideration offers moderate weight in support of the proposal.
29. The appellant makes reference to The Strategy for the Horse Industry in England and Wales 2005, the Facilities Strategy for Equestrian Sport and Recreation 2006 and The Animal Welfare Act 2006 and the Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids 2009. Whilst these offer support for the development of equestrian activities and industries in England and provide animal welfare considerations, each proposal must be considered on its own individual merits. Therefore, they carry only limited weight in the context of the specific appeal proposal.
30. I note that there has been support for the proposal from interested parties, however this in itself does not justify a development that would conflict with local and national planning policies.

Conclusion

31. The Framework at Paragraphs 143 and 144 establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
32. The proposal would be inappropriate development in the Green Belt and would result in harm to its openness. There would also be harm to the character and appearance of the area. Having regard to the reasons I have set out, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
33. For the reasons given above, I conclude that the proposal conflicts with the objectives of The Framework which seek to protect the Green Belt and with Policy GB2 of the LP, and that the appeal should be dismissed.

Graham Wraight

INSPECTOR