The Planning Inspectorate

Appeal Decision

Hearing (Virtual) Held on 15 June 2021

Site Visit made on 17 June 2021

by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/D3505/W/20/3258585
Red House Farm, Brick Kiln Road, Holbrook, Ipswich IP9 1BH

- 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 Ms Louise Connolly against the decision of Babergh District Council.
- The application Ref DC/20/00514, dated 31 January 2020, was refused by notice dated 5 May 2020.
- The development proposed is described as change of use only of an existing administration building to a rural workers dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. It was confirmed at the Hearing that the address of the appeal site and the date of the application is as set out on the application form rather than the appeal form. Therefore, I have included these details in the banner heading above.

3. It was agreed at the beginning of the Hearing that the current uses at the wider farm site surrounding the appeal building are relevant insofar as establishing whether there is an essential need for the proposed rural worker's dwelling. However, in the context of this appeal, which is made under section 78 of the Town and Country Planning Act, the lawfulness of the equestrian use is not for me to judge and it is open to the appellant to seek a separate determination from the Council in that regard.

Main Issue

4. The main issue is whether there is an essential need for a rural worker to live permanently on or near the site.

Reasons

5. The appellant confirmed that there have been two separate equestrian businesses operating from the site for approximately 12 months. GB Equestrian Ltd (GB)provides horse and rider training, clinics and overnight stays to clients and their horses. Clients stay overnight in horse boxes or other mobile units using the toilet facilities, showers and the classroom located within the appeal building.

6. DMC Rural Enterprises Ltd (DMC) is operated by a family; two members of the family work full time at the farm site, caring for up to 25 horses at one time, their daughter helps out on a part time basis. The proposal seeks to convert the appeal building to residential accommodation for the family which includes the three equestrian workers plus a younger child.

7. The appellant indicated that the intention was to convert part of the appeal building into residential accommodation whilst keeping the toilet/shower and classroom facilities. However, as there are no proposed plans, it is not entirely clear whether this would be the case. I saw during my site visit that there were recently renovated bathroom facilities and that the classroom area was set up in the central area of the building. Consequently, though I acknowledge the appellant's oral description of the intention to provide 4 bedrooms, kitchen, living room, utility and bathroom spaces, it is not clear how the internal space would be reconfigured or whether the existing classroom space and shared facilities would remain. Notwithstanding this, I accept the appellant's submission that proposed plans are not a pre-requisite of a change of use application.

8. At the Hearing, the appellant described the wider activities of the farm site to include several other third party businesses including various storage buildings, a plant and seed distributer and a tree surgeon. It was stated that approximately 260 acres of arable land as well as some of the farm buildings are currently rented to a local farmer. The remaining 30 acres is used for grazing horses linked to the two equestrian businesses. The appellant occupies the existing farmhouse and manages the site.

9. The appellant confirmed that DMC carry out daily duties which include mucking out, grooming, health care checks, and exercising for up to 25 horses which includes the appellant's personal horses and on occasion horses associated with GB. It was stated that the horses are checked at night and in the past 12 months there have been approximately two occasions where veterinary care was required out of hours. On these occasions, the appellant was the first responder but as the equestrian business is separate it was stated that these duties should be carried out by DMC. Hence the proposal for accommodation that would facilitate the family living on site full time.

10. The family are currently renting a property approximately 8 miles away and therefore cannot provide 24hr surveillance of the site or an immediate response to any unforeseen issues. The appellant advised the Hearing that there were no available properties to rent in the nearest village some 1.5 miles away and that property closer to the site was too expensive for the family to rent or buy. The Council suggested that affordability was comparable between the local villages and the area in which the family currently rent. Nonetheless, neither party provided any evidence in relation to property prices or availability in the areas surrounding the appeal site.

11. The appellant currently resides on site in the farmhouse which is an equal distance from the stables as the appeal building. I note that the appellant is not directly responsible for the equestrian businesses however, as the owner of the wider site, I see no reason why they could not raise an alarm on occasions where out of hours care is required. Furthermore, I have no evidence to suggest that CCTV could not provide adequate surveillance of the horses and buildings or indeed why member of the DMC team staying in temporary

overnight accommodation, for example a bed within the appeal building, would not be feasible.

12. Whilst the appellant advised the hearing that it would be preferable to live on site, based on the evidence before me, I am not persuaded it is necessary for an equestrian worker, or indeed a family of equestrian workers, to reside full time on the site.

13. The Council raised concerns regarding the longevity and security of the business, pointing out that DMC had only been in operation for 12 months and that there was little surety that they would remain in the long term, given the relatively short tenancy which was cited as being 3 years. I have not been provided with any financial information in the form of a business plan or cash flow relating to the business and the appellant could not provide me with any oral evidence in relation to any investment that has taken place which may support the future of the enterprise, although I acknowledge that the potential occupiers of the appeal building have committed to renting accommodation nearby in order to run the business.

14. The appellant stated during the Hearing that approximately 20% of income was derived from DMC with the remainder coming from the various other businesses on site but could not clarify the profitability of the DMC business. It was stated that, if converted, the appeal building would be rented to the family on a 3-yearly basis with the contract dates matching those attached to the rental agreement for the stables and grazing land. I have not, however, been provided with any substantive evidence in relation to financial accounts, letting arrangements for any of the businesses on site or information pertaining to the longevity or security of any of the enterprises. Therefore, I am not satisfied that the business could feasibly support a need for the proposed dwelling in the long term.

15. Consequently, for the foregoing reasons, I conclude that it has not been adequately demonstrated that there is an essential need for a worker to live permanently at the appeal site. As such and given the main parties agreement that the site lies in the open countryside and remote from services and facilities, the proposed development would be contrary to the countryside protection and sustainable development aims of Policies CS1,CS2 and CS15 of the Babergh Local Plan 2011-2031, Core Strategy & Policies (Part 1 of New Babergh Local Plan) 2014 (CS) and the National Planning Policy Framework. These policies seek to ensure that development is directed towards the most sustainable locations and to avoid new development in the countryside save for where there is a proven justifiable need.

Other Matters

16. The site lies within the 13km Zone of Influence for the Stour and Orwell Estuaries Special Protection Area and Ramsar site and as such the Council carried out a Habitats Regulation Assessment which identified that a contribution to the Suffolk Recreational Avoidance and Mitigation Strategy would be required. During the Hearing the appellant provided evidence that the agreed sum had been paid however, given my findings on the main issue above, it has not been necessary for me to further address this issue.

17. Although they did not form part of the Council's reason for refusal, the main parties agreed at the Hearing that Policies CS17 of the CS and CR19 of the

Babergh Local Plan 2006 were relevant to the determination of this appeal. Policy CS17 relates to the rural economy including farm diversification projects and the re-use of redundant farm buildings. Policy CR19 sets out the circumstances in which redundant or under-used buildings in the countryside maybe converted into residential accommodation.

18. During the course of the Hearing the appellant described that the appeal building is currently used as a teaching space with toilet and shower facilities for visitors. I saw during my site visit that internally the building has been partially refurbished and was being used. Therefore, I cannot agree that the building is redundant or underused. Furthermore, the building is a relatively modern industrial style building that does not appear to have any architectural or historical merit and would not therefore qualify for conversion under Policies CR19 or CS17.

19. The appellant submits that the proposal forms part of a wider diversification project. However, based upon the information I have before me and from what I heard at the Hearing it is not clear how the conversion of the administration building to residential accommodation would amount to diversification. Nonetheless, Policy CS17 requires that developments comply with other policies of the Core Strategy, particularly CS15, and therefore as I have already concluded that the proposal would be contrary to other policies of the CS, including CS15, it would, as a consequence fail to accord with Policy CS17.

Conclusion

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:
Jonathan Brown LLB LLM MA MRTPI Chartered Town Planner

FOR THE LOCAL PLANNING AUTHORITY:
Jasmine Whyard BA(Hons) Senior Planning Officer

DOCUMENTS

Submitted during the Hearing- Email containing Payment Authentication Receipt for £112.89 (dated 15 June 2021, 12:16pm) relating to payment of contribution to the Suffolk Recreational Avoidance and Mitigation Strategy.