The Planning Inspectorate

Appeal Decision

Hearing held on 17 May 2022

Site visit made on 17 May 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/V0510/W/21/3283137
Stetchworth Park Stud, Church Lane, Stetchworth, CB8 9TN

- 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 Polly Scott against the decision of East Cambridgeshire District Council.
- The application Ref 21/00384/FUL, dated 9 March 2021, was refused by notice dated 14 May 2021.
- The development proposed is a detached stud managers dwelling and associated double garage.

Decision

1. The appeal is dismissed.

Preliminary matter

2. During the hearing, the appellant provided two documents which provide lists of horses in training, yearlings, foals, broodmares and showjumpers for 2020 and 2021 which the parties were able to comment upon. I have had regard to these in reaching my decision.

3. Since the original proposal was determined by the Council, an updated version of the National Planning Policy Framework (the Framework) was published in July 2021. As such, the decision notice includes paragraph references to the previous version of the Framework which have now been superseded. In reaching my decision, I have had regard to the latest iteration of the Framework and have referenced the same paragraphs in my decision where they still apply albeit using their updated paragraph numbers. The parties have had the opportunity to provide any comments on the updated Framework through the submission of statements.

Main Issues

4. The main issues are:

   - Whether there is an essential need for a dwelling to accommodate a rural worker; and

   - the effect of the proposed development on the setting of nearby Heritage Assets.

Reasons

Essential need for a dwelling

5. The appeal proposal seeks a dwelling to provide accommodation for the appellant to reside on site in order for her to perform her duties as manager of Stetchworth Stud. Stetchworth Stud incorporates a range of equine activity including a stud, horse sales as well as a racehorse yard and a competition yard for show jumping horses.

6. Policy HOU 5 of the East Cambridgeshire Local Plan (2015) (ECLP) addresses proposals for permanent dwellings in the countryside for full-time workers in agriculture, horticulture, forestry, stud and other rural activities subject to a number of criteria.

7. The appellant is currently employed by the stud and resides in nearby Newmarket, travelling to the stud for work. The appellant's role was described during the hearing as being multi-faceted. This includes, amongst other things, being required to assess and determine whether medical treatment of horses should be given or withdrawn for particular reasons. In addition, the appellant's role includes hosting and supporting prospective 'high net worth' clients some of which may require a stay of days or weeks at a time to evaluate potential horse purchases. During the hearing it was explained that the appellant has previously competed in show jumping events prior to starting a family and it was indicated that in future, this may resume. There is no evidence before me as to whether this was likely to be on a professional or semi-professional basis. However, it is clear that taking the range of activities encompassed by the role into account, a proportion of the appellant's time would be spent on other activities not directly related to the care of horses or critical decision-making associated with animals on site.

8. The appellant's role includes, but is not limited to, providing direction to other members of staff as well as the facilitation of meetings and hospitality which support prospective buyers and vendors of horses for racing and show jumping. No evidence has been provided as to what the proportions of the appellant's time are spent on particular activities. Whilst the appellant may have some elements of her role being 'hands-on' with horses, there are clearly parts of the appellant's remit that do not relate directly to animal husbandry.

9. The evidence indicates that the high value of horses bred and trained by the stud provides justification for the proposed development. I acknowledge that due to specific nature of the race and show jumping horses, their monetary value would likely be highly significant to the stud enterprise, and therefore any losses may be disproportionately felt by the business. At the hearing, the appellant provided some further evidence of horses registered at the stud that are in training in 2021, as well as foals born. However, due to the inter-connected nature of the appellant's various sites in the locality and abroad, there is no clear evidence before me of how many of the horses listed or horses may be on site at key times when an on-site presence would be critical, such as during foaling or other key parts of the breeding process. Whilst I note from discussion at the hearing that there had been around 16 foals born at the stud this year, there is no clear evidence of precisely where these were born or how long they remained on particular parts of the site. Furthermore, there is concern that the number of foals would not be sufficient to justify a full-time worker.

10. Turning to the requirements of Policy HOU 5, the second bullet of the policy requires demonstration that the enterprise has been established for at least

three years and is, and should remain, financially viable. There is no dispute between the parties that the enterprise has been existence for more than three years. The appellant's submitted Business Viability Statement dated February 2021 provides some information on the value of horses sold in 2019/20 financial year as well as prize money secured between 2016 and 2019. The appellant also indicated the business is viable based on its long established history and the scale of recent investment at the site. However, the sales and prize figures do not allow the ability to compare annual income from these sources and they cover different time periods. Furthermore, no information has been provided on the costs, profit or other income from activities at the stud. As such, I consider there to be insufficient evidence before me to demonstrate that the business is and would remain viable.

11. Bullet point 3 of Policy HOU 5 requires consideration of any accommodation being available within the site which would be suitable or could be made available. The parties acknowledge that there are already approximately 7 units of residential accommodation on the site including 2 detached properties as well as a number of flats located above stables. However, these are all currently in use and not otherwise suitable or available. In terms of other buildings, Unex House which accommodates the appellant's family's separate property business is also present on site but the appellant has indicated this is in use and would not be available. In this regard, I am satisfied that there are no existing dwellings or buildings suitable for conversion or which have been sold on the open market for housing.

12. During the hearing, the appellant indicated that currently, a considerable amount of day-to-day management is undertaken by the appellant's father, who due to age, intends to step back from any formal management role in the stud. In doing so, both parties accepted that the appellant's father who lives in Stetchworth House, would retire in his current home. Furthermore, the appellant indicates that Stetchworth House is separated as a business asset from Stetchworth Stud. As such, I am satisfied that Stetchworth House would not be available for use by the appellant as the stud manager's dwelling.

13. Bullet point 5 of Policy HOU 5 requires consideration of whether the proposed dwelling would be larger than required to meet the functional needs of the business. The proposed development would provide an expansive 6 bedroom detached property with considerable office space. The appellant considers that the scale of the proposed development is necessary to meet the needs of the appellant and her family whilst providing for 2 additional bedroom suites for visitors. The office space proposed occupies a considerable proportion of floorspace to support the transactional side of the business.

14. The appeal proposal is clearly of a scale greater than would be required for a conventional stud manager's accommodation, albeit I recognise that the appeal proposal would be unique in terms of the wider range of activities it would be required to perform. During the hearing, particular concerns were raised by the appellant about the need for the proposal due to a lack of suitable quality and quantity of local accommodation suitable for prospective visiting clients and their entourages which could include veterinarians, grooms or security staff. The appellant acknowledges within the correspondence with the Council dated 6 May 2021 that the proposed dwelling would provide for a dwelling for a stud owner rather than a 'manager' in the traditional sense and has dual function.

15. Based on the evidence before me, I consider that the breadth of activities which the proposal seeks to address are partly to resolve matters of convenience rather than demonstrable need. Whilst some element of visitor accommodation within the proposal may be appropriate, having regard to the overall scale of the dwelling, there is no clear evidence of whether this is essential or desirable in terms of the functional need. As such, I consider the proposal would be beyond what would functionally be required to support the business and would thereby fail to accord with Policy HOU 5 in this regard.

16. Having regard to the sixth and seventh bullets of Policy HOU 5, the sixth is addressed in the second main issue, whilst no concerns have been raised in respect of site access.

17. Turning to bullet point 8, this requires proposals to be in close proximity to the existing buildings in order to meet the functional need for the businesses. Concerns were raised by the Council that the proposal would be sited beyond the 'sight and sound' distance of around 200 metres from the stables. Whilst the placing of the proposal is around 300 metres from the stables, in this instance, the setting of Stetchworth House has influenced its position on site. However, the use of small vehicles and closed circuit television in the stables provides some mitigation for the increased distance between the dwelling and stables.

18. The appellant considers the proposed development would also be beneficial for reducing noise and disturbance to neighbouring occupiers when the appellant needs access to the secure site out of traditional business hours. However, the site access is secluded with few neighbouring dwellings in close proximity. As such, I consider there would be no harm to the living conditions of nearby residents from the appellant accessing the site. As such, there would be limited benefit from the proposal in this regard.

19. Policy GROWTH 2 of the ECLP sets out the Council's overall locational strategy to development and seeks to strictly control development outside of development envelopes. This control is subject to a number of exceptions, which includes dwellings for rural workers where other policies of the plan are satisfied to which compliance with Policy HOU 5 is specifically referenced. Therefore, as I consider the proposal would not accord with the functional requirements Policy HOU 5, the proposal cannot therefore accord with Policy GROWTH 2 which requires compliance with it in order to qualify as an exception.

20. The appellant has indicated that they consider that the proposed development would not result in an isolated dwelling, and as such, paragraph 80 of the National Planning Policy Framework (the Framework) would not apply. Due to the significant distance between the appeal proposal and Stetchworth House as well as there being no other buildings or structures adjacent to the proposed dwelling, I consider that the proposed development would result in an isolated dwelling. As such, paragraph 80 a) of the Framework would be relevant which seeks to avoid isolated new homes unless particular circumstances apply. As I consider there would not be an essential need for a rural worker to live permanently at or near their place of work in the countryside, the proposal would fail to accord with the circumstances set out in paragraph 80 a).

21. The appellant has indicated that they would be prepared to accept a condition restricting the occupancy of the proposed dwelling to the stud manager and

dependants. However, as I have found that the need for the proposed dwelling would not be justified, a condition limiting occupancy would not be capable of addressing my concerns in respect of the essential need.

22. In light of the above, I conclude that there would not be an essential need for a dwelling to accommodate a rural worker. As such, the proposal would fail to accord with Policies GROWTH 2 and HOU 5 of the ECLP for the reasons set out above, with the exception of the sixth bullet point of Policy HOU 5 which I deal with below. The proposal would also fail to accord with paragraph 80 a) of the Framework for the reasons set out above.

Setting of nearby Heritage Assets

23. The appeal proposal would be located in the corner of a large area of paddock sited around 300 metres to the south-east of Stetchworth House. Stetchworth House and the accompanying Stetchworth House Stables are Grade II Listed Buildings. St. Peter's Church is located around 250 metres to the north-east of the site and is Grade II* Listed. Furthermore, Devil's Dyke Scheduled Monument is located towards the east of the appeal site and is screened from the proposal by mature trees. There are a number of other heritage assets on the site including the Round House Folly and The Lodge. However, these are located to the north of Stetchworth House and no concerns have been raised as to the effect of the proposal on these assets.

24. The significance of Stetchworth House is derived from, amongst other things, its scale, design and architectural detailing as well as historical links to the horseracing industry. The significance of the stable block derives from its scale and layout. Stetchworth Park itself is identified on the Historic Environment Register and this incorporates the more formal parkland grounds to the north of Stetchworth House as well as a number of paddocks located to the south where the appeal proposal would be sited. As such, the setting of Stetchworth House extends across the wider grounds of the stud.

25. St. Peter's Church is located to the north west of the appeal proposal near the entrance to the stud. The church tower can be partially viewed from the direction of the appeal site; however, it is significantly distant from the appeal site to be affected by it. The intervening trees and vegetation also provide a sense of detachment from the appeal site to the church. The appellant's Heritage Impact Assessment also notes that the setting of the church has been contained and I would concur with this assessment. As such, I do not consider there would be any harmful effect on the setting of St. Peter's Church.

26. The appeal proposal would be significantly distant from Stetchworth House and Stetchworth Stable Block. The access roads linking the main house and the appeal proposal are lined with mature trees and vegetation. As such, there is a distinct sense of remoteness between Stetchworth House and the appeal site. The verdant tree-lined access roads provide strong landscape boundaries between Stetchworth House and the paddocks to its south and there is no intervisibility between the appeal proposal and the main house. The more enclosed character of the southern paddocks, whilst remaining part of the setting of Stetchworth House, have an increased sense of transition between the wider park and the surrounding countryside. I consider that towards the southern extent of the park, there would be a gradual decrease in the extent of Stetchworth House's influence over its setting.

27. The Council has raised concerns regarding the legibility of having a second substantial dwelling within Stetchworth Park. Whilst historically, a second house within the grounds may have been unlikely, I consider that having regard to the distances between the main house and the proposed development, its presence would not be harmful.

28. Although the appeal proposal would clearly result in development within the setting of Stetchworth House, there are a range of other buildings including dwellings on site built during different periods that are more closely related to the main house so as to reinforce its dominance as the centrepiece of the overall park. As such, a further dwelling would therefore not challenge the dominance of Stetchworth House to any harmful level.

29. The proposed design of the appeal dwelling takes a number of design cues from Stetchworth House, including fenestration, its roof design and the use of 1 and a half storey side wings to give the appearance of evolution of the proposed dwelling. The Council has also raised concerns that the appeal proposal would compete with Stetchworth House particularly in light of the appeal proposal's scale and design. Notwithstanding my concerns about the size of the detached property in relation to the functional need for a dwelling, due to the significant distance between it and the appeal proposal, the appeal building would not compete in scale with Stetchworth House. Although concerns have been raised about the architectural style of the proposal, whilst the proposed dwelling is somewhat referential to Stetchworth House in style, it would have a significantly simpler design. Therefore, I do not consider it would result in harm to the setting of Stetchworth House and stables or St. Peter's Church.

30. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting, to which I attached considerable importance and weight.

31. The Council's decision notice considered that the style of the proposed dwelling would challenge the hierarchy of dwellings on site and was also contrary to Historic England's Good Practice Advice in Planning Note 3 'the setting of heritage assets'. The note discusses, amongst other things, the approach to the consideration of designated settings in relation to those around a country house such as Stetchworth House. Whilst the note indicates on page 5 that that development further afield may affect an asset's significance, fin light of the distance from Stetchworth House, it would accord with the approach and guidance set out in the note.

32. In light of the above, I conclude that the proposed development would not result in harm to the setting of nearby heritage assets. As such, it would comply with Policy ENV 12 of the ECLP which seeks to ensure proposals do not materially harm the immediate or wider setting of the Listed Building. It would not conflict with the sixth bullet point of Policy HOU 5, which requires development to be sensitively designed, in keeping with its rural surroundings, and to not adversely affect the setting of heritage assets.

33. The proposal would also accord with paragraph 200 of the Framework which seeks to avoid harm of loss to the significance of designated heritage assets from development within their setting. Therefore, the balance in paragraph 202 of the Framework is not required.

Other Matters

34. The appellant suggested that the unique nature of the proposal gives rise to uncertainty as to whether the proposal should be considered under Policy EMP 7 of the ECLP which deals with tourist accommodation. Whilst the proposal may provide accommodation for prospective customers who may visit from other parts of the UK or internationally, there is no evidence that the proposal would be available to other visitors to Newmarket for other equine events. Furthermore, the description of development clearly indicates the proposal to be for a stud manager's dwelling. As a result, I consider that any tourism use or benefit would be minimal.

35. The appellant has drawn my attention to a number of other planning approvals in support of the appeal proposal. The appellant considers that a fallback position exists for the change of use of Unex House which is located adjacent to Stetchworth House, to residential accommodation. The appellant indicated that the potential for the change of use from office to residential accommodation against Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 had been assessed. However, this has not been supported by any written assessment that has been placed before me, nor has prior approval been sought. Furthermore, Unex House is not available for alternative use. Therefore, whilst the appeal decision as referenced by the appellant supports the view that the presence of a legally compliant fallback can attract weight, I consider that there would be little prospect of the fallback occurring within a reasonable timeframe. As such, in this specific instance I afford the fallback limited weight.

36. The appellant has also drawn my attention to two further planning approvals from the Council (reference numbers 19/01069/FUL and 17/01027/FUM) which were approved in similar circumstances to the appeal proposal. However, it was clarified at the hearing that 19/01069/FUL was for a more modest single storey dwelling than the appeal proposal and that further justification had been available. In respect of 17/01027/FUM, this proposal was to support a business operating at capacity and additional justification was provided to clarify the need for the development and the extent of visitor accommodation. Therefore, whilst these approvals have similarities to the proposed development, I must determine the appeal proposal on its merits and the evidence before me. As such, these decisions are of limited weight.

37. The proposed development would result in a number of benefits. Economic benefits would arise as a result of local employment and in the accompanying supply chain as well as through the growth of the wider business. However, no evidence was provided during the hearing as to the potential growth of the business as a result of the appeal proposal. A further benefit would arise as a result of the creation of a new dwelling which would contribute towards local housing. However, as the proposal would result in a single dwelling being created, this is of limited weight.

38. Whilst the appellant has indicated that there would be some benefits to tourism and hospitality, as set out above these would be minimal and are therefore afforded limited weight.

Conclusion and planning balance

39. In light of the above, whilst I have identified that the proposal would accord with Policy ENV 12 in respect of the setting of nearby heritage assets, I find that there would be conflict in respect of Policies HOU 5 and GROWTH 2 in respect of the functional need for the proposed dwelling. The appellant has cited other policies in respect of economic development and tourism which they consider support the appeal proposal. However, in light of the description of development which does not make reference to tourist activities, when taking into account all of the relevant policies, I consider the proposal would fail to accord with the Development Plan when read as a whole.

40. The appeal proposal would result in a number of economic and social benefits as set out above. However, due to the unquantified nature of the potential business growth and the temporary effect of job creation and supply chain during construction, these are afforded limited weight. Furthermore, I consider that any tourist benefits arising would be minimal and of limited weight.

41. In addition, I consider that the planning permissions and appeal decisions referenced by the appellant are afforded limited weight for the reasons discussed above. I consider there are no other considerations which would either individually or cumulatively outweigh the conflict I have identified with the Development Plan.

42. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Jason Parker – Parker Planning Services

Mr David Snaith – Stetchworth Stud

FOR THE LOCAL PLANNING AUTHORITY:

Ms Toni Hylton – East Cambridgeshire District Council

Ms Holly Chapman - East Cambridgeshire District Council

Mr Christopher Partrick - East Cambridgeshire District Council

Mr Charles Holt – The Farm Consultancy Group

DOCUMENTS:

Stetchworth and Middle Park Studs 2021 - horses in training, yearlings, foals, broodmares and showjumpers

Stetchworth and Middle Park Studs 2020 - horses in training, yearlings, foals, broodmares and showjumpers