



Appeal Decision

Site visit made on 14 June 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2022

Appeal Ref: APP/Y3425/W/22/3291123

Middleton Livery Yard, Old Road, Barlaston, Stoke-on-Trent ST12 9EN

- 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 & Ms S. & H. Phipps and Middleton against the decision of Stafford Borough Council.
 - The application Ref 21/33736/FUL, dated 21 January 2021, was refused by notice dated 4 November 2021.
 - The development proposed is Erection of equine workers dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants' Statement of Case post-dates the latest version of the National Planning Policy Framework (the 'Framework') published in July 2021. However there are a number of references to paragraphs from a previous version of the Framework. Any policies that are material to this decision have not fundamentally changed in the Framework and I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework and its paragraph numbering in reaching my decision.

Background and proposal

3. The site lies within the North Staffordshire Green Belt. The livery yard and riding school as a whole straddles the administrative boundaries of Stafford Borough Council and Stoke-on-Trent Council. However, the site of the proposed dwelling (the subject of this appeal) and means of access are located within Stafford Borough.
4. The livery yard has been granted planning permission by both local authorities. It included permission for the change of use of the land from grazing to livery yard and riding school together with the erection of additional stabling, hay store and tack room to complement the livery stables and manège that were already in situ. There is also hardstanding for parking. The appellants have operated the livery yard and riding school since the beginning of 2017 and care for up to 17 horses.
5. On my site visit I observed there were additional stables to those shown on the submitted plans. There was also a mobile home on site close to the location of the proposed dwelling. I have not been advised about these structures or their status, but they do not form part of the appeal before me.

6. The proposal is for the erection of a detached, single-storey, 'L' shaped, 4-bedroom dwelling for occupation by an equine worker. The dwelling would be located to the south east of the stable buildings. During determination of the application the footprint of the proposed dwelling was reduced from 192 sqm to 132 sqm. Access to the proposed dwelling would be off Old Road, along the existing track that already serves the livery and riding school. The dwelling would be required in the interests of horse welfare and to facilitate further growth of the business.

Main Issues

7. The Framework regards the construction of new buildings as inappropriate development in the Green Belt, subject to various exceptions set out in paragraphs 149 and 150. The appellants accept that the proposal does not fall within any of the Framework exceptions for new buildings and hence constitutes inappropriate development in the Green Belt. Having regard to the evidence before me I have no reason to disagree on this matter.
8. In light of the above, the main issues are:
- The effect on the openness of the Green Belt and purposes of including land within it,
 - Whether there is an essential need for a rural worker to reside on site, and
 - If the proposed development constitutes inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness of the Green Belt and purposes of including land within it

9. Openness is one of the essential characteristics of the Green Belt. Case law has established that openness as a concept has both a visual and a spatial dimension.
10. The site is located some distance from the nearest settlement and built-up form of Barlaston, separated from it by fields. Although the rooftops of a number of dwellings on Old Road poke above the intervening trees in the distance, the site is surrounded by fields, trees and open countryside. The openness of the Green Belt is therefore clearly evident.
11. The absence of built development is a characteristic of the Green Belt. Whilst there are existing stable buildings nearby, the proposed dwelling would introduce a sizeable new structure that would physically occupy space on the ground where buildings do not currently exist. Even though the site of the proposed dwelling is currently laid to hardstanding, this is temporary, low-lying and does not have a three-dimensional presence or any significant volume. The footprint, height and volume of the proposed dwelling, even though single-storey, would undoubtedly reduce the spatial openness of the Green Belt.
12. Whilst views of the dwelling would be somewhat restricted from the road, due to the intervening topography, and the dwelling would be sited close to the existing stable buildings, development is still capable of affecting visual openness. The proposed dwelling would be seen, even if views of it are

somewhat localised. It would be the first building as one entered the site and it would be a sizeable permanent brick building that would contrast with the neighbouring timber stables. Furthermore, a new dwelling would likely introduce domestic paraphernalia to the rural livery site further reducing the visual openness of the Green Belt.

13. The introduction of a dwelling to the site would undermine the fundamental aim of keeping land permanently open. The dwelling would also take built form further towards the open countryside, and so would fail to safeguard the countryside from encroachment, which is one of the purposes of the Green Belt.
14. To conclude on Green Belt issues at this stage, the proposal would be inappropriate development for the purposes of Policy SP7 of the Plan for Stafford Borough (the 'Borough Plan') and the Framework. I have found there would also be a reduction in visual and spatial openness of the Green Belt. There would also be conflict with the fundamental aim and one of the purposes of including land within the Green Belt contrary to paragraphs 137 and 138 of the Framework, respectively.

Essential need for a rural worker

15. The appellants accept that the site lies outside of the settlement boundary of Barlaston, which Borough Plan Policy SP3 identifies as a 'key service village'. They also confirm the proposal is not accompanied by a Parish-based Local Housing Needs Assessment, which is a requirement of Borough Plan Policy C5 for new housing outside identified settlements. In the Green Belt and countryside, housing development is also expected to be consistent with national policies for the control of development. The proposal is therefore at odds with the Council's settlement hierarchy and development strategy for the Borough set out in Borough Plan Policies SP3, SP7 and C5. These policies, together with SP1, seek to promote sustainable patterns of development by locating new housing in locations with higher levels of services and facilities and identifying land for housing growth. This approach is broadly consistent with the Framework. Borough Plan Policy SP4 focusses on annual housing growth distribution across the settlement hierarchy and is not directly relevant to this main issue.
16. In rural areas, the Framework seeks to avoid isolated homes in the countryside unless certain circumstances apply. The dwelling would be predominantly surrounded by open fields and would be physically separated from the settlement of Barlaston by these fields. As such it would be isolated. In such instances, Framework paragraph 80a) allows isolated dwellings in the countryside where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Previous national policy guidance¹ included 'financial and functional' tests for rural workers' dwellings. However these are no longer required and in that respect paragraph 80a) of the Framework is less onerous in that it only requires consideration of whether there is an "essential need".
17. Nonetheless, the National Planning Practice Guidance (PPG) sets out a number of considerations to take into account² when applying Framework paragraph

¹ Planning Policy Statement 7: Sustainable Development in Rural Areas with Annex A

² PPG Paragraph: 010 Reference ID: 67-010-20190722

- 80a). These include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of the rural enterprise, and the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.
18. The appellants' case is derived principally from a horse-welfare perspective, due to the nature and characteristics of horses. This is because horses are easily 'spooked' and unpredictable and can react differently to seemingly innocuous situations, such as claps of thunder, barking dogs, passing cars or noises from the nearby sewage treatment plant. Horses are also prone to a number of disorders, most notably colic and 'cast' and which if they strike at night time or are not treated quickly can mean poor prospects for the horse and even having to be destroyed.
 19. The appellants operate their livery for 17 horses and run a riding school during the day. In addition to the appellants both working at the livery and riding school they employ 2 part-time staff. One of the appellants' gives riding lessons. Apart from running the livery and riding school during the day, the appellants undertake late-night out-of-hours visits to monitor the horses.
 20. The presence of someone living on site would not necessarily prevent incidents from happening as horses can have accidents or become severely ill at any time. The riding school part of the business is a day-time activity and does not need someone to live on site for that to function, and the appellants are on site during the day to keep an eye on horses in the livery. From the itinerary of a typical day, it appears that the appellants check on the horses late at night and that it is only during the night when the horses are left unattended. I can understand that a dwelling on site would allow the appellants to live within sight-and-sound of the stable yard, and enable them to undertake inspections of the horses more frequently and conveniently and even hear any distressed horses and respond more quickly without the need to travel to and from their house some 5 miles/15 minutes' drive away. Whilst I am advised the appellants live some 5 miles away, I have not been told where they live. Nor have I been told about the journey, or the type and nature of the roads they have to drive. A journey along straighter faster roads would take less time than a journey of the same distance along narrow or windy rural roads where travel speeds would likely be lower.
 21. The appellants' submissions include letters from a number of equine vets. These comment that if horses are checked more frequently this can aid better management and there can be occasions when horses require monitoring throughout the night if suffering from particular ailments or conditions. One vet suggests that it is 'highly desirable' to have people living on site. I appreciate living on site would make keeping an eye on the horses more convenient and I am sympathetic to the fact that swifter intervention of a skilled worker could help a horse's survival. However, the veterinary evidence does not demonstrate that an on-site dwelling is "essential" or that someone needs to be within sight-or-sound of the horses.
 22. I note the letters of support for an on-site dwelling and that the appellants' night-inspections have prevented a number of incidents and even catastrophic outcomes for some horses. It is evident from customer comments that some would prefer a dwelling to be on-site for permanent staff presence and the

peace of mind that would bring. This is a desirable situation, but does not demonstrate there is an essential need. It is also apparent that the current lack of an on-site dwelling has not deterred existing customers from leaving their horses at the livery yard. I observed at the time of my visit, which was pre-arranged, that the site appeared to be well-maintained and in good order and the animals in good health. This is also endorsed by some of the letters from customers.

23. Living on site may well provide increased security for the livery yard and horses. However, I have not been presented with any evidence or Police reports to indicate to me there is a problem, or indeed there have been any incidents of trespass, arson, theft or crime to warrant a permanent dwelling on the site. The threats from fire exist at present and have presumably existed since the appellants started operating the livery and riding school in 2017. I have not been presented with any substantive evidence to suggest that circumstances are now materially different.
24. There is a variety of technology that can be employed to provide security and surveillance of the site and horses, in lieu of an on-site dwelling and provide some 'technological' sight-and-sound of the horses. The Council's consultant advises that there are infra-red sensors, for example, that can detect movement but do not emit a noise that would startle the horses. CCTV with audio facilities could be installed at the stables, and with daily attendance by staff the cameras and technology could be kept in working order and cameras kept free of dust and spiders. I agree it would be impractical for someone to work all day at the livery and stables and then sit in front of CCTV monitors all night. I appreciate there would still be a response time to drive to the site if CCTV detected something. Nonetheless CCTV at the appellants' current home would offer the opportunity for the appellants to periodically look at images of the stables and horses without traveling to the site just to check on them. I have not been advised that it would not be possible or viable to employ someone to monitor the CCTV during the night.
25. Of relevance in considering the need for a permanent dwelling is the degree to which there is confidence that the enterprise will remain viable for the foreseeable future, as advised in the PPG. The Council and its agricultural consultant doubt the long-term viability of the business taking into account the Labour Calculations using the 'Equine Business Guide' (the EBG) and the limited land shown in the appellants' ownership, outlined in blue on the application plans.
26. The appellants have submitted 3 years of business accounts (years ending 2019–2020) that show they make an adequate profit after paying themselves and their staff a salary that exceeds the minimum wage. The business managed to come through the Covid-19 outbreak and 'lockdown'. The appellants consider the business to be viable with adequate profit as it currently operates. Factoring in the livery business once the dwelling is constructed they are satisfied the business would give them an income they consider would amply support them.
27. It would appear the appellants do not mind working long hours themselves even though the EBG indicates the business would need a work force of 6.8 full-time workers. The appellants state they can increase the business without additional land and without over-working the horses. Their daughter could give

riding lessons that would double the income from the riding school side of the business, although the Council question that there is nothing to suggest in the submitted accounts that the daughter would take an income.

28. I find on balance there is a reasonable degree of certainty that the business will continue to operate and function in a profitable manner, and has the potential to grow modestly with additional riding lessons and remain viable. I have also taken into account the appellants' commitment to the business and their shared love of horses.
29. However, the appellants have operated the livery and riding school since starting to operate it in 2017 without a dwelling on site. From the submitted evidence I am not satisfied it has been demonstrated that the situation on site has materially changed in the intervening period that there is now an essential need for a rural or equine worker to live permanently at the site for the proper functioning of the business and the welfare of the horses. Accordingly the proposal would be contrary to Borough Plan Policies SP1, SP3, SP7 and C5, whose aims have already been discussed.

Other Considerations

30. The appellant has advanced a number of other considerations to support their appeal.
31. An on-site dwelling would help reduce the number of vehicle journeys the appellants make to and from the site and their mileage, with an associated reduction in carbon emissions. The appellants state they use 2 cars to transport themselves and their 5 dogs and make four return trips each day amounting to some 40 miles a day. Living on site would still require vehicle trips for non-work related activities to access day-to-day services and facilities, such as schools, shops, and medical/dental appointments. From the appellants' typical daily itinerary they both return home for lunch, and then back to the site for the afternoon. In my view there would be opportunities to limit the number of journeys from making simple life-style choices, for example not returning home for lunch in two cars as the site is their place of work. Whilst there would be some environmental benefits from living on site and not making so many vehicle journeys, I am not persuaded that a dwelling would be the only way to achieve this.
32. Living closer to the site would also help reduce mileage and travel times and carbon emissions. For new development proposed outside identified settlements Borough Plan Policy C5 requires developers to demonstrate that provision cannot be accommodated within the settlement hierarchy and one of the identified settlements. The appellants contend they cannot afford to purchase a 4-bedroom house nearby under £200,000 compared to the cost of building a new house on land they already own. The Council have undertaken a rudimentary internet search of houses for sale at a point in time and found some 27, 4-bed properties up to £300,000 within a 3 mile radius of the site. There is some dispute between the parties as to the likely costs to construct a dwelling, but the Council's property search included properties with a lower value that would cover the appellants' lower estimated build costs. The fact that the Council included properties that had been sold is a reasonable approach in my view as it better reflects the overall picture of what properties were available, even if some have subsequently been sold. Whilst buying a

property may be preferable there is no reason, as far as I have been made aware, why a property could not be rented.

33. The appellants limited their property search to a radius of 1 mile or less from the site in order for an emergency response to be realistic and to be comparable to an on-site dwelling. The evidence above shows there is no essential need to live on site to be within sight-and-sound, and hence no evidence why a 1 mile or less distance should be used. The appellant's internet search of properties within a 1 mile radius revealed there were no such suitable or affordable properties. Obviously a smaller site search would narrow down the number of properties for sale or rent, and then those within budget. I am not satisfied that a realistic search for other properties in the vicinity has been undertaken, or that no other suitable properties exist.
34. Borough Plan Policy E2 supports sustainable rural development. The livery and riding school currently supports the local rural economy, with the knock-on effects of supporting other associated local businesses, such as vets, equine dentist and physiotherapists, farriers, suppliers of products such as feed and bedding, tack and saddles. This is supported by paragraph 84 of the Framework which advises the planning decisions should enable the sustainable growth and expansion of all types of rural business in rural areas through well-designed new buildings. However, this already happens. I have not been presented with a case that indicates the livery/riding school business would close without an on-site dwelling and that as a result the support given to these associated businesses and the rural economy would also cease. Furthermore, the proposed growth area would be in riding lessons and hence small-scale, so there would be limited additional local economic support that would arise. As such, I give only moderate weight to the economic benefits of the development.
35. I understand one of the appellants suffers from a debilitating condition and such that living on site would reduce the time traveling and give peace of mind. Whilst I am sympathetic, living closer to the site would also reduce travelling time and distance, and other measures and technologies could provide additional surveillance and security. I therefore give this limited weight.
36. I can understand that the riding school can help people participate in sport with the associated health and wellbeing benefits that it brings. However, the business already offers riding lessons. Any expansion of the business would be small-scale and the increase in riding lessons does not require a permanent on-site dwelling. I give this limited weight.

Green Belt Balance and Conclusion

37. The development represents inappropriate development in the Green Belt, which is harmful by definition and which should not be approved except in very special circumstances. I have also found harm to openness and conflict with the aim of the Green Belt and one of its purposes. As required by paragraph 148 of the Framework, substantial weight should be given to any harm to the Green Belt.
38. In addition, I have found that it has not been demonstrated there is an essential need for a dwelling for a rural worker to live permanently at the site in the countryside outside of an identified settlement hierarchy. This would undermine the Council's sustainable housing strategy and be contrary to the

development plan. I give this significant weight. Hence there are serious planning objections that weigh against the proposal.

39. In conclusion, I find the other considerations advanced in this case do not clearly outweigh the totality of the harm I have identified to the Green Belt, and to the Council's sustainable housing strategy. Consequently, the very special circumstances necessary to justify the proposed development do not exist. Accordingly the proposed development would conflict with Borough Plan Policies SP1, SP3, SP7 and C5 and the Framework.

40. For the reasons given above I conclude that the appeal should be dismissed.

K Stephens

INSPECTOR