The Planning Inspectorate

Appeal Decision

Hearing Held on 20 December 2022

Site visit made on 20 December 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2023

Appeal Ref: APP/A2525/W/22/3291037
Stevedon House, Stevedon Cattery, Swindlers Drove, Spalding PE12 6BS

- 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 G Wright against the decision of South Holland District Council.
- The application Ref H16-0825-21, dated 29 July 2021, was refused by notice dated 12 October 2021.
- The development proposed is new dwelling for cattery manager.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. In order to address flood risk, the finished floor level of the proposal would need to be raised by 1 metre above those shown on the submitted plans. Reference has been made to various issues arising from this, including the effect on the character and appearance of the proposal and the privacy of nearby residents. This was identified as a main issue on the Agenda for the Hearing. However, at the Hearing the Council confirmed that it considers that the increase in floor level would represent a minor amendment to the proposal, and that associated issues could be addressed by condition.

3. On that basis, the main issue is whether the site would be a suitable location for housing development with regard to local and national planning policy.

Reasons

4. The appeal site is located outside of the defined settlement boundaries. On the basis of Policy 1 of the Local Plan[1], the site is considered to be within the Countryside. This policy sets out that in the countryside development will be permitted that is necessary to such a location and/or where it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

5. The proposed dwelling would be associated with Stevedon Cattery, which the evidence suggests is an established and viable business. Due to the noise and disturbance arising from the number of animals kept at the cattery, the Council

[1] South East Lincolnshire Local Plan, 2019.

accepts that it requires a countryside location and may therefore be considered to be a rural-based enterprise.

6. Stevedon House is a detached dwelling located adjacent to the cattery. Conditions on the outline and reserved matters permissions for the dwelling specify that its occupation shall be limited to a person solely or mainly employed, or last employed, locally in agriculture. Conditions placed on the planning permissions for the cattery set out that it shall be operated solely in conjunction with the occupation of Stevedon House.

7. At the Hearing, the appellant explained that they were the original occupant of Stevedon House and were in agricultural employment associated with a smallholding. Subsequently, the glasshouses associated with the agricultural business fell out of use and the appellant left agricultural employment. The cattery business was then developed by the appellant and currently provides their main source of income.

8. Evidence has been provided of the extent of a typical working day at the cattery, and the range of activities including feeding and administering medication. This indicates that the operation of the cattery requires at least 2 members of staff. The Council also accepts that there is an essential need for a person to be present on-site 24 hours a day due to the licensing requirements of the cattery. However, it has not been demonstrated that the 24-hour cover cannot be provided by a resident of Stevedon House, with other staff attending as and when required.

9. Reference has been made to the appellant's intentions regarding retirement, and I am mindful that the occupancy condition for Stevedon House would enable an agricultural worker to retire and remain in occupation of the dwelling. Under the existing planning permissions, the occupation of Stevedon House could also be severed from the operation of the cattery, although not vice-versa. However, the appellant confirmed at the Hearing that he does not intend to fully retire, and would continue to play an active role in the business. He would also continue to live in Stevedon House. On that basis, I consider that the appellant would be able to provide the 24 hour cover required by the cattery in the same manner as has been done previously.

10. In support of the need for a new dwelling, the appellant referred to the provision of cover over holiday periods and during social events. However, it should be possible to provide for staff cover during the temporary absence of residents from the existing dwelling resulting from such pre-planned events. Unforeseen emergency absences would be likely to be few and far between, and it should also be possible to provide staff cover for such limited occurrences even at short notice. The form of cover provided by Stevedon House is typical of many rural and farming enterprises, such as those where the monitoring and attendance of livestock is required. Based on the evidence before me and as presented at the Hearing, the appellant's justification for a further dwelling is based on matters of convenience, rather than demonstrating an essential need.

11. Reference was also made to the circumstances of members of the appellant's family who are involved in the business. However, this would not negate the cover for the business provided by the existing dwelling.

12. The appellant refers to the economic benefits arising from the jobs and investment generated by the cattery and the proposed dwelling. However, given the circumstances of Stevedon House and the appellant, it has not been demonstrated that the continued operation and future development of the cattery is reliant on the appeal proposal. This matter does not therefore weigh in favour of the proposed dwelling. Employment and investment during the construction of the dwelling would be of a limited scale for a limited period of time. The support of services in the area from residents of a single dwelling, including contributions to Council Tax, would also be limited. Even allowing for the effects of the pandemic, the economic benefits of the proposal would be no more than limited.

13. There is a bus service that passes through the area, although the nearest bus stop is some distance from the site and the service is relatively infrequent. The appellant agreed at the Hearing that residents of the proposal would be reliant on the private car to access services and facilities. Therefore, the proposal would not provide access to services by sustainable means. The existence of other dwellings with similar access to services and facilities does not justify the provision of a further dwelling with similarly poor access. The dwelling would reduce the need for staff to travel to the site, but this benefit is not sufficient to justify the provision of a new dwelling, especially as the existing dwelling would accommodate at least 1 person involved with the cattery. Although the site of the dwelling is only used as a lawn, this is not an unusual or unsuitable use for this plot of land. There are no benefits arising from the proposal of such weight so that it would comply with the environmental considerations of Policy 1.

14. In respect of community benefits, the proposal would add to the supply and mix of housing in the area. However, the Council sets out that it has a relatively healthy housing land supply, and on that basis the benefits arising from a single dwelling carry little weight in favour of the proposal.

15. The Council's decision refers to paragraph 80 of the National Planning Policy Framework (the Framework) which sets out that the development of isolated homes in the countryside should be avoided except in a number of circumstances. However, the proposal is located in the vicinity of a number of other dwellings and built development, and the appellant has also questioned whether the proposal is in the 'open' countryside. Viewed objectively and in context, I do not consider that the appeal site is isolated within the terms of paragraph 80 of the Framework, and that it could not be considered to be within the 'open' countryside. However, this does not lead me to a different conclusion in respect of the assessment of the proposal on the basis of the Local Plan, particularly its location in the countryside with regards to Policy 1.

16. Drawing the above together, and having regard to Policy 1 of the Local Plan, it has not been demonstrated that the proposed dwelling is necessary to this location, as the essential needs of the business can be met by occupants of the existing dwelling. For the same reasons, the proposal would not represent sustainable development in economic terms as the continued operation of the business would not be reliant on the appeal proposal, and any other economic benefits would be limited. There are also no community or environmental benefits sufficient to demonstrate that the proposed dwelling would meet the sustainable development needs of the area. The proposal would therefore be contrary to Policy 1 of the Local Plan in respect of development in the countryside.

Other Matter

17. There was some discussion at the Hearing about the scope of the agricultural occupancy conditions for Stevedon House and the extant occupation by the appellant in association with the cattery. However, given that I have dismissed this appeal this is not a matter I need to consider further.

Conclusion

18. I have concluded that the proposal would conflict with the Local Plan in respect of development in the countryside. There are no material considerations of such weight that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

Appearances

FOR THE APPELLANT:
Richard Pratt
Geoffrey Wright
Robin Hooper

FOR THE COUNCIL:
Jess Francis
Maria Salemme
Lucy Buttery
Oscar Patman
Cat Sutton

Document Submitted at the Hearing

1. Copy of the Council's suggested conditions, provided for the appellant.

Document Received Following the Hearing

2. Suggested wording of occupancy condition agreed by the main parties.