



Appeal Decision

Hearing held on 3 May 2023

Site visit made on 3 May 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2023

Appeal Ref: APP/C2741/W/22/3303588

Welton Stables, Plainville Lane, Wigginton, York YO32 2RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline and full planning permission.
 - The appeal is made by Mrs C Batty against the decision of City of York Council.
 - The application Ref 21/01159/FUL, dated 7 May 2021, was refused by notice dated 31 January 2022.
 - The development proposed is outline planning permission for the construction of an equestrian workers dwelling following demolition of existing stable and full planning permission for side extension to existing stable block.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading I have used the description of development set out on the decision notice as this is more accurate than that given on the application form which referred to construction of an agricultural worker's dwelling.
3. As set out above, the proposal is partly for outline planning permission for an equestrian worker's dwelling. Outline planning permission is sought with all matters reserved except access. I have determined the appeal on this basis.
4. The Council refers to policies of the emerging City of York Local Plan - Publication Draft (2018) (the PDLP) in its reasons for refusal. However, this is not adopted and I am not aware of the extent of any unresolved objections. Having regard to the advice in paragraph 48 of the National Planning Policy Framework (the Framework), I have given these policies limited weight.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the Framework;
 - the effect of the proposal on the openness of the Green Belt;
 - whether there is an essential need for a permanent dwelling on the site;
 - whether the proposal would be in a suitable location, having regard to access to services and facilities; and

- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

6. The appeal site is within the Green Belt. Framework Paragraph 149 sets out that new buildings are inappropriate in the Green Belt, subject to certain exceptions. One exception relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use. This exception requires that such development should not have a greater impact on Green Belt openness than the existing development.
7. The proposed equestrian worker's dwelling would occupy the site of the existing stables. I am satisfied that it would constitute the redevelopment of previously developed land. Whilst the plans for the dwelling are illustrative at this stage, these indicate that the dwelling would occupy a similar footprint to the existing stables. However, the stable block is a modest, low-lying structure with a shallow pitched roof.
8. Whilst the appellant proposes to limit the height of the dwelling to one and a half storeys, that would still make the new building considerably higher than the stables. The likely scale, height and bulk of the dwelling would be significantly larger than the existing building and would have a greater impact on the openness of the Green Belt. The provision of a domestic curtilage with associated domestic paraphernalia and car parking would emphasise the prominence of the development. Therefore, the exception in paragraph 149 regarding previously developed land would not met in this case.
9. One of the exceptions listed in Policy GB1 of the PDLP relates to replacement of existing buildings. However, this is not entirely consistent with Framework paragraph 149 d) which refers to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The new dwelling would not be in the same use as the building it would replace and the proposal would be materially larger than the existing.
10. Turning to the proposed extension to the stable block, one of the exceptions relates to the provision of appropriate facilities for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Another exception is for the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original.
11. The extension to the stables would occupy land that is currently free from built development. It would consist of 6 additional stable boxes with a substantial footprint of around 9.1m x 9m and a significant volume. Based on the appellant's figures, the extension would represent an increase of around 65% on the floor area of the existing building which I consider would constitute a disproportionate addition. It would fail to preserve Green Belt openness.
12. For these reasons, I find that the proposed development would not fall within any of the exceptions set out in Framework paragraph 149 and would therefore be inappropriate development in the Green Belt. Such development is, by

definition, harmful and is contrary to Policy GB1 of the PDLF and Framework paragraphs 138, 148 and 149, which seek to protect the Green Belt. I attach substantial weight to this harm.

Openness

13. Framework paragraph 137 indicates that openness is an essential characteristic of the Green Belt. Openness is defined by an absence of buildings or other forms of development and has a visual and spatial dimension.
14. The dwelling would be seen partly against a backdrop of trees and a hedgerow which would also provide some screening. Its siting would be well related to the larger stable building to the north and in this way would consolidate the building group. However, due to the increased size and scale of the proposed development compared to the existing buildings, in both spatial and visual terms the proposal would lead to a reduction in openness.
15. Although the development would not be prominent in public views from the nearby footpaths or from Plainville Lane, the loss of openness would be readily apparent from the adjacent access track and from within the appeal site itself. It would conflict with the fundamental aim of Green Belt and the purpose of preventing encroachment into the countryside as set out in the Framework.

Essential need

16. The site is within the countryside and a significant distance away from other dwellings. The proposal would therefore result in an isolated new dwelling in the countryside. Framework paragraph 80 sets out that planning decisions should avoid the development of isolated homes in the countryside with some exceptions, including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
17. The PDLF does not contain policies directly relevant to equestrian workers' dwellings, though the justification to Policy GB1 indicates that proposals for new agricultural workers' dwellings should be judged on the individual circumstances of the business. Whilst the proposal does not relate to an agricultural worker's dwelling, I agree with the main parties that the policy is of some relevance to consideration of the proposal.
18. The site includes a small stable building to the frontage and a larger stable further back into the site. There are areas of hardstanding, together with a riding arena, a horsewalker and several paddocks which are adjacent to but outside the site. The enterprise is clearly a well-established and unique business. Currently the business accommodates 11 horses throughout the year of which 6 are full liveries. During the summer months there are 15 horses on site. The business comprises of a mix of liveries and schooling, jumping and backing. The appellant, who is a professional show jumping coach, currently resides in Easingwold and travels to the site up to 3 times a day. The appellant's husband works predominantly off-site but assists with the day-to-day duties of the holding when he is able to.
19. With the net gain of 3 stables on the site, the proposed business would increase the capacity of the yard to 14 horses all year round with a further 6 in the summer. The business would focus more on higher value horses and the care and training of such animals liveried at the site. The labour requirement would increase from 4 to 5 standard labour units. It is put to me that an on-

site presence would enable the appellant to ensure care and security for horses stabled at the site, including high value animals.

20. Whilst the Framework does not refer to a financial test, the Planning Practice Guidance advises that the degree to which there is confidence that the enterprise will remain viable for the foreseeable future may be another consideration. The appellant's business plan shows an increase in net income from £8,009 in 2018/19, £8,803 in 2019/20, £20,195 in 2020/21 to a projected figure of £37,146 in 2022/23. However, there is little detail as to how the figures are derived. Similarly, the submitted details indicate that the proposed business expansion would be profitable, but there is no detailed breakdown of how the figures have been derived or any evidence to confirm the figures given. The business plan lacks detail in terms of how costings and expenditure have been calculated, for example, or whether other costs such as the construction of the development have been factored in.
21. The appellant contends that owners of high value horses are unlikely to entrust their animals into the care of the appellant unless there is a residential presence on the site. Letters have been submitted from several horse owners expressing interest in utilising the site and the appellant's expertise which illustrate this. However, this aspect of the business is not yet established, there is no certainty that high value horses would be kept on the site or that the anticipated expansion of the equestrian enterprise is likely to occur. The business appears to rely heavily on the specialist skills of the appellant. It is not clear to me whether the business would be viable without those skills.
22. Some of the land is rented and there are no details before me to indicate that there is a formal agreement in place for the use of that land. However, I note the appellant says that they have no reason to believe that this land will not be made available for the foreseeable future and that in any event the availability of the rented land is not essential for the ongoing success of the business.
23. The appellant indicates that it is necessary for a worker to be present to ensure the welfare of the horses. That would be of particular importance to those entrusting their high value horses to the appellant's care. However, it is not unusual for horses to be unsupervised in locations that do not have a permanent dwelling on site. I accept that there may be situations where horses need a quick response in order to alleviate, minimise or remove risk of injury arising through illness or accident. This is corroborated by the appellant's schedule of checks which sets out the numerous occasions that the applicant has had to attend the holding during the night over a two year period. However, there is no convincing evidence before me to suggest such incidences are any more likely overnight than during the day when staff are present.
24. Future plans for the business include the breeding of horses, albeit this would require additional investment over and above that required as part of the current proposal. However, there is no breeding currently taking place on site. Therefore, I am not persuaded that the circumstances advanced amount to an essential need, or one that cannot otherwise be met from the appellant's existing working patterns and from their existing place of residence.
25. There is no indication that there have been incidences of security breaches, including theft, at this site in the past, or that the horses and equipment could not be adequately protected using security systems such as alarms and surveillance, which would be likely to act as a deterrent against criminal

activity. Whilst the appellant lives a significant distance away from the site and so could not provide an immediate response to any alarms, I have not been provided with any evidence which supports the appellant's claim that there is no affordable or available alternative accommodation in Wigginton, such as estate agent listings of houses for sale or rent. Nor is there substantive evidence relating to other surrounding areas. On the basis of the evidence before me, I am not persuaded that there is no nearby alternative accommodation, including within nearby settlements, which may be close enough to make visits to the site at unsocial hours, including in response to remote alarms, a practical proposition.

26. Furthermore, it has not been demonstrated that it would not be feasible to provide temporary overnight accommodation, such as a bed within the existing buildings, or a temporary dwelling on the site, which would enable staff to be on site should the need arise. If temporary accommodation were on site it may help the appellant to establish the business as they intend to and demonstrate its long term viability and functional need.
27. A personal condition tying the occupation of the proposed dwelling to the business or a condition relating to an equestrian business would not address my concerns given I have found that the essential need for the proposed dwelling has not been justified.
28. For the above reasons, I conclude that an essential need for a permanent dwelling on the site has not been demonstrated. Accordingly, the proposal would conflict with guidance outlined in Framework paragraph 80 which seeks to avoid the development of isolated homes in the countryside.

Accessibility

29. There are a limited range of services and facilities in the village of Wigginton. This village is around 3km away by road and the access track from the appeal site to Plainville Lane and the roads leading to Wigginton are devoid of footways and streetlighting for much of their length. Accordingly, walking or cycling from the site to the facilities in the village is unlikely to be an attractive proposition, particularly during the hours of darkness or poor weather.
30. The evidence indicates that there are no nearby bus stops or other opportunities for public transport use. Consequently, the site offers little in the way of opportunities for sustainable alternatives to access services and facilities. The appellant makes frequent trips to and from the site from their current home. Whilst these would no longer happen if planning permission was granted for the dwelling, the occupants would still likely make regular, frequent trips by private car to access services and facilities. Although the proposal would not be a significant development in the meaning of Framework paragraph 105, future residents of the development would be heavily car dependent and the poor level of accessibility makes the site an unsustainable location for the proposed development, contrary to Framework paragraph 105 which aims to reduce reliance on the private car as a mode of transport.
31. Framework paragraph 85 states that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport. However, it goes on to say that the use of sites that are physically well-related to existing settlements, should be encouraged where suitable

opportunities exist. Given that I have concluded that an essential need for a permanent dwelling on the site has not been demonstrated, I do not find Framework paragraph 85 weighs in favour of the proposal.

32. Bearing in mind the distance from the site to the public highway, the Council is also concerned that issues around waste collection have not been resolved. However, had I been minded to allow the appeal I am satisfied that an appropriate scheme for waste storage and collection could have been secured by way of a suitably worded condition to demonstrate compliance with Policy WM1 of the PDLF, which promotes sustainable waste management.
33. Nevertheless, for the above reasons, I conclude that the proposal would not be in a suitable location, having regard to access to services and facilities. Future occupiers of the proposal would not have adequate access to day-to-day services by an acceptable choice of modes of travel. Consequently, the proposal would conflict with Policies DP3 and T1 of the PDLF, which, amongst other things, seek to ensure that development maximises the use of more sustainable modes of transport, including opportunities for walking, cycling and public transport use. In addition, the proposal would be contrary to the aims of the Framework to promote sustainable transport and sustainable development in rural areas, and avoid the development of isolated homes in the countryside.

Other considerations

34. The Framework is clear 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, is clearly outweighed by other considerations.
35. The proposal would support the existing rural business and rural employment in accordance with the general aims of Framework paragraphs 84 and 85. However, I have not found that there is an essential need for a rural worker to live permanently at the site and any benefits to the rural economy and employment would be modest due to the relatively small scale of the business. Hence, I give this matter moderate weight in favour of the proposal.
36. The development would offer social and economic benefits in terms of providing a new dwelling to the Council's housing stock which weighs positively in favour of the proposal. The development would also result in the creation of employment opportunities during the construction phase and spending in the local area by future residents who would support the local economy. Given the scale of the development, the weight attributable to these matters is limited.
37. By living on the site the appellant would be able to spend more time at home with her young family. However, the harm I have identified would remain after these personal reasons have ceased to be material. I therefore give this matter limited weight in favour of the proposal.
38. The appellant refers to the benefits associated with the stewardship and management of the land, though based on what I have seen and read the appeal site and associated land already appear to be well-managed and this is not dependent on the development taking place. Therefore, the benefits in this regard can only be given limited weight.

39. Whilst the proposal would support the use of land for outdoor sport and recreation which is an appropriate use within the Green Belt, I have found that the proposal would be inappropriate development which would be harmful to Green Belt openness.
40. The Council says that the size of the dwelling would be too large for the size of the site. However, consideration of the detailed scale, form and design of the dwelling would be dealt with as part of any future reserved matters application in order to ensure that the design responds to the character and appearance of the area. The Council raised no concerns in relation to the design of the stables extension or the effects of the proposal on neighbours' living conditions, highway safety, flood risk or drainage. I have no reason to disagree with this assessment based on the evidence before me and my observations on site. Compliance with the development plan in respect of these, or other matters, carries neutral weight rather than weighing positively in favour of the proposal.

Balance and Conclusion

41. In conclusion, I have found that the proposal would be inappropriate development in the Green Belt and would harm Green Belt openness. I am not persuaded that there is an essential need for a permanent dwelling on the site and I have also found harm arising from the unsuitable location of the proposal relative to services and facilities. I have given only limited weight to the other considerations in favour of the proposal, and conclude that, taken together, they do not clearly outweigh the harm that the proposal would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
42. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christie Batty	Appellant
Ryan Batty	Appellant's husband
Jonathan Saddington	Saddington Taylor Limited
Craig Stockley	Saddington Taylor Limited

FOR THE LOCAL PLANNING AUTHORITY:

Natalie Ramadhin	City of York Council
Joseph Bourke	City of York Council