



Appeal Decision

Hearing held on 4 July 2023

Site visit made on 4 July 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2023

Appeal Ref: APP/J0540/W/22/3311607

Welcome Stables Stud Farm, Langley Bush Road, Upton, Peterborough PE6 7BF

- 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 Kate Thurston against the decision of Peterborough City Council.
 - The application Ref 21/00181/FUL, dated 3 February 2021, was refused by notice dated 1 June 2022.
 - The development is described on the planning application form as 'Use of Land and Buildings for Breeding, keeping and Training of Horses; Erection of a stable Building; Formation of a new vehicle access; Erection of boundary fencing and ancillary operations; temporary retention of two caravans'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already been carried out. As such, the planning application sought retrospective planning permission. I have considered this appeal on that basis.
3. On 26 September 2022 the Council granted planning permission¹ for 'Proposed change of use of existing agricultural building and land to Equine use, the erection of a Stable Building including the formation of a new vehicular access, erection of gates and fencing- retrospective'. The only difference between the approved development and that for which permission is currently sought, is that the appeal development includes the use of the land for the siting of two caravans. I have taken this planning permission into account in considering this appeal.
4. The appellant's evidence at the Hearing focussed on the use of the land for the siting of two caravans for a temporary period of three years. However, the planning application submission documents do not necessarily assert that a temporary permission was initially sought. As such, for the benefit of the appellant, I have considered whether the use of the land for the siting of two caravans for permanent (meaning year-round) residential use is acceptable on a permanent (meaning indefinitely), or alternatively, a temporary basis.

¹ Council reference: 22/00894/FUL

Main Issue

5. The main issue is whether the principle of the use of the land for the siting of two caravans for residential purposes is acceptable with particular regard to whether there is an essential need for rural workers to live permanently at the appeal site.

Reasons

6. During the Hearing, the appellant indicated that the two caravans comprise 'one family unit'. However, the Council contend that there are two separate residential units. The description of development refers to the 'retention of two caravans' which are shown on the submitted block plan. No elevation or floor plans have been submitted in respect of the caravans. Indeed, that is normal practice when consent is sought for a caravan because it is the use of the land for the siting of the caravans for which permission is typically sought.
7. During the site visit I noted that there are two mobile homes on the appeal site which are located in relatively close proximity but are not attached. Indeed, both are capable of providing self-contained residential accommodation. It appears that some kitchen facilities may be shared, with those provided in the larger unit. However, on balance, the physical separation and distinction between the two caravans are more significant than the minor functional relationship between. For these reasons, the caravans comprise separate residential units for planning purposes.
8. Furthermore, the evidence before me, including the plans submitted, the description of development and my observations during the site visit, demonstrate that permission was sought for the siting of two caravans for residential purposes. Indeed, the submitted plans and the other application documents, including the application form, are those which would have been considered by those consulted on the planning application and appeal. For these reasons, the development involves the use of the land for the siting of two separate caravans for residential purposes.
9. The appeal site is located wholly within the countryside for planning purposes. Local Plan² Policy LP2 allows for certain types of development in the countryside, including that which accords with Local Plan Policy LP11 (Development in the Countryside). Part C of Policy LP11 confirms that applications for temporary and mobile homes will be considered in the same way as applications for permanent dwellings. Part D allows permanent dwellings which 'are needed in association with other enterprises where a countryside location is an essential requirement' subject to various criteria. I address each in turn.

Functional need for full time workers

10. Criterion 'l.' of Policy LP11 outlines that there must be a clearly established functional need. Criterion 'm' requires that this need relates to a 'full-time worker or one who is primarily employed in agriculture...'. In other words, it must be essential for one or more workers to be on the site for all or most of the time.

² Peterborough Local Plan 2016-2036 (adopted July 2019)

11. The existing enterprise/business comprises the training and selling of horses as showjumpers, a breeding programme and foaling services for visiting broodmares. In addition, the appellant's son (Mr Thurston), who resides in one of the two caravans, trains and competes clients' horses which remain on the site on a livery basis.
12. The evidence, including observations during my site visit, indicates that there are currently three stallions on the appeal site. Based on the oral evidence provided by the appellant and Mr Thurston, these horses require an extra degree of care, given their unpredictable nature. This is particularly the case given the presence of broodmares and foals on other parts of the appeal site. Indeed, the evidence indicates that the stallions need to be kept separately and an immediate on-site presence is required in order to ensure that they are cared for and that they do not pose a risk to other horses (for example, in the event that they escape into other parts of the site). Furthermore, the evidence demonstrates that an onsite presence is also required for broodmares, given the sometimes immediate and/or emergency attention which they require.
13. The business seems to be fairly unique in the range of services it provides, with the competing and caring for competition horses provided alongside more regular equine services. Partly for this reason, I accept that during certain periods there will be a requirement for two workers on the appeal site. The appellant has provided empirical evidence to support this³. However, the appellant's evidence also indicates that she and her son often attend competitions at weekends but that these events can be up to five days long. During their absence the appellant employs a groom to live in the mobile home and meet the essential needs of the horses remaining on the site. Whilst I accept that during these occasions there are less horses on the site, this does provide an indication that, at least for the purposes of the breeding programme, only one worker is required on site full time.
14. I acknowledge that there are statutory obligations to fulfil in relation to the welfare of horses kept on the site. I also accept that there will be incidents which require more than one person, for example where a horse requires emergency attention for colic. However, insufficient evidence has been provided to demonstrate that such events are sufficiently frequent or likely, such that they warrant two full-time workers on a year-round basis.
15. I accept that close monitoring is required during foaling and covering but the evidence indicates that these are events that are likely to occur during certain periods of time as opposed to on a year-round basis. As such, whilst two workers might be required at certain times there is insufficient substantive evidence to demonstrate that they are required full-time on a year-round basis. Similarly, the prevention of theft could be addressed through the on-site presence of one worker, perhaps supplemented by other security measures such as CCTV.
16. I also note the appellant's intention to expand and develop the enterprise and that she is in the process of purchasing adjacent land for this purpose. Whilst this may eventually lead to greater labour requirements. At this present time, the prospect of this does not justify the permanent presence of more than one worker.

³ Standard Man Day calculations provided in July 2022 statement produced by Reading Agricultural Consultants

17. In summary, whilst I have no doubt, based on the evidence before me, that there is an essential functional need for one full-time worker to reside permanently at the appeal site, insufficient substantive evidence has been provided to justify a second. As such, the development conflicts with criteria 'l' and 'm' of Policy LP11.

Financial stability

18. Criterion 'n.' of Policy LP11 requires that the activity concerned has been established for at least three years, is currently financially sound and has a clear prospect of remaining so.
19. The evidence indicates that the appellant purchased the appeal site in 2016 before starting the business in 2019. The appellant has provided evidence which demonstrates that the enterprise is capable of making a profit. However, as she acknowledged during the hearing, whilst the business has been in operation for a period of more than three years, several of these were affected by the adverse macro-economic conditions associated with the Covid-19 Pandemic. As such, a loss was reported in 2021. The appellant also asserted that a one-off event (compensation paid for the sale of a horse-box) adversely affected the business. As a result of these events, despite the fact that the business has recently reported a small profit, there is insufficient substantive evidence to demonstrate that the business is currently financially sound. As such, it does not meet criterion 'n' of Local Plan Policy LP11.
20. However, the business is relatively new and the one-off economic events which have affected it are, one would hope, unlikely to re-occur. Furthermore, it is very clear that the appellant is committed to the business and significant investment was clear to see during my site visit. Indeed, the Council has granted planning permission for the wider equine land uses and buildings. The appellant also has clear intentions to expand and grow the business. Incidentally, the evidence provided by the appellant and Mr Thurston during the hearing left me in absolutely no doubt that there is a clear intention and ability to develop the enterprise and that it has been planned on a sound financial basis (as indicated by recent profit). As such, I return to this matter later with regard to whether a temporary permission for the caravans would be acceptable.

Alternative accommodation

21. Criterion 'o' of Policy LP11 requires that the functional need cannot be fulfilled by alternative existing accommodation elsewhere, or the conversion of an existing building.
22. I have established that there is an essential need for the appellant to live permanently on the appeal site (within site and sound of the horses). The evidence before me, including observations I made during the site visit, demonstrates that there is no alternative accommodation (nor existing buildings which would be suitable for conversion) to meet those needs, within the site or directly adjacent. Given my conclusions on the close proximity required, available dwellings in the further afield in the surrounding area would not fulfil the functional need of the enterprise. As such, the development complies with criterion 'o' of Policy LP11.

Temporary Period

23. Local Plan Policy LP11 also allows the provision of a 'caravan, mobile home or wooden structure which can easily be dismantled' in the countryside, for a temporary period of three years. However, this is subject to there being clear evidence that the enterprise has been planned on a sound financial basis and that there is a firm intention and ability to develop it. I have already concluded that the development meets this requirement.
24. Despite this, this part of Policy LP11 also outlines that temporary permission will only be granted where a functional need is demonstrated. For reasons already given, I consider that a functional need has only been demonstrated for one full-time worker. As such, the provision of two caravans on the appeal site for two workers has not been justified and the development does not comply with this part of Policy LP11.
25. I recognise that Mr Thurston plays a crucial role in the enterprise and that he would prefer to live in a separate caravan for his own privacy. However, the larger caravan has a spare room which was vacant when I visited the appeal site. Furthermore, an alternative mobile home could be brought to the site which better met the needs of the appellant in this regard. Whilst this would be financially constraining and whilst I acknowledge the desire for privacy, these are private matters of insufficient weight to justify the provision of two caravans on the appeal site.

Summary

26. During the hearing the Council indicated that there was no harm arising from the use of the land for the siting of the caravans, beyond that which would arise from the conflict with the Local Plan's policies on the provision of housing. Despite this, I attribute significant weight to the conflict with the development plan, particularly given the National Planning Policy Framework's (the Framework) emphasis on a plan-led system. Whilst it is clear that the appellant is committed to the business - which is evidently planned on a sound financial basis - insufficient justification has been provided to demonstrate the functional need for two full-time workers to reside at the appeal site on a year-round basis, even for a 3-year temporary period. As such, the development conflicts with Local Plan Policies LP2 and LP11 which set out the Council's strategy for the location of residential development, including within the countryside.
27. The Council's decision notice refers to the Framework but does not include any explanation of how the development conflicts with it. Nonetheless, Framework Paragraph 80 outlines that planning decisions should avoid the development of isolated homes in the countryside except in certain circumstances, including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. I have found that there is a need for one essential worker to live on the appeal site permanently, which would justify the use of the land for the siting of one caravan for residential purposes. However, there is insufficient evidence before me to indicate that there is a need for a second worker to live on the appeal site permanently. As such, the proposal would conflict with the Framework.
28. Given the conflict with development plan policies pertaining to the location of new housing, there would also be a conflict with Framework Paragraph 15, which emphasises that the planning system should be genuinely plan-led.

Other Matters

29. There would be social and economic benefits associated with the provision of employment and the trickle-down economic effects of a potentially thriving business being located within a rural area. These are facets of the development which are supported by the Framework. Despite this, based on the evidence before me, the appellant could cater for her accommodation/business needs through the use of the land for the siting of one caravan for residential purposes (as opposed to two). As such, these benefits are not so compelling that they outweigh the conflict with the development plan.
30. There would be some additional social and economic benefits through the provision of two units to the housing stock (even if this were only on a temporary basis). Nonetheless, the occupation of the units would need to be tied to the use of the land. As such, and given that only two units would be proposed, these benefits are only of moderate weight. Even combined with the aforementioned socio-economic benefits, they would not outweigh the conflict with the development plan.

Conclusion

31. The development conflicts with the development plan taken as a whole. The Framework emphasises the importance of a plan-led system and this only increases the weight to be afforded to the conflict with development plan policies concerning the location of new residential development.
32. There are no other material considerations raised which indicate that a decision should be made other than in accordance with the development plan. As such, the appeal is dismissed.

Luke Simpson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Kate Thurston	Appellant
Olivia Wosniak	Reading Agricultural Consultants
Rob Mills	Planning Agent
Kevin Henson	LCH Accountancy Services
Patrick Thurston	Appellant's Son
Vanessa Woodward	Old Joe's Golf and Leisure

FOR THE LOCAL PLANNING AUTHORITY:

Asif Ali	Senior Planning Officer
Phil Moore	DM Team Leader
Sam Franklin	Landscape