The Planning Inspectorate

Appeal Decision

Hearing held on 20 February 2024

Site visit made on 20 February 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2024

Appeal Ref: APP/E3335/W/23/3325208
Stable Block and Horse Riding Arena, Wood Lane, Stawell, Bridgwater, Somerset TA7 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Ms Carol Easter against the decision of Somerset Council.
- The application Ref is 46/23/00002/AGE.
- The development proposed is a caravan as a rural workers dwelling.

Decision

1. The appeal is allowed and planning permission is granted for a caravan as a rural workers dwelling at Stable Block and Horse Riding Arena, Wood Lane, Stawell, Bridgwater, Somerset TA7 9AB in accordance with the terms of the application, Ref 46/23/00002/AGE, subject to the following conditions:

   1) The development hereby permitted shall be carried out in accordance with the following approved plans:

      - Site Location Plan — Drawing No. 001 Rev A of Project 00523
      - Block Plan — Drawing No. 002 of Project 00523

   2) The occupation of the temporary dwelling hereby permitted shall be limited to a person, or persons, solely or mainly working, or last working, in the equestrian enterprise related to the land in which the dwelling would be sited and any other agricultural enterprise of which that land is a component part, or to a widow or widower or surviving civil partner of such persons, and to any resident dependents.

   3) The development hereby permitted shall be for a limited period, being the period of three years from the date of this decision. The caravan hereby permitted shall be removed, and the land restored to its former condition on or before the expiry of that period of three years from the date of this decision, in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published on 19 December 2023. I have taken the revised Framework into account as part of the determination of this appeal.

3. At the time of my site visit, I saw that the development described in the banner heading above was complete. I also note the application has been submitted

retrospectively. Parties agreed that what has been completed on site is what is shown on the submitted plans, apart from a discrepancy regarding the siting of a storage container. I have therefore dealt with the appeal on that basis.

Main Issues

4. There are 2 main issues. These are:

- Whether there is an essential need for a dwelling to accommodate a rural worker; and
- Whether the rural enterprise is sufficiently financially viable to support the provision of a rural workers dwelling.

Reasons

Essential Need

5. The appeal site relates to a landholding of approximately 60 acres. It is predominantly grazing land, with a series of buildings and equestrian facilities, including a barn, a large stable building, a horse-walker, a riding arena, and paddocks for grazing, some of which are used for livery services. The site is located to the west of the village of Stawell and is accessed from Wood Lane.

6. The occupation of the caravan is connected to an equestrian enterprise that operates on the site. Prior to the appellant residing in the caravan, they lived in the main farmhouse, situated immediately to the southeast of the appeal site. This was originally consented as an agricultural workers' dwelling[1], restricted by a condition attached to the permission. In 2017, a certificate of lawfulness was granted[2] for the occupation of the dwelling in breach of that condition of the original planning permission, due to the appellant's equestrian activities at the time not complying with the condition requiring an agricultural worker to reside at the dwelling. The farmhouse was then, due to personal circumstances, sold off separately from the land.

7. The appeal site is situated outside of any adopted settlement boundaries. However, Policy D10 of the Sedgemoor Local Plan 2011-2032 (Local Plan) (adopted 2019) recognises that outside of the identified settlement boundaries, the erection of dwellings to meet the accommodation needs of permanent workers in agriculture or other rural businesses will be acceptable, provided that a number of criteria are met. One of the criteria is that 'the dwelling is required to satisfy a clearly established existing functional need to live at or near their place of work in the countryside, that cannot be met within the defined settlement boundaries'.

8. The equestrian enterprise is clearly an established use and the appellant states that they currently have 53 horses on site. At the time of my site visit, the majority of the horses were housed within the barn and the stable building. There were also a handful of horses within the wider paddocks.

9. In respect of the main part of the business, the equestrian activities include the breeding of riding horses, with 4-8 foals born a year. To facilitate the horse breeding, the appellant has one stallion and 12 broodmares. Whilst the numbers of foals born per year may be lower than those achieved in

[1] Application Ref 46/86/00009
[2] Application Ref 46/17/00011

commercial studs, clearly this is a much smaller enterprise, with only 12 broodmares out of the 53 horses on site. Nevertheless, the scale of the enterprise does not automatically make it a 'hobby' and instead, it is recognised that it is still the appellant's business.

10. Foaling can take place any time of day and night, and the foaling process can take several hours. From a welfare perspective, complications are not uncommon and if not swiftly attended to, could result in significant health issues and mortality. In order to support the enterprise, it is essential to ensure that neither the mare nor the foal are at risk by providing high levels of animal welfare during the foaling process. It is also crucial that the foal itself is able to feed from the first milk of the mare to benefit from the antibodies that will prevent later problems. On this basis, the nature of the foaling enterprise demonstrates an essential physical need for a rural worker to live on site.

11. The Council understood that there may be an essential need for someone to live on site to provide the welfare support associated with the birth of the foals. However, they remained concerned that this essential need, was not required 24/7, 365 days a year. Whilst it is appreciated that the foaling season is sometimes recognised to be between March and September, I understand from the evidence before me that the foaling season on site runs between February and November, depending on the time of covering. Furthermore, whilst mares carry foals for an average of 336 days, it can vary when they will actually foal.

12. The appellant has bred four foals so far in the year 2023-2024, with two being a set of twins. Two of the foals born have required round the clock feeding at 2 hourly or 4 hourly intervals. In between this, the appellant needed to be on site for 'foal watch'. This round the clock care went on for 10 weeks in total, for each foal, requiring the appellant to be on site at all times. If the appellant had not been on site, then both the mares and the foals could have suffered.

13. Also, in the period of time the appellant officially lived off-site following the sale of the farmhouse, they regularly slept on the floor of the stable building in order to care for the horses. Consequently, the business diminished significantly, with the appellant choosing not to get their mares in foal in 2019. Therefore, this lends support to the conclusion that the breeding enterprise cannot run effectively without someone living on site at all times.

14. Whilst some of the liveries on site are DIY liveries, the appellant still provides some level of care for these users. Furthermore, some of the liveries are also assisted. The appellants presence on site allows them to attend to any emergencies, as well as overseeing the safety and welfare of the horses, which is essential to the livery business. This is demonstrated by the fact the livery business reduced down to 3 liveries in the time the appellant lived off site.

15. The caravan is within sight and sound of the horses to allow regular checks to be made. The appellant confirmed that they already have CCTV in some of the stable buildings, which I observed on site. However, whilst this alerts them to any problems, it does not negate the need for them to be with the horses at short notice in order to deal quickly with emergencies.

16. Another criteria of Policy D10 is that 'the functional need could not be fulfilled by an existing suitable and available dwelling, either on the unit or in the area'. I note the evidence put forward by the main parties and local residents in regard to alternative accommodation in the area. The appellant discounted

these on the basis of budget and distance from the appeal site. The prices of properties, both to buy and to rent, were briefly discussed and from what I heard, are not available at a cost which would be affordable to the appellant. Furthermore, they would not meet the functional need of the enterprise. In addition, whilst the Council argued that the farmhouse was a suitable dwelling that could satisfy the functional need, it was agreed that the farmhouse on site is not currently available. Therefore, the functional need could not be fulfilled by an existing suitable and available dwelling.

17. Accordingly, I am satisfied that sufficient information and evidence of need has been submitted to justify the caravan. Therefore, there is an essential need for the dwelling to accommodate a rural worker. The development is in accordance with Policy D10 of the Local Plan which supports the erection of dwellings to meet the accommodation needs of permanent workers in agriculture or other rural businesses outside of identified settlement boundaries.

Financially Viable

18. There is an exception clause in Policy D10 of the Local Plan in regard to new businesses. It states that 'where the need and location have been established, but permanence cannot be demonstrated, consideration will be given to appropriate temporary accommodation whilst the business establishes. In such instances, there must be clear evidence of a firm intention to develop the enterprise concerned and demonstration that the business has been planned on a sound financial basis'.

19. There are a lot of similarities between the equine activities that have happened on the site since 2006, and those that are happening now, including liveries and horse sales. However, due to the appellant's unfortunate personal circumstances, this did dwindle down to only 3 liveries and no foals being born in 2020 due to the appellant not being able to live on site after the sale of the farmhouse. Therefore, whilst the previous equestrian business was not entirely abandoned, it did reduce down significantly.

20. Furthermore, the earlier equine enterprise was run alongside the original agricultural business, which focused on cattle. The appellant now solely runs the equestrian enterprise. She has introduced therapeutic coaching into the business, having gained a qualification in Equine Assisted Therapeutic Coaching from the Heart Centre. This would use the existing horses on site, predominately the retired broodmares, and would be a diversification of the earlier equestrian enterprise. Given the circumstances of the appellant, it is reasonable to consider the development before me now as a new business.

21. The Council revealed that the lowest figure of the 3 year projected income is higher than the highest annual income from the earlier equine business, which was submitted as evidence under the certificate of lawfulness. However, I do not have details of the financial evidence submitted as part of the certificate before me now. Furthermore, whilst I appreciate that Annex A of the former Planning Policy Statement 7 (PPS7) was adopted by the Council as a material consideration, the financial test is no longer required by the Framework.

22. Nevertheless, I note the advice in the Planning Practice Guidance (PPG) in regard to 'the degree to which there is confidence that the enterprise will remain viable for the foreseeable future'. The Council is concerned with the lack of supporting information to justify the values reached in the predicted

incomes. However, I was informed at the hearing that the appellant has already achieved the expected income from the livery side of the business in the financial year 2023-2024, providing 10 liveries as opposed to the projected 4-6 liveries as set out in Year 1 of the business plan. They are also expected to achieve the projected income from horse sales, selling both youngstock and ridden horses. I do acknowledge though that the therapeutic coaching sessions have not yet started due to the uncertainty around the outstanding planning application on the site. Nevertheless, the equestrian enterprise is already achieving the majority of the objectives of Year 1 of the business plan and the projected incomes are being realised.

23. Furthermore, the liveries and horse sales are predicted to make up the majority of the projected earnings. Given that these areas are achieving their expected returns to date, I have no reason to question the predicted incomes. The site also allows for extra land to accommodate an additional stallion, as the appellant intends to do in Year 3, as well as the provision of additional livery space. Thus, I see no reason for the enterprise to not achieve its objectives and consider the business to be planned on a sound financial ground.

24. The equestrian business is now the appellant's only income, without the distraction of the agricultural part of the earlier business. Her skills and practical experience will enable her to develop the enterprise in line with the business plan. I also have no reason to question the appellants desire to grow the equine venture. This is demonstrated by the significant amount of 'Standard Man Days' that have been submitted in support of the development which clearly illustrates the appellant's dedication to the business. Therefore, there is clear evidence of the appellant's intention to develop the enterprise concerned.

25. The figures provided demonstrate that the business is a sustainable enterprise, providing a small profit for the appellant. The appellant confirmed at the hearing that this is sufficient to support their lifestyle and to cover the costs of maintaining the caravan. Furthermore, the temporary nature of the development would allow the objectives of the business plan to be reviewed by the Council in 3 years' time.

26. Paragraph 5 of Annex A of the former PPS7 encourages the Council to establish whether any dwellings have been recently sold separately from the farmland concerned as such a sale could constitute evidence of a lack of agricultural need. The farmhouse was always intended to be occupied by someone working in agriculture, not in equine. Whilst the sale of the farmhouse demonstrated that the earlier equestrian business could not sustain the farmhouse, the dwelling before me now is a smaller dwelling. Consequently, it is cheaper to maintain. Just because the previous agricultural business was needed in order to support the farmhouse does not mean the equestrian business before me now is unable to support the mobile rural workers dwelling.

27. Therefore, for the above reasons, the development is sufficiently financially viable to support the provision of a rural workers dwelling. It is in accordance with Policy D10 of the Local Plan which requires new businesses to provide clear evidence of a firm intention to develop the enterprise concerned and demonstration that the business has been planned on a sound financial basis.

Other Matters

28. A number of interested parties refer to potential breaches of planning control, in regard to the use of the liveries and riding arena. However, the Council has not raised any concerns over the legality of the use as part of this application nor as part of the earlier certificate of lawfulness. Furthermore, it is not my role under a Section 78 appeal to determine the lawfulness of any existing or proposed uses.

29. I note that reference has been made to the 'lack of maintenance or basic husbandry' on the appeal site. However, my site visit confirmed that the site was generally well maintained, and the horses appeared healthy and looked after. Whilst the appellant also breeds cats and dogs on the appeal site, as well as keeping sheep, chickens, and alpacas, these have not been presented as part of the functional need for the rural workers dwelling.

30. Concerns have also been raised by interested parties in regard to the highway impact of the development. However, there is sufficient space to accommodate the appropriate parking provision and it provides a safe connection to the highway network, utilising the existing site access. I do not consider that the development results in over intensification of the site, nor does it result in any adverse impact on highway safety. The Council queried the location of a storage container in the red edge of the block plan and location plan. However, my site visit confirmed that the container was in fact positioned outside of the red edge, allowing for appropriate access arrangements.

31. I understand concerns regarding other livery businesses and their desire to live on site. However, my decision is based firmly on the merits and circumstances of the appeal development. Notably, it is a temporary permission related to a new business. As such, it does not set any precedent that can apply more generally to other liveries in the area.

Conditions

32. The standard time limit condition is not required as the development permitted has already been implemented. A condition requiring compliance with the relevant plans is considered necessary in the interests of certainty.

33. Given that the caravan is located in a countryside location where new residential development is not normally permissible, and that the caravan is only being allowed for the exceptional reasons set out above, a condition restricting its occupation, to a person working in connection with the equestrian enterprise at the appeal site, is necessary.

34. Finally, a condition restricting the permission for a temporary period only is required given the temporary nature of the caravan in question. The tailpiece phrase has been deleted for certainty, as this would allow for significant changes to the development without going through the statutory route to change the development, depriving interested parties of the opportunity to comment further.

Conclusion

35. For the reasons given above, having considered all other matters raised, I conclude that the appeal should be allowed.

Laura Cuthbert

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms Carol Easter	Appellant
Lucy Hodgson	Associate Director, XL Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Amelia Elvé Planning & Urban Leadership MSc Licentiate member of the RTPI	Planning Officer, Somerset Council
Dean Titchener BA (Hons) MSc Licentiate member of the RTPI	Principal Planning Officer, Somerset Council

INTERESTED PARTIES

Joy Bearman	Local Resident
Christiane Birkenbeil	Former Vet and Local Resident to the Appellant
Diana Forrester-Brown	Local Resident
Julie Richardson	Local Resident
Lynee Saunders	Local Resident
Garry Saunders	Local Resident