

Appeal Decision

Site visit made on 12 March 2024

by P Eggleton BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2024

Appeal Ref: APP/H0520/W/23/3330908

Rally Karting, Sapley Road, Kings Ripton, Huntingdon PE28 2NX

- 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 Rally Karting against the decision of Huntingdonshire District Council.
 - The application Ref 20/00210/FUL, dated 29 January 2020, was refused by notice dated 20 April 2023.
 - The development proposed is a residence for business owner/manager with attached business facilities.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for residential development.

Reasons

3. The proposal would result in a new three bedroom dwelling. The building would also accommodate facilities associated with the Rally Karting business including a reception area, office and viewing platform. In addition to the karting operation, the site also includes a second business, Wyton Mowers which is predominantly a repair and maintenance workshop with associated new machine sales. This facility also provides maintenance for the karts and quad bikes. The businesses are run by Mr T Clarke and Mr J Clarke. The new dwelling would provide an on-site residence for Mr and Mrs J Clarke. Mr J Clarke is permanently employed within Rally Karting and Wyton Mowers businesses as well as providing husbandry for livestock that is now maintained on site. The council's concern relates mainly to the dwelling element of the proposal.
 4. The kart track and buildings lie within the open countryside. Policy LP 10 of the Huntingdonshire's Local Plan to 2036 (2019) (LP) seeks to generally restrict development in the countryside. Exceptions to this are set out in other policies. With regard to residential development, LP policy LP 20(a) is of particular relevance as it states that a proposal for a home for a rural worker in the countryside will be supported where it is for a worker who is or will be mainly employed for the purposes of the proper functioning of an economically viable
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land-based rural business. The supporting text explains that residential development in the countryside may be justified when accommodation is required to enable agricultural and certain other workers to live at or near their place of work due to the nature and demands of the work concerned. Security issues can contribute to this functional need but this factor cannot be used to justify a dwelling on its own.

5. The businesses have been operating for many years with the karting element gaining approval in 1992. At present Mr T Clarke and Mr J Clarke both have homes in the village of Houghton which is described as being four miles from the site. Aside from the severe difficulties that have been experienced with regard to security, it is evident from the longevity of the uses, that the twin businesses can be managed from these nearby properties. It is therefore evident that the businesses can properly function as they have been doing for many years without on-site accommodation. The nature and demands of the work concerned, does not require on-site accommodation.
6. There is considerable evidence regarding the history of break-ins and theft. The appellant advises that theft is an influencing factor in the success of the two businesses. It results in financial loss but also the failure of the businesses to deliver the promised experience to customers with late cancellations due to equipment being stolen or damaged. There is therefore a loss of revenue, loss of organisational costs such as catering and the possible loss of good will and future bookings. The appellant has advised that as of October 2023, the business cannot obtain insurance and that without permission to reside on-site, it is likely that the businesses will be unable to continue trading.
7. The security issue is a matter that offers weight in favour of the proposal. Greater weight can be afforded to this issue given the evidence of security measures trialled and the limited options remaining to improve security. However, as the security issue is the main reason for needing on-site accommodation, the policy text is relevant in that it is quite clear that this factor cannot be used to justify a dwelling on its own. The text is a material consideration that must be afforded considerable weight.
8. It has been indicated that the repair business hours could be extended to 24 hour working, which already occurs to a limited extent. It is suggested that this would be more practical with a residential presence. It is unclear why this would be essential. It is not evident why a 24 hour presence, which would require shift working, could not still be managed from the nearby properties. It would however address a number of the security concerns raised. This potential appears to offer benefits with regard to security without requiring a residential presence.
9. Reference has been made to livestock that are now kept on the site. These include poultry, ducks and goats. More goats are expected and rare breed sheep are also proposed for grass maintenance. There is however no evidence to demonstrate that the level and nature of animal husbandry required, cannot continue to be managed from the nearby properties.
10. Although the security issues provide weight in favour of the proposal, the dwelling proposed is not considered necessary for the proper functioning of the businesses and does not therefore gain support from LP policy LP 20.

11. There are other LP policies that support rural enterprises, tourism and recreation. As the karting tracks provide entertainment and team building opportunities for groups and corporate clients and Wyton Mowers is a rural service business, they offer economic and visitor benefits to the area. LP policies LP 19 and LP 23 offer support for these activities and their expansion. The policies offer support for the business elements of the proposal. However, they do not offer support for a new dwelling in this location.
12. Given the lack of policy support for a residential development in this countryside location, the proposal would be contrary to the objectives of LP policy LP 10 with regard to generally restricting development in the countryside. This policy and LP policy LP 20 are consistent with the *National Planning Policy Framework* 2023 as paragraph 84a sets out that decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. An essential need has not been demonstrated, only a security benefit. Given that the LP policies are consistent with the Framework, they can be afforded full weight.
13. It is acknowledged that this site is no longer in agricultural use and the addition of a new building, although consolidating development in the countryside, would result in only modest harm to the character and appearance of the area. Reference has been made to the changing character of the area resulting from other developments nearby but these do not generally relate to new dwellings. The only residential permission granted, that I have been made aware of, relates to a building conversion.
14. There is no policy support for a permanent dwelling. I afford considerable weight to the security concerns raised, including the suggestion that the businesses cannot continue to function without an on-site permanent presence. The matters put forward, including the economic and recreational benefits, add further weight in favour of the proposal. I accept that the circumstances are perhaps unique, which would help to limit the scale of the undermining of the development plan. However, on balance, I conclude that these material considerations, when taken together, are not sufficient to outweigh the policy concerns with regard to a new dwelling in the countryside and they do not indicate that a decision contrary to the development plan should be made. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR