



Appeal Decision

Site visit made on 1 May 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 MAY 2024

Appeal Ref: APP/N2535/W/23/3327764

Land at Willingham Road, Market Rasen, LN8 3RE

- 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 Mr Martin Merrigan of John Augustine Developments against the decision of West Lindsey District Council.
 - The application Ref is 146752.
The development proposed is use of partially complete building as a residential dwelling with associated stabling and manege arena, including formation of vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The partially completed development is in the open countryside and was previously granted planning permission for use as a single unit of self-catering holiday accommodation with stabling, manege and associated works. The main issues are therefore i) the loss of tourist accommodation and ii) whether the site is an appropriate location for a new dwelling.

Reasons

Loss of tourist accommodation

3. Due to the restricted direct access from the site to safe equestrian and woodland trails, it is no longer feasible for the appellant to operate the equine related holiday business as originally intended. Riding horses on or adjacent to the main road would not be a safe or attractive option to many potential visitors. Whilst accommodation with stables may be used in connection with the adjacent racecourse, the demand for this would not be year-round. However, this does not mean to say that the approved buildings on the site could not still be used to provide holiday accommodation, which would be beneficial to the rural economy.
4. Given the location of the site directly opposite the racecourse and golf course, within safe walking and cycling distance of the market town and close to woodland walks and cycle routes, I have no reason to doubt that there would be a demand for visitor accommodation in this location. The supporting information submitted with the original application was not based upon access to the woodland trails alone, although I accept that this was intended to be a major and somewhat unique selling point in terms of attracting visitors.

5. Although part of the justification for allowing the development in the countryside was based upon the need for the equine side of the business to be located away from other residential properties, there is nothing before me to suggest that the approved visitor accommodation can only be occupied by those wishing to bring their own horses on holiday with them or by those using the stables and manege facilities on the site.
6. Condition 10 of the existing planning permission requires the completion of the stables and manege prior to the first occupation of the holiday accommodation. The stables are substantially complete needing only the gates adding. Both the stables and manege continue to be proposed in the scheme before me. As the manege would not be an essential facility, if it is no longer required or needs to be delayed, an application could be made to remove or vary condition 10 so that its completion is not required prior to the first occupation of the holiday accommodation.
7. Condition 13 of the existing planning permission states that the equestrian facilities shall only be used in connection with the holiday accommodation, but it does not restrict who can stay in the holiday accommodation and does not require guests staying in the accommodation to use any other facilities provided on site. As such, the holiday accommodation could be let out to any visitors, upon the completion of the stables and manege, or following a successful removal or variation of condition 10. Consequently, condition 13 serves little useful purpose.
8. I accept that the stable building and manege may well become redundant if they can only be used in connection with the holiday accommodation on the site. However, the restricted use of the stable block and manege would not justify the loss of the holiday accommodation. In the event of the stables being underused or becoming redundant, an application could be made for their change of use or for the removal or variation of condition 13, enabling them to be used other than by visitors staying on the site.
9. In their consideration of alternative uses the appellant rules out use class C1 on the grounds that it is a town centre use. However, based upon the information before me, the existing approved use, which comprises multiple bedrooms with en-suite bathrooms, and communal facilities including a kitchen and dining area, lounge, gym/massage room and roof top viewing area, is essentially a small hotel, intended to cater for large groups of visitors. It is this visitor accommodation use which the relevant development plan policies seek to resist the loss of. Furthermore, having regard to the information I have been provided with that was submitted in support of the original application, it is apparent that there is a demand for high quality visitor accommodation in this location, with or without the direct access for horses to woodland trails.
10. Whilst the new building has not yet been brought into use, it was built to provide visitor accommodation, and in seeking to change this use to residential use, Policy S43 of the Central Lincolnshire Local Plan April 2023 (the local plan) is entirely relevant. In the absence of any substantive evidence to suggest that the use of the building to provide visitor accommodation is not viable without the originally intended linked equestrian use, and in the absence of any marketing of the site for its lawful use, the proposal would not accord with Policy S43 of the local plan, which resists the conversion or redevelopment of visitor accommodation to permanent residential accommodation unless it can

be demonstrated that tourism use is no longer viable through a thorough and proportionate marketing exercise lasting not less than 12 months.

11. I therefore conclude that the proposal would result in the unjustified loss of the approved and substantially completed tourist accommodation, which would be harmful to the rural economy.
12. I have not been advised which part or parts of the National Planning Policy Framework (the Framework) or the National Planning Practice Guidance (PPG) the Council considers the proposal would be contrary to. Whilst paragraph 88 of the Framework supports new businesses in rural areas and seeks to retain accessible local services and community facilities, the proposal would not result in the loss of a local service or community facility. Although the tourism use would generate local employment, and visitors would support other local businesses and services, I am not aware of any requirement within the Framework to resist the loss of tourist accommodation or to demonstrate that it is not viable. However, the absence of any conflict with the Framework does not override the conflict with the development plan.

Location

13. Market Rasen is defined in the local plan as a market town. Although the site is located outside of the developed footprint of the town, within the open countryside, it is only a short distance from its services and facilities, which are accessible via an existing combined footway and cycleway that runs along Willingham Road. As such, the site is not in an isolated location and paragraph 84 of the Framework would not apply.
14. Policy S1(8) restricts development in the countryside to that which requires a rural location unless it is covered by another policy in the local plan. Policy S5(A)(a) supports the re-use of non-residential buildings for residential use in the countryside provided that comprehensive and proportionate evidence is provided to justify that the building can no longer be used for the purpose for which it was originally built, or that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes. There is no requirement in this policy for an approved use to have been implemented, it relates to the purpose for which the building was originally built. Policy S5(D) is supportive of dwellings in the countryside where it has been demonstrated that they would be essential to the effective operation of a rural business or operation. Whilst it would not be necessary to comply with both parts A and part D of policy S5, compliance with either would be sufficient to justify the proposal.
15. In this case the building was approved to provide holiday accommodation. No marketing exercise has been undertaken to demonstrate that there is no demand for the use of the building for business purposes, which need not be identical or limited to the appellant's original business plan for the site. There is also no evidence before me of any operational or functional need for somebody to live permanently on the site to care for any horses that may be stabled there. Therefore, whilst the keeping of horses may require a rural location, this does not justify the proposed dwelling. Consequently, neither Parts A or D of Policy S5 are complied with.
16. There is some dispute as to whether the original planning permission included an element of permanent live in manager accommodation. I have not been

provided with a full set of labelled floor plans for the approved development. The labelled first floor plan provided at paragraph 4.11 of the Planning Statement highlights bedroom 5, which has an en-suite bathroom and is of similar scale and proportions to the ground floor rooms, which according to paragraph 4.9 of the Planning Statement were intended to provide 4 bedrooms with en-suite bathrooms for holiday purposes. I have not been provided with any plans showing any self-contained residential accommodation and it is unclear why a live in manager would have been necessary given that guests would be self-catering and would bring and care for their own horses.

17. The evidence before me indicates that the approved development is for a single unit of self-catering accommodation. The bedrooms with en-suite bathrooms would not be large enough to provide individual self-catering facilities. It is therefore reasonable to assume that the kitchen, dining and lounge areas shown on the first-floor plan in the planning statement were intended for shared communal use by visitors, along with the gym and massage room that I am advised would be provided in the rear wing of the ground floor, and the roof terrace and pavilion. There is no indication that any of these would form part of any private living quarters.
18. Although there is some reference to managers accommodation in the Council's report, which appears to be quoting from the Planning Statement, there is no clear conclusion on this matter. The description of development makes no reference to a manager's dwelling and condition 12 restricts the building from being occupied as a person's sole or main place of residence, which would prevent a permanent live in manager. Even if ancillary overnight manager accommodation had been permitted, this would not mean that the whole building should be considered suitable for use as a private dwelling. Based upon the evidence before me the existing permission does not include a permanent self-contained manager's dwelling, albeit there would be nothing to prevent an employee from being present on site at all times or from utilising one of the bedrooms as overnight accommodation, on the basis this was not their sole or main place of residence.
19. I acknowledge that the use of the existing building as a dwelling would not, due to its location in the countryside, result in any harm other than in terms of the loss of tourist accommodation and the benefits of this to the rural economy in terms of providing employment, accommodation for visitors and increased expenditure in the local area. I also see no conflict with the Framework or the PPG.
20. However, the proposal would conflict with Policies S1 and S5 of the local plan and allowing the residential use of buildings that were granted for rural business uses without first adequately demonstrating there is no demand for this, would undermine up to date planning policies which seek to protect the countryside and to direct new housing to existing built up areas. I therefore conclude that the site is not an appropriate location for a new dwelling.

Other Matters

21. I note that build costs have increased over recent years. However, it is unclear how changing the use of the substantially completed holiday accommodation building to a dwelling would address this. Nor has it been demonstrated that the use of the building as visitor accommodation would not generate sufficient

income to cover these increased costs. Accordingly, I have afforded the increase in build costs limited weight in reaching my decision.

22. As vehicle movements associated with the commercial use of the site were not found to result in any harm, the reduction in movements that would result from the change of use proposed would not result in any significant benefits and would not outweigh the benefits of using the site for tourism purposes. Furthermore, if it is no longer feasible for visitors to bring their own horses there would be minimal movement of large vehicles such as horseboxes to and from the site.
23. Given that the site has not been marketed, there is no evidence to back up the assertion that the site would remain vacant and would deteriorate if it cannot be used as a dwelling. Abandoning the site is unlikely to be viable or realistic given the costs that have already been incurred. Moreover, should the site become an eyesore, the Council has powers to deal with such matters. Whilst I acknowledge that as with any holiday accommodation there will be periods of vacancy and low demand, this is typical of the business use that was applied for and would have applied equally to the originally proposed business plan. I therefore afford this matter limited weight.
24. The planning statement refers to an amended access. I have not been provided with plans of the previously approved access and I note that no objections have been raised in relation to this part of the proposal. As such I have not considered this matter further.
25. Future occupiers of the proposed dwelling would have access to a good range of services and facilities, including to public transport, but would result in very limited benefits to the town in comparison to the economic benefits that would be derived from the provision of visitor accommodation.
26. The appellant questions whether the conditions imposed on the original planning permission meet the required tests. This is not a matter for me to consider as part of this appeal and it is open to the appellant to seek to vary or remove any conditions under Section 73 of the Act should they wish to do so.
27. I acknowledge that upon completion of the approved development, there would be limited space on the site for horses to be kept or grazed other than within the stables or exercised on the manege. This applies equally whether the principal building is used as a dwelling or holiday accommodation. Moreover, the re-location of the access from the eastern boundary would enable a paddock to be retained in front of the manege, or in place of it subject to a variation of condition 10.

Conclusion

28. The proposal is contrary to Policies S1, S5 and S43 of the local plan and there are no material considerations before me that would indicate a decision should be taken other than in accordance with the development plan. For the reasons given above the appeal is dismissed.

R Bartlett

INSPECTOR