



Appeal Decision

Hearing held on 14 May 2024

Site visit made on 14 May 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2024

Appeal Ref: APP/W2845/W/23/3327711

Wharf Lane Stables, Grafton Road, Yardley Gobion, West

Northamptonshire NN12 7UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Charlene Barnard against West Northamptonshire Council.
 - The application Ref is WNS/2023/0201/RES.
 - The development proposed is a new two storey dwelling in combination with the redevelopment of the existing unit into staff facilities.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was submitted by Charlene Barnard against West Northamptonshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers where necessary.
4. The planning application was submitted on an Outline planning application form. However, both parties confirmed at the Hearing that the application was determined on the basis of a full planning application. I will therefore proceed on this basis.
5. Following the submission of the appeal against non-determination, the Council has clarified its position if it had had the opportunity to make the decision. The appellant has had the opportunity to comment upon this information and has therefore not been prejudiced.
6. Within the Council's appeal statement, the Council has provided its reasons for refusal as if they had had the opportunity to make the decision. The second reason for refusal references Policies SS1 and SS2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1), adopted 2014 (CS). The Council clarified at the Hearing that this is a typographical error, and it should refer to Policies SS1 and SS2 of the South Northamptonshire Part 2

Local Plan 2011-2029, adopted 2020 (LP). The appellant confirmed they were aware that the relevant policies were those within the LP and therefore, they have not been prejudiced by this error.

7. I have been provided with copies of revised drawings showing a replacement dwelling of a reduced scale. Both parties confirmed at the Hearing that these drawings had not superseded the original drawings. Consequently, I have determined the appeal on the basis of the plans originally submitted to the Council with the planning application.
8. The drawing titled Proposed First Floor/Roof Plan (Ref 22003-PL02-0) indicates that the proposed replacement dwelling would contain three bedrooms and a guest bedroom. It was clarified at the Hearing that this is a typographical error, and no guest bedroom is proposed. Instead, the drawing should indicate four bedrooms for the use of the appellant and their family.
9. The description of development in the banner heading above is taken from the Council's planning application validation letter, as this more accurately describes the proposed development. The existing dwelling would form part of the proposed replacement dwelling and would be converted to include overnight groom's accommodation, staff welfare facilities, training facilities, and storage for the equestrian business. The replacement living accommodation for the appellant and their family would be linked to the existing dwelling by a large, covered storage area.
10. Notwithstanding the information contained in the submitted written information, at the Hearing it was disclosed that there was a second full-time worker in addition to the appellant and that the overnight groom's accommodation was required on a permanent basis to house the second full-time worker. I have therefore determined the appeal on this basis.

Main Issues

11. The main issues are:

- a) the effect of the proposal on the character and appearance of the surrounding area including the Tove Valley Special Landscape Area (SLA), whether the proposal would preserve or enhance the setting of the Grand Union Canal Conservation Area (CA), and the effect of the proposal on the setting of a Grade II listed building; and
- b) whether there is an essential need for a replacement dwelling and development of the scale proposed.

Reasons

Background and Policy Context

12. The rural business is used for equestrian purposes whereby a track livery system is in place for both 'healthy' horses and those requiring rehabilitation. The track livery system mimics the natural environment of wild horses and therefore horses are not stabled unless required for medical reasons. The land associated with the business mainly comprises paddocks. However, it also contains several stables, an open-sided shelter, two shipping containers and a smaller metal container, as well as vehicle parking areas.

13. A single storey dwelling is occupied by the appellant, her husband and their three children. The dwelling comprises a static caravan and has planning permission to be sited permanently on the land with Condition 4 of planning approval S/2018/1973/FUL restricting its occupation to be used in connection with the livery business operating from Wharf Lane Stables. The appellant works full-time in the track livery business, but also works part-time 4 days a week as an equine podiatrist within the surrounding area. From discussions that took place during the Hearing, the off-site equine podiatry and the on-site track livery system have a degree of correlation, as horses treated for off-site podiatry tend to be rehabilitated on-site.
14. Notwithstanding the information contained within the written submissions, it was clarified at the Hearing that as well as the appellant, an additional employee works full-time in the equine business, and they are supported by three part-time grooms. All of the appellant's employees live off-site and the appellant's husband is not involved in the equestrian business.
15. Policy LH1 of the LP states that development outside of settlement confines is considered to be in the open countryside and will not be accepted unless it meets a closed list of exceptions including, (d) a single dwelling in accordance with Policy LH4, and (h) is an isolated home in the countryside that meets one of the exceptions set out in the Framework.
16. Policy LH4 of the LP states that single market dwellings in the open countryside will not be considered acceptable unless it meets a closed list of exceptions. Part (b) permits a replacement dwelling providing, amongst other things, the original dwelling is not worthy of retention; the proposal is located within the curtilage of the existing dwelling; and the proposal is of an appropriate scale to the plot and its setting in the landscape. Part (c) permits a dwelling linked to an existing and viable agricultural, forestry, equine or equivalent rural business provided it can be demonstrated there is an essential need for the occupant to be on site at all times. Such proposals should demonstrate that no alternative suitable accommodation is available in the locality; the rural business has been financially viable for the previous 3 years; and the proposal is of a scale commensurate with its function and need.
17. LP Policies LH1 and LH4 are consistent with paragraph 84 of the Framework in seeking to ensure that isolated residential development in the countryside is strictly controlled unless, amongst other things, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Character and Appearance, including the SLA and the Setting of a Listed Building and CA

18. The appeal site is within the open countryside and comprises a single storey dwelling, its associated garden, and an adjacent paddock. The dwelling is a static caravan and therefore is not aesthetically pleasing or worthy of retention. The land surrounding the appeal site largely comprises paddocks used for equestrian purposes and agricultural fields. However, interspersed with the fields are agricultural buildings of a design typically found in the countryside, buildings associated with the canal, and a listed farmhouse. The Grand Union Canal is located to the north/northeast of the appeal site, separated by a paddock, while a bridleway traverses the adjacent paddocks. The surrounding area is rural in character.

19. The appeal site is within the SLA which is designated for its ribbon of distinctive broad landscape plateau rich in scenic quality surrounded by hilltop settlements and woodland features. Watercourses, including the Grand Union Canal, meander through the landform while forming the feature point of the landscape and giving the local landscape its character. Policy NE2 of the LP states that within SLAs, development related to unallocated sites and sites outside of settlement confines should avoid harmful impacts to the character and appearance of the area.
20. The footprint, floorspace, volume and height of the proposed replacement dwelling would be significantly larger than the existing single storey dwelling. There is some intermittent vegetation between the appeal site and the canal to the east/southeast that would partially screen it. However, the vegetation is deciduous and therefore, the proposal would likely be visible during the winter months when not in leaf. To the northeast of the appeal site there is an absence of vegetation and therefore, there would be clear views of the proposal when viewed from the bridleway, canal, its tow path and bridge. Consequently, it would be more prominent than the existing dwelling.
21. To the north/northeast of the appeal site is the CA which includes the canal, the adjacent tow path and associated structures such as bridges and locks. The significance of the CA is its historic and aesthetic value. Users of the canal, bridges and tow path would be accustomed to the presence of sporadic farmhouses and agricultural/canal buildings interspersed with open fields within the vicinity of the CA.
22. The proposal's design and materials would ensure that the building's appearance would be similar to an agricultural building. Consequently, although the replacement dwelling would be visible from the canal, it would not alter the way in which the CA is experienced to any notable degree and the replacement of the existing static caravan would enhance its immediate setting. Also, for these reasons, the proposed replacement dwelling would not adversely affect the character and appearance of the surrounding area, or the SLA.
23. A large proportion of the adjacent paddock would be used as the proposed replacement dwelling's garden which would be significant in size. Permitted development rights could be removed to ensure that no extensions or outbuildings could be erected without first obtaining planning permission. However, this would not prevent the siting of domestic paraphernalia which, when spread across a large area, could appear incongruous within the surrounding rural landscape.
24. At the Hearing, the appellant stated that contrary to their assertion in their Statement of Common Ground, they would be willing to accept the Council's suggested condition to agree the size and location of the proposed garden. Consequently, this would overcome my concern regarding the garden's size and its effect on the character and appearance of the surrounding area.
25. To the north of the appeal site is a Grade II listed building that comprises the Old Wharf Farmhouse and an attached outbuilding. The significance of the listed building derives from its historic and aesthetic value. The appeal site falls within the setting of the listed building and accordingly, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving its setting.

26. The listed building is surrounded by open fields, a marina with associated boat yard, the Grand Union Canal, and agricultural buildings. Open fields with sporadic rural buildings contribute to the listed building's setting. Due to the separation distance between the listed building and the appeal site and the intervening agricultural buildings, I do not find that the proposal would harm the setting of the listed building.
27. I do not accept that the proposal would harm the character and appearance of the surrounding area including the SLA, the setting of the CA or a Grade II listed building. Consequently, it would comply with Policies SS2 and NE2 of the LP which, amongst other things, seek to ensure that developments use a design-led approach to demonstrate compatibility and integration with its surroundings and the distinctive local character of the area in terms of type, scale, massing, siting, form, design, materials and details. It would also comply with Section 7 of the South Northamptonshire Design Guide, adopted 2017.
28. However, a large proportion of the proposed replacement dwelling would be sited on land that is outside the curtilage of the existing dwelling within the adjacent paddock and I am not persuaded that the proposed replacement dwelling could not be designed to be sited wholly within the curtilage. Consequently, in reference to the first main issue, the proposal would conflict with Policy LH4(1)(b)(iii) of the LP that states that development proposals for replacement dwellings in the countryside will not be considered acceptable unless it is located within the curtilage of the existing dwelling.
29. The Council's second reason for refusal if it had had the opportunity to determine the planning application also refers to LP Policies SS1, SDP1 and GS3. However, these policies are not directly relevant to the proposal or this main issue, as they refer to the settlement hierarchy, extensions to existing dwellings rather than replacement dwellings, and residential garden extensions beyond settlement limits rather than garden extensions to dwellings wholly in the open countryside.

Essential Need

30. The Council accepts that there is an essential need for one full-time worker to be on site at all times. Therefore, the matters in dispute are whether there is an essential need for a dwelling and development of the scale proposed, including an assessment of the accommodation needs of the appellant and their family, whether there is an essential need for overnight groom's accommodation for a second rural worker, and whether there is a need for the staff welfare and training facilities of the scale proposed. I will therefore consider each of these matters in turn.

Existing Dwelling

31. I observed the existing dwelling during my site visit and was able to view its interior. Contrary to what is stated within the written submissions, there are four bedrooms within the existing dwelling, and therefore each child has their own room. However, that has resulted in the loss of an office. All of the rooms are quite small, and the absence of an office is not ideal. Consequently, I find that the existing living accommodation is relatively small for a family comprising two adults and three children. Accordingly, I find that the existing dwelling does not meet the needs of the rural enterprise.

Replacement Living Accommodation

32. While I accept that a larger dwelling to serve the needs of the appellant and their family is justified, the replacement living accommodation is excessive in size. For example, the downstairs toilet is larger than the first floor main bathroom, the hallway is overly wide, and the size of the integral garage is larger than necessary to accommodate one vehicle. Furthermore, the proposed garden to serve the dwelling is significant in size.
33. I have been directed to an appeal decision¹ that was allowed for a replacement agricultural worker's dwelling at Woodhall Farm, Drakes Broughton, Pershore which the appellant asserts had a larger footprint than the appeal proposal. However, the appellant's figures for the proposed replacement dwelling appear to be internally rather than externally measured and exclude the floorspace/footprint of the existing dwelling to be retained as part of the proposed replacement dwelling. Furthermore, the size of the proposed replacement dwelling must meet the needs of the rural enterprise it would serve. In any event, I must determine each case on its own merits.

Overnight Groom's Accommodation

34. The overnight groom's accommodation would be within part of the existing dwelling and would provide permanent accommodation for a second rural worker that would be tied to the equine business by condition.
35. There are times, such as the administration of medication and the caring of sick horses during the night, when the full-time employee sleeps in one of the existing stables or on the appellant's sofa when the weather is too cold, which is less than ideal. However, I have not been provided with substantive evidence regarding the frequency of these overnight stays. Furthermore, the horses being cared for constantly change. Consequently, there could be periods when the horses using the track livery system may not justify the need for a second worker to live on site. Furthermore, the Essential Needs Appraisal (ENA)² suggests that the requirement for an additional worker to stay overnight at the appeal site would be on an intermittent/occasional basis.
36. The appellant asserts that a search of Rightmove undertaken in July 2022 revealed no properties for sale within the immediate locality of the appeal site. However, this was not substantiated with evidence. At the Hearing, verbal evidence was provided regarding properties to rent within the vicinity of the site which the appellant asserted would be unaffordable for the full-time employee. However, it was not disclosed whether the business could afford to purchase or rent a property in proximity of the appeal site in which the full-time employee could reside. Furthermore, I have not been supplied with any up-to-date evidence regarding properties for sale in the vicinity of the appeal site. Consequently, I am unable to determine whether there is no alternative suitable accommodation available in the locality for the second worker to reside.
37. The appellant states that they need additional help when they go on holiday, or if they are ill, and they find it difficult juggling the business and the needs of their children. However, these are management issues associated with the

¹ Appeal Ref APP/H1840/A/14/2226404

² Erection of Rural Worker's Dwelling at Wharf Lane Stables: Essential Needs Appraisal, November 2022, produced by Kernon Countryside Consultants Ltd

operation of a rural business and I am not persuaded that such matters could not be addressed by other measures, such as training other staff in how to administer all medicines, or a person(s) residing in the appellant's vacated dwelling for the period of a holiday. Also, holidays and illness would likely be infrequent and therefore would not justify an essential need for an additional worker to live on-site at all times.

Staff Welfare Facilities

38. The existing staff welfare facilities are provided within a stable. The appellant asserts that they do not comply with current guidelines. Other than stating the facilities are unheated, I was not provided with information regarding the guidelines the facilities need to meet. Furthermore, I do not have any substantive evidence before me that the existing staff welfare facilities could not be upgraded to meet the guidelines.

Training Facilities

39. A training facility would be provided within part of the proposed replacement dwelling to train external people in the track livery system and equine podiatry. At the Hearing, the appellant conceded that the theory could be done off-site, with practical sessions undertaken on-site. However, it is unclear what elements of the on-site practical training would need to be undertaken indoors. Notwithstanding this, while the appellant appeared keen to pursue this activity, it does not currently take place. Therefore, at this time it has not been demonstrated that there is an essential need for the proposed replacement dwelling to accommodate the proposed training facilities.

Financial Viability

40. Limited information was provided in respect of the business' financial accounts. However, it would appear that a combination of both the income from the track livery system and the equine podiatry make the business financially viable. The Council raise concern regarding the inclusion of the equine podiatry income. As previously stated, I consider there is a degree of correlation between the on-site track livery system and the off-site equine podiatry. Therefore, the inclusion of both incomes when assessing the financial viability of the business does not seem unreasonable.
41. Turning to how the proposed building would be funded, it was disclosed at the Hearing that the appellant would need a mortgage of £400,000. However, I have not been provided with any detailed build costs and therefore, I am unable to corroborate whether the proposed mortgage and subsequent monthly repayments would cover the cost of the proposal. Consequently, I am unable to determine whether the business could fund the proposed development.

Conclusion on Essential Need

42. In view of all the above, having regard to national and local planning policies that seek to avoid isolated new homes in the countryside, an essential need does not exist for an additional rural worker to live on site at all times, and the proposed building is excessive in size and includes additional facilities that are not justified at this time. Even if an essential need could be demonstrated, I am not satisfied that the proposal in part could not be met by upgrading existing building(s) or, in respect of the training facilities, provided off-site.

43. In reference to the second main issue, the proposal would comprise an isolated new home in the countryside, and it has not been demonstrated that there is an essential need for a replacement dwelling and development of the scale proposed. It would therefore conflict with policies LH1 and LH4 of the LP, the content of which I have described above. It would also conflict with paragraph 84 of the Framework. As detailed previously, LP Policy GS3 is not applicable to the proposed development.

Other Matters

44. Paragraph 88(a) of the Framework supports the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed, beautiful new buildings. However, the provision of an additional worker to live on site at all times is for the essential need of the existing business operation rather than to aid future growth. While I accept that the training facilities could result in the growth of the existing rural business, and the staff welfare facilities would improve the business' existing facilities, I am not persuaded that they could not be provided by less harmful means.
45. It was asserted that the groom would leave the enterprise to work elsewhere if better on-site accommodation was not provided. However, I have no substantive evidence before me to support this statement.
46. The appeal site is within the Impact Risk Zone of the Mill Crook Site of Special Scientific Interest (SSSI). Prior to the Hearing, Natural England concluded that they had no specific comments to make in respect of the proposal and referred the Council to their general advice. From the information before me, I would not come to a different view. Accordingly, I do not consider that the proposal would harm the SSSI.

Conclusion

47. For the reasons given above and having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Gillespie BA (Hons) MRTPI – Impact Planning Services Ltd

Antony Booth BA (Hons) MSc MRTPI – Impact Planning Services Ltd

Sam Eachus BSc (Hons) MRICS MBIAC – Kernon Countryside Consultants Ltd

Darren Murphy BA (Hons) – Inner Create Ltd

Charlene Barnard DEP MEPA – Appellant

Markus Cox – Friend of the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Robert Burton – Case Officer

Sam Franklin – Landscape Land & Property

DOCUMENTS

1. A copy of the appellant's costs application dated 13 May 2024, produced by Robert Gillespie of Impact Planning Services Ltd.