



Appeal Decision

Site visit made on 13 September 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 October 2024

Appeal Ref: APP/J0540/W/24/3338447

Land to the North of Langley Bush Road Upton, Stamford PE6 7BF

- The appeal is made under section 79 of the Town and Country Planning Act 1990 against an applied condition as per the planning approval reference number 23/01075/FUL which was submitted on 14 August 2023.
 - The appeal is made by Welcome Stables Ltd against the decision of Peterborough City Council.
 - The application is for change of use of land for the stationing of one rural workers caravan unit - retrospective.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land for the stationing of one rural workers caravan – retrospective in accordance with planning application 23/01075/FUL as submitted on 14 August 2023 subject to the conditions outlined in the schedule below.

Preliminary Matters

2. The description of development differs from that used by the Appellant on both their original application for and upon their appeal form. However, the Appellant has indicated in Section E of the appeal form that the description of development has not changed from that used by the Council. Accordingly, I use the description of development that was used by the Council in originally determining this appeal that better reflects the proposal applied for.
3. The appeal is made under Section 79 of the Town and Country Planning Act 1990 with regards the application of a condition (condition C1) of the approved planning application 23/01075/FUL. This condition was applied by the Local Planning Authority in allowing the permission for one rural workers caravan within the site of this rural stables facility. The condition referred to the use of the approved single caravan to be used for a temporary period of 3 years.
4. This represents the main crux of the appeal and it is my intention to assess this matter as the principal reason for this appeal rather than revisit the other main issues associated with both this planning application and the previous decision of another Inspector which would be allowable under Section 79.

Main Issues

5. The main issue is whether the permanent use of a single caravan on this site for a rural worker would be compliant with the purposes of the Council's open countryside policy LP11.

Reasons

6. The appeal site is an agricultural stables situation along Langley Bush Road which is open countryside and likely represents a 19th century enclosed landscape. The site is clearly an operational stables and stud yard containing a plethora of buildings and features associated with this use including paddocks, barn and stables.
7. I saw on my site visit that, within the stables, there were several stallion horses being housed. I have evidence before me both from the previous appeal and this one, that stallion horses require round the clock care and custodianship so as to protect both the horses' health and that of the general public were such an animal to bolt or escape its compound.
8. The caravan currently on site houses the person whose role it is to look after the horses and the stables. This caravan is within ear shot and easy reach of the stables.
9. In assessing the permanence of this use therefore, I agree with the previous Inspector that, as long as the current use is maintained, then it would be necessary to have a person on site at all times so as to care for the animals and maintain their wellbeing.
10. In light of this I consider that the requirements of Policy LP11 would be met were the use of this caravan to become permanent in connection with the use of the site. As such I am satisfied that the provisions of this policy can be met without the need for a restrictive condition limiting this use to 3 years. As the appeal is allowed and the provisions within the Development Plan have been met.

Conditions

11. I have included the previous conditions used by the Council in their previous decision which seek to control the use of the caravan to be used only in association with the equine use of the site and to ensure the submitted plans are abided to. I have not however included condition C1 which was the subject of this appeal.

Conclusion

12. For the reasons given above, and taking into account of all other matters raised, I allow the appeal subject to the conditions set out below.

A Graham

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The occupation of the temporary caravan unit hereby permitted shall be limited to a person or persons solely or mainly employed in connection with the equine business within the application site, and to any dependents of that person or persons.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: - Location Plan (received 14/08/2023) - Proposed Block Plan (Drawing number PL1)
- 3) No more than 1 caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.