



Appeal Decision

Hearing held on 29 January 2025

Site visit made on 29 January 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/E2001/W/24/3350969

Land north-west of Oxmardyke Grange, Oxmardyke Lane, Blacktoft, East Riding of Yorkshire HU15 2GG

- 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 Mrs R Estevez against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/01044/PLF.
 - The development proposed is erection of a rural worker's dwelling associated with existing equestrian business.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The East Riding Local Plan Update, comprising of a Strategy Document Update and an Allocations Document Update, is emerging (the Emerging Plan). The Emerging Plan does not form part of the statutory development plan. However, the Inspector appointed to examine the Emerging Plan has published their final report which marks the end of the examination process. Provided that the Inspector's recommended modifications are incorporated, the Emerging Plan was found to be sound. The Emerging Plan is, therefore, at an advanced stage, and the Council are targeting adoption of it in April 2025. As necessary, I refer to any policies of particular relevance to the appeal later in my decision.
3. On 12 December 2024, a revised version of the National Planning Policy Framework (the Framework) was published. In making my decision, I have had regard to the revised Framework and any comments in respect to it made by the appeal parties.

Background and Main Issue

4. The appeal site is located within the countryside. The proposed dwelling is sought in association with an existing equestrian enterprise. This enterprise is partly a livery, but another limb of the business is that it provides sports horse training and schooling.
5. In December 2018, an appeal was allowed and planning permission granted for the continued use of land for the siting of a temporary worker's dwelling (a static caravan) associated with the equestrian enterprise¹.

¹ Appeal Decision APP/E2001/W/18/3201443

6. The signed and completed Statement of Common Ground in relation to the appeal before me, and other evidence, makes clear that the Council accept that there is an essential need for permanent rural worker's accommodation in association with the equestrian enterprise. The matter that remains in dispute concerns the acceptability of the size of the particular dwelling proposed.
7. Therefore, the main issue is whether the proposed rural worker's dwelling, which would be associated with the existing equestrian business, would be of an appropriate size.

Reasons

8. Policy S4 of the East Riding Local Plan 2012-2029 Strategy Document (the LP) relates to development in villages and in the countryside. Amongst other matters, it sets out the particular forms of development which are considered acceptable within the countryside, where such proposals respect the intrinsic character of their surroundings. One of those forms of development is a rural-based occupational dwelling, provided that there is an essential need for it and, provided that it is subject to a condition to the effect of restricting the occupancy of the dwelling to those employed in a rural enterprise.
9. Read in the light of its supporting text, notably paragraph 4.43, Policy S4 requires an essential rural-based occupational dwelling to be commensurate with the size of the holding. Consequently, Policy S4's support for such dwellings is predicated upon the size of the dwelling proposed being justified. It should be in proportion with the functional requirements of the enterprise.
10. There is good reason for ensuring that the size of a rural-based occupational dwelling is justified and proportionate. The countryside has intrinsic character, and that isolated dwellings are permitted within the countryside in certain circumstances is a planning policy concession. Allowing unduly large isolated homes within the countryside without adequate justification would not be a responsible application of this policy concession. In addition, if a proposed dwelling would be unduly large, or expensive to construct in relation to the profitability of the enterprise it would be associated with, then it may not be possible to sustain it in the long-term, and it may be out of kilter with the income of a typical rural worker. This would compromise the likelihood of the dwelling being kept available for the intended purpose of housing a rural worker.
11. As LP Policy S4 sets out that rural worker's dwellings are, in principle, an acceptable form of development within the countryside, insofar as it is relevant to the appeal proposal, I find the policy to be consistent with the Framework's advice on isolated homes in the countryside.
12. Whilst the Examining Inspector's modifications to the supporting text of the Emerging Plan's Policy S4 makes it clear that rural worker's dwellings may be justified for those taking majority control of a business, the policy is, nevertheless, very similarly worded to the presently adopted version of the policy. At the hearing, both the Council and the appellant submitted that the emerging version of Policy S4 should be afforded significant weight. As the policy is consistent with the Framework, since the Emerging Plan is at an advanced stage, and given I have no reason to conclude that any objections to the policy have not been largely resolved through the examination process, I have no reason to disagree.

13. When assessing the appropriateness of the size of a proposed rural worker's dwelling, the Council has submitted that it routinely uses a floorspace range of 150m² to 170m² for benchmarking purposes. I have also been referred to data taken from a survey of the size of English homes². Amongst its content, this survey datasheet identifies the average internal floor area of an English detached house to be 149m².
14. I have some opposing evidence regarding the total floor area of the dwelling proposed. The plans identify that it would be 188.25m² but, at the hearing, and accounting for precisely how it is measured, the Council suggested the floor area would be as high as 197.97m². In either scenario, the total floorspace of the proposed dwelling would be greater than the Council's cited benchmark and the average detached house referenced by the survey.
15. The appellant submits that the proposed dwelling's 17.2m² office should be discounted since this is a business requirement and, with such an approach, further submits that the proposed dwelling is roughly aligned with the Council's upper benchmark figure of 170m². In support of this approach, the appellant refers to a planning application dating from 2022³. It is submitted that in that case the Council excluded 35m² of the dwelling's floorspace from its size assessment because it was for business purposes. The appellant also draws my attention to a planning permission granted following an application in 2009⁴ which the appellant submits involved a dwelling of a similar size to that proposed at the appeal site.
16. However, I have only limited details of both of the cited cases before me. Missing information includes the likes of the Council's delegated or committee reports outlining its reasons for granting the planning permissions. Given its age, the planning application dating from 2009 will not have been assessed against the development plan policies now in force, and I have no information on the content of the relevant policies which were in force at that time. The evidence before me, including that which I was able to obtain at the hearing, does not conclusively demonstrate how the Council treated the business floorspace in the planning application dating from 2022. Altogether, these factors mean that it is not possible for me to draw accurate comparisons between the cited planning permissions and the proposal before me. Furthermore, appeal decisions are heavily dependent on the case-specific evidence and circumstances. I must come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case. For these reasons, whilst I have had regard to them, the cited planning permissions are of limited weight in my decision.
17. Moreover, whilst comparing the proposed dwelling's size to benchmarks and average dwelling sizes is not without merit, it is especially important to assess the detail of the proposed dwelling itself.
18. Upon entering the proposed dwelling there would be a large hall identified on the plans as being 18m² in area. For the purposes of an entrance, and a means of circulation, I find this to be an excessively sized space. A utility room, typically used for storage and household appliances would be 12.3m². Again, a large room given its function. No family bathroom is proposed. Instead, each of the 3 bedrooms proposed would be served by an en-suite with a further shower/wc

² English Housing Survey 2018-2019 datasheet

³ Planning Application 22/03172/PLF

⁴ Planning Application 09/03629/PL

proposed on the ground floor. I expect a more efficient means of providing essential bathroom and toilet accommodation for the home could be designed. I have limited information before me on exactly what activities in support of the business the proposed office would serve. I expect it would be to undertake administration. For this purpose, a room of 17.2m² is very generous.

19. I also note that externally the proposed dwelling would be served by a large drive providing parking for a minimum of 3 cars. The dwelling would also be served by an integral garage. At the hearing, the appellant submitted that this would have a specific purpose: to provide essential covered parking for a horse trailer which, if stored outside, would deteriorate. I am unconvinced that a horse trailer would need storage within such a dedicated and integral part of the dwelling. Neither am I satisfied that other parking options for the trailer have been fully explored.
20. In addition, the evidence which is before me does not explain to me in convincing terms how the size of the dwelling proposed has been determined or influenced by the functional needs of the equestrian enterprise. I accept that the proposed dwelling would provide some welfare facilities for any other staff member working at the equestrian enterprise and may even be used for overnight accommodation by a staff member should the appellant be away from home. However, I fail to see how this justifies the design and size of the spaces I have referenced.
21. At the hearing, the appellant submitted that the build costs of the proposed dwelling would amount to £360,000. The Council accepted that this is accurate since it fell within its own estimated cost range.
22. The accounts submitted in evidence show that for the years of 2019, 2020 and 2021 the equestrian enterprise was making a profit which, inclusive of the appellant's wages, ranged from over £17,000 to over £30,000. The accounts for the year stated as ending in May 2024 show a considerably higher profit of over £70,000.
23. At the hearing, the appellant submitted that a mortgage could be obtained for the proposed house. However, I have no compelling evidence before me that this would be the case. For instance, no mortgage offers in principle have been submitted. Both the Council and the appellant referred to a typical mortgage lending calculation of 4 ½ x income. Whilst more simplistic than the processes a mortgage lender would go through, if this calculation is applied, and if the profit figure of over £70,000 is utilised, there would remain a quite considerable deficit in comparison to the build costs.
24. Given this, whilst I have no reason to conclude that the enterprise is not financially sound, the evidence before me that the enterprise is providing sufficient income to sustain the costs of the building of, and the running of, the particular dwelling proposed is not compelling.
25. The appellant has provided evidence that alternative funds are available to them to construct the proposed dwelling. However, these funds are separate from, and are not derived from, the equestrian enterprise. As the functional requirement for the dwelling stems from the equestrian enterprise then it is the equestrian enterprise itself which should be able to sustain the dwelling proposed. As a result, it is inappropriate of me to afford meaningful weight to those funds available to the appellant to deliver and run the proposed dwelling which are unrelated to the equestrian enterprise.

26. Overall, my assessment of the detailed design of the proposed dwelling leads me to conclude that there are several rooms and spaces within the proposed dwelling which are excessively sized and, in turn, the proposed dwelling as a whole would be unduly large. This design has not been adequately justified, with no adequate demonstration made that the proposed dwelling would be commensurate with the functional requirements of the enterprise including that the enterprise's profitability could sustain the property as a rural worker's dwelling in the long term. Therefore, the proposed rural worker's dwelling, which would be associated with the existing equestrian business, would not be of an appropriate size. Consequently, as the size of the dwelling proposed has not been demonstrated as being commensurate with the equestrian enterprise, the essential need for the particular dwelling proposed has not been made out, and the proposal conflicts with Policy S4 of the LP as a result. For the same reasons, the proposal also conflicts with Policy S4 of the Emerging Plan.

Other Matters

27. At the hearing, the Council and the appellant were in agreement that the Council can demonstrate in excess of 5 years' worth of housing supply. Therefore, the Council's housing supply position is quite healthy, even so, this does not act as a ceiling to housing development, and I am mindful of the content of the Framework which sets out the Government's objective of significantly boosting the supply of homes. However, in providing only a single dwelling, the contribution to housing supply would be very modest. Furthermore, the dwelling would be occupied by a rural worker and would not therefore provide housing for home-seekers more generally. In this context, the weight I attribute to the proposal's contribution to housing supply is limited as a result.
28. The existing equestrian enterprise will be contributing to the local economy and providing a service. I accept that the provision of appropriate permanent residential accommodation would provide some security and assistance towards ensuring this would endure. However, in my main issue, I have articulated my concerns with whether the equestrian enterprise could sustain the particular dwelling proposed. This undermines the confidence that I have that the proposal would contribute toward furthering the success of the enterprise and, consequently, it is a matter of limited weight in my decision.
29. I acknowledge that the appellant requires an appropriate long-term accommodation solution as an alternative to the existing caravan. However, I have identified the reasons why the particular dwelling proposed would be unacceptable and would conflict with development plan policy. I am not satisfied that a thorough exploration of alternative iterations of the proposed development, which would not result in the same harm and policy conflict, has taken place.
30. I note that Blacktoft Parish Council support the proposal and that some of the consultee responses made in relation to the development raise no objections. I have had regard to this, but it does not in itself render the scheme appropriate nor overcome my concerns.
31. It may also be, in respect of a range of other planning considerations, that the development would not result in harmful effects. This may include the effects upon the highway network and upon the living conditions of neighbouring residents. It may also be the case that the aesthetics of the proposed dwelling would be

appropriate within its context, that the development would be made safe from flooding and not cause an increase in flood risk elsewhere and, furthermore, the dwelling may be energy efficient. Even so, an absence of harm in respect of these matters is a neutral factor in my decision and it does not outweigh the harm that I have identified.

Conclusion

32. The proposed development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs R Estevez Appellant

Gemma Owston Fretwell's Planning and Development Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Calum Rowley Principal Planning Officer

Adam Milner Principal Rural Estates Surveyor