



Appeal Decision

Site visit made on 9 April 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/F3545/W/25/3358294

Wideham Farm, Icklingham Road, West Stow, Suffolk IP28 6HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Leigh Jarrett against the decision of West Suffolk Council.
 - The application Ref is DC/24/0901/VAR.
 - The application sought planning permission for change of use of agricultural land to equestrian centre without complying with a condition attached to planning permission Ref SE/09/0605, dated 10 August 2009.
 - The condition in dispute is No 9 which states that the land identified within the application site shall not be let, sold or leased separately from the temporary dwelling and associated buildings.
 - The reason given for the condition is: To ensure that there is sufficient land within the applicant's control to maintain the viability of the commercial equine business.
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The proposal relates to a large site on the edge of the King's Forest. It contains an equestrian centre, including paddocks. The original approval for the change of use of agricultural land to equestrian centre also included the erection of a timber barn incorporating 20 no. stables and associated stable yard, a portal frame hay store, a machinery store, a menage with low level lighting, alterations to existing vehicular access and a temporary worker's dwelling for 3 years. Since planning permission for these was originally granted, the site has diversified to also provide various forms of holiday accommodation, including caravans and lodges.
3. A permanent manager's dwelling was allowed on 31 July 2014 following a successful appeal¹. This permission was made subject to a condition limiting its occupancy to a person solely or mainly working in an equestrian role on the site, or a farm or forestry worker. This also applied to the originally approved temporary worker's dwelling, but this has since been permitted for use as holiday accommodation².
4. The appellant is looking ahead to the future and condition 9 currently precludes the separate renting, selling or leasing of any of the land associated with the original approval. The temporary dwelling referred to in the disputed condition no longer

¹ APP/E3525/A/14/2213459

² Council reference DC/20/0108/FUL, granted 17 January 2020

exists as such. However, the Council considers the condition itself remains necessary to tie the land used for keeping horses with the equestrian related buildings. This is justified by policies DM5 and DM32 of the Joint Development Management Policies Document 2015 (DM). Policy DM5 allows for equine related proposals as one of the exceptions to a general restraint on development in the countryside. Policy DM32 refers specifically to business and domestic equine related activities in the countryside and is permissive of this provided that, amongst other criteria, sufficient land is available for grazing and exercise where necessary.

5. The main issue in the appeal is therefore whether condition 9 is reasonable and necessary to maintain the viability of the commercial equine business, and thus ensure the development complies with DM policies for development within the countryside.

Reasons

6. Although the Council has allowed the site to diversify through the various permissions granted for caravan pitches, lodges and other forms of holiday accommodation, the equestrian activities continue to play a leading role in the operation as a whole. Although the site has evolved since the original permission, condition 9 appears to have the effect of confining the activities within the 90 acre site to a single planning unit. Currently, this might then limit the appellant's option upon retirement to that of selling, renting or leasing Wideham Farm as an entire business.
7. The reason for refusal was over there being no assurance that sufficient land would remain with the equestrian buildings to maintain the viability of the operation, in order to continue to satisfy Policy DM32. The appellant refers to the very large King's Forest being immediately adjacent and offering space to ride horses. The availability of sufficient land to keep horses was previously not raised as a concern when parts of the site gained approval to accommodate holiday lodges and caravan pitches. With condition 9 in place, these holiday developments cannot be disposed of separately from the equestrian business.
8. The Council has not elucidated the actual harm that might arise were the condition to be lifted, beyond the conflict with Policy DM32. The objective of this policy, along with DM5, is to manage development in the countryside so as to protect and enhance its quality and character whilst supporting the rural economy. Were condition 9 to be lifted, the Council would still retain planning control over future proposals to ensure they satisfied these policy aims.
9. However, without this condition, the various parts of the site could be disposed of in a piecemeal fashion. This would inevitably lead to pressure for further developments, within smaller planning units. For example, selling the horse paddocks separately, might lead to pressure to permit further equestrian buildings. The separation of paddocks from the existing equestrian buildings could then lead to pressure for these to be used for other uses, such as holiday accommodation. Within disparate units, such development pressure might be difficult to resist. The cumulative effects of this could be significantly harmful to the character and appearance of the countryside.

Conclusion

10. It is, of course, entirely reasonable for the appellant to wish to plan ahead for retirement by exploring means to benefit from the enterprises developed since approval was first granted. However, given the sensitivity of the rural surroundings, adjacent the King's Forest and near to West Stow Country Park, it is reasonable for the Council to seek the information necessary to best ensure the site continues to evolve in an appropriate manner.
11. Therefore, I consider that condition 9 is reasonable and necessary to maintain the viability of the commercial equine business and thus ensure this complies with policies for development within the countryside. As a consequence, I conclude that the appeal is dismissed.

Jonathan Price

INSPECTOR