



Appeal Decision

Hearing held on 30 April 2025

Site visit made on 30 April 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2025

Appeal Ref: APP/K0235/W/24/3357851

Wheaton Hill Stables, Silver Street, Stevington, Bedford MK43 7ER

- 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 Ms A Biswell against the decision of Bedford Borough Council.
 - The application Ref is 24/00484/FUL.
 - The development proposed is conversion of part of the equestrian building to form a dwelling for the operators of the stables.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on 7 February 2025. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version.
3. My attention has been drawn to a previous appeal¹ at the site. Whilst the previous appeal decision is a material consideration the proposal before me relates to a different form of development. In any event, I have reached my own conclusions in this appeal based on the circumstances of the present case.

Background and Main Issue

4. The appeal is accompanied by a Preliminary Ecological Appraisal Report². In their Statement of Case, the Council confirmed, based on the additional information provided with the appeal, that it would no longer be defending the reason for refusal in relation to ecology. I have, therefore, considered the appeal on this basis.
5. The main issue is whether the proposed development would be in an appropriate location, having regard to the aims and objectives of local and national planning policies.

¹ Appeal Ref: APP/K0235/W/21/3274049

² Ref 24_PEA_10_96 ROAVR Group Issue date 11/12/2024

Reasons

6. The appeal building is located adjacent to a complex of buildings which are primarily in equestrian use. The appeal site is located outside of a defined settlement and accordingly, for the purposes of the development plan, is within the open countryside.

Need

7. Policies 3S, 4S and 7S of the Bedford Borough Council Local Plan 2030 (LP) collectively direct new residential development towards existing settlements while safeguarding the intrinsic character of the countryside. Policy 7S permits new rural worker accommodation in the countryside if it is in accordance with Policy 68 of the LP. This policy states that permission will be granted where the dwelling is necessary to sustain an established economically viable enterprise; it is demonstrated alternative accommodation options including the conversion or replacement of existing buildings in the surrounding locality have been explored, with no satisfactory alternative means of providing accommodation identified; and the dwelling is of a size and cost commensurate with the established functional requirement for the enterprise.
8. The parties agree that the appeal site is located a significant distance away from other dwellings and that the proposal would therefore result in an isolated new dwelling in the countryside. Paragraph 84 of the Framework sets out that planning decisions should avoid the development of isolated homes in the countryside with some exceptions, including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
9. In considering if there is an essential need for a rural worker the Framework does not refer to a financial test. However, there is nothing to preclude local development plan policies from setting out how the question of essential need is to be judged. Furthermore, the Planning Practice Guidance (PPG)³ advises that the degree to which there is confidence that the enterprise will remain viable for the foreseeable future may be another consideration.
10. It is not disputed that an established equestrian business is based at the site, with some of the livery users present at the Hearing and speaking in support of the proposal. The appellant orally advised that 18 horses were being kept at the site and went on to set out the daily activities undertaken at the livery in terms of tending to the horses. The keeping of horses and undertaking routine day-to-day tasks such as the checking and feeding, watering and exercising could generally be carried out without the need for a residential occupant to be within sight and sound of the animals. Therefore, the existence of the horses alone would not be sufficient justification for someone to live on the site.
11. During the Hearing the appellant indicated that the business has proven to be successful year on year since it commenced in 2021, and that the nature of the business necessitates a person who is experienced and skilled at looking after horses to be present on site at all times. Nevertheless, in the absence of a business plan, or robust financial information, it has not been demonstrated that the business is financially capable of supporting a full-time worker and that the enterprise will remain viable for the foreseeable future.

³ Paragraph: 010 Reference ID: 67-010-20190722

12. The PPG advises that considerations which may be taken into account when determining whether there is an essential need to live on, or near, the site can include to ensure the effective operation of the enterprise for instance, where animals require on-site attention 24-hours a day and where, otherwise, there would be a risk to animal health, or from crime.
13. In terms of the labour requirement of the enterprise the appellant has confirmed that she worked full-time, her daughter part time, a person on a zero-hour contract working 3-4 hours a day and another who helps out on an ad-hoc basis.
14. The appellant refers to the requirement for a permanent on-site presence owing to horses' tendencies to being unpredictable in nature, and that horses are also prone to illnesses such as laminitis and colic, which can lead to much more serious and potentially fatal consequences, if not attended to promptly. Living on site would enable the occupier of the dwelling to keep a close eye on the horses when stabled overnight in the interest of animal welfare and to respond quickly when emergencies arise. I recognise that this would be of particular importance to those entrusting their horses to the appellant's care, as indicated by those who spoke at the Hearing.
15. I accept that there are instances where it would be necessary to tend to a horse during the night, early in the morning and/or late on the evening. This was corroborated by the appellant's verbal evidence which set out an estimate of seven occasions in a year that the appellant has had to attend during the night. Nevertheless, there is no convincing evidence before me to suggest such incidences would be more than occasional. Nor have I been provided with any compelling evidence to suggest that this was any more likely to occur overnight than during the day when staff would reasonably be present on site. In coming to this view, I have had regard to the guidance set out in the Code of Practice for the welfare of Horses, Ponies, Donkeys and their Hybrids⁴ and The British Horse Society Code of Practice for the Welfare of Equines at Events December 2022.
16. The appellant advised of technical difficulties in respect of using CCTV for surveillance, citing issues with a lack of coverage. However, this is not substantiated with robust evidence and, moreover, at my site visit I observed some form of monitoring of the premises via CCTV. There is little indication that there have been incidences of security breaches, including theft, at this site in the past, or that the horses and equipment could not be adequately protected using security systems such as alarms and surveillance, which would be likely to act as a deterrent against criminal activity.
17. Whilst I note the appellant considers that without a residential presence on site to provide 24-hour care and supervision, the business could not succeed, very little substantive evidence has been provided to support this claim.
18. Accordingly, I am not persuaded that these such occurrences would occur so frequently so that they would justify a full-time on-site presence in the form of a home. I therefore find that it has not been sufficiently demonstrated that there is an essential need for a worker to live on-site.

⁴ Department for Environment Food & Rural Affairs December 2017

Alternative accommodation

19. Policy 68 of the LP requires it to be demonstrated that alternative accommodation options including the conversion or replacement of existing buildings in the surrounding locality have been explored and that no satisfactory alternative means of providing accommodation have been identified.
20. Although the appeal site lies outside of the settlement of Stevington it is a relatively short distance from it. The appellant has submitted some evidence in relation to the availability of alternative accommodation nearby, albeit a snapshot of availability⁵. They go on to state that suitable properties in the area are out of the price range of the appellant when compared to the costs of conversion. The costs of conversion, compared to the cost of alternative accommodation, are unclear. Nevertheless, at the Hearing the appellant maintained the position that the proposed residential use, needs to be in sight and sound of the stables to ensure welfare of the animals being cared for which these existing properties in the area would not be able to provide.
21. Whilst I understand the appellant's desire to live as close as possible to their enterprise, for the reasons set out above, I have not been provided with compelling evidence that this requires an on-site presence at all times, and that the need could not be met through off-site monitoring and a location that provides easy access to the site in the event of an emergency situation arising. I, therefore, find that insufficient information has been provided by the appellant to satisfactorily demonstrate that there is no suitable or available accommodation in the locality that would meet any functional need arising from the operation of the enterprise.
22. Even if suitable alternative dwellings were available the provision of a dwelling on the appeal site would be undoubtedly more convenient for the appellant. It would also make the enterprise more efficient as the need for repeated trips between home and Wheaton Hill Stables would be removed. Nevertheless, these considerations, do not amount to an essential need for a year-round residential presence on the appeal site to support a rural business.
23. At my site visit I observed the limited areas designated as kitchen and WC. Whilst I concur that these areas are of insufficient size to accommodate sleeping accommodation, it has not been demonstrated that it would not be feasible to provide temporary overnight accommodation, which would enable staff to be on site should the need arise.

Other criteria of Policy 68 of the LP, HO3 of the Stevington Neighbourhood Development Plan (NDP) and the Framework

24. Amongst other matters, the development plan and Framework supports proposals for rural housing where the development would re-use redundant or disused buildings and enhance its immediate setting.
25. I observed the appeal building to be in use, storing, amongst other things, hay, equipment and furniture. At the Hearing the appellant advised that the frequency of hay deliveries to site could be changed to a greater frequency, which would in turn reduce storage needs. Nevertheless, hay was not the only item stored in the barn and I am not satisfied that the other items could be accommodated within other

⁵ Rightmove search dated 19/12/2024, 11:11

existing buildings on site. The loss of this space for storage could affect the viability of the business.

26. The appellant submits that the removal of the caravan currently *in situ* would enhance the immediate setting. However, the evidence indicates that the caravan, is unlawful, and the subject of an Enforcement Notice requiring its removal. Accordingly, I attribute very limited weight to this.
27. While a proliferation of domestic paraphernalia associated with the proposed dwelling could be harmful to the rural character of the site, the size of the proposed curtilage would be modest and largely contained by existing structures and fencing. Consequently, any domestic paraphernalia would be relatively well screened. Furthermore, a condition to remove permitted development rights⁶ would enable the Council to retain control over an array of works in the interests of the character and appearance of the area.
28. At the Hearing the appellant suggested a reversionary condition should the business fail. However, this would not address my concerns given I have found that the essential need for the proposed dwelling has not been justified.

Conclusion

29. I have carefully considered the animal welfare benefits, the security benefits and the commitment of the appellant to an equestrian business. Nevertheless, for the reasons outlined above, I am not persuaded that the circumstances advanced amount to an essential need for a permanent dwelling at the site. Accordingly, the proposal conflict with policies 3S, 4S, 7S and 68 of the LP, Policy HO3 of the NDP and the Framework. Collectively, and amongst other things, they require that such development is necessary to meet the proven needs of a rural enterprise.

Other Matters

30. The Council withdrew its reason for refusal relating to protected species following the submission of additional evidence by the appellant, and subject to a condition specifying working practices on site. From all that I have seen and read, I am satisfied that the proposal would be capable of avoiding harm to protected species, with particular regard to bats.
31. There is an established vehicular access from Silver Street and sufficient space within the appeal site to provide for vehicular parking. Subject to the imposition of suitably worded conditions, the Council has not raised any highway safety concerns. I see no reason to disagree. Similarly, I am satisfied that subject to the imposition of conditions there are no outstanding concerns regarding contamination.

Planning Balance

32. In setting out its position, the appellant refers to the Council's lack of housing land supply and the housing delivery test figure, with the 2023 measurement confirmed at the Hearing to be 145%. They go on to set out that as a result of these, the Council is unable to demonstrate the requisite housing land supply and consequently paragraph 11(d) of the Framework is engaged. The Council do not

⁶ Under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

dispute that it cannot currently demonstrate a five-year supply of deliverable housing land supply.

33. Where relevant policies are out of date, Paragraph 11 of the Framework directs that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development or that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This includes having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
34. In accordance with the Framework due weight should be given to relevant policies of the development plan according to their degree of consistency with the Framework. In this regard, the parties agreed at the Hearing that the policies which are most important for determining the application are consistent with the Framework whereby it advises that isolated homes in the countryside should be avoided unless there is an essential need for a rural worker. I have no reason to reach a different view.
35. For the reasons set out above, I have found that it has not been demonstrated that there is an essential need for rural workers accommodation at the appeal site, including in relation to animal welfare. The adverse impact of the development would be its isolated location in the countryside, at odds with the Council's spatial strategy for the location of development. This draws the proposal into conflict with policies of the LP, NDP and the Framework, which I attribute significant weight to.
36. The proposed development would offer social and economic benefits including the provision of one new house, albeit for use only in connection with the livery. Nevertheless, in this respect the proposal would make a positive contribution to the Council's housing stock which weighs positively in favour of the proposal. The development would result in the creation of employment opportunities during the construction phase and spending in the local area by future residents who would support the local economy. Given the scale of the development, the weight attributable to these matters is limited.
37. Accordingly, this leads me to conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the limited benefits. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

38. Section 38(6) of the Planning and Compulsory Purchase Act states that a decision must be taken in accordance with the development plan, unless material considerations indicate otherwise. There are no other considerations, including the Framework, that would outweigh the harm and conflict with the development plan that I have identified.
39. For the reasons given above I conclude that the appeal should be dismissed.

R Gee INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms Alison Biswell	Appellant
Mr Jonathan McDermott BSc MA MRTPI FRGS	Principal Town Planner, Town Planning Expert

FOR THE LOCAL PLANNING AUTHORITY:

Ms Penny Jewitt	Senior Planning Officer
Mr Alastair Wren MRTPI	Team Leader Appeals and Enforcement

INTERESTED PERSONS:

Miss Victoria Biswell	
Mrs Janet Day	Stevington Parish Council
Miss Charlotte McAteer	
Mrs Kelly McAteer	
Mr Derek Phillips	Chair of Astwood and Hardmead Parish Council and livery holder
Mr James Surtees	Stevington Parish Council
Miss Maia White	