
Appeal Decision

Hearing held on 6 April 2016

Site visit made on 6 April 2016

by Alison Partington BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 April 2016

Appeal Ref: APP/R3325/W/15/3133305

Monarchs Way Farm, Limington, Somerset BA22 8EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs D Vincent against the decision of South Somerset District Council.
 - The application Ref 14/05525/FUL, dated 9 December 2014, was refused by notice dated 26 February 2015.
 - The development proposed is the erection of a dwelling and stables.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling and stables at Monarchs Way Farm, Limington, Somerset BA22 8EG in accordance with the terms of the application, Ref 14/05525/FUL, dated 9 December 2014, subject to the conditions set out in Annex A.

Background and Main Issues

2. The Council have raised no objection to the proposed stable block which would be located adjacent to the barn. Part of this area already houses some portable stable buildings. The proposed stables would have a functional appearance, typical of equestrian buildings found in rural areas. As such I see no reason to disagree with the Council's conclusion regarding this part of the application.
3. In the light of the above, the main issues in the appeal are:
 - Whether, having regard to the National Planning Policy Framework and the development plan which seek to avoid isolated new homes in the countryside, there is an essential need for a dwelling to accommodate a rural worker; and
 - The effect of the proposed dwelling on the character and appearance of the area.

Reasons

Essential Need

4. The appeal site is located on the northern side of the road that runs through the village of Limington. At present the site contains a barn used for equestrian and storage purposes and a number of portable stables to the west
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- of the existing access, and open grazing land with a few field shelters to the east.
5. In the interests of sustainable development, paragraph 55 of the National Planning Policy Framework (the Framework) indicates that isolated new houses in the countryside should be avoided. One of the few circumstances for permitting such homes within the countryside is to meet the essential need for a rural worker to live permanently at, or near, their place of work in the countryside.
 6. Whilst the Framework, does not give any guidance on what constitutes an essential need, Policy HG9 of the *South Somerset Local Plan (2006 – 2028) (adopted March 2015)* (SSLP) sets out a number of criteria to assess the need for new housing for rural workers. These include that there is a clearly established existing functional need, that the business is economically viable, that provision on site (or in the immediate vicinity) is necessary for the operation of the business, and that no suitable accommodation exists (or could be made available) in established buildings on the site or in the vicinity.
 7. At present the farm is used for the breeding of Oldenburg horses and pedigree sheep. The appellants have kept and ridden horses for a considerable number of years, and the business has developed from this interest. Currently there are 4 high quality brood mares on the site, one of which has recently had a foal, and others of which are due to give birth in coming months. In addition there are 2 young stallions that have been bred by the appellants that are being trained so they can be sold as "backed" horses. As well as these horses, the appellants have 2 other high quality brood mares and their foals which are being kept at a stud in Devon due to a lack of stable space on the appeal site. It is also proposed to buy another brood mare, in foal, in the summer.
 8. It is clear that the care and management of brood mares and their foals is demanding. At present this work is done virtually entirely by the appellants, and has to be done at either end of the working day, and at weekends. From what I was told at the hearing, the work that is required on a daily basis is the equivalent of at least one full time worker.
 9. Moreover, as foaling generally happens at night, is very difficult to predict, and the foaling period extends from March until September, there is a considerable period of time when care needs to be provided around the clock. Even if the foaling is straight forward, several hours of care is necessary for the new born foal. In addition, it was highlighted that serious illnesses, such as colic, can develop very quickly, and the horses can get "cast" in their stable. In both cases prompt action is required. Whilst modern technology can assist, it is limited in what it can monitor, and it is no substitute for regular observation and checks in person.
 10. I was also told that at other times of the year additional care can be required as the horses can be unsettled and frightened. These include the period around Bonfire Night when fireworks are regularly being let off which includes a display at the nearby public house, at the time of the air show at the nearby airbase, and when the local hunt is in the vicinity.
 11. The care and management of the sheep is generally less time consuming and requires limited "out of hours" care. Lambing generally takes place in a morning, and is for a much shorter period of the year, although the fact that

- the appellants lost 4 lambs born in cold weather last year, indicates that quick human intervention can be needed at times. Regular observation is also beneficial to avoid illnesses such as "fly strike".
12. The fact that, as the business has been developing, the horses have been kept on the site for several years without a permanent presence would seem to indicate that an on-site presence, although desirable, is not essential for animal welfare. However, I was told the appellants' make routine visits to the site late in the evening, and that on many occasions one or other of them has had to be at the site throughout the night, and a small caravan has been put within the barn for this reason. Moreover, as the number of horses on the site increases, the necessity and regularity of such stays on the site would be likely to increase.
 13. Overall, I consider that the given the number of horses, the frequency and length of the foaling season, the value of the horses and the foals, and the risk of sudden illness, there is an essential need for someone to reside either on the site, or in the immediate vicinity.
 14. The appellant has provided a Business Plan for 2014 – 2023. This shows that by 2016 the business would be profitable. The accounting years for the business do not accord directly with the Business Plan years. It was confirmed that for the years ending 31 Aug 2013 and 2014 the business made a loss, and the accounts for the year ending 31 Aug 2015 would also show a loss. The losses incurred to date reflect the upfront costs of buying the mares, and the fact it was decided to delay the sale of the 2 stallions until they were "backed". However, with a number of foals to sell this year, a profit is expected for the year ending this August, and with most of the mares expecting a foal this year, I expect this would continue.
 15. The prices expected for the foals is based on the appellants' experience and thorough knowledge of the sector in which they are working. As their reputation as a breeder develops, the Business Plan anticipates that the price they will be able to achieve for the foals will increase quite significantly. Given that it was confirmed that the majority of their foals to date have been assessed as 'premium' grade Oldenburg foals, I see no reason to consider that this assumption is not realistic. Although it was confirmed that the marketing costs had not been included in the Business Plan, as this would largely utilise the internet and social media, the overall costs would be limited, and the impact on the estimated profit levels would not be significant.
 16. In addition, it was confirmed that there was a developing market for the pedigree sheep, and that the price for such ewe lambs has remain stable in recent times whilst prices for other sheep have fallen. It was also highlighted that there is growing interest from local restaurants in the meat.
 17. The appellants have already made significant investments in the business, and I am satisfied that the business has been planned on a sound and realistic financial basis. Consequently it is likely to be economically viable.
 18. At the hearing it was confirmed that the appellants have recently moved to a property within Limington. At the site visit, I established that this is about a 5 minute walk from the site, and thus provides relatively quick and easy access to it. Whilst the property has views over the fields where their animals graze, views of the proposed stable block would not be possible. Nor would it be

- possible to hear the animals, such as a horse cast in its stable. Nevertheless, combined with the use of modern technology, whilst not ideal, this property could enable the appellants to provide the necessary care for their animals.
19. However, the appellants' home also needs to be able to cater for their son who has a number of severe and complicated medical problems. From the considerable written and verbal evidence presented to me, it is clear that his condition is such that he needs continuous care. This can only be provided in a specialist residential institution, such as the one in Surrey, where he is currently living, or by living with his parents in a specially adapted home. From the evidence presented to me, I am in no doubt that it is in his best interests to have that care provided in his own home, primarily from his parents supported by carers.
 20. Whilst the appellants' new house is more suitable for their son than their previous home, in that it is single storey, it still has significant limitations, many of which are likely to remain, even if certain adaptations were possible. Moreover, his condition is such, that although the house is close to the site, the distance is still too great to enable his care to be combined with the work required on the farm.
 21. Ordinarily, at this stage of a developing business, when a functional need for a dwelling is established, a temporary dwelling would be recommended to ensure sufficient time to ascertain that the business will indeed be viable. However, in the case, a temporary house would not be feasible, or realistic, as it would be unable to provide the specialist facilities needed for the care of the appellant's son his care. As such, a temporary house would prevent them being able to care for their son for several more years, which would not be beneficial to him.
 22. Given the family's requirements, I am satisfied that the essential need for a dwelling I have identified arises from the business, can only be satisfied from the provision of a dwelling on the site. As there are no suitable buildings on the site, the proposed new dwelling is justified.
 23. Of the other criteria set out in Policy HG9 the proposed dwelling would not replace one recently disposed of as a general market dwelling. The proposed dwelling would provide a specifically designed 'wing' for the son. It would therefore be larger than specifically required for the operational needs of the business, but this reflects the specific circumstances of this case. The policy also requires the siting and landscaping of the dwelling to minimise its impact on the local landscape character which I address below.

Character and appearance

24. Limington is a long linear village, located largely either side of the road that passes through it. Whilst there is a distinct settlement core, at either end of the village the built form is more sporadic and interspersed with agricultural land, although at either end of the village there is a terrace of around 6-8 dwellings. The countryside surrounding the village is open in nature and the gently undulating nature allows some extensive panoramic views. Field boundaries, especially along the roadside, are marked by hedges. Beyond the village there are only a limited number of isolated and sporadic farmsteads and dwellings.

25. The appeal site is located on the fringe of the village in a stretch of more open land between the core of the village and Fairview Terrace. This area is more rural in character than the settlement core. The dwelling has been positioned adjacent to the roadside which reflects the general character of dwellings in the village. Apart from two barns belonging to another farm, the other side of the road remains open in nature. Therefore I am satisfied that the more rural and open character of this part of the village would not be significantly affected by the new dwelling.
26. Whilst the low height of the building, together with the roadside hedgerow will limit views from the road, the dwelling will be clearly visible from the public footpath that crosses the appellants' fields to the north. However, from here it will be seen in the context of the adjacent stables and barns, and the core area of the village, that people are either approaching or leaving. As such, the dwelling would not appear as an incongruous or isolated feature. Moreover, the position of the proposed dwelling on the site, particularly in relation to the barn, means that there would be very limited visibility of it from any of the houses within the village.
27. The proposed dwelling would have a contemporary design but would use materials that reflect the locality. Whilst the dwellings in the village are more traditional in design, there are a variety of designs which reflect the way the village has grown and changed over time. In my view the proposed dwelling would reflect the continuing evolution of the village.
28. Therefore, I consider that the proposed dwelling would respect the prevailing character and appearance of the village, and the design of the building, and its position within the site would minimise its impact on the local landscape. Consequently it would not be contrary to Policy EQ2 of the SSLP which requires development to achieve a high quality of design that preserves or enhances the character and appearance of the district.

Other Matters

29. It was agreed by both parties that the Council cannot demonstrate a 5 year housing land supply. It was also noted that the site is within walking distance of the facilities within the village, and within 2 miles of Ilchester which has a wider range of services. Whilst the provision of a new dwelling would be a benefit in this regard, the contribution to housing delivery would be minimal.

Conclusion and Conditions

30. To conclude; I am persuaded that there is an essential need for the proposed dwelling to support the operation of the equestrian business at the appeal site, and that due to the appellants particular requirements it is essential that it is provided on the site. Consequently there would be no conflict with the Framework or with Policies HG9 and SD1 of the SSLP, the latter of which requires that development reflects the sustainable development principles set out in the Framework.
31. For the reasons set out above, I therefore, conclude that the appeal should be allowed.
32. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. As the dwelling is permitted on the basis that it is needed as a rural workers dwelling,

I have attached a condition restricting the occupancy of the building. In the interests of the character and appearance of the area a condition is required to control the external appearance of the building, and the landscaping of the site. For the same reason, and in order to ensure the purity of the design is maintained, I have restricted a number of permitted development rights. Due to the proximity of the site to RNAS Yeovilton, a condition is necessary to ensure the dwelling has adequate acoustic insulation.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Janet Montgomery MRTPI Brimble Lea
MRICS
David Vincent
Jacqueline Vincent

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Collins BA (Hons) BTP Planning Officer
MRTPI
Robert Archer Dip LA CMLI Landscape Architect

DOCUMENTS SUBMITTED AT THE HEARING

1. Site Location Plan dated 13 January 2015 submitted by the Local Planning Authority
2. Planning Statement and Design and Access Statement dated December 2014 submitted by the appellants.
3. Appeal Decision for Clover Farm, Webbington Road, Compton Bishop, Axbridge, Somerset BS26 2HW – reference APP/V3310/A/11/2160672 submitted by the appellants.

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan dated 13 January 2015; Proposed Ground Floor Plan – Drawing No 3211/101 Rev E; Proposed Ground Floor Plan – Drawing No 3211/101 Rev D; Proposed First Floor Plan – Drawing No 3211/102 Rev D; Proposed Roof Plan – Drawing No 3211/103; Proposed South and East Elevations – Drawing No 3211/201; Proposed North and West Elevations – Drawing No 3211/202; Sections – Drawing No 3211/202; and Floor Plan and Elevations for Stable Block – Drawing No 3211/202.
- 3) The first occupiers of the dwelling hereby permitted shall be limited to a person solely, or mainly, working, in the equestrian business at Monarchs Way Farm, Ashington Lane, Limington and to any resident dependants. Thereafter, the occupation of the dwelling hereby permitted shall be limited to a person solely, or mainly, working, or last working, in the locality in agriculture or forestry, or a surviving partner of such a person, and to any resident dependants.
- 4) No development shall take place until the following have been submitted to, and approved in writing by, the local planning authority.
 - i) Details of the materials, including the provision of samples where appropriate, to be used in the construction of the external surfaces of the buildings hereby permitted.
 - ii) A sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the external walls of the dwelling.
 - iii) Details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows and doors of the dwelling; and
 - iv) Details of the rainwater goods, eaves and fascias of the dwelling.Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details of the hard and soft landscaping of the site, including details of the species, siting and numbers to be planted, have been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented in the first planting season following completion of the development, or following first occupation/use, whichever is the earliest. The approved scheme shall be maintained thereafter for a period of not less than 5 years beginning with the date of completion of the scheme. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by one of the same size and species, unless the local planning authority gives written approval to any variation.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby permitted shall not be enlarged or altered under the provisions of Schedule 2, Part 1, Class A to G inclusive of that Order.
- 7) No development shall take place until details of the acoustic insulation for the dwelling hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.