



## Appeal Decisions

Hearing Held on 17 July 2018

Site visit made on 17 July 2018

**by H Porter BA(Hons) MScDip IHBC**

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

**Decision date: 16 August 2018**

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### **Appeal A Ref: APP/R3325/W/18/3193263**

**Larncia Livery, Stonage Lane, Haselbury Plucknett, Crewkerne, Somerset TA18 7PE**

- 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 C Rowson against the decision of South Somerset District Council.
  - The application Ref 16/04907/FUL, dated 3 November 2016, was refused by notice dated 13 July 2017.
  - The development proposed is stationing a mobile home for occupation by an equestrian worker.
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### **Appeal B Ref: APP/R3325/W/18/3193270**

**Larncia Livery, Stonage Lane, Haselbury Plucknett, Crewkerne, Somerset TA18 7PE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 C Rowson against the decision of South Somerset District Council.
  - The application Ref 16/05220/S73, dated 18 November 2016, was refused by notice dated 13 July 2017.
  - The application sought planning permission to reposition approved manege without complying with a condition attached to planning permission Ref 11/03462/S73, dated 3 November 2011.
  - The condition in dispute is No 4 which states that: The land and buildings hereby permitted shall be used only for the keeping of horses for private purposes and shall not be used for any commercial activity.
  - The reason given for the condition is: To safeguard the amenities and character of the area in accordance with policies 5 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies of ST5, ST6 and EC3 of the South Somerset Local Plan 2006.
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### **Decisions**

1. Appeal A is dismissed. Appeal B is dismissed.

### **Procedural Matters**

2. During the course of the appeal, the Revised National Planning Policy Framework (the Framework) was published on 24 July 2018. Both main parties

were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

3. A revised signed and dated planning obligation that seeks to limit commercial use of some stables on a full-livery basis was submitted at the Hearing. A previous signed copy had been considered and commented on by the Council's legal department. The revised obligation incorporated some, but not all, of the suggested amendments made. Given that the revised document was not a substantial departure from that previously shared with the Council, I do not consider any party would be prejudiced by taking it into consideration.

### **Background and Main Issues**

4. Under Appeal A, the appellant seeks permission for a mobile home to accommodate a full-time equestrian worker. Under Appeal B, the appellant seeks new planning permission without complying with a condition that restricts the use of the land and buildings for private equestrian purposes. The reason for imposing the disputed condition relates to safeguarding the amenities and character of the area. However, the proposals relate to what would be a change of use of land for the siting of a mobile home and for running an equestrian enterprise on a commercial basis, which the Council refused partly on highway safety grounds. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter. The main issues are:
  - Whether the use of the land for siting the mobile home is justified by the needs of the proposed equestrian enterprise at the site, having regard to policies that seek to restrict development in the countryside;
  - The effect of the commercial enterprise, and removal of the disputed condition, on highway safety.

### **Reasons**

5. The appeal site is accessed off Stonage Lane and comprises an L-shaped portion of land that includes grazing, stables, yard, sand school, ancillary barns and turning out-areas. Between the stables and paddocks, an unoccupied static caravan is in situ. Situated in rural surroundings on the outskirts of the village of Haselbury Plucknett, and beyond a settlement development boundary, the appeal site is within the open countryside where new development is restricted by planning policy.
6. Paragraph 79 of the Framework seeks to avoid the development of isolated homes in the countryside unless, amongst other things, there is an essential need for a rural worker to live permanently at or near their place of work. Policy HG9 of the South Somerset Local Plan, 2015 (LP) sets out various criteria that would demonstrate essential need; including whether there would be a clearly established existing functional need, and whether the enterprise would be economically viable.
7. The appellant purchased the appeal site in 2016, and has subsequently invested in expanding and improving the facilities, with the intention of growing a commercial equestrian enterprise. At present, nine horses are kept on the site: five owned privately, which are stabled on a non-commercial DIY livery basis, and four owned by the appellant. The intended enterprise would include a full-time livery for up to five horses, with additional income deriving in part from covering mares, foaling brood mares, and schooling horses for competition.

8. Taking into account the number of horses being cared for, some of which would be of high value or particularly vulnerable through being in foal, I accept that the enterprise would necessitate an equestrian worker residing full-time on site. I am also satisfied no alternative accommodation would be available in the vicinity, and that a mobile home would be in reasonable proximity and earshot of the stables and grazing land in case of emergencies. Even though the projected business figures do not include some expected expenditure, such as additional labour costs, utilities and site maintenance, the evidence shows that there would be a reasonable prospect of a successful enterprise operating profitably, providing that sufficient land was available to support it.
9. The appellant owns a portion of flat grazing land of approximately 3.5 acres that has subdivided into paddocks. For the number of horses kept at the appeal site, the animal to land ratio is higher than average guidance. However, the appellant's land is currently supplemented by adjoining grazing land of roughly the same amount, which belongs to neighbouring landowners. At the time of my site visit, mid-way through a dry summer, the quality of the grazing appeared to be good, and the combined total of grazing land for the number of horses sufficient.
10. That said, in order to maintain quality grazing year-round, it is evident that the paddocks are rested and rotated, which relies upon the neighbouring land continuing to be available. Furthermore, the difference in the soil type and drainage between the appellant's and neighbours' land emphasises that the aggregated land would be critical to ensuring adequate quality grazing year on year. However, the neighbouring land is not secured.
11. Although horses would be given hay and feed, and turned out for just part of the day or night, I do not consider that the land demonstrably within the appellant's control would be sufficient for the existing number of horses on site, let alone ensure a viable, sustainable enterprise, growing as forecast. I have taken account of the strong support and endorsement given from the neighbouring landowners, and assurances that the land would continue to be available to the appellant. However, without anything formal in writing, such as a rental agreement or lease contract, the existing situation is based on personal trust and verbal assurances.
12. I note too that other land has been offered for rent, which could offer a degree of flexibility for keeping the appellant's own horses. However, as this land would not be so close to the appeal site and has not been contractually secured, its availability cannot be usefully relied upon. In the absence of anything substantive to more robustly secure terms upon which the neighbouring land is available, there is insufficient evidence before me to convincingly show that the future of the enterprise could be secured.
13. I conclude that, although there would be a functional need for an equestrian worker to live on site, it has not been sufficiently demonstrated that the enterprise would be viable. Consequently, there would be conflict with policy HG9 of the LP paragraph 79 of the Framework and planning permission for even a temporary period has not been sufficiently justified.

*Highway safety*

14. Stonage Lane is a narrow country lane that terminates at the junction with the A3066, a relatively busy route with a 30mph speed restriction. I was able to observe during my site visit that visibility is severely restricted, notably exiting

from Stonage Lane and looking to the left. Indeed, I found visibility at this junction so poor, it required nudging well forward into the highway to see oncoming traffic. Owing to the straight nature of the A3066, I observed cars travelling in what appeared to be excess of the 30mph limit. With this in mind, there would be a propensity for vehicles pulling out of Stonage Lane into the path of oncoming vehicles. This, in my judgement, poses a serious risk in terms of highway safety.

15. The appellant attests that the proposed commercial use of the appeal site would substantially reduce the number of daily vehicular journeys compared with the extant private use. However, the traffic movement projections are vague and generalised, unsubstantiated by a movement survey, which casts doubt over whether the forecasts are realistic. Furthermore, it was suggested at the Hearing that the appellant and existing livery users access the appeal site via the village, rather than using the A3066 junction. On the other hand, the commercial use would involve journeys by a broader range of visitors and clients, who would be less accustomed to the local road network. I note the suggestion that the appellant could suggest alternative directions to the appeal site, through the village. However, this does not rule out intensification of vehicular movements at an already dangerous road junction.
16. A strand of the proposed enterprise relates to horses that are not stabled permanently on site, being brought on a temporary basis, for covering, to foal, or to be schooled. These animals would be likely to be visited, but also transported to and from the appeal site in boxes or large trailers. With some mares being kept for just two to three weeks, the potential turnover would be relatively high. To my mind, for an enterprise of the nature envisaged, the number of animals arriving and leaving the site in trailers, combined with the customers visiting in intervening periods, has not been realistically calculated.
17. I have considered whether the use of a planning obligation or conditions could make the development acceptable in planning terms. However, I do not consider that full livery use would secure any meaningful reduction in vehicular journeys to the site. Even if this obligation could ensure some of the privately-owned horses were stabled on a full-livery basis, there is still nothing to prevent an owner from riding or visiting more frequently than once or twice a week. More fundamentally, such an obligation would have no impact on limiting the number of trips associated with the non-livery aspects of the enterprise.
18. I consider it would be counter-intuitive and unreasonable to impose limitations or restrictions on customer visits that would be potentially detrimental to the business operation. I appreciate that a degree of traffic movement would already be generated by the existing private use and the DIY liveries and the appellant living elsewhere. I also note that the appellant intends to undertake a number of horse movements himself, however, this cannot be controlled. Moreover, the commercial use would run with the land and there would be no mechanism to control significant intensification at the substandard A3066 junction.
19. For these reasons, I consider it reasonable and necessary to retain the disputed condition. Notwithstanding the reason for imposing the condition related to amenities and character and appearance, its removal would facilitate a commercial use and this would result in an unacceptable impact on highway safety. This would run counter to the highway safety aims within Policy TA5 and EQ8 of the LP and paragraphs 108 and 109 of the Framework, insofar as

these seek to achieve safe and suitable access to a site for all users and prevent development on highways grounds if there would be an unacceptable impact on highway safety.

### **Other matters**

20. I have considered comments from the Parish Council in relation to the impact on the character and appearance. The mobile home is unobtrusively located within the appeal site and the Council confirmed at the hearing that it did not oppose it on visual grounds, subject to a landscaping condition. In any event, in view of my finding on the main issues, this matter has not proved decisive in this case.

### **Conclusion**

21. I realise that my decisions will come as a disappointment to the appellant, the commitment and expertise of whom is not in doubt. However, in the light of national and local policies that seek to protect the countryside and highway safety in the wider public interest, for the reasons given, I conclude that the appeals should be dismissed.

*H Porter*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Chad Rowson	Appellant
Paul Dance	Planning Agent

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mike Hicks	Planning Officer, South Somerset District Council
Peter Williams	Reading Agricultural

### **INTERESTED PERSONS:**

Laura Scott	Neighbouring land owner
Ruth Haskell	Livery user
Hugo Boylan	Neighbour

### **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Letter of support from Isle Valley Vets Ltd
- 2 Unilateral Undertaking dated 17 July 2018
- 3 Traffic movements statement
- 4 Farleigh Meadows Appeals site context and access plans