

**Planning Committee:** 09 December 2003  
**Application No:** W20031213

**Principal Item Number:** 2

**Town/Parish Council:** Budbrooke

**Registration Date:** 25/07/2003  
**Expiry Date:** 19/09/2003

**Case Officer:** Steven Wallsgrove  
01926 456527 planning\_west@warwickdc.gov.uk

**MONTGOMERY EQUESTRIAN, OLD BUDBROOKE ROAD, BUDBROOKE.**  
Erection of a dwelling.  
**FOR MR AND MRS RUYSSSEVELT**

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This application was deferred at the meeting on 11th November 2003 to negotiate a reduced size for the dwelling after favourable consideration in principle was given to it. Amended plans have now been received and these are discussed in the 'assessment' section below. The remainder of the report has not been altered.

**SUMMARY OF REPRESENTATIONS**

**Budbrooke Parish Council:** "There is no justification for this building to be developed in green belt land. However, should Warwick District Council be minded to grant permission then we would like to have the following conditions applied:-

1. that permission be tied personally to the applicant and for its use as a residence for the equestrian centre.
2. that permitted development rights be removed."

**Neighbours:** One neighbour objects on grounds of lack of need, availability of houses in close proximity, improvements in technology making a dwelling on the site less necessary, and extending the built footprint due to its siting.

**County Council (Ecology):** Advise that any trees or hedges should be retained.

**CPRE (Warwickshire):** Object for the following reasons:-

1. This site is in the Green Belt and Special Landscape Area. Development should only be permitted in "very special" circumstances. We are not aware of the special circumstances which justify this proposal. If it is to be argued that it is necessary to have people living on the site then we would say that there are a number of dwellings opposite the site which would be suitable.
2. A dwelling on this side of the road would be an inappropriate incursion into undeveloped Green Belt land and would change the character of the area.
3. We believe that the Council should preserve the Green Belt in this location to prevent further development on this side of the road in the future.

**Environmental Health:** Have no objection in principle.

**Councillor Butler:** Requested that this proposal be reported to the Planning Committee.

**RELEVANT POLICIES**

RA.1 - Development in Rural Areas  
GD.1 - Overriding purpose  
GD.4 - Strategic Constraints  
GD.6 - Green Belt  
ENV1 - Definition of Green Belt  
ENV3 - Development Principles  
C1 - Conservation of Landscape  
H9 - Open Countryside  
PPG2 - Green Belts  
PPG7 - The Countryside

## **PLANNING HISTORY**

The site has been the subject of a number of applications since 1974 with planning permission being granted for the present mobile home, stables and dressage area in 2000.

## **KEY ISSUES**

### **The Site and its Location**

This site lies on the west side of the road, directly opposite Damson Road, Hampton Magna and presently consists of a 12 acre site including grass pastures, a dressage area, a recently built stable block, and a caravan/mobile home.

### **Details of the Development**

The proposal is to erect a 216m<sup>2</sup> house (without a garage) to replace the mobile home. This dwelling would have a large lounge (7.2m x 4.3m), a large dining/kitchen (4.2m x 6.7m), an office, utility, W.C., hall and veranda, with 3 bedrooms and a family bathroom above. The main bedroom (with en-suite shower room and a closet) would measure some 7.2m x 4.2m, bedroom two would be 2.95 x 4.125 m., the staff bedroom would be 5.3m x 3.7m, while the bathroom would be 2.2m x 4.7m.

### **Assessment**

The principal issues in this case are the need for a permanent dwelling, and the size of that dwelling.

Since the site lies in the Green Belt, there is a general presumption against inappropriate development (such as dwellings) and such development should not be approved, except in very special circumstances. PPG2 goes on to explain that inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to show there are "very special circumstances" to justify such development.

The policies in both the Structure Plan and the Local Plan generally support this situation and the main problem, then, is the interpretation and application of these policies and PPG's. Some guidance on this can be obtained from the roughly parallel situation of farm dwellings, for which there is guidance in PPG7, and from appeal decisions.

In the present case, at the time of the original application for a mobile home in 2000, the County Councils Rural Estates Services Manager (who is consulted by this Council for expert advice on this type of case) advised that he considered there was no justification for a mobile home here, given the scale of the business, its attendant welfare needs, and the close proximity of dwellings in Hampton Magna.

Members disagreed with the recommendation to refuse planning permission and gave consent for the mobile home for 3 years. The advice from our adviser on the present application acknowledges this decision and accepts that there is now an essential need for a dwelling but considers that the proposal is over large for the functional needs of the business and its financial profitability.

In this context, it should be noted that the Council's policy in relation to farm dwellings, where a case has been accepted that a dwelling is needed on the holding rather than in a nearby village, is to limit the size to a maximum of 140m<sup>2</sup>, including garaging. The present proposal is for a dwelling significantly larger than this, at 216m<sup>2</sup>, which does not include any garaging. I consider, therefore, that the application should be refused on these grounds alone, even if a permanent dwelling is considered to be justified on a small site such as this, since there is no very special justification for a dwelling of this size.

The agents, in their covering letter, also refer to their clients previous establishment, at Cubbington, where they state "permission was granted for a similarly sized house to the one now proposed." The dwelling on this site (Waverley Riding School) was, in fact, the subject of negotiation and was reduced down to some 143m<sup>2</sup> for the principal residential accommodation with some additional 20m<sup>2</sup> for the 'business' side, including the office, boots and utility rooms, before consent was granted in 1994. In terms of design, the property was a dormer bungalow (unlike the presently proposed full, two-storey, house) and had 3 bedrooms in the roof space and a fourth on the ground floor. I consider, therefore, that this is not comparable in terms of size or design and cannot be used as a precedent since each application has to be considered on its merits. In addition, this was determined nearly 10 years ago, before the present Local Plan was adopted and before the much tighter regime for dwellings in the countryside evolved.

Another factor which also needs to be taken into consideration is the long term need for a dwelling on specialist units such as this. Equestrian enterprises often take place on smaller areas of land compared to farm holdings and, in many cases can change at a future date relatively easily to other, less intensive forms of activity which may not of themselves then require a workers dwelling. I am of the opinion, therefore, that while a mobile home may be acceptable due to the specialised needs of a unit, this does not mean that it should necessarily be replaced by a permanent dwelling on the holding itself.

Some support for this position is contained in a recent appeal decision, which was not available when the County Estates Services Manager prepared his report. This was for a permanent dwelling to replace a mobile home at Lapworth Arabian Stud in Shrewley. In this case the Inspectorate have now dismissed the appeal as the appellants had a house some 160m away while he commented that the need for 24 hour supervision was only spasmodic with the supervision of foaling providing the strongest case for such supervision. He considered, therefore, that there was "no sound functional reason to justify the erection of a permanent dwelling immediately adjacent to the complex." He also commented that protection of livestock from theft or injury was not, by itself, sufficient reason to justify permission.

The Inspector also commented on the mobile home, which had been on site (in one form or another) since 1990 and said:-

"I acknowledge that central government guidance in Annex I of PPG 7 is to the effect that the granting of such successive consents is unsatisfactory and that temporary permissions should not be granted for locations considered unsuitable for a permanent dwelling. However, I do not agree that this situation supports the appeal proposal. On the contrary, I take the view that the continued existence of temporary accommodation on the site needs to be re-assessed."

I consider that this appeal decision, which is a material consideration in determining this application, gives support to a strict stance on assessing the long term need for a permanent dwelling on equestrian units such as the one subject of this application, particularly where the holding is so close to a settlement where dwellings become available. This general policy stance is reflected in proposed changes to policy included in the Review of the Local Plan.

This Review has been considered by the Executive and is expected to be put before the next meeting of Full Council so is not, as yet, Council policy.

I am of the opinion, therefore, that there is no very special justification for a permanent dwelling on this equestrian unit.

#### Amended Plans

The amended plans show a floor area of some 174m<sup>2</sup> (including an office of 7.5m<sup>2</sup>), which is a reduction of only some 42m<sup>2</sup> from that originally submitted and is still significantly in excess of the maximum normally permitted for a farm dwelling. That maximum, as explained earlier in this assessment, includes garaging, none being included in the present proposal. I am still of the opinion that there is no very special justification for a permanent dwelling on this site.

#### **RECOMMENDATION**

That planning permission be REFUSED due to the lack of need for, and excessive size of, the permanent dwelling.