



Appeal Decision

Hearing held on 1 May 2024

Site visit made on 1 May 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal Ref: APP/C3430/W/23/3325856

Coppice Farm, Cannock Road, Bednall, Staffordshire ST19 5RP

- 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 Lucy Buxton against the decision of South Staffordshire Council.
 - The application Ref is 22/01074/FUL.
 - The development proposed is the erection of a permanent rural workers dwelling (related to equestrian business) and associated works for the creation of parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. Since the Council determined the application, a new version of the National Planning Policy Framework (the Framework) came into effect. However, the Framework's policy content insofar as it relates to the main issues has not been significantly changed. In the agreed Statement of Common Ground, the main parties have provided confirmation of the relevant Section and paragraphs relevant in this case. I am therefore satisfied no party would be prejudiced by determining the appeal accordingly.
3. Additionally, the Council commenced its consultation of the Local Plan Review Publication Plan, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. During the Hearing, the main parties agreed that as the review is at an early stage neither party will be relying on the emerging policies therein. I therefore give it no weight in my decision.
4. The appeal site is located within the catchment area of the Cannock Chase Special Area of Conservation (SAC). Although not an issue raised by the Council on the decision notice, it is incumbent upon me as the competent authority to consider whether the development would be likely to have a significant effect on the integrity of the Cannock Chase SAC. Comments were sought from the main parties before and during the Hearing, and I have taken them into account in my reasoning. As a result, neither party would be prejudiced by this matter being dealt with as a main issue.
5. Whilst not shown on the plans originally submitted with the planning application and appeal, following the Hearing a revised plan¹ showing the

¹ Plan ref: 3640-1 rev A

additional window was submitted by the appellant. Due to the minor scale of the alteration, the proposed dwelling's neutral effect on the character and appearance of the area, and the distance to the nearest dwelling, the Council confirmed the submission of the revised plan would not trigger the need to seek further representations. As such, I do not consider any party would be prejudiced by accepting this revised plan and determining the appeal accordingly.

6. The parties agreed at the Hearing that the site is located within the West Midlands Green Belt and therefore subject to policies seeking to prevent urban sprawl by keeping land permanently open. It is also agreed that as the proposed development comprises the construction of a new building which does not relate to any of the exceptions set out in the Framework, it is regarded as inappropriate development in the Green Belt. Policy GB1 of the Core Strategy Development Plan Document (the Core Strategy) is broadly consistent with Section 13 of the Framework in this respect.
7. Consequently, the main issues are:
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the integrity of the Cannock Chase SAC; and
 - whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness

8. The Framework states that openness is an essential characteristic of the Green Belt and has a spatial, as well as visual, aspect. The appeal site comprises a small paddock located adjacent to the commercial units and is currently used for grazing horses. As the proposed development would introduce built form onto a site where there is currently none, except for a field shelter, there is no dispute between the main parties that it would result in a spatial loss of openness. I agree that this would be the case. However, given the size of the appeal site and the scale of the proposed dwelling, this loss would be limited.
9. The main parties do not dispute there would be some visual loss to the openness of the Green Belt. However, the level of harm the proposed development would cause in this respect is not agreed upon. Given the siting of the commercial units, indoor school building, existing landscape features and the built-form complex at Buxton's Limited, the appeal site is screened from view from the A34 Cannock Road. When viewed from other public vantage points, including the Teddesley Way bridleway, the existing buildings and associated commercial and agricultural paraphernalia provide a backdrop to the site. Furthermore, several stable blocks and barns for the equestrian business are sited in the foreground screen of this view. Consequently, the proposed development would be experienced as part of the existing built form and would not be discernible in long-distance views from public vantage points. As a result, I conclude that whilst there would be a visual loss to the openness of the Green Belt, it would be extremely limited.

10. Whilst visual perception may reduce the spatial harm to the openness of the Green Belt, as per the Goodman Case², I have found that the proposed development would, in both spatial and visual terms, cause some harm to the openness of the Green Belt. Even though the visual harm is extremely limited, this does not lead me to conclude that it would offset or reduce the spatial harm identified. Consequently, I conclude that the proposed dwelling would harm the openness of the Green Belt and would conflict with Section 13 of the Framework in this regard.

The Integrity of the Cannock Chase SAC

11. Cannock Chase SAC is a European Designated Site which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). The special interest of the Cannock Chase SAC relates to its extensive area of lowland heathland which supports two types of heaths designated as qualifying habitats under Annex 1 of the European Habitats Directive³. The conservation objectives for the Cannock Chase SAC seek to ensure its integrity by maintaining or restoring the extent, distribution, structure and function of the qualifying natural habitats, and through supporting processes upon which the habitats rely. One of the pressures on the achievement of these objectives relates to the increase in people visiting the area for recreational purposes, causing the erosion and disturbance of the habitats.
12. As the proposed development would involve an increase of one dwelling within the catchment area of the Cannock Chase SAC, when considered alongside or in combination with other plans or projects, it would be likely to have a significant adverse effect on its integrity. Therefore, it is necessary for me, as the competent authority, to conduct an Appropriate Assessment concerning the effect of the proposed development on the integrity of this designated site, with respect to recreational activity.
13. Following the Hearing, the appellant submitted a signed Unilateral Undertaking (UU), dated 8 May 2024. This obligates the appellant to pay an agreed sum to the Council before the commencement of the development. The Council are then obligated to use this contribution towards measures to mitigate the adverse impact of recreational activities on the integrity of the Cannock Chase SAC.
14. Policy EQ1 of the Core Strategy restricts development that could have an adverse effect on the integrity of a European site unless it can be demonstrated that the legislative provisions to protect such a site can be fully met. This policy is supported by several guidance documents⁴ setting out the management of the Cannock Chase SAC, appropriate mitigation measures and a partnership agreement between the Councils within which the SAC is located. In combination, these outline the requirement for development contributions to be paid based on the number of dwellings proposed and the mitigation measures to be implemented.
15. I am therefore satisfied that the provisions are necessary to make the appeal scheme acceptable in planning terms, are directly related to the development

² *Goodman Logistics Development (UK) Limited v SSCLG and Slough Borough Council* [2017] EWHC 947

³ Council Directive 92/43/EEC, dated 21 May 1992

⁴ South Staffordshire District Council Cannock Chase SAC Guidance; SAC Partnership Memorandum of Understanding; FAQ document Cannock Chase SAC updated Guidance v1.2

and are fairly and reasonably related in scale and kind to it. As a result, the planning obligation meets the relevant tests set out in the Framework.

16. I conclude that subject to mitigation, the proposed development would not harm the integrity of the Cannock Chase SAC, with particular regard to recreational activity. Whilst not referred to on the decision notice, the development accords with Policy EQ1 of the Core Strategy, insofar as it relates to the protection and enhancement of a SAC.

Other Considerations

17. The proposed development would be inappropriate development in the Green Belt which is, by definition, harmful. It would also harm the spatial and visual aspects of the openness of the Green Belt. The Framework indicates that substantial weight should be given to any harm to the Green Belt, regardless of the level of harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. I acknowledge that this does not mean very special circumstances are rare or uncommon.

Need for an additional worker to live on-site

18. The evidence presented by the appellant during the Hearing indicated that the appeal site forms part of a wider landholding totalling approximately 175 acres of which 90 acres are used for the equestrian business for grazing horses. The remaining land is used for growing crops and grazing sheep.
19. The appellant's family has had a long-standing presence in the area. Although originally a dairy farm, the appellant has diversified the enterprise through the conversion of agricultural buildings to commercial units whilst building up the equestrian business over several decades as the dairy farming commitment reduced. The equestrian business now provides varying levels of livery for more than 80 horses with around 50 stables, various barns and stores, an indoor school and other associated facilities.
20. Although not specifically defined in Policy EV8 of the Core Strategy, the Council acknowledged that, for the purposes of this policy, equestrian development falls under what is described as other related development. Policy EV8 supports development that is consistent with national policy and other local planning policies, including through the construction of g) temporary and permanent agricultural and occupational worker's dwellings, subject to specific criteria. These relate to demonstrating an established functional need for a full-time worker which cannot be met by an existing dwelling on site or in the area, the business being financially sound and meeting all other normal planning requirements.
21. Given its scale, the appellant has indicated that equestrian business requires the equivalent of three full-time workers. This position is not disputed by the Council and based on the evidence before me, I have little substantive evidence to conclude otherwise. Regardless, the number of working hours required to operate the business does not imply a need to live on-site. The appellant and the appellant's son currently work full-time for the equestrian business with additional part-time workers employed. The appellant's daughter undertakes some of the work in the business although she teaches and schools horses on a self-employed basis. Although it is asserted that the appellant and

the appellant's son juggle the 24-hour care availability, this does not support the need for an additional worker is necessary on-site. Moreover, the evidence before me indicates that most of the work is undertaken during the workday day.

22. The appellant and appellant's son currently live in Coppice Farmhouse (the farmhouse), located a short distance from the appeal site, along with the appellant's partner who is employed elsewhere. The appellant's daughter occasionally stays at the farmhouse however this is due to personal circumstances, rather than the needs of the business. The position of the farmhouse within the landholding ensures a rural worker is within sight and sound of the horses, as deemed necessary in the Begbeer Farm appeal⁵.
23. Due to an ongoing health condition, the appellant is having to step away from manual work to focus more on the management and administration side of the business as she is at greater risk of breaking a bone should she fall. Whilst it is contended that this increases the demand for a further worker on site, I note that since the appeal was submitted, the evidence before me indicates that the number of full-time equivalent workers has reduced from four to three. This does not, therefore, support the aforementioned contention.
24. Discussions during the Hearing revealed the types of emergencies which the appellant considers require rapid attention outside normal working hours (between final checks at approximately 22:00 and before 07:00 when other employees arrive) relating to animal welfare. In the absence of an accurate log of all emergency events, the appellant confirmed that since 2023 there have been five or six instances with horses on the farm which required rapid attention. The appellant was able to confirm with certainty that just two of these occurred outside normal working hours.
25. Given its life-threatening status, colic is a condition horses can develop which is of particular concern to the appellant. If a horse is unable to get up on its own, colic can cause a horse's gut to twist which can be fatal. In this instance, two people may be needed to attend to the horse and surgery is required within a couple of hours at a veterinary hospital, the nearest being in Liverpool. I also heard from the appellant that when horses show early signs of colic, where necessary, actions can be taken to prevent the horse from rolling or lying down. This could include closely monitoring the horse via overnight care in the stables or using CCTV cameras installed in some of the stables. The latter could be undertaken from an offsite location. In any event, colic symptoms could occur at any time of day. Therefore, this condition does not suggest a need for a rural worker to live on-site permanently.
26. Other events which may require a prompt medical response include foaling and injuries resulting from horses being spooked. However, these events could also occur at any time. Evidence provided by one of the vets⁶ used by some of the owners of horses in livery with the business indicated over 40 visits were made during a 12-month period. Of these, two required emergency attention and at least one resulted in an out-of-hours call-out. Even if the other vets used by the owners of horses on-site mentioned by the appellant have visited a similar number of times this would not amount to a significant number of visits out of hours. Therefore, based on the evidence before me, it has not been

⁵ Appeal Ref: APP/Q1153/W/19/3232939

⁶ Letter from Ed Shackel of E.C. Straiton & Partners, dated 21 June 2023

demonstrated that the frequency or severity of these events makes it necessary for an additional worker to live permanently on-site.

27. The noise from poachers hunting deer in the neighbouring Teddesley Park can scare the horses and cause them to panic and injure themselves. I was told that poaching usually occurs on a Friday or Saturday night. However, no substantive information has been presented to confirm how frequently horses are spooked by the poachers leading to the need for a rural worker to attend to them. Regardless, even without the proposed development, there would be one worker living on the site.
28. The appellant explained that the potential for vehicles leaving the busy A34 Cannock Road which adjoins part of the farm's boundary, particularly during icy conditions, poses a risk to the horses on the farm if fences are damaged or the crash noise spooks them. Although the appellant recalled that a lorry came off the road late at night, resulting in fence damage, this was a few years ago, indicating that this is not a frequent occurrence. Whilst my attention has been drawn to the Crash Map Data which shows nearly 150 incidents of varying severity, this data covers 23 years and includes locations away from the farm's boundaries. Additionally, the number of events out of hours that resulted in a risk to horses on the farm is unknown. In any event, it has not been demonstrated how living off-site in the surrounding area would result in a significantly different outcome than if a further worker lived on the farm.
29. Although reference is made in the appellant's statement of case to security concerns, particularly given the expensive equipment left on the farm, I have no substantive evidence before me confirming the frequency of any thefts or attempted thefts. As CCTV cameras are installed covering the buildings and tracks, and some of the stables, these offer some deterrent to potential offenders. Therefore, the appellant's security concerns do not justify the appeal scheme and given there is already a dwelling on the farm I see no reason to conclude that the proposed development makes the farm.
30. I have considered all the evidence I have read and heard, including the letters of support from existing customers of the business and the National Farmers Union⁷. However, it has not been demonstrated that the frequency of emergencies requiring rapid, if not immediate, attention is sufficient to warrant two workers living on-site permanently, even if this is the case at present. Furthermore, I am not persuaded that, in the event of an emergency outside normal working hours, assistance from another worker living offsite could not be provided within an acceptable commute time, including from locations within which the main parties agreed properties were available to rent or buy.
31. I conclude that the proposed dwelling is not justified and therefore conflicts with Policy EV8 of the Core Strategy which, amongst other provisions, supports proposals for agricultural and occupational worker's dwellings provided certain circumstances are met.

Further considerations

32. Schedule 1, Part 1 of the Equality Act 2010 includes the provision that the long-term effects of a health condition can be an impairment that is a relevant protected characteristic. This could include the long-term effects resulting from

⁷ Letter from Georgie Hyde, Environment & Land Use Advisor West Midlands, dated 12 June 2023

- the appellant's ongoing health condition. Therefore, within my decision, I have taken into account that, for the purposes of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010 (the PSED), a protected characteristic applies in this case.
33. The PSED requires due regard to be had to its three aims: eliminating discrimination, harassment, and victimisation; advancing equality of opportunity, involving having due regard, in particular, to considerations including the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that is connected to that characteristic; and fostering good relations between persons who share a relevant protected characteristic and persons who do not share it by tackling prejudice and promoting understanding.
34. I do sympathise with the appellant's situation and her health condition. However, at present, it does not prevent the appellant from working full-time in the business, despite the reduction in physical work. I also acknowledge that it would be unreasonable to require the appellant to move out of the farmhouse, as concluded in the Coulbeck Farm appeal⁸. Even if I were to agree with the appellant that the farmhouse could not be modified or enlarged to provide accommodation for a rural worker or that it would be unrealistic to expect an employee to live in the farmhouse with their employer, these are not reasons which support the need for the proposed dwelling.
35. The proposed occupancy of the dwelling would be for a rural worker. However, given his role in the business, the appellant's son would occupy it. The ability to live independently from the appellant would provide benefits to him and his right to respect for his private and family life, as set out in Article 8, Schedule 1 of the Human Rights Act 1998 (the HRA). However, the Planning Policy Guidance (the PPG) states that planning permission usually runs with the land, and it is rarely appropriate to provide otherwise⁹.
36. Whilst I understand Mr Buxton-Hopley's desire to live independently this does not alter my conclusion regarding the need for two rural workers to live on site. I do not consider that this situation represents an exceptional circumstance required by the PPG to determine the appeal because of who would benefit from the permission. Furthermore, it would not cause an interference with the right of the appellant's son under Article 8 of the HRA as the proposed dwelling is not the only option to achieve this, even if it would be preferable or more convenient. As indicated by the searches for available property to buy or rent within what the appellant considers to be a reasonable commute time in normal circumstances (8-10 minutes), this could include living in Huntington, Penkridge or parts of Cannock. I therefore attach limited weight to the personal circumstances of the appellant's son.
37. The proposed development would provide some economic benefits to the business. As I have not found an essential or functional need for an additional work to live on-site, these benefits attract moderate weight in my decision. The appeal scheme would also support the economy of the local area through a rural business, including the resultant benefits to other businesses close by. However, I see no reason to conclude that my decision would restrict the continued operation of the equestrian business. Any benefits during the

⁸ Appeal ref: APP/Y2003/W/18/3216854

⁹ Paragraph: 015 Reference ID: 21a-015-20140306

construction of the dwelling, such as local employment, would be short-lived and I attach limited weight to them in my decision.

38. My attention has been drawn to the planning application for a single detached dwelling associated with the equestrian enterprise at the nearby Cannock Chase Trekking Centre (the trekking centre), also located within the Green Belt, which was approved in 2013¹⁰. I acknowledge that the fundamental Green Belt principles set out in the Framework have not altered since this decision was made, despite updates to the national and local planning policies.
39. However, at the time of the decision, the trekking centre employed more workers than the appellant's business¹¹, despite having approximately half the number of horses and amount of land. The Council also placed significant weight on the importance of the established trekking centre business as a tourist/visitor destination. As such, the operation of the trekking centre, the number of employees and its associated activities are not directly comparable to the scheme before me. I therefore attach no weight to this decision in my determination of the appeal, notwithstanding the appellant's view it demonstrates the Council's 'bar' in respect of the Green Belt.

Green Belt Balance and Conclusion

40. The proposed dwelling would be inappropriate development in the Green Belt and would harm the openness of the Green Belt. The Framework indicates that substantial weight be given to any harm to the Green Belt.
41. I have not found that there is a functional or essential need for two equestrian workers to live on the landholding permanently. As a result, the proposed development conflicts with Policy EV8 of the Core Strategy. I attach significant weight to the appeal scheme's conflict with the development plan strategy in this regard.
42. Whilst I have found that the proposed dwelling would not harm the integrity of the SAC, subject to mitigation, this is a neutral factor in my decision.
43. Having had regard to the provisions of the Human Rights Act and the PSED, along with all other relevant matters raised, the harm to the Green Belt would not be clearly outweighed by the other considerations. Therefore, the very special circumstances required to justify the grant of planning permission have not been demonstrated and it is proportionate and necessary for me to determine the appeal in accordance with the development plan as a whole.
44. The proposed development conflicts with the development plan as a whole and there are no material considerations, including the approach within the Framework, which indicate a decision should be made otherwise in accordance with it. Accordingly, the appeal is dismissed.

Juliet Rogers

INSPECTOR

¹⁰ Council ref: 12/00785/FUL, dated 23 May 2013

¹¹ As set out in the Officer Report including three full-time and three part-time employees plus volunteers and work experience students

APPEARANCES

FOR THE APPELLANT:

Eleni Randle Eldnar Consultancy

Lucy Buxton Appellant

Christie Buxton-Hopley Appellant's son

FOR THE LOCAL PLANNING AUTHORITY:

Tom Nutt South Staffordshire Council