



Appeal Decision

Site visit made on 10 March 2008

by **Bern Hellier BA (Hons) MRTPI**

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

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Decision date:
2 April 2008

Appeal Ref: APP/H0738/A/07/2061671

The Garth, Aislaby Grange, Eaglescliffe, Stockton-on-Tees, TS16 0QH

- 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 W Tyers against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/2196/REV, dated 17 July 2007, was refused by notice dated 14 September 2007.
- The development proposed is the erection of a stable block, storage building and associated demolition.

Background

1. The stable block and storage buildings are substantially complete. A previous retrospective application for the development as built was refused. The present application and appeal proposes alterations to the stable block so that it would have a less domestic appearance.
2. I have excluded reference to demolition in the description of the development. This was carried out some time ago and would not have required planning permission.

Decision

3. I allow the appeal, and grant planning permission for the erection of a stable block and storage building at The Garth, Aislaby Grange, Eaglescliffe, Stockton-on-Tees, TS16 0QH in accordance with the terms of the application, Ref 07/2196/REV, dated 17 July 2007, and the plans submitted with it, subject to the following conditions:
 - 1) The alterations to the stable block shall accord with drawings 0705/02A and 0705/03A hereby approved and shall be carried out within a period of three months from the date of this approval.
 - 2) The buildings hereby approved shall be used for the recreational use of keeping and breeding horses and shall not be used as a livery, riding stables or for any other commercial equestrian purpose.

Main issues

4. I consider the main issues are whether the proposal would be a sustainable form of development in the countryside and its effect on the living conditions of occupiers of nearby property in relation to outlook, noise and disturbance.

Reasons

Whether the proposal would be a sustainable form of development

5. National guidance in *Planning Policy Statement 7 : Sustainable Development in Rural Areas* (PPS7) is that new development in the open countryside should be strictly controlled. However, planning policies should also facilitate sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational activities that require a countryside location. Policy EN13 of the adopted Stockton-on-Tees Local Plan (LP) reflects this advice. It permits limited categories of development outside the limits of existing settlements provided they do not harm the character or appearance of the countryside. They include development which contributes to the diversification of the rural economy or which is for sport or recreation.
6. The appellant lives on a smallholding of some 8 acres which he uses for the keeping and breeding of horses, principally for trotting and harness racing. The proposal is to allow him to accommodate 8 horses together with associated storage requirements. Whilst this is a private interest of the appellant it seems to me that there is also an ancillary commercial element. Nonetheless I have no doubt that it is an appropriate recreational countryside activity as described in LP Policy EN13.
7. The appeal site is well hidden from the main road by the lie of the land and by tree planting within the commercial garden centre and nursery to the north and west. A public footpath runs just outside the southern boundary of the site. Here there is a group of storage buildings, previously part of Aislaby Grange Farm, and an untidy outside storage area used by a groundworks contractor. There is also, in separate occupation, a large nissen hut surrounded by skip storage. Immediately to the east are two modern properties, a chalet and a bungalow with an associated paddock and stable block. Middle distance views are dominated by the agri-chemical factory complex of Elementis Chromium in nearby Eaglescliffe.
8. The new stable block and the storage building are of a scale and appearance in keeping with this setting and, indeed, are a visually positive replacement for a number of agricultural buildings and stables on the appeal site which were demolished in 2006. In this context I do not consider the size of the buildings to be excessive.
9. The massing and external facing brick and tiles of the stable block give it something of the appearance of a domestic bungalow, but the internal arrangements and open elevations to the courtyard now proposed would be appropriate to stabling. Any residential use of the block would require planning permission and could be controlled by the Council. I therefore give little weight to the fact that the building would lend itself, physically, to a residential conversion.
10. The Council refers to a stable block of a similar size near Stanley which was recently dismissed on appeal (APP/G1305/A/06/2031518/NWF). However this is an isolated location, away from any existing structures and the case is not directly comparable.

11. The proposed development would be a modest, primarily recreational, activity in a cluster of existing buildings and mixed uses close to the outskirts of Eaglescliffe. As such I find that it would be a sustainable form of development in the countryside, in character with its rural fringe location and in accordance with LP Policy EN13 and the advice in PPS7.

Living conditions

12. The buildings are screened by a high perimeter brick wall from the two adjoining single storey dwellings. There is no suggestion that the use as proposed would cause undue disturbance to the occupiers but I agree that a condition to restrict the activity to private recreational use would be necessary to control the level of any potential disturbance. Subject to this I conclude that the proposal would not have a materially adverse effect on the living conditions of occupiers of nearby property in relation to outlook or noise and disturbance, and would thus take proper account of the amenities of neighbours as required by LP Policy GP1.

Conditions

13. In addition to a condition to restrict the use of the buildings referred to above I also consider that the alterations proposed to the stable block are necessary and should be carried out within a reasonable period of time. The appellant has not objected to this period being three months from the date of approval and I have therefore applied this figure. In the light of the limited visual impact of the proposal I shall not impose a landscaping condition. I do not consider a condition to control burning on site is relevant since this can be controlled by other legislation.

Conclusion

14. For the reasons given above and taking into account all matters before me I conclude that the appeal should be allowed.

Bern Hellier

INSPECTOR