



Appeal Decision

Site visit made on 8 July 2008

by **Wenda Fabian** BA Dip Arch RIBA IHBC

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

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Decision date:
1 August 2008

Appeal Ref: APP/H0738/A/08/2073995 The Stables, Redmarshall, Stockton TS21 1EL

- 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 D A Holmes against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/0394/REV, dated 15 February 2008, was refused by notice dated 10 April 2008.
- The development proposed is a stables.

Decision: I dismiss the appeal.

Main issue

1. The main issue is whether the proposal would conflict with planning policies to control development in the countryside and, if so, whether there are other material considerations sufficient to outweigh that conflict.

Reasons

2. The appeal site is a large agricultural field alongside and behind an existing bungalow, The Stables. It is adjacent to the edge of the village, outside the development limits defined in the local plan, where national policy PPS7¹ aims to strictly control new development in the countryside in order to protect it for the sake of its intrinsic character and beauty. PPS7 also acknowledges the important role that horse breeding businesses play in some parts of the country and recognises that equestrian activities can help to diversify rural economies. Saved policy EN13 of the Stockton on Tees Local Plan (LP) reflects this principle; it resists development in the countryside but it allows for particular exceptions, including development that would contribute to the diversification of the rural economy provided that it would not harm the character or appearance of the countryside.
3. The proposed L-shaped timber clad stable building would be located to one side of, and behind, the rear fenced curtilage of the bungalow. It would resemble many other stable buildings that are not unusual in the countryside; its appearance would not in itself be harmful in this location. However, any new development in the countryside should be strictly controlled to prevent encroachment of building development into it and this inherent harm should be clearly outweighed by the economic benefit of the proposed development.

¹ Planning Policy Statement 7: Sustainable Development in Rural Areas

4. The proposal would include two stable spaces and two birth stalls, the larger of which would be provide space for tack. According to the appellant the stables would be used to run a rural horse breeding business, which would purchase supplies and services from the local equine economy, thus supporting it and contributing to rural diversification. He states that he is a successful businessman who would not be involved in breeding if he was not confident of success. He accepts that the business use should be tied to the occupation of the bungalow, with which it would share an access and where his wife would live, who would fill one of the two jobs that would be created. He states that the other staff member, a groom, is already employed to care for existing stock; but it is not clear where these duties are currently carried out.
5. I do not doubt the appellant's extensive business experience and acumen and I appreciate the numerous equine market price variables that make a precise financial forecast difficult to set out. Nevertheless, the appellant has provided very little evidence to demonstrate that the current proposal would support a bona fide business. He has relied on the business case submitted with a previous unsuccessful application and appeal for the same site. The financial figures included at that time related to the capital cost of a significantly larger stable building (170m²) with space for six brood mares, feed and other storage and for garaging of a horse transporter. The capital cost for the proposed stable building and the operating costs for feed, bedding, and veterinary bills have not been revised in respect of this proposed much smaller premises. In respect of this appeal the appellant has referred to an initial investment of £120,000 and to a realistic annual return at 5% to meet annual running costs in the order of £20,000, but this reiterates figures recorded in respect of the previous appeal. No details of insurance premiums or wages costs for the two employees referred to have been submitted.
6. I note the suggestion that this proposal would house the same number of horses as the previous scheme, but I do not take four horses and two foals (the maximum number that the appellant suggests could be accommodated by the proposal) to equate to six brood mares – which could each, presumably, be expected to produce a foal. Moreover the proposed building would provide very little storage. Despite the extensive land available for summer grazing, it seems to me that the proposed business would inevitably be constrained by the physical size of the proposed building and would not amount to an enterprise of the same scale as the business plan figures to which the appellant has referred. Consequently there is little to convince me that the proposed breeding business would amount to more than a profitable hobby, which would contribute only on a minimal scale to the diversification of the rural economy.
7. The appellant has suggested a condition requiring removal of the proposed stable building, were the proposed business to fail. However advice in DoE Circular 11/95: *The Use of Conditions in Planning Permissions* is clear, at paragraph 109, that it is undesirable to impose a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent. No mechanism has been suggested for assessing the failure of the business which, were it to occur, could be well into the future, when planning circumstances cannot reasonably be envisaged. I consider that a requirement for demolition at some possibly distant date would be unreasonable and difficult to enforce.

8. I conclude that the proposal would not contribute materially to the diversification of the rural economy; it would add to built development in the open countryside and thus harm the inherent openness of its character and appearance, contrary to development plan and national policy.
9. Objections have been raised to the additional use of the existing access for the proposed stables. I note that the Council has not resisted the proposal on this basis and I see no reason to disagree. I appreciate that activity levels at the site arising from horse breeding may be less than those from other forms of equine businesses, but this does not outweigh my conclusions above. I note the appellant's reference to another appeal decision in relation to the uncertainty of longer term viability for many embryonic diversification schemes, but my decision relates to the lack of a business justification in this case. The appellant reports that the land has been used for grazing and stabling horses for around thirty-five years, with a six stable block on it until 2004. However, I am unaware of the planning circumstances of this previous stable building and have considered the current proposal on its own merits. My attention has been drawn to the planning officer's recommendation for approval in this case and his assessment that a significant demonstration of a business case for the proposal was not necessary. However, the Council's handling of the application is not a matter for my consideration.

Wenda Fabian

Inspector