



Appeal Decision

Hearing held on 18 November 2008

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

Decision date:
2 December 2008

Appeal Ref: APP/HO738/C/08/2076441

Land known as Highfield View, Aislaby Road, Eaglescliffe, Stockton-on-Tees TS16 0JJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Ronnie Paterson against an enforcement notice issued by Stockton-on-Tees Borough Council.
- The Council's reference is 22.0.1.50
- The notice was issued on 13 May 2008.
- The breach of planning control as alleged in the notice is **the material change of use of agricultural land and buildings to the use for dog kennels and training/exercise facilities.**
- The requirements of the notice are to:
 - (1) Cease using the Land for the training, exercise and accommodation of dogs.
 - (2) Restore the large hay barn back to its original condition before the breach took place which will involve the removal of the block walls, concrete base and steel pens and reinstate the Land to the condition it was in prior to the breach occurring.
 - (3) Remove from the Land the corrugated sheet enclosures (containing external steel dog runs) and concrete base and reinstate the Land to the condition it was in prior to the breach occurring.
 - (4) Remove from the Land the carousel dog walker and concrete base and reinstate the Land to the condition it was in prior to the breach occurring.
 - (5) Remove from the Land all the steel container units, Luton vehicle bodies and caravans and their contents and reinstate the Land to the condition it was in prior to the breach occurring.
 - (6) Remove from the Land the concrete hardstanding to the side and rear of the large hay barn and around the open animal pens and reinstate the Land to the condition it was in prior to the breach occurring.
 - (7) Remove from the Land all imported materials, including the black sand, stone / tarmac chippings or gravel and reinstate the Land to the condition it was prior to the breach occurring.
 - (8) Remove from the Land all stone tarmac chipping or gravel and any sub base used to create the tarmac access track and reinstate the access track to its condition before the breach took place, including filling any holes left from the removal of the access track and reinstating the Land to the ground level before the breach took place and reseeding with grass seed.
 - (9) Remove from the Land all the materials stored on the Land in connection with the use for dog kennels and training/exercise facilities, which include timber, blocks, windows etc and reinstate the land to the condition it was in prior to the breach occurring.
 - (10) Remove from the Land the CCTV camera, security light and metal pole erected near the front entrance of the site and reinstate the land to the condition it was in prior to the breach occurring.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) & (g) of the Town and Country Planning Act 1990 as amended.

Formal Decision: I allow the appeal, and quash the enforcement notice. I grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the change of use of agricultural land and buildings at Highfield View, Aislaby Road, Eaglescliffe, Stockton-on-Tees, TS16 0JJ, as shown on the plan attached to the notice, for dog kennels and training/exercise facilities, subject to the following conditions:

- 1) The use hereby permitted shall cease and all structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) within 2 months of the date of this decision schemes for all the following matters (a) – (c) shall have been submitted for the written approval of the local planning authority and the said schemes shall include timetables for their implementation:
 - (a) the improvement of highway sight lines at the junction of the site access with Aislaby Road to achieve major road visibility of 2.4 metres x 120

metres to the north and 2.4 metres x 100 metres in a southerly direction. The scheme shall include details of ground re-profiling required;

- (b) the landscaping of the site;
- (c) the siting of any structures on the land, including a dog exercise enclosure, a carousel dog walker, lorry containers, van bodies, caravans, vehicles, plant and equipment, and the external storage of any such items and materials. The submitted details shall include provision otherwise for the removal of all existing items of the above descriptions;
- ii) within 10 months of the date of this decision the schemes in relation to (a) – (c) above shall have been approved by the local planning authority or, if the local planning authority refuse to approve the schemes, or fail to give decisions within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted schemes for the matters (a) – (c) shall have been approved by the Secretary of State.
- iv) the approved schemes shall have been carried out and completed in accordance with the approved timetables.
- 2) At the same time as the landscaping scheme required by condition 1(i)(b) above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting following implementation of the works as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.
- 3) No materials, lorry containers, van bodies, caravans, vehicles or other structures shall be sited or stored externally on the land except to the extent indicated in the details approved under condition 1).

The appeal site

- The notice relates to a roughly rectangular land parcel of some 3.8 hectares located on the western side of Aislaby Road in open countryside between Eaglescliffe and the small settlement of Aislaby. A gated access to the highway is centrally positioned along this boundary. Alongside this is a metal pole, on which is mounted a security light/camera facility. From this entrance an access track of about 4 metres width, and surfaced with black road planings, leads across the field to a group of buildings/structures located in the north-western corner. The nucleus of this group comprises 2 buildings – a timber clad chalet style shed, and a larger metal frame building with sheet metal roofing and walls of green painted concrete blockwork with a number of doors and windows. These are located within a sizeable rectangular area surfaced with forms of hardstanding and containing a large number of other structures and features.
- As I viewed the site during the hearing, items within this zone (beginning from the south-western end) included a circular fibreglass item (non-functioning) which I was told was intended to provide a dog swimming pool. Alongside this was a green painted shipping container which contained propane gas cylinders and materials used for dog bedding. On the northern side of this were piles of timber (said to be intended for use in fencing work on the land) and a dumpy bag of building sand; then a white coloured motorised horse box which appeared to have no current active use. Beyond this was the smaller timber clad building, said to have been used formerly by the previous owner of the site for livestock, but at this time intensively used for storage of a diverse range of goods. Much of this storage had the appearance of being of 'domestic' items. On the northern side of the shed were 2 further green coloured shipping containers – one being equipped as a toilet and washroom facility, and the other housing a diesel generator with drums of fuel oil. Within the space between these items and the larger building a variety of other goods and equipment were being stored. There was a sizeable pile of building materials covered with sheeting, a forklift truck, a red coloured metal trailer equipped with cages and capable of being used for dog transportation, and a green painted van body. This contained sawdust.

3. The larger building ("barn") had a concrete floor and was internally fitted out on 2 levels. The ground floor comprised predominantly kennelling with purpose designed metal and mesh units. There were 25 kennels, most of which were occupied (some singly and some with 2 animals) by greyhounds at the time of my visit. The upper floor level included a separate room compartment used as an office and with equipment for the treatment of sick and injured animals. The rest of the upper floor area was used intensively for storage of a diverse range of goods and materials. Piles of plasterboard sheeting were said by the Appellant to be intended to be used in completion of the insulation and lining of the roof area of the barn. The range of goods being kept appeared to go well beyond what might be expected to be used in association with the keeping of greyhounds at the site.
4. On the northern side of the barn the ground was mainly concreted hardstanding. Alongside the main northern doorway to the barn were sited 2 structures of the size of chest freezers and said to be a dog Jacuzzi and a dog pool. At this point there was also a further green shipping container internally fitted out as a kitchen facility, including storage units, a cooker and washer. Within the fenced off yard area in this part of the site there was also a circular metal dog walker (a powered carousel structure able to exercise 8 dogs at a time) and a touring caravan used as a mess facility. Beyond this was a concrete surfaced area of about 11m x 20m enclosed with 2 metre high metal sheets. Their exterior had been painted green in like manner to the barn and various containers. This enclosure was divided up into 10 individual dog runs for use as exercise facilities. To the eastern side of these enclosures was an area covered with black sand. This was said by Mr Paterson to be a partly developed dog exercise area intended to be enclosed with chain link fencing (the concrete posts and fencing rolls for which were being stored alongside).
5. These 2 latter zones reached towards the northern boundary of the appeal site, although there was a vegetated strip of mounded earth alongside the field fence. This was a little more than a metre in height, and was said to have been formed from material excavated during improvements to the site access track. The remainder of the hardstanding band (on the eastern side of the buildings and structures) was surfaced with road planings and available for parking. A metal skip was stored at this point and there was an area being used for the storage of 'big bag' silage. Separate from this main complex there was a narrow strip of ground close to the south-western field boundary surfaced with black sand and said to be used as "gallops" for dogs recuperating from injury.

Ground (c) appeal and validity

6. This ground of appeal claimed as lawful various works challenged by the notice, albeit that these matters were only included within its requirements. These related to requirements (2) and (8) and that part of (7) related to hardstandings said to have pre-dated the Appellant's ownership of the land. Establishment of the lawfulness of these items would result in variation of the notice's requirements, and be more akin to a ground (f) success. The enforcement notice specifies a total of 9 requirements relating to the removal of works, some of which would clearly represent operational development in their own right. The Appellant suggested that the format of the notice was incorrect and possibly invalid on the basis of making an allegation solely of material change of use, but seeking the removal of buildings and other operational items.
7. The principle that a notice directed at use can require the removal of ancillary operational development intended to facilitate the unlawful use was established by the judgement in *Murfitt v SSE [1980] JPL 598*. A similar principle would apply to the removal of internal works which were not in their own right development on the basis established in *Somak Travel v SSE & LB of Brent [1987] JPL 630*. Although the enforcement notice in this case includes a large number of such items within the requirements, the format adopted would not invalidate the notice. It would be a matter for the decision maker at appeal to examine each of the matters in turn to establish whether they met the test of being ancillary works to facilitate the unauthorised use. That use was correctly represented in the allegation. "Dog kennels and training/exercise facilities" accurately describes Mr Paterson's use of the site for the accommodation and training of greyhounds. This has been the principle use of the site since he completed the installation of the facilities described above as a material change from agriculture. A local farmer now took silage cuts from the field, but agriculture was not currently a significant element in site use.
8. The Appellant argued that works carried out to the main barn had been in accordance with the details of the planning permission for the building granted in 1997. Prior to Mr Paterson's purchase of the site this had been an open sided steel framed structure with metal sheet roof. Approved plan details in 1997 had been sketchy. Although the application form had employed

the words "breeze blocks" as walling material, the elevational plans provided no information on the infilling of the metal frame. At the hearing the Council's planning representative accepted that the available details could be expected to permit full blockwork walling if the structure was built in accordance with agricultural need. That had been the planning permission. Mr Paterson's works, carried out some years later, were, however, intended to facilitate kennelling use, and not therefore in accordance with the permission.

9. I do not agree with the Council's approach to this matter. The permission had been for the erection of a specific building. The use made of it following completion would be a separate matter. The question to be decided now is whether the works carried out by the former owner, Mr Sharrock, had amounted to a complete scheme of development at variance with the planning permission, or were only a partial implementation of the development. If the latter, the works carried out by Mr Paterson in 2006 to infill all sides could then be construed as for completion of the building in accordance with the planning permission. There was little information to indicate whether the structure as erected had been used prior to the FMD outbreak in 2001. From the Council's January 2006 photograph of the state of the building prior to Mr Paterson's works I consider it probable that it amounted then to a partially complete building. The blockwork infilling would then have represented works to complete it in accordance with the 1997 planning permission. The Appellant's intention to use it thereafter for a non-agricultural purpose did not affect this, and the works could not in this case be construed as operations ancillary to that use. Requirement (2) of the notice would be excessive in relation to the walling element.
10. In relation to the access track the Appellant argued that works which he had carried out had been permitted development under Part 9 of the GPDO Schedule. There had been a track formed by Mr Sharrock at the same time as hardstanding around the barn. By the time he had bought the site the planings had grassed over. Mr Patterson described his works as involving excavation of all the material along the track alignment to a depth of up to 450mm and the laying of road planings which had the general effect of widening the track from something like 3m to 4m. The Council accepted that there had been some form of hard materials along the vehicle access route when they first visited the site in early 2006.
11. For the works to have been permitted under Part 9 Class A would have required them to be within the boundaries of a private way and required for its maintenance or improvement. There must have beforehand been a recognisable private way already in existence. From available evidence there must be some doubt about this in terms of the situation on the ground by early 2006. The Part 9 right allows "improvement" as well as "maintenance", and is clearly concerned with the surface of the way. Works permitted could only affect the surface and foundations of the way, and they could not widen it as has happened here. The works identified in requirement (8) were not permitted development under Part 9. They could not separately have been permitted under Part 6 Class B (d) of the GPDO Schedule because they had not been carried out for the purposes of agriculture within an agricultural unit. Neither had a 'prior notice' been given to the planning authority as required by condition B.6(a). The track works would be capable of being challenged by way of the current enforcement notice.
12. The Appellant submitted a plan showing a rectangular area round the barns where hardstanding was said to have existed beforehand. He had only added some further planings to an existing substantial surface. It was agreed by the Council's enforcement officer that he had seen some materials in the surface immediately round the buildings at the first visit in 2006, although poor daylight conditions had made it difficult to assess the extent. Although the scale of livestock keeping by the former owner was not the subject of specific evidence, it would be surprising if such a use of the area in the north-western corner took place without any form of bearing surface added to the ground. Available aerial photographs were of little assistance in assessing the situation before 2006, particularly as it was accepted by the Appellant that grass had grown over the planings and other material. Bearing in mind the onus on the Appellant to establish the facts in relation to ground (c), I do not consider that the extent of former hardstanding has been sufficiently demonstrated to warrant formal success at this point. Although surfacing was added by him before he formally commenced greyhound keeping at the site, it had been done for the purpose of facilitating that use rather than in connection with any continuing agricultural use of the land. This matter should be considered further in relation to ground (a).

Ground (a) appeal & the deemed application

13. 'Saved' Policies EN13 and EN20 of the Stockton-on-Tees Local Plan (1997) govern development outside settlement limits and the conversion, adaptation and reuse of rural buildings for

commercial purposes. Both are subject to a similarly worded requirement that there is no harm/adverse effect to the character or appearance of the countryside. Support in EN13 for development in such locations includes proposals which contribute to the diversification of the rural economy. EN20 contains a number of detailed criteria to be met, including that "(i) the proposed use can largely be accommodated within the existing building without significant demolition and rebuilding".

The main issues are

- the acceptability of the impact upon the character and appearance of the countryside, having regard to the merits of the use as a form of rural diversification business; and
- the implications for highway safety.

Appraisal

The value of the business use and its viability

14. As described by the Appellant, the various activities conducted at the appeal site relied little on the availability of the bulk of the field area. On such a basis the use for the kennelling and training of greyhounds would not directly conform with the concept of a use "appropriate to a rural area". It is, however, a form of use often located on rural sites because of the potential for amenity problems in urban areas, and the Council accepted that an "urban fringe" location could as a consequence be a more suitable place for it. The appeal site might be described thus in geographical terms, although the immediate surroundings are generally of reasonably attractive countryside on the northern valley slope of the River Tees. In its support for re-use schemes, *PPS 7: Sustainable Development in Rural Areas* identifies a preference for those for economic development purposes capable of fostering diversification of the rural economy. That general support is not qualified by a need for a building to be redundant or for it to be expressly a farm diversification. On this basis there would be general support for the use if it amounted to a viable business rather than something more in the nature of a hobby use by Mr Paterson.
15. Mr Patterson provided me with details of the various activities conducted at the site since formal commencement of licensed training use in June 2007, and how this had evolved from his longstanding activity at another location where greyhound training had been on a somewhat smaller scale and more in the nature of a hobby. He estimated that he had spent between £80,000 and £100,000 on acquiring and developing the appeal site thus far. Since the grant to him of a professional training licence by the National Greyhound Racing Club [NGRC] the use had become a full-time source of employment for him, involving long working days on 7 days a week. He now had kennelling for up to 50 greyhounds within the barn, although numbers kept at any one time appeared to vary. At the times of negotiations with the Council he appears to have kept 44 – 45 animals. At the hearing he said that he currently had 38 greyhounds, of which 23 – 25 were owned by him personally. The remainder were kennelled and trained for other people. As a trainer associated with the Sunderland Stadium he provided the track with over 100 runners per month. This provided a regular source of income from the race fees generated, with additional income from winning dogs. He submitted a set of accounts covering the 10 months period from 1 June 2007 to 5 April 2008.
16. It was acknowledged that this document did not follow standard accounting format, reflecting the period since the commencement of training and the 'start up' nature of the enterprise. It is difficult to comment on the viability of the enterprise on the basis of this document, particularly as the net profit figure of £16,249 was derived without any express provision for wages, whether for Mr Paterson or employees. He acknowledged that the accounts had covered a period when a lot of help had been from friends and before he had begun to incur costs for paid employees. There were now 4 persons involved in addition to himself – 3 part time workers (female) and a young male with learning difficulties who worked on Saturdays and Sundays. Costs associated with these employees would be bound to affect the bottom line profit figure significantly. If a 'night watchman' were ultimately required, that would similarly affect profitability. It cannot be assumed that the NGRC requirement for "overnight supervision" would at all stages be complied with by Mr Paterson sustaining regular night time visits 7 days a week. Neither does financial assessment deal with the matter of a return on capital invested.
17. I accept that the accounts include expenses of a 'first year' nature, but they do not establish the long term viability of the use as a business. They do, however, demonstrate a substantial level of turnover likely to exceed what would be undertaken in connection with a hobby. The use

therefore attracts support as a form of economic development with benefits to the local economy, and more recently offering employment to local people. Although the Appellant indicated during the hearing that he would like ultimately to increase kennelling to 65 dogs, he believed that viability had been demonstrated for the current operation.

Effects on the character and appearance of the area

18. An important element in Policy EN20, reflected also in PPS7 criteria for re-use schemes, is the requirement for the use to be accommodated largely in the existing building. In this case the site had accommodated 2 buildings beforehand. Whilst an agricultural business might have been likely to generate additional activity and some forms of structures around them, that would not in its own right justify a new commercial enterprise adding to the visual impact upon the locality by external activity and extensions to built development. As I saw the site, the current use has resulted in a large number of additional visual features extending over a band of ground in the north-western corner of the field over something like 70 metres. This clutter of structures, vehicles, a touring caravan, equipment and materials substantially damages the appearance of the site at close quarters.
19. The buildings, other structures and areas of storage are in the corner furthest from Aislaby Road set back about 180 metres from the highway. The convex profile of the hillside slope leading up from the road means that lower features are not seen in public views from this point and only the upper sections of larger structures are visible. As I viewed the complex from points along Aislaby Road, this latter element largely comprised the upper sections of the 2 buildings and the white coloured motorised horse box. I have concluded earlier that infilling of the steel frame accorded with the 1997 planning permission. The detailed manner of execution of these works (with a number of doors and windows) has not greatly altered its visual character as compared to the permission, although the green colour used to paint all the exterior walling is in my view somewhat discordant, drawing attention to the building rather than allowing it to recede visually in to the scene.
20. I accept that because of the nature of local topography and landscape features, such as the tree belt along one boundary, there is limited visibility of the development from western and southern sides. In view of the hillside profile and lack of public access around the site the physical impact of the use is not readily seen over short distances. Harm to the intrinsic quality of the rural landscape would not, however, be justified on such a basis. The site is open to view from longer distance over an arc extending from the north-east to the south-east. I viewed it during my inspection from one edge of Yarm along Worsall Road. The extent to which the impact of the 2 buildings has been added to by other features was apparent from this viewpoint.
21. My conclusion is that there has been some harm to the rural landscape caused by the additional features associated with the use. Landscaping measures suggested by the Appellant could mitigate this harm to some extent, albeit only over the longer term. The principle embodied in EN20(i) is an important one for re-use schemes on the basis that national policy continues to seek to protect the countryside for the sake of its intrinsic character and beauty. The scale, character and diversity of additional structures around the 2 buildings has created an unattractive clutter which weighs against permission for the development.
22. The widening and surfacing of the access track, as well as additional hardstanding works carried out by the Appellant in the vicinity of the buildings is, in my view, a less clear cut source of harm. Some form of track from Aislaby Road to the buildings would be required in practical terms in connection with agricultural use for forms of livestock keeping. A similar need would apply to almost any active use for them. The black coloured surfacing with road planings was subdued in its visual impact, although the widening from 3 to 4 metres had probably added to its overall impact as a landscape feature. This matter has created only limited harm.
23. The hardstandings around the buildings covered a sizeable expanse of ground. The evidence on the extent to which this had been increased by the Appellant was inconclusive. Whilst re-covering with grass and other vegetation might have masked former hardstanding during the period of years that the site appeared to have stood vacant, an aerial photograph apparently pre-dating the Appellant's execution of works to the land seemed to show a contrast between much of the rectangle of land now surfaced and the remainder of the field. This suggested that the majority of current hardstanding had probably existed in some form from the time of the barn development in 1998. Purely as a visual feature, the planings covered areas were modest in their impact on the local scene. Areas of concrete laid on the northern side of the main barn were

a more substantial alteration to the character of the site, although associated with specific operational elements of the use, including the carousel walker and the exercise enclosures.

24. The metal pole, with solar powered fittings for a security light and camera, erected close to the gate was a small feature. Although somewhat incongruous in the rural scene, it caused limited harm, and was the kind of feature which might be found at rural sites in connection with a wide range of uses, including agriculture. The black sand 'gallop' close to a field boundary could not be readily seen except at close quarters. It was a small feature with little visual impact.
25. A need ultimately for a dwelling at the complex for management of the kennels would add substantially to the physical impact of the use and its effect on the rural character of the surrounding area in what is a location fairly close to urban boundaries. Mr Paterson indicated that he was willing to state that he had no wish for a dwelling at the site. His planning representative drew attention to an appeal decision in 1992 for a similar form of development where the Inspector had concluded that a permission for greyhound kennelling would not add to the planning authority's difficulty in resisting any later application for a dwelling. That conclusion had been partly founded on the use not involving greyhound breeding alongside the keeping and training. Mr Paterson indicated that that would apply also to Highfield View. He had had one litter of pups at the site, but his business was founded on buying in greyhounds, principally from Ireland.
26. Having regard to how the site has operated thus far within NGRC licensing arrangements, I do not consider that a functional need for a dwelling could be easily established. It is not therefore a matter which weighs heavily against permission for the development. If a 'night watchman' were ultimately found to be necessary for security and welfare reasons and to accord with NGRC practice, that would fall short of representing a functional need for a dwelling at the site.
27. My conclusion on this issue is that the adverse consequences for the rural landscape derive principally from the visual clutter around the buildings. In the context of this I note one suggestion from the Appellant that he would be willing to re-site the facilities for bedding storage, the main generator and a toilet block, now separately housed in 3 containers, into the smaller wooden barn (if altered) or into a new building replacing that. The principle of adding new permanent buildings to the site is to my mind questionable in a situation where long term viability of the business is by no means established. At the same time it was clear that the storage use of the smaller barn was unconnected with the greyhound training use. It appeared to involve goods of a domestic nature, reflecting what Mr Patterson described as his nature to hoard. The notice does not challenge storage as a separate primary use of the land, but the evidence from the contents of this building, as well as storage within the roofspace of the larger barn, and allied to storage of the motorised horse box and the wide assortment of building materials and other equipment around the hardstandings, suggested that a sizeable element of the clutter could be attributed to matters not connected directly to greyhound kennelling. If facilities needed for the greyhounds, now housed in separate containers and other structures, were re-housed within one or other of the buildings, the harm to the landscape would be significantly reduced.
28. At the same time, other external features, most notably the exercise enclosures and carousel walker, would be an essential component of the kennelling/training use. They have been developed within the formerly open zone on the northern side of the main barn. Although involving only low structures, they have added to the visual impact of the site under its new use.
29. Drawing these various matters together, I conclude that the visual impact of the development in its current state is unacceptably at variance with EN20(i). A condition securing the removal of 3 of the containers would be insufficient to tip the balance. The principle embodied in this suggestion would need to be placed within a clear framework of controls capable of limiting the impact of the site on a permanent basis and to a greater extent. Having regard to the extraneous nature of other items and outside storage of goods and materials, and the scope to reduce further the external features and structures on a long term basis, I consider that the visual impact of the development is not an over-riding objection to some form of permission for this as a re-use project in the countryside.

Highway safety

30. Although the gated entrance from Aislaby Road was set back with a splayed arrangement, visibility for emerging vehicles (and vehicles seeking to turn right into the site when approaching

from the north) was very limited. Little more than 20 metres along the main road could be seen from a point at the junction 2.4 metres back from the carriageway. The road was subject only to the national speed limit, although its alignment was such as to restrict vehicle speeds in practice to well below this. Nevertheless, the sight line deficiency is such as to compromise safety for road users. Major road visibility in a northward direction was significantly better, although capable of further improvement by fairly modest works to boundary fencing and hedging.

31. The Appellant argued that the greyhound kennelling use generated little increase over what could be expected by an agricultural use of the land and buildings. This contention assumed visits only by Mr Patterson and his assistant. From the evidence given during the hearing I consider it likely that the use has resulted in a significant increase in movements to and from the site. There were currently 2 vehicles used by staff visiting the site in addition to the Appellant. He estimated that he made 3 or 4 visits each day. There will be visits by dog owners and other 'helpers' who walk dogs around the field, and given the site's location most people could be expected to arrive by car.
32. The Appellant was willing to carry out works to improve major road visibility to achieve sight lines of 2.4m x 120m to the north and 2.4m x 100m to the south. The Council had no highways objection if such improvement took place. In the circumstances of this case I consider that this would be sufficient to avoid risk of accident from defective visibility along the carriageway. Improvement on the southern side of the gate would require quite substantial re-profiling of the ground as the level rises from the road across the verge and the adjacent part of the field. It would necessitate works within the highway to lower the verge level. These would have to be linked with re-aligning the field fence and re-planting the hedge behind it. Although the effect would be to open up the frontage somewhat in the short term, such works could be allied to wider site landscape improvements suggested by the Appellant. The works would be capable of being required by condition of planning permission within a timescale to minimise the period during which the existing deficient junction operated. The access situation would therefore not be an objection justifying dismissal of the appeal.

Overall conclusions

33. Other issues were raised in submitted representations. Problems of noise from dog barking and smells would not in my view amount to significant objections bearing in mind the location of the kennels relatively remote from residential properties. Concerns about safety within the highway resulting from greyhounds escaping from the site appear to have derived from a number of reported incidents. These bear on the quality and effectiveness of site management rather than the acceptability of the use in this location. The limited number of such events over the period of operation does not provide a basis to refuse permission.
34. My overall conclusion is that, subject to improvement of the highways access and the implementation of comprehensive landscaping proposals, the impact of the use for kennelling and training of greyhounds can be controlled sufficiently by conditions of planning permission to ensure that the effect on the countryside is acceptable as a form of business diversifying the economy of the locality. There would on this basis be no conflict with development plan policy.
35. A number of the matters which need to be conditioned require the submission, approval and implementation of specific details. These will be combined within the framework of a single condition which sets clear timetables for all the various steps involved. This will allow the enforceability of their execution in a timely manner within an overall requirement that any failure to comply with its terms will trigger a requirement for the use for kennelling to cease. Control over all external features around the 2 buildings will require a comprehensive scheme for the future management of the site to remove clutter and unnecessary structures. This goes beyond the suggestion relating to 3 containers for the reasons set out earlier. The exercise enclosures and carousel are essential functional elements of the use, but most other items are not, with the possible exception of the short term siting of a skip as part of a waste management system, and the kitchen container alongside the kennels. Other functionally necessary activities should be accommodated within either of the 2 buildings. Extraneous structures and storage uses should be removed.
36. The scheme covering these matters needs to be allied to one which precludes thereafter all siting of such structures and storage activity externally, other than as may be agreed in that scheme. Structures of the kind currently found may, depending upon the detailed circumstances, amount to operational development, and separately require planning permission. If not, they might be

treated as part and parcel of the use of the land. To bring the matter under effective control therefore relies upon the imposition of the condition of planning permission, referred to above, precluding the external storage of such items. The powers set out in S187A of the amended 1990 Act for the issue of a "Breach of Condition Notice" would be available as a direct remedy for any subsequent breaches of its terms or any failure to comply with the timetables related to schemes for the other conditions.

37. On this basis I shall allow the appeal, and grant planning permission for the use to continue. The enforcement notice will be quashed. The grounds (f) and (g) appeals do not therefore fall to be considered.

Alan Upward

INSPECTOR

PERSONS SPEAKING AT THE HEARING

FOR THE APPELLANT:

David Stovell BSc MRTPI	Planning consultant of David Stovell & Millwater
Mr Ronnie Paterson	Appellant
Mr Gavin Paterson	Appellant's son

FOR THE LOCAL PLANNING AUTHORITY:

Mr Andrew Glossop	Senior Planning Officer, Stockton-on-Tees BC
Mr Stuart Wilson	Senior Enforcement Officer, Stockton-on-Tees BC
Mr Grahame Jardine	Enforcement Officer, Stockton-on-Tees BC

DOCUMENTS SUBMITTED AT THE HEARING

Document	1	List of persons present at the hearing
Document	2	Letter from Mr Michael Harker of Worsall Grove Farm

PLANS SUBMITTED AT THE HEARING

Plan	A	Plan showing extent of hardstanding said by the Appellant to have been laid out by the previous owner
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