



Appeal Decision

Hearing held on 10 February 2009
Site visit made on 10 February 2009

by **Kevin Ward BA (Hons) MRTPI**

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

STOCKTON-BOROUGH COUNCIL
PLANNING

26 FEB 2009

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Decision date:
26 February 2009

Appeal Ref: APP/H0738/A/08/2081911
Homefield Farm, Maltby, Middlesbrough TS8 OBE

- 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 and Mrs N Snowdon & Mr and Mrs N I Snowdon against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/2985/FUL, dated 19 October 2007, was refused by notice dated 4 February 2008.
- The development proposed is an agricultural workers dwelling.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are:
 - a) whether there is an essential need for the proposed dwelling in this location; and,
 - b) if so, whether the proposed dwelling would harm the character and appearance of the area.

Reasons

3. The appeal site lies beyond the limits to development for Maltby. Policy EN13 of the Stockton-on-Tees Local Plan places significant restrictions on development beyond such limits and only allows for new dwellings which are necessary for a farming or forestry operation. Paragraph 10 of Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) states that isolated new houses in the countryside require special justification. Annex A to PPS7 makes it clear that in the case of agricultural, forestry or other occupational dwellings, they should satisfy both a functional and financial test; the size of the dwelling should be commensurate with the established functional requirement and other planning requirements such as the impact on the countryside should be met.

The functional test

4. There is an existing dwelling on the farm which is occupied by Mr N I Snowdon and his wife. This dwelling is not subject to an agricultural occupancy condition. Mr N I Snowdon is seeking retirement and although he maintains a limited active role, the majority of tasks on the farm are undertaken by his son Mr N D Snowdon, who lives some 3 miles away in Yarm. Whilst Homefield
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Farm is a long established agricultural business, the nature of activities has changed over the years. The farm business currently consists of some 40 hectares of arable land, a beef fattening enterprise and livery stables. The appellants accept that, whilst it contributes to the overall labour requirements, the arable activity does not require an on site presence and does not in itself contribute to any need for an additional dwelling.

5. The beef fattening enterprise was established in 2007, with the first sales taking place in April 2008. The number of cattle fluctuates with purchases and sales; at the time of the hearing the appellants confirmed that there were 47 head of cattle. The cattle are housed in a modern agricultural building which has capacity to accommodate in excess of 100 head of cattle should the business be expanded.
6. Planning permission for the livery stables was granted in 2002; of the 13 stables permitted, 8 were for commercial use. I understand that the livery business was operating prior to this permission. The scale of the operation increased over time and the appellants confirmed at the hearing that by 2005 some 30 horses were being accommodated. This was not disputed by the Council. Planning permission was granted in 2007 for the expansion of the stables to accommodate 38 horses and this is the current scale of activity. On the basis of the information before me I accept that the livery business has been operating on a similar scale for at least 3 years. The livery operates on a DIY basis with the care and welfare of the horses being primarily the owners' responsibility. Whilst the appellants offer additional services to cover periods when the horse owners are on holiday, their day to day role is relatively limited.
7. I accept that on the basis of information provided, the various tasks involved in running the beef fattening and livery business and maintaining the property are likely, when combined, to amount to a requirement for a full time worker/manager. However, a number of the tasks such as administration and visits to the mart do not require an on site presence. The other regular tasks identified by the appellants could be readily built into a daily work programme and could be carried out by someone living away from the farm. This could, in my view, reasonably include an early evening check on the cattle and horses.
8. The appellants consider that an on site presence during the night is required in order to be able to respond to incidents involving the animals and to provide security for the business. They point out the potential for horses to suffer from colic and to become cast, particular during the night. They also refer to a number of specific occasions where incidents involving the horses or cattle on the farm have occurred during the night. They argue that the presence of Mr N I Snowden in the existing dwelling has allowed for late night checks and enables noise and disturbance to be detected. They also argue that it has benefits in terms of the marketing of the liveries to horse owners. Given that Mr N I Snowden is looking to retire, the appellants consider that it is unreasonable to require him to continue with such a role.
9. I accept that an on site presence during the night has some benefits in terms of animal welfare and the running of the business generally. I also agree that it is unreasonable to expect Mr N I Snowden to continue an active role in the farm business indefinitely. However, I consider that the benefit of being able

to respond to relatively rare incidents during the night is not, in itself, sufficient to justify a new dwelling. The day to day running and management of the beef fattening and livery activities can be carried out by someone living off the farm but within reasonable travelling distance. This would allow for regular checks on the animals, including in the evening.

10. In any case, the beef fattening business has been operating for less than three years and is not therefore well established in terms of the advice in PPS7. The nature of the livery business is that the care of the horses is not primarily the responsibility of the appellants. Whilst I acknowledge the obvious and genuine concern of the appellants for the wellbeing of the horses, I have no information to suggest that they are obliged to respond to incidents during the night. In addition, regardless of who occupies the existing dwelling, its close proximity to the stables is likely to provide some deterrent to intruders and a degree of natural surveillance. I consider that it is not essential for a farm worker/manager to live within site and sound of the animals. There is a wide range of housing available within reasonable travelling distance of the farm. I find therefore that a clearly established existing functional need for a new dwelling on the farm has not been demonstrated.

The financial test

11. As I have found in relation to functional need, the beef fattening business is not well established and has been operating for less than the three years referred to in PPS7. The appellants provided annual accounts dating back to 2003. Whilst these accounts show that the business as a whole has been profitable, it appears that they include income from other activities including property rental. The accounts do not clearly identify income and profit from the beef fattening or livery activities. They proved to be confusing and of little benefit in demonstrating that the relevant activities were indeed financially viable. Whilst the appellants provided estimates of income and profit at the hearing, these were not substantiated by evidence and could not be clearly related to the accounts. I consider therefore that the financial test set out in PPS7 has not been satisfied. In any event I find that the proposed dwelling is not justified by a clearly established existing functional need.

Character and appearance

12. Given my finding that the new dwelling is not justified, the effect on the character and appearance of the area is not a determining factor in my decision, nor is the size of the proposed dwelling in relation to the functional needs of the business. I have not taken a view on these matters therefore.

Conclusion

13. For the above reasons and taking account of other matters raised I find that there is not an essential need for the proposed dwelling in this location. I conclude therefore that it would be contrary to Policies GP1 and EN13 of the Local Plan and that the appeal should be dismissed.

Kevin Ward

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms M Ferguson	George F White, 8 Front Street, Wolsingham, Co. Durham DL13 3AA
Mr S Johnson	George F White, 9 South End, Bedale, North Yorkshire DL8 2BJ
Mr N I Snowdon	Homefield Farm, Maltby, Middlesbrough TS8 0BE
Mr N D Snowdon	11 Leven Road, Yarm TS15 9EY

FOR THE LOCAL PLANNING AUTHORITY:

Ms E Atkinson	Senior Planning Officer, Stockton-on-Tees Borough Council
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INTERESTED PERSONS:

Mrs McBride	Fairhaven, High Lane, Maltby TS8 0BE
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DOCUMENTS

- 1 Plan showing limits to development for Maltby
- 2 Work schedule submitted by appellants
- 3 Information on tasks associated with the business submitted by appellants
- 4 Accounts for year ended 31 March 2008