



Appeal Decision

Site visit made on 2 September 2010

by **Martin Joyce** DipTP MRTPI

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

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Decision date:
28 September 2010

Appeal Ref: APP/H0738/A/10/2131330
Springfield Stud, Springfield, Wynyard Road, Thorpe Thewles, Stockton-on-Tees TS21 3JQ

- 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 Miss Pamela Stewart against the decision of the Stockton-on-Tees Borough Council.
- The application, Ref: 08/0073/FUL, dated 11 January 2008, was refused by notice dated 4 June 2010.
- The development proposed is a change of use from agriculture to horse breeding business, siting of one static caravan (residential) and hardstanding together with erection of new barn and demolition of old barn.

Decision

1. I dismiss the appeal.

Procedural Matters

2. I have taken the description of the proposed development from the Council's decision notice, although it differs from that contained in the original planning application, which included the siting of a second static caravan and a portacabin on the land. I am satisfied, however, that the appellant agreed to change her proposals during the determination of the application, and I note that a revised block plan¹ was submitted to the Council in March 2009, showing the reduced proposed development.
3. The application is partly retrospective in that the static caravan, used for residential purposes, is already sited on the land.

Main issues

4. I consider that the main issues in this appeal are:
 - a. whether there is sufficient justification for residential occupation of the site, having regard to the criteria set out in Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) concerning temporary agricultural or other occupational dwellings, to outweigh the normal presumption against such development in the open countryside; and,
 - b. the effect of the proposed development on the character and appearance of the surrounding area.

¹ Drawing No 508/09_01

Reasoning

Occupational Justification

5. The Council state that the principle of a use for horse breeding on the land is acceptable in relation to their policies for this area of open countryside, and saved Policy EN13 of the Stockton-on-Tees Local Plan in particular, subject to a sufficiently strong need or business case. Additionally, they point out that PPS7 is supportive of equine development that contributes to the rural economy. This guidance has now been replaced by that in Planning Policy Statement 4: "Planning for Sustainable Economic Growth" but Policy EC6.2(g) of that Statement is apposite in the context of this application, offering similar encouragement, although I note that the need to maintain environmental quality and countryside character is stressed. This will be considered in relation to the second issue.
6. Annex A of PPS7 contains particular guidance in relation to occupational dwellings, both permanent and temporary. The appellant has not indicated an ultimate intention for a permanent dwelling on the site, but static caravans are normally only given permission for a temporary period to enable an enterprise to become established thus I shall consider the proposal in relation to the advice in that part of Annex A. This sets out five criteria which need to be met and I shall consider them in turn.
7. Firstly, there must be clear evidence of a firm intention and ability to develop the enterprise concerned. In this context, the Council state that there is a need to show that the enterprise is viable prior to any planning permission for residential development but I do not consider that this is strictly correct; the rationale for allowing temporary dwellings to be sited is to enable, in appropriate circumstances, the establishment of a viable enterprise. The enterprise does not, therefore, need to be viable in the first instance, but this does not lessen the stringent level of assessment required for proposals of this nature and a likelihood that viability would be achieved within a reasonable time period needs to be shown.
8. In relation to intention and ability to develop the enterprise, the Council accept that the appellant has bought the land and caravan, at a cost of about £150,000, but they point out that investment in the key business area is more limited and that this raises questions about the "firm intention" to develop. I note, however, that the appellant claims to have purchased the materials for the proposed barn, and contends that its erection, following a grant of planning permission, would help in the development of the enterprise. I consider that there is some merit in this argument although the business plan submitted is deficient in a number of respects. In particular, whilst it was prepared in February 2007, it shows only a prediction of possible income and expenditure and it is not supported by actual accounts for at least some of the period since that date. Indeed the appellant accepts that the judgements made prior to the start of the business have been affected by unforeseen market factors and that the stud has not been particularly profitable over the first two financial years. This suggests that the Council has some grounds for their reticence to accept that the first criterion has been met although I accept that a new barn could provide an impetus for investment in the livestock necessary to the enterprise. Overall, therefore, I would accept that the appellant has a clear intention to

develop the enterprise, and I consider that the lack of a clearly defined and current business plan for such development should not be determinative of the whole proposal.

9. The second criterion is that there is a functional need for the proposed temporary dwelling and the appellant puts forward three reasons in support of this. They are to provide essential care for horses, in case of medical emergencies, and for security. The first reason refers to a need for 24-hour supervision for the fifteen horses² kept on the site, including routine daily tasks, breeding and schooling activities, and supervision during foaling and periods of disease. This overlaps to some extent with the second reason which relates to an ability to act quickly during medical emergencies such as during periods of labour. The third reason relates to various incidences of trespass over the past two years, and the need to ensure that the stables are secure to avoid theft or vandalism. In this context I have noted the letter from the Crime Reduction Department of Cleveland Police which suggests, amongst other advice, that occupied premises are less prone to crime.
10. In considering these reasons I do not doubt that an on-site residential presence would be convenient for the appellant but that does not necessarily equate to a need to be on site at all times. Indeed it appears that, whilst the caravan has been on site for some time, the appellant has worked elsewhere on a part-time basis suggesting that the enterprise can be supervised adequately through regular inspections of stock. Indeed many of the day-to-day tasks indicated are those which would be done by workers coming to a site on a regular basis and they do not justify a 24-hour on-site presence. Similarly, schooling of horses is largely a daytime activity after which horses would be stabled for the night. In this context, the provision of a secure barn with adequate security measures would significantly help. I accept that livestock is valuable but it is my experience from dealing with similar proposals elsewhere that adequate security can be obtained without residential occupation. As for medical emergencies, whilst I accept that some may be unpredictable, illness or imminent foaling is likely to be indicated through the regular day-to-day inspections that invariably take place at equine enterprises. In the light of all of these considerations, therefore, I conclude that there is not a functional need for residential occupation of the appeal site.
11. The third criterion is that the enterprise has been planned on a sound financial basis. In this context I have already referred to the shortcomings of a business plan prepared three years ago that is unsupported by subsequent accounts. Additionally, the plan fails to take into account wages for either the appellant or any other workers on the holding. In this respect I do not consider that the care of fifteen horses can be undertaken by the appellant alone. I can also see no entry for the erection of the proposed new barn; even if the materials have already been purchased, and there is no documentary evidence such as invoices or receipts to support that statement, there will inevitably be the cost of its erection which needs to be shown in any business plan. Moreover, despite these omissions and discrepancies, the projected forecast indicates a closing balance, in March 2011, after four years of operation from April 2007 of

² I have accepted the appellant's claim that there are fifteen horses on the site at face value. However, I saw only two horses on the site at my inspection and, whilst there may have been others in the block of five stables, this leads to a doubt as to the accuracy of this statement.

- only £2793. As the appellant accepts that cash flow has been hindered by a number of factors, it is likely that even this very small profit would not be achieved. This indicates that the enterprise has not been planned on a sound financial basis.
12. The fourth criterion is that the functional need could not be fulfilled by another existing dwelling on the unit, or by any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. In this respect, the appellant does not appear to have examined the availability of other accommodation in the local area, stating merely that there is none available within sight and sound of the buildings to fulfil the identified functional needs of the business. This, of course, pre-supposes that there is a functional need for on-site residential accommodation but I have found that this is not the case. Moreover, I noted three houses for sale in the nearby village of Thorpe Thewles, including a very modest two-storey terraced house in Wynyard Road about 400m from the appeal site. Whilst this is a snapshot of housing availability in the area, it indicates that suitable accommodation for the needs of the business during its establishment is likely to be available within easy travelling distance of the holding.
13. The fifth criterion is that other normal planning requirements, such as siting and access, are satisfied. I shall deal with siting in respect of the second main issue, but I am satisfied that the current access, and other matters such as the control of external lighting, is acceptable, subject to the imposition of appropriate conditions on any grant of planning permission. However, for the reasons given above, I conclude on this issue that the appellant has failed to show that the relevant criteria set out in paragraph 12 of Annex A to PPS7 have been satisfied. Consequently, I cannot find any merit in the contention that there is an occupational justification for the continuation of the residential use on the appeal site, rather the normal presumption against such development in the open countryside, as set out in both saved Policy EN13 and Policy CS1 of the Council's adopted Core Strategy of their Local Development Framework (LDF), is not outweighed.

Effect on Character and Appearance

14. The character of the surrounding area is rural with agriculture, both arable and livestock grazing, being the predominant land use. There is also a Country Park, adjacent to the Castle Eden Walkway, a short distance to the north of the site. In terms of appearance the varied topography and extent of mature deciduous vegetation, in the form of both belts of woodland and field- and road-side hedges, make this a most attractive area.
15. The appeal site is located to the east of the Walkway, occupying an area of open land that rises away from Wynyard Road. The area to the east of the access gateway, which currently contains the existing stable block and attached barn, together with the mobile home and a number of chicken sheds, is elevated above the road but the land falls towards the south-west and the revised block plan shows that the proposed barn would be located in that area, with the caravan moved to the west of the access within a new area of hardstanding.

16. The southern edge of the appeal site, particularly that to the west of the access, is bounded by a thick mature deciduous hedgerow of up to 6m in height. It is also partly set back behind a section of old highway that now forms an access to the Walkway. The proposed barn would be built to the north of this hedgerow and I consider that it would consequently be relatively well screened, even in the winter months, because of the thickness of that vegetation. Additional planting could also be required through the imposition of an appropriate condition on any grant of planning permission to further aid such screening. The caravan would also be largely hidden behind the thicker section of this hedgerow.
17. Filtered views of the barn and the caravan would be obtained in the winter from both the Walkway and the minor road to the east, but I do not consider that any of these would be particularly harmful. An agricultural barn is not an unusual structure in the countryside and conditions could be imposed to prevent outside storage of equipment. Similarly, a static caravan, if justification was to be shown, would not necessarily be out-of-place and a condition requiring it to be appropriately coloured, to aid integration into its surroundings, could be imposed.
18. I note the Council's concern about the linear nature of the proposed development, and I agree that this is not entirely satisfactory because of the separation of the three main elements of the proposed holding. It seems to me, however, that, given the screening which already exists, this could be overcome through judicious planting in pursuit of a detailed scheme required by condition. I conclude, therefore on this issue that the proposed development would not materially harm the character and appearance of the surrounding area, and would not therefore conflict with the relevant policies of the Development Plan, including Policy CS3 of the Core Strategy LDF. However my conclusions on this issue do not outweigh the fact that there is insufficient justification for residential occupation of the appeal site. It follows, therefore, that the appeal must fail.

Other Matters

19. All other matters raised in the written representations have been taken into account, but they do not outweigh the conclusions reached on the main issues of this appeal.

Martin Joyce

INSPECTOR