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# Appeal Decision

Site visit made on 3 April 2014

by **C J Checkley BA(Hons) MRTPI**

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

Decision date: 28 April 2014

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**Appeal Ref: APP/H0738/A/14/2212023**

**Beckside Livery, Bank Terrace, Thorpe Thewles, Stockton-on-Tees,  
TS21 1DT**

- 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 Charlie Teasdale against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 13/2703/REV, dated 24 October 2013, was refused by notice dated 18 December 2013.
  - The development proposed is conversion of redundant single storey utility building to form 1 no. dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary matters

2. The address above is taken from the application form. The decision notice gives a different address: Beckside Livery, Thorpe Road, Carlton, Stockton-on-Tees.
3. The Planning Practice Guidance was published on 6 March 2014. The content of the Guidance has been considered but in light of the facts of this case it does not alter my conclusions.

## Main Issue

4. The main issue is whether there is an essential need for the proposed dwelling, having regard to the requirements of the equestrian business and national and local planning policies that seek to restrict the development of new homes within the countryside.

## Reasons

### *Background*

5. Beckside Livery comprises an extensive site in the countryside that operates as a commercial livery and harness-racing training enterprise. The equestrian enterprise includes two main buildings, together with a horsewalker structure, paddocks and an oval pony track. The planning history of the overall enterprise began with two permissions granted in 2004 - first, the "erection of agricultural
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storage building with hardstanding area together with new site entrance" (the larger of the two current buildings) then the "erection of a stable block" (the smaller of the two current buildings - and the subject of the current appeal). Retrospective permission was granted in 2006 for the pony track. In 2010 retrospective permission was granted for change of use of the main agricultural building to stables and storage for a commercial livery, as well as the erection of a lean-to extension and the erection of a horsewalker. This main building encloses stables and provides storage for tack and carriages for the livery and harness-racing training enterprise business.

6. Minor amendments were permitted at the same time in 2010 to the previously-approved stable block and storage building which is the focus of this appeal. It is a single-storey red-brick building with a pitched tiled roof, with a regular arrangement of four windows on both the main front and rear elevations and additionally two doors on the front elevation that faces onto a parking area. The appellant describes this building as now being redundant. The appeal seeks to convert it into a two-bedroom dwelling to provide living accommodation for an employee of the commercial livery and harness-racing training enterprise. The drawings show part of the building would also be used as a reception area and an office, accessed both internally from within the dwelling and externally from a new door onto the yard area.
7. The development plan includes the Stockton Local Plan adopted in 1997 (LP) in which the appeal site lies outside the limits to development of any settlement. The conversion of the building to a dwelling would not comply with saved LP Policies EN13 or EN20 which resist new development including housing in such locations unless it is necessary for farming or forestry, or involves the conversion or re-use of rural buildings for commercial, industrial, tourism, sport and recreational uses. The LP does not contain a saved policy regarding the conversion of rural buildings to dwellings.
8. Paragraph 55 of National Planning Policy Framework (March 2012) (the Framework) indicates that to promote sustainable development in rural areas, new isolated homes in the countryside should be avoided unless there are special circumstances. Here, "isolated" can reasonably be taken to mean remote from shops and local services and, thus, from sustainable settlements. Two relevant examples of such circumstances cited include first, a development that would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or second, an essential need for a rural worker to live permanently at or near their place of work in the countryside. Having regard to the advice in paragraph 215, I consider that the broad thrust of LP Policies EN13 and EN20 are not inconsistent with the Framework and they continue to carry weight on these particular matters. However, I accord greater weight to the provisions in the Framework, which have a different emphasis.

*Re-use of redundant/disused building and enhancement to the immediate setting*

9. Having regard to the first special circumstance cited above, the stable block and storage building is a permanent brick building that was erected only some ten years ago to meet the needs of the equestrian enterprise. Although it is said to be unused following the erection of the lean-to extension to the large main building which gained retrospective consent in 2010, it offers a permanent structure of high build quality with potential for flexibility in how it

is used. The stated aim of the appellant is to expand the business. The appeal scheme before me includes the use of part of the building as a reception room and an office to serve the enterprise. At the same time, the building is not a derelict structure that causes visual harm but a newly-constructed permanent brick building of quality that requires no significant alteration or improvement to its external appearance. Therefore, I am not satisfied that the building in question is redundant and disused and likely to remain so, and I do not accept that the appeal proposal would lead to an enhancement to the immediate setting. Therefore, the first cited example of a special circumstance taken from paragraph 55 of the Framework does not apply in this case.

*Essential need for a dwelling for the equestrian enterprise*

10. I now address the second cited special circumstance which is reflected in the main issue. The appellant contends that there is a requirement to provide permanent on-site living accommodation for staff to ensure the welfare and security of the horses stabled at the site and to support the growth and expansion of what is now an established enterprise. The Council asked the appellant to supply more information about the enterprise during the progress of the application. However, I have before me only limited details of the enterprise and how it functions.
11. I am told that there are 15 individual stables within the main building, of which 8 provide accommodation for horses involved in harness racing and the remaining 7 accommodate horses in DIY and full-time livery. The appellant states a wish to expand that side of the enterprise involving the training of horses for harness racing but that this is proving very difficult as many harness racing horse owners are unwilling to stable their animals, which are valuable and vulnerable commodities, at a site lacking 24-hour on-site supervision. There is support from the British Horse Society and Oaklands Veterinary Surgery, who express concerns expressed regarding night-time risks of such things as illness, horses becoming cast in their boxes and unable to get up without assistance, mares requiring assistance when foaling, fire, theft and vandalism. In the event of permission being granted, the appellant has offered a condition restricting occupancy of the dwelling to staff of the enterprise.
12. There are well-established principles that proposals for permanent dwellings for enterprises in the countryside should show a clearly-established existing functional need, one that relates to a full-time worker and not a part-time requirement, that the business is financially sound, and that if a functional need is established it should not be capable of being met by any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.
13. There is inadequate documentary evidence on a number of matters including: a full breakdown of the number/ratio of stables/work involved in full-time livery, in schooling and DIY livery; evidence of how the livery and schooling elements operate including the number of horses and the length of stay; evidence of the numbers of full-time and part-time staff and others engaged in the business and the number of hours worked (although I note the annual wages bill has remained less than £15,000 pa from 2009-2012); details of where the staff live in relation to the business; a diary of night-time incidents regarding the matters of expressed concern that have occurred in the past and how these

have been dealt with in the absence of staff living permanently on-site; evidence of how these matters have been changing over time. There is no overall assessment available of the scale of the existing functional need in relation to labour requirements, or welfare or security incidents and whether modern technology such as CCTV and security lighting would assist. As regards future functional needs, there is no business plan or other material to show how the functional need is expected to grow over time. Therefore, I find that the material before me is not sufficient to demonstrate either an existing or an anticipated functional need for the dwelling.

14. Since no functional need has been demonstrated, it is not necessary for me to assess whether the enterprise is and would continue to be financially sound. This would require more detailed information than the simple breakdown of sales, expenditure and net annual profit that has been submitted.

#### *Sustainability of the location*

15. The appellant does not dispute the Council's claims that the site is some 870m from the local village of Carlton and some 750m from the village of Thorpe Thewles, both of which have only limited services and facilities in relation to shops, schools, leisure uses and employment, and also that there no safe and convenient footpath links to the limited facilities in these villages. The appellant accepts the appeal site does not perform well in terms of accessibility to local services. Future residents of the dwelling are therefore likely to rely on the use of the private car to reach most everyday services and facilities. This is contrary to core planning principles of the Framework to reduce carbon dioxide emissions and locate development where the fullest possible use can be made of public transport, walking and cycling.

#### *Absence of special circumstances*

16. Because the essential need for a rural worker to live permanently at his or her place of work in the countryside has not been demonstrated, the special circumstances required to permit a new isolated home in the countryside do not exist. Therefore, I consider that the proposed development would compromise the objective of national and local policy to strictly control new dwellings in the countryside. The scheme would be contrary to the objectives underlying LP Policy EN13, would conflict with paragraph 55 of the Framework and would not represent sustainable development for which there is a presumption in favour.

#### *Conclusions*

17. I have taken account of all other matters raised, including the absence of harm to the visual appearance or character of the countryside or the strategic gap identified under Core Strategy Policy 10 (CS 10), but none have been sufficient to outweigh those outlined above. The appeal must therefore fail.

*C J Checkley*

INSPECTOR