



Appeal Decision

Site visit made on 24 February 2015

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

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

Decision date: 2 March 2015

Appeal Ref: APP/H0738/A/14/2228638

Thorpe Thewles Lodge, Durham Road, Thorpe Thewles, Stockton-on-Tees, TS21 3JB

- 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 G Clark against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 14/0003/COU, dated 23 November 2013, was refused by notice dated 29 May 2014.
 - The development proposed is described in the application as: *Bed and breakfast: I would like to increase my letting rooms from 2 to 4 rooms.*
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Decision

1. The appeal is dismissed.

Background and preliminary matters

2. The appellant described the proposal in the application in the terms set out in the headings above. The Council in its decision notice describes the application as *change of use to increase number of bed and breakfast letting rooms from two bedrooms to four bedrooms*. I understand that the use of the 4 bedrooms in question has already commenced.
 3. The material before me indicates that the authorised use of the property in planning terms is as a single dwellinghouse (Use Class C3). The committee report expresses the view that the use of up to two bedrooms within the 5-bedroom dwellinghouse for bed and breakfast accommodation is regarded by the Council as ancillary to and encompassed within the dwellinghouse use.
 4. The appeal relates to a detached building known as Thorpe Thewles Lodge. The ground floor has 3 ensuite bedrooms, a further bedroom and a bathroom, a kitchen, a living room with a conservatory, a dining room; the first floor has a further ensuite bedroom. Under the proposals as shown on the submitted sketch plan I understand that 3 ensuite bedrooms, a fourth bedroom and the bathroom, and the dining room would be used for bed and breakfast accommodation, with food prepared within the kitchen. It appears only the living room with its associated conservatory and one adjoining ensuite bedroom would be used for personal accommodation. I find that the primary use of the building would change from a dwellinghouse to a bed and breakfast business
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with the personal accommodation for the owner or manager being encompassed within or ancillary to the primary use.

5. Therefore , I am treating the application as seeking a change of use from a single dwellinghouse with ancillary bed and breakfast accommodation (Use Class C3) to bed and breakfast accommodation with 4 letting rooms and ancillary owner's/manager's living accommodation (Use Class C1). I note that this is broadly how the proposal was described within the committee report. Use Class C1 use includes hotels, boarding and guest houses where no significant element of care is provided. Bed and breakfast accommodation can therefore generally be used as a hotel without a need for planning permission.
6. The application area denoted by the red line on the submitted plan includes only the building and its immediate curtilage, together with an adjoining fenced area where I was told that a septic tank is located. There is no blue line indicated on the submitted plans, although I understand the appellant controls adjoining land. The property is reached by a shared private access road leading from the public highway at old Durham Road (rather than the A177). However, the access road is not included within the application area or any land outlined blue on the submitted plans to denoted land under the control of the appellant.

Main Issue

7. The main issue in this appeal is the effect of the proposed change of use upon the living conditions of neighbouring and nearby residents, with particular regard to levels of noise and disturbance.

Reasons

8. Thorpe Thewles Lodge is a detached dwellinghouse that forms part of a group of buildings in the countryside. These include the farmhouse and buildings at High Middlefield Farm, the livery business owned by the same farm, and several former barns which have been converted to form 2 completed dwellings (including Stable View and Cobblestones) with a third that is not yet complete.
9. High Middlefield Farm gains its vehicular access direct from the A177. I saw that large signs have been erected by its owners at the entrance indicating that it is a private road leading only to High Middlefield and that there is no access for bed and breakfast traffic. The farm owners contend that they are disturbed by patrons of the bed and breakfast accommodation trying to access the Lodge.
10. The Lodge, the livery and the 3 residential barn conversions all share the same private vehicular access from old Durham Road. The access road passes the livery and the group of residential barn conversions (directly alongside the main elevation of one of them) before reaching the Lodge. The Lodge building and its internal access and car parking areas stand very close to the group of barn conversions, separated from it by a wooden close-boarded fence. The main entrance to the Lodge and a number of large windows faces towards the residential barn conversions which include a number of windows on the outward-facing elevations.
11. The use of the bedrooms within the Lodge appears much more intensive than would normally be the case in a typical bed and breakfast business, as a result

of both the large capacity and management of the rooms. At the time of my visit I saw 2 rooms each had 2 double beds, another had two double beds and a single, and the fourth had a double bed with further space available. The indications are that up to 6 people may be accommodated within several of the individual rooms. Therefore, the four letting rooms have the potential to accommodate considerable numbers of transient guests (including groups) at any one time, with the resultant coming and going of patrons and staff by cars and taxis, car doors slamming, groups of people talking and laughing after an evening out, including activity at anti-social hours. In the summer months noise may also arise from use of the garden by groups of patrons and from noise escaping through open windows facing or close to neighbouring residents. The intervening boundary fence will provide only limited sound attenuation. The intensity and impacts of the proposed use would be materially different from a dwelling with purely ancillary letting accommodation.

12. Given the proximity of the dwellings created from the barn conversions, and the nature of the current use which allows groups of people to share individual rooms, there is considerable potential for noise and disturbance of nearby residents at anti-social hours. Such disturbance would be intermittent and identifiable, materially different from the anonymous background noise of passing traffic on the A177. There is also potential for the use to evolve within the Class C1 use which encompasses hotels. Although the appellant queries the representations from third parties regarding the source, dates and frequency of any noise, I give weight to the fact that some neighbours contend they have complained about noise and anti-social behaviour in the past, whilst the Council's Environmental Health Department indicates it has received two complaints about noise arising from guests at the premises and the local police are said to have investigated complaints of anti-social behaviour.
13. I am persuaded by the evidence before me that the occupants of High Middlefield Farm have suffered unwanted disturbance by some would-be patrons of the bed and breakfast accommodation who are strangers to the area; this may include those seeking access from the A177 whilst following the instructions of satellite navigation systems. However, the farm owners have the power to limit this by closing their private access gates and using warning signage. Nevertheless, I am also mindful that I have no power to require that access to the site is only taken from the private track from the old Durham Road, particularly since the route is not within the application area or other land shown as being under the control of the appellant.
14. I have taken account that there is support for the proposal from the current occupants of two of the three residential barn conversions. However, the proposal involves a change to the permitted primary use with a doubling of bedspaces with likely increased adverse impacts. The National Planning Policy Framework (NPPF)(paragraph 17) states the aim should be to ensure good standards of amenity for all existing and future occupants of land and buildings. Such an approach is in the wider public interest.
15. I conclude that the proposed change of use would be likely to result in increased intermittent noise and disturbance at close quarters for existing and future occupants of neighbouring and nearby dwellings, contrary to the amenity

objectives of the NPPF. (I find no conflict, however, with the specific provisions of Core Strategy CS3(8) which do not seem pertinent to this case).

16. I have taken full account of the other expressions of support for the proposal from employees who value the jobs and from other local businesses who state there is a shortage of this kind of visitor accommodation. Although I give due weight to these important benefits, I find they are nevertheless clearly outweighed by the adverse impacts I have described. Although the NPPF supports sustainable rural tourism and leisure developments, the premises are not in a location which is readily accessed by means other than cars and taxis and there are not safe and convenient footpath links to the nearest urban facilities.

17. Finally, I do not consider that the imposition of conditions could overcome the harm described. Therefore, the appeal fails.

C J Checkley

INSPECTOR