
Appeal Decision

Site visit made on 30 March 2016

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 22 April 2016

Appeal Ref: APP/H0738/W/15/3139891

Gooseberry Farm, Darlington Back Lane, Whinney Hill, Stockton-on-Tees TS21 1BQ

- 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 Mrs Michelle Staton against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 15/0736/FUL, dated 16 March 2015, was refused by notice dated 3 June 2015.
 - The development proposed is the conversion of an existing stable outbuilding into a 2 bedroom holiday let.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing stable outbuilding into a 2 bedroom holiday let at Gooseberry Farm, Darlington Back Lane, Whinney Hill, Stockton-on-Tees TS21 1BQ in accordance with the terms of the application, Ref 15/0736/FUL, dated 16 March 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 2015/MS1/01 and 2015/MS1/02.
 - 3) The accommodation hereby approved shall:-
 - i) be occupied for holiday purposes only;
 - ii) shall not be occupied as a person's sole or main place of residence; and
 - iii) the operator to maintain a register of the occupant's main place of residence, which is made available for inspection.

Procedural Matters

2. The application form originally described the proposal as "the conversion of an existing outbuilding into a 2 bedroom annex. Creating a new vehicle access from Darlington Back Lane". However, the application was subsequently amended during the course of the application, and the revised description set out in the heading above formed the basis upon which the Council determined the application. I will also determine the appeal on this basis.
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Main Issue

3. The main issue is whether the development proposed would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework and the development plan.

Reasons

4. The appeal site forms part of a group of former farm buildings associated with Gooseberry Farm. The site is situated within a loose aggregation of dwellings, former farm buildings and equestrian activities alongside Darlington Back Lane, identified collectively on road-signs as Whinney Hill.
5. It is proposed to convert an existing single storey range on the northern side of the yard area at Gooseberry farm, referred to variously as either stores or stables, to a 2 bedroom holiday letting unit. Other than alterations to fenestration and the blocking up of a small window on the northern (road) side of the building, the works proposed are internal and the proposal would amount to the reuse of the existing building without extension.
6. The development plan comprises the Stockton on Tees Local Plan (the LP) and the Stockton on Tees Core Strategy Development Plan Document (the CS). I find that the provisions of LP policies EN13 and EN20 and CS policy CS4 are broadly consistent with the National Planning Policy Framework's (the Framework) aims of supporting a prosperous rural economy.
7. The Council have also relied upon the provisions of policy SP3 of the emerging Regeneration and Environment Local Plan Publication Draft (the RELP) in its approach to locating development. In line with paragraph 216 of the Framework, I have apportioned weight to the RELP appropriate to its "Publication Draft" status.
8. The Council have confirmed that the site lies beyond the limits of development referred to in saved policy EN13 of the Stockton on Tees Local Plan. Whilst it has not been advanced that the proposal is necessary for a farming or forestry operation, LP policy EN13 states that development may be permitted in such locations where the proposal falls within the scope of LP policy EN20.
9. The proposal before me would create a 2 bedroom holiday let within the existing building, without extension or significant alteration. It is noted that the Council found no harm would be caused to the character or appearance of the area and, as the building faces inwards into the existing yard area, I agree. Sufficient space exists within the yard area immediately adjacent to the appeal building for the parking and manoeuvring of vehicles, and I note that there have been no objections to the proposal on highways grounds. The proposal would, I find, satisfy the provisions of LP policy EN20 and, in turn LP policy EN13 and this weighs in favour of the proposal.
10. Core Strategy policy CS4 and the provisions of the emerging RELP policy SP3 state that the Council will support development in the countryside for, amongst others things, proposals for tourism and rural enterprises that require a rural location, would support the rural economy and contribute to rural diversification. The approach of the Framework, like that of the LP, is essentially to promote sustainable development. In relation to the rural economy, the Framework states that sustainable tourism should be supported. It notes that this encouragement should include supporting the provision and

expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

13. National guidance does not however in my view exclude other developments that have the potential to contribute to the rural economy. As visitors using the proposed accommodation would be likely to visit other places to eat, drink and enjoy leisure and recreation facilities, local businesses and others would benefit that in turn would contribute to the local economy. The proposal would therefore provide additional, albeit limited, support to the rural economy. Whilst not representing the diversification of a farming enterprise the proposal would also provide additional capacity in the self-catering holiday let sector for which, I am advised by the appellant and which has not been disputed by the Council, there is a shortage of in the surrounding area.
11. In conclusion therefore I find that the proposal would support the rural economy and contribute to rural diversification. The proposal would represent an appropriate form of conversion and would satisfy the provisions of LP policies EN13 and EN20, which I consider to be consistent with the three dimensions of sustainable development set out in the Framework. Although the appellant has not demonstrated an overriding requirement for the proposed holiday let to be located in the rural area as required by CS policy CS4 and RELP policy SP3, I find that the proposal would not be in conflict with the overarching aims of those policies in supporting the rural economy and contributing to rural diversification.

Conditions

12. In addition to the time limit condition, a condition specifying the approved drawings is necessary in order to provide certainty. I agree that a condition restricting occupancy for holiday let purposes is necessary, albeit that I do not agree with the wording put forward by the Council in this respect. I have therefore applied an occupancy condition with drafting revisions.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR