



Appeal Decision

Site visit made on 22 January 2018

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 13 February 2018

Appeal Ref: APP/H0738/W/17/3187728

Millstone Cottage, West End Farm, Mill Lane, Long Newton TS21 1DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Henry Taylor against Stockton-on-Tees Borough Council.
 - The application Ref 17/1300/RET, is dated 12 May 2017.
 - The development is the conversion of stable block into a single dwelling with associated car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The conversion has already taken place which was evident from my site inspection. I noted that the outdoor garden area on site differed slightly in its configuration to that shown on the plans and I have therefore considered the appeal on the basis of the arrangement shown on the plans.
3. The appeal building is constructed of brick. The Council advise that when planning permission was granted the approved external material was timber. The appellant advises that, notwithstanding his understanding that it was intended to be a brick building, the Council have not attempted to remedy or enforce the situation. Whilst this remains a matter of contention, I have not been presented with any reason to suggest that the lawfulness of the building itself is a matter of dispute and my decision does not turn on the external materials of the building.
4. The Council failed to determine the planning application. However, in their statement they advise that they would have been minded to refuse the application as being an unsustainable location for residential development, particularly in terms of accessibility of services and employment, and that it would be out of character with its rural location.

Main Issues

5. Bearing in mind the Council's notional refusal reasons, the main issues raised by this appeal are the effect the development has on the character and appearance of the area and whether the site is a suitable one for housing.

Reasons

Character and appearance

6. The appeal building is an L shaped former stable with brick walls and profiled sheet roofing to one wing and tiles to the other. It lies adjacent to a group of agricultural buildings situated along the north side of Mill Lane where it leads from the west end of the village. Viewed from the north and west, the size and extent of the buildings behind the appeal site result in a distinctively agricultural character and appearance to the vicinity. Although a few residential properties are noticeable, they appear as a more limited component of the composition due to their relative size and situation. The land beyond this group slopes down to the north west and forms part of an open, rural landscape which extends beyond buildings along Mill Lane to the west of Long Newton. This includes the area of outdoor space which forms part of the appeal site.
7. The outdoor space consists of a concrete apron enclosed on two sides by the wings of the building with areas of gravel sweeping around it. Although largely obscured by snow at the time of my visit the appellant's photographs show grass beyond the gravel, separated by brick edging.
8. The building and site are fairly discreet and well screened from Mill Lane to the south due to intervening buildings. However, the topography and nature of intervening planting means that the site is much more apparent when viewed from the north and west. Whilst its brick construction contrasts with that of the large agricultural buildings behind, the design and form of the building results in an equestrian appearance which is not in itself at odds with its immediate setting of the workaday agricultural buildings. Based on the drawings, the form and openings of the stables have been retained and despite some domestication in detailing of openings and other additions the building retains a degree of equestrian character.
9. However, the outdoor space which surrounds the building is in an exposed and prominent situation. The domestic use of this space for garden, parking and other outdoor residential activities makes it distinct from the agricultural and equestrian land which surrounds it to the north and west, including a surfaced riding area. Therefore, whilst similar fencing encloses both the site and fields beyond, the garden area has a character and appearance materially different to that of its surroundings. This has resulted in a domestic incursion into the countryside surroundings of the area at odds with the predominantly agricultural and equestrian character of land and buildings around it. By way of contrast, the rear gardens of the nearby West End Cottages are notably more discreet and set back from the appeal site.
10. The appellant considers that a planning condition could have the effect of bringing domestic outbuildings under planning control. However, the management and landscaping of residential grounds, and the siting of a wide range of domestic paraphernalia on the site would be outside of such control. Such arrangements would markedly and noticeably erode the rural character of the area in marked contrast to that prevailing in its surroundings as will the use of the land for day to day domestic activities. Whilst screening planting, both within and outside the site, may reduce its prominence over time this would not mitigate the change in the character of site to one of a domestic nature.

11. This has significantly harmed the character and appearance of the area, eroding the open countryside around Long Newton. This adverse effect means it is contrary to the local character provision of criterion 8. of Core Strategy¹ Policy CS3. This is also contrary to the National Planning Policy Framework's (the Framework) approach that development should respond to local character, add to the overall quality of the area and be avoided where it fails to take the opportunities available for improving the character and quality of an area.
12. I do not agree with the appellant that a 'fallback' stable use resuming on the site, with outside feed or associated storage, would necessarily harm the character and appearance of the area given the predominant existing uses surrounding the site and that storage of that nature would not necessarily be uncharacteristic of such a location.

Suitability of location for housing

13. The Council advise that the site lies outside limits to development and as the development is not covered by any of its exceptions the development is contrary to saved Local Plan² Policy EN13 which only permits (by referencing Local Plan Policy EN20) non-residential re-use of rural buildings. However, whilst paragraph 55 of the Framework seeks to avoid isolated new homes in the countryside, it identifies a number of special circumstances as exceptions including where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
14. The appellant advises that the building was redundant, and although the Council have questioned this, there is no substantive evidence to suggest that the building was not redundant or disused before it was converted. Whilst there is little substantive evidence that the development has led to an enhancement of the immediate setting, anecdotal comments from interested parties supporting the proposal have referred to the previous condition of the site and that the development has resulted in a visual improvement. I have been presented with no evidence to the contrary.
15. I consider that an enhancement in the terms of Framework paragraph 55 would not necessarily be restricted to the improvement of character and quality of an area required by Framework paragraph 64 as it could relate to the condition, maintenance and management of land and buildings from a disused or redundant state. As such my findings in relation to character and appearance of the site do not lead me to consider that the conversion of the building itself necessarily fails the requirements of paragraph 55 of the Framework. In the same manner, such enhancement would not necessarily achieve an improvement in character and quality and consequently my findings in this respect do not alter those I have made on character and appearance above.
16. Although evidence supporting both main parties' views is very limited, on balance I consider that the circumstances are such that the appeal development would accord with one of the special circumstances set out in the Framework where isolated new homes in the countryside may be acceptable.
17. The sustainability of the site in respect of occupiers' reliance or otherwise on private vehicles to access services and employment is considerably less

¹ Stockton-on-Tees Borough Local Development Framework – Core Strategy Development Plan Document, 2010.

² Stockton-on-Tees Local Plan, 1997.

pertinent to the consideration of the acceptability of the development as this is not a factor upon which Framework paragraph 55's special circumstance relating to the re-use of buildings is dependent.

18. Whilst the development is contrary to saved Local Plan Policy EN13, I can only give this policy limited weight in that respect given its limited consistency with the Framework's range of special circumstances where housing in the countryside may be acceptable. However, notwithstanding that the principle of development accords with the Framework's approach, the execution of the development itself, and in particular the arrangement of domestic outdoor space, means that this situation does not outweigh the harm to the area's character and appearance.
19. The circumstances of the proposal considered in my decision in Elton³ nearby, cited by the Council in support of their position in this regard, were materially different to those raised in this case, in particular that this proposal relates to the conversion of an existing building and the different Framework considerations that this raises.

Planning balance

20. Although the Council considers that it has a five-year housing land supply this is dependent on a development plan which they advise is not yet at publication stage and therefore carries limited weight. In these circumstances that such a supply cannot be demonstrated Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date and that housing proposals need to be considered in the context of the presumption in favour of sustainable development at paragraph 14 of the Framework.
21. The proposal has caused significant harm to the rural character and appearance of the area and is consequently contrary to Core Strategy Policy CS3. The Framework recognises the intrinsic beauty and character of the countryside as a core planning principle and so the policy is consistent with it. Because of this, the policy conflict carries considerable weight.
22. Balanced against this is the contribution to the supply of housing, which whilst limited is something which carries moderate weight as does the potentially beneficial re-use of an existing building. However, taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the presumption in favour of sustainable development does not apply. There are no material considerations in this case to justify making a decision other than in accordance with the development plan.

Other Matters

23. The main parties do not agree whether the site should be considered as previously developed land in the Framework's terms. However, as the development relates to a conversion of an existing building, the site's status in this respect is not determinative.

³ APP/H0738/W/16/3151064.

24. In support of his appeal the appellant has drawn my attention to an appeal decision in Maltby⁴. However, although the development in that case related to the conversion of building, it was situated within the settlement and its effect on character and appearance was not a main issue under consideration. Given these materially different circumstances to the appeal before me, this does not lead me to a different conclusion.
25. I have had regard to interested parties' letters of support for the development, however these considerations do not persuade me that the development is otherwise acceptable.

Conclusion

26. For the above reasons, and having had regard to all matters raised, the development has significantly harmed the character and appearance of the area, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

⁴ APP/H0738/W/16/3160786.