
Appeal Decision

Site visit made on 4 October 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/H0724/W/16/3154082

Horseshoe Hill, Quarry Lane, Brierton Lane, Hartlepool, TS22 5PP

- 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 Paul Robinson against the decision of Hartlepool Borough Council.
 - The application Ref H/2015/0536, dated 9 December 2015, was refused by notice dated 17 March 2016.
 - The development proposed is described as change of use from existing private stables to livery stables with the erection of a new office block.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal proposal is for the provision of an office building which the application form shows to be for Use Class B1 and the change of use of the existing established private stables to commercial livery stables. The submitted plans include the provision of a security/sleeping office within the proposed building. Whilst the appellant has stated that there is no residential element to the proposal, it is clear from the appeal documents that a 24 hour security presence would be maintained at the site on a commercial basis, rather than on a residential basis. I am clear therefore that the appeal proposal is not for a new dwelling in the countryside and I have dealt with the appeal accordingly. I have taken the site address from the appeal form as it is more accurate than that set out in the application form.

Main Issues

3. The main issues for the appeal are:
 - The effect of the proposed development on highway safety with particular reference to visibility splays onto Brierton Lane; and
 - Whether the proposed development accords with national and local planning policy regarding development in the countryside.

Reasons

Highway safety

4. The proposed development would use an existing access track from Brierton Lane, which would be upgraded as part of the proposed development. The
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submitted plans indicate that visibility splays of 2.4 metres by 40 metres would be provided. I saw at my site visit that Brierton Lane is a rural road with a narrow carriageway width and no footway provision. The Highways Authority has set out that 2.4 X 70 metre sight lines are required for the development. These cannot be achieved due to a bend in the road to the north east of the appeal site. This restricts visibility to about 40 metres and I saw at my site visit that existing vegetation affects visibility to the south west, but that it appears that the required sight line could be met in that direction within the highway verge.

5. Few details are provided with the appeal regarding the use of Brierton Lane by traffic such as traffic speeds or in respect of the volume and type of traffic or the traffic which would be generated by the proposed development. However, given that the site would change to commercial livery use and could employ up to 3 people, I consider that an increase in the use of the access would inevitably occur. Vehicle parking would be provided close to the proposed building and it would be possible for vehicles to turn to enable them to exit the site in forward gear. However, the visibility distance to the north east for vehicles exiting the site would be significantly below the required level and the effects on highway safety would be exacerbated by the relatively narrow carriageway width within which vehicles would turn. On the balance of the evidence provided, I consider that it has not been demonstrated that safe access can be provided for the proposed development or if the road conditions are such that the proposed visibility splay of 40 metres to the north east would be acceptable in the interests of highway safety.
6. To conclude on this matter, it has not been demonstrated that the proposed development would have an acceptable effect on highway safety in respect of visibility at the site access. The appeal proposal is contrary to saved Policy GEP1 of the Hartlepool Local Plan 2006 which is concerned with general environmental principles and includes that in determining planning applications regard should be had to highway safety. The proposal is also contrary to the National Planning Policy Framework (the Framework) which in paragraph 32 includes that account should be taken of whether safe and suitable access to the site can be achieved for all people.

Development in the countryside

7. The appeal site is situated within the countryside. Saved Local Plan Policy Rur1 sets out that the spread of the urban area into the surrounding countryside will be strictly controlled. Saved Local Plan Policy Rur 7 sets factors for the determination of planning applications for development in the countryside, including visual impact on the landscape, compatibility of the design of the development within the landscape and operational requirements and viability of farm enterprises. The proposed office building is intended to be used as part of a new commercial livery stables business. National policy as set out in the Framework in paragraph 28 includes support for the sustainable growth and expansion of all types of businesses and enterprises in rural areas, through well designed buildings, and supports the development of land based businesses.
8. I saw at my site visit that the appeal site is situated within a wider rural landscape which includes a loose cluster of dwellings, commercial and other buildings. The appeal site consists of a number of stable blocks which exhibit some variety in their scale, design and external materials.

9. Whilst the proposed building would be single storey in scale, it would have a considerably larger footprint than the existing stable blocks, occupying a significant proportion of the width of the site and would consequently be more prominent, particularly as the building would be sited towards the top of a ridge when viewed from Brierton Lane. However, I do not consider that the proposed building would be out of character or scale with the buildings in the surrounding area and consider that as it would be seen against the backdrop of existing buildings and be constructed of materials and be of a design in keeping with those found in the wider area, it would not give rise to significant harm to the character and appearance of the countryside.
10. I have been provided with limited detail of the intended business use, such as the scale of the business, the number of horses which would be accommodated, the range of services and scope of livery offered, or been provided with a business case for the proposed development. I have however considered the appellants comments that the site at present lacks amenities and facilities such as toilets and that the proposed building is considered to be the minimum required for the business and to meet health and safety requirements. I have also considered the comments that a business could not operate without the proposed facilities and that horses need to be looked after. I have taken into account the comments regarding the thefts of horses from the site, but I have not been provided with any details.
11. On the balance of the evidence before me, whilst the Framework provides strong support for the development of rural business and I have found that the proposed building would not be harmful to the character and appearance of the countryside, it has not been demonstrated that the proposed building would relate to a viable rural business, or that the proposed building is of a scale commensurate with the operational requirements of the proposed business. Therefore the proposal does not accord with saved Local Plan Policy Rur7 in these regards.

Other matters

12. I have considered the appellants comments regarding the demand for livery stables in the area and that the development would use sustainable materials. I have also considered that the development could give rise to employment of staff. However these matters do not lead me to a different conclusion.

Conclusion

13. For the reasons set out above and having considered all matters raised I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR