
Appeal Decision

Site visit made on 31 October 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/Y3425/W/16/3156514

Yew Tree Barn, Wootton Lane, Wootton, Eccleshall, Stafford, Staffordshire ST21 6JF

- 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 Dr Keith Nixon against the decision of Stafford Borough Council.
 - The application Ref 15/23377/COU, dated 7 December 2015, was refused by notice dated 9 February 2016.
 - The development proposed is change of use of stable block or more precisely additional use as art/craft studio and storage of ride-on mowers and tools and equipment essential for the maintenance of the paddock, fencing and the stable block.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of stable block or more precisely additional use as art/craft studio and storage of ride-on mowers and tools and equipment essential for the maintenance of the paddock, fencing and the stable block at Yew Tree Barn, Wootton Lane, Wootton, Eccleshall, Stafford, Staffordshire ST21 6JF in accordance with the terms of the application, Ref 15/23377/COU, dated 7 December 2015, subject to the following conditions:
 - (i) the development hereby permitted shall be carried out in accordance with the following approved plan: Plan of Stable Block at Yew Tree Bar; scale 1:50 (at A4 page size); and,
 - (ii) the art/craft studio hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Yew Tree Barn.

Procedural matter

2. At the time of my site visit, the change of use which is the subject of this appeal existed on site. I have based my decision on what I saw on site, together with the submitted plans and details.

Main Issue

3. This is whether the proposal is an appropriate form of development in the open countryside.
-

Reasons

4. The proposed development concerns the change of use of a stable block to use as an art/craft studio and for the storage of ride-on mowers, tools and other such equipment. The starting point for the consideration of this appeal is the development plan. Policy E2 of the Local Plan¹ encourages sustainable rural development which includes the use and re-use of rural buildings provided that new extensions or significant alterations are not required.
5. The stable block is within an existing paddock; there is no dispute between parties that it is within the open countryside and I have no evidence before me to consider otherwise. The change of use re-uses an existing rural building without new extensions or alterations. I find, therefore, that the proposal would not be contrary to policy E2 of the Local Plan.
6. The Council's primary concern for the development is that the proposal extends the domestic use of Yew Tree Barn, which is in residential use, into the countryside. However no harm associated with this has been identified.
7. The evidence before me suggests that the art/craft studio is used for leisure purposes; the appellant's wife uses the studio for painting as a hobby. The ride-on-mower, tools and equipment are used for the maintenance of the paddock and its boundaries. The change of use has therefore domesticized the building.
8. There is nothing within the evidence before me that describes the activities associated with the use of the building as a studio and for the storage described. However, from my observations on site and from the appellant's description of the change of use, it is reasonable to surmise that the activities associated with the development would be minimal, related primarily to the appellant's wife working inside the studio, moving in and out of the building and tools and other such equipment being taken in and out of the store. Together with these activities not being materially different from those related to the stable; that of horses being moved in and out of the building and into the paddock, I find no harm to the open countryside as a result of the change of use proposed.
9. Nevertheless, an unfettered planning permission for an art/craft studio and storage would not restrict the building to the domestic purposes for which it is currently intended. The studio could, for example, be used for business purposes with visitors and the delivery of materials intensifying activities on the site which in turn would place demands on the need for parking and other highway requirements. This in turn could result in activities within the open countryside that cause undue harm. It is reasonable and necessary, therefore, to attach a condition to any planning consent to ensure that the use of the art/craft studio remains ancillary to Yew Tree Barn and therefore for domestic purposes only.
10. The Council raise a concern that the change of use would set a precedent for similar development in the open countryside. Notwithstanding the fact that I have found the proposal to be in accordance with the development plan, each proposal must be considered on its own merits. I attach little weight, therefore, to the Council's concerns regarding precedent.

¹ The Plan for Stafford Borough (2011-2031) Adopted 19 June 2014

Conditions

11. The Council have suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance and as a result have amended some of them for clarity and eliminated others where conditions have been considered irrelevant or to avoid duplication.
12. I have imposed a condition specifying the relevant drawing as this provides certainty. In light of my reasoning above, I have included a condition to ensure that the art/craft studio remains ancillary to Yew Tree Barn at all times.
13. The PVC door is an internal door and therefore has no implications for impact on the character and appearance of the area. I find no justifiable reason, therefore, to include a condition requiring the removal of PVC doors and windows should the approved development cease.

Conclusion

14. For the reasons given above, the proposed development would accord with the development plan and therefore the appeal is allowed.

R Walmsley

INSPECTOR