

## Appeal Decision

Site visit made on 10 January 2017

**by Caroline Jones BA (Hons) DipTP MTP MRTPI**

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

**Decision date: 31<sup>st</sup> January 2017**

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**Appeal Ref: APP/C4235/W/16/3160439**

**Moorwood Stables, Cinder Lane, Woodford SK7 1QE**

- 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 S Bertenshaw against the decision of Stockport Metropolitan Borough Council.
  - The application Ref DC/062112, dated 25 May 2016, was refused by notice dated 11 August 2016.
  - The development proposed is change of use of existing farrier's workshop/ store (B2) to a residential dwelling (C3).
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of existing farrier's workshop/ store (B2) to a residential dwelling (C3) at Moorwood Stables, Cinder Lane, Woodford SK7 1QE in accordance with the terms of the application, Ref DC/062112, dated 25 March 2016, subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
    - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL14 B, PL05 E, PL011 C, PL013 B.
    - 3) No development shall take place until a schedule of all the materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved schedule.
    - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, D and E of the Order shall be carried out on the dwellinghouse hereby permitted or within its curtilage.
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## **Preliminary Matter**

2. The appeal site lies within the Green Belt. Section 9 of the National Planning Policy Framework (the Framework) attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. Paragraph 90 of the Framework advises that development involving the re-use of buildings of permanent and substantial construction is not inappropriate within the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Having regard to Policy GBA1.6 of the Stockport Unitary Development Plan Review (2006) (UDP) which is broadly consistent with the advice within the Framework, I consider that the proposal would not be inappropriate development in the Green Belt.

## **Main Issue**

3. The main issue is the effect of the proposal on the supply of employment land.

## **Reasons**

4. The appeal proposal relates to a former workshop building at Moorwood Stables which has an unrestricted B2 use. The site contains residential use, stables, storage buildings and a manège area. Permission was granted for the conversion of the stables/residential dwelling for use as a single dwelling by the Council in 2016<sup>1</sup>. The site is accessed via a single storey track which runs between Woodford Road and Moor Lane. In the immediate vicinity, the site is surrounded by agricultural land with residential development close by along Woodford Road and Moor Lane.
5. Policy AED-6 of the Councils Local Development Framework Core Strategy DPD (Core Strategy) seeks to safeguard employment sites outside of protected employment areas except in certain circumstances. These include, amongst other things, when it can be demonstrated that the site is no longer viable as an employment use. The supporting text to the policy states that these sites are an important source of commercial development which can often provide space for small and medium sized enterprises.
6. The Council states that the appellant has not submitted any evidence to demonstrate that the site is no longer viable for employment use such as marketing information or information relating to the availability of similar sized employment sites within the locality. I acknowledge that, although the policy does not specifically request this, marketing information can be an effective way of determining market demand.
7. The appellant, who resides on the site, previously used the workshop for his farrier's business. The appellant is now looking to semi-retire and the use for his employment is now redundant. It is argued that traditional farriers' workshops are in decreasing demand due to an increase in recent years in mobile operations. As the workshop benefits from an unrestricted B2 use I agree with the Council that there would be potential for other business uses to occupy the workshop without the need for planning permission. However, from what I saw at my site visit, whilst the workshop may have been fit for purpose as a farrier's workshop, it lacks modern facilities and in my view could not be described as a good quality employment site

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<sup>1</sup> Planning application ref: DC/059924

8. The access to the site is less than ideal for commercial purposes, the access road is single track without passing places and there is limited visibility at the junction. I am also mindful of the existing residential use on the site and the extant permission to convert the stables, which are immediately adjacent to the appeal building, into one larger dwelling. I agree with the Planning Officer's summary that a continued B2 use on the site could give rise to potential conflicts with the adjacent residential use and the close proximity to a residential property could constrain the activities of any future occupier.
9. The appellant has also drawn my attention to the Council's Employment Land Review (2015) (ELR) which assesses the current position of employment land within the Borough. The Council dispute the relevance of the ELR in assessing the viability of the appeal site given that it falls outside the scope of the document by virtue of its size. I have not been provided with a full copy of the document and am unable to definitively conclude on this matter. Notwithstanding, I do consider it worth noting that the review identifies that there are high levels of vacancy amongst smaller, poorly connected (to the strategic highway network) and lower quality units and that there is minimal market demand for (and a surplus of) smaller, low quality stock within the Borough.
10. Notwithstanding the lack of a marketing exercise, in the context of a surplus of smaller, low quality stock in the Borough I envisage that given the quality of the building, its very modest size, the constraints imposed by the access and the nature of the surrounding development, the attraction of the premises to a business user may be limited. Given the particular circumstances, in my view, such a marketing exercise would have little real benefit.
11. The Framework at paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. On balance, for the reasons set out above, I consider that there is sufficient evidence to indicate that the site is not generally suitable for safeguarding and its loss would have little effect on the supply of employment land. Therefore, I find no conflict with Policy AED-6 or paragraph 22 of the Framework in this particular instance.

### **Other Matters**

12. The Council are concerned that the loss of the facility would be detrimental to those residents who own and ride horses in the locality. However, the lawful use of the workshop is for an unrestricted B2 use and there is therefore no mechanism to prevent a non-equestrian business occupying the unit.
13. The accuracy or intentions of previous applications relating to the residential conversion at the site are not a matter for consideration in this appeal which I have assessed on its own merits.

### **Conditions**

14. I have considered the conditions suggested by the Council in light of the tests set out in paragraph 206 of the Framework and the advice of the Planning Practice Guidance. The conditions I shall impose are based on those suggested by the Council with some minor variation in wording in the interests of clarity and precision.

15. In addition to the standard time limit condition it is necessary to specify the plans in order to provide certainty. A materials condition is necessary to ensure a satisfactory appearance.
16. The Council has suggested a condition removing certain permitted development rights. Having regard to Section 9 of the Framework and given that the essential characteristics of Green Belts are their openness and their permanence, I consider that a condition that has the effect of controlling development which could be inappropriate in the Green Belt and detract from its openness, is necessary in order to protect the Green Belt.
17. Having regard to the information before me, the proposed parking areas and access are as existing. Therefore, I do not consider that a condition relating to hard surfacing or drainage would be reasonable in this instance.

**Conclusion**

18. For the reasons given above I conclude that the appeal should be allowed.

*Caroline Jones*

INSPECTOR