



Appeal Decision

Site visit made on 11 February 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2020

Appeal Ref: APP/B3410/W/19/3241944

White Cottage, Leigh Lane, Upper Leigh, ST10 4PA

- 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 & Mrs J Farrow against the decision of East Staffordshire Borough Council.
 - The application Ref P/2019/00416, dated 3 April 2018, was refused by notice dated 11 June 2019.
 - The development proposed is described as "*resubmission of refused full planning application Ref P/2018/00241 for the conversion and alterations of existing stables to form holiday let accommodation*".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted at the site for the removal of an existing animal shelter and the erection of stables in 2012 (Ref P/2012/01214). The appeal building was constructed pursuant to that permission. The full details of that permission are not before me and I am therefore unable to determine whether it was implemented in accordance with its terms and conditions.
3. The subsisting lawful use of the building is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. In this regard, it is open to the appellant to apply to have this matter determined under section 191 of the Act, and such an application would be unaffected by my determination of this appeal.

Main Issues

4. The main issues are, firstly, whether the proposal would be an appropriate form of development in the countryside and, secondly, the effect of the proposal on the character and appearance of the area.

Reasons

Appropriate form of development in the countryside

5. Strategic Policy 8 of the East Staffordshire Local Plan (2015) seeks to restrict new development outside of existing settlement boundaries unless one of a number of criteria are met. One such criterion is the appropriate re-use of

rural buildings in accordance with the Re-use of Rural Buildings Supplementary Planning Document (SPD) (2010).

6. With regard to the wording of this criterion, in order for a 're-use' to occur, there must have been a previous use in place. Moreover, I note that Paragraph 2.3 of the SPD states that *"in the case of more modern structures it will be necessary to demonstrate that the building has been properly used for agricultural purposes for a substantial period of time prior to any application being submitted for an alternative use"*.
7. At the time of my site visit, sufficient construction works had been undertaken so that the building could be partially used for stabling. In this regard, 2 of the stalls had been completed and stable doors had been fitted to their entrances. However, the third stall was boarded up and no door had been installed. In addition, the doorway to the equipment room was boarded up and no door was in place, and a side window was similarly boarded up. Accordingly, the building is not yet capable of being used for stabling as a whole. On the evidence before me, and strictly for the purposes of this appeal decision only, it appears that the approved stable building has not been substantially completed.
8. I further note that the building has a somewhat domestic appearance with rooflights and timber cladding detail. It is also a relatively substantial structure that is constructed in blockwork and appears to have a solid concrete floor. As it stands, the building is at a particular stage of construction and it could be completed as either a stable block or a dwellinghouse.
9. The appellant states that a neighbour has used the building for stabling and has also submitted a single photograph of two horses occupying the completed stalls. However, the Council disputes that the building has been used for this purpose, and the evidence before me is limited in this regard. I further note that it has not been shown when the stabling use began, or how often or for how long horses have been stabled at the site. Accordingly, and given that the building is not substantially completed, I cannot find that it has been used *"for a substantial period of time prior to any application being submitted for an alternative use"*. The proposal would therefore not accord with the relevant criterion under Strategic Policy 8, or the SPD.
10. Strategic Policy 8 also allows for development outside settlement boundaries that is *"otherwise appropriate in the countryside"*. However, this is clearly not intended to apply to holiday lets, as this type of development is subject to the requirements of Strategic Policy 15. This policy states that *"tourist accommodation should be provided within existing settlements where it can make use of existing infrastructure and facilities. New tourist accommodation outside settlements will only be acceptable where it will have good accessibility to existing infrastructure and will not have an adverse impact on the character and appearance of the countryside"*.
11. In this regard, the nearest settlements are the small villages of Lower Leigh and Church Lea, which are 1.28 km and 2.2 km away respectively (according to the appellant). These settlements contain few facilities, and the majority of those which do exist are located in the more distant Church Lea. Both are 'Tier 3' settlements for the purposes of Strategic Policy 2 of the East Staffordshire Local Plan, which states that such settlements should be regarded as open countryside where development will be permitted only in exceptional circumstances. Moreover, the route to these villages is along narrow unlit

country lanes, with no footway, that are subject to national speed limits. It is therefore unlikely that future guests would walk or cycle to these settlements, and to do so after dark would be dangerous. Whilst the proposal would have reasonable access to the A50, overall, I consider that its accessibility would be poor.

12. It is asserted that the locational requirements of Strategic Policies 1 and 8 of the East Staffordshire Local Plan are inconsistent with Paragraphs 83 and 84 of the National Planning Policy Framework ('the Framework'). However, the wording of parts a) and c) of Paragraph 83 are very similar to bullets 1 and 3 of Paragraph 28 of the 2012 version of the Framework, against which the Council's 2015 Local Plan would have been considered. Accordingly, I do not accept that the 2019 version of the Framework has brought in any significant change in national policy that would render these parts of Strategic Policies 1 and 8 out of date. Separately, and in relation to Paragraph 84 of the Framework, it is not clear that the proposed holiday let would meet either an identified local business or community need. In this regard, the only evidence of need that has been submitted is anecdotal, and in any case, it is unclear whether any such need could not be met on more appropriate sites.
13. My attention has been drawn to a number of examples of other holiday lets approved by the Council outside of the settlement boundaries. However, the full details of those cases, including their reasons for approval, are not before me. I am therefore unable to assess any direct comparability to the current appeal proposal. In any case, I have come to my own view on these matters rather than relying on the approach the Council may have taken elsewhere.
14. For the above reasons, I conclude that the proposal would be an inappropriate form of development in the countryside. It would therefore be contrary to the relevant sections of Strategic Policies 1, 8, and 15 of the East Staffordshire Local Plan (2015), and guidance contained in the Re-use of Rural Buildings Supplementary Planning Document (2010).

Character and appearance

15. The proposal would involve a number of alterations to the appeal building in order to create a holiday let, including the closing up of some openings and the insertion of new windows. These alterations would be minor in nature and would preserve the rural character of the building. The proposal would also introduce parking spaces and other areas of hardstanding at the front of the building. However, this would be on land that is already partly covered in hardstanding, and any additional impact would be limited in this regard. Moreover, the proposal would be set within a small cluster of dwellings and farmhouses and would not appear out of keeping with its surroundings. The proposed holiday let would also be likely to attract fewer items of domestic paraphernalia within its curtilage than an ordinary dwelling.
16. For the above reasons, I conclude that the proposal would not significantly harm the character and appearance of the area. It would therefore accord with the relevant sections of Strategic Policies 1 and 24 of the East Staffordshire Local Plan (2015). These policies seek to ensure, amongst other things, that development proposals in the countryside respect local character.

Other Matter

17. The Council allege that a two stage process has been pursued in order to circumvent planning controls. However, this matter falls outside of the remit of this Decision and is irrelevant to my consideration of the appeal, which was duly made.

Conclusion

18. As set out above, I conclude that the proposal would be an inappropriate form of development in the countryside and would be contrary to the development plan in this regard. Whilst it would provide some modest support to the local visitor economy, and would incorporate sustainable design features, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR