
Appeal Decisions

Site visit made on 15 September 2020

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal A Ref: APP/Y3425/C/20/3252155

The Land at the Stables, Outwoods Bank, Stafford

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Lillian Owens against an enforcement notice issued by Stafford Borough Council.
 - The enforcement notice was issued on 8 April 2020.
 - The breach of planning control as alleged in the notice is: *Without planning permission, material change of use of land and buildings to use for residential purposes, including the siting of a caravan (shown with a blue cross on the attached plan).*
 - The requirements of the notice are:
 - i. Stop using the land for the siting of a caravan as a residential dwelling.
 - ii. Remove from the land the caravan.
 - iii. Stop using the buildings for ancillary residential use.
 - The period for compliance with the requirements is 4 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) and (e) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Appeal B Ref: APP/Y3425/C/20/3250208

Stables at Outwoods, Newport TF10 9ED

- 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 Ms Lillian Owens against the decision of Stafford Borough Council.
 - The application Ref 19/29995/FUL, dated 1 February 2019, was refused by notice dated 14 October 2019.
 - The development proposed is described as 'Conversion of existing stables into holiday let accommodation with fully compliant access and facilities for the disabled'.
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Decisions

Enforcement Appeal A: APP/Y3425/C/20/3252155

1. The enforcement notice is quashed.

Planning Appeal B: APP/Y3425/C/20/3250208

2. The appeal is dismissed.

Preliminary Matters

3. There are separate planning and enforcement appeals. Whilst they deal with different issues they relate to the same site and the same appellant. Hence I will deal with both appeals in this decision.
4. The Council has confirmed¹ that the single reason for refusal on the decision notice for Appeal B is inconsistent with the two reasons for refusal set out in the conclusion of its officer report to committee. The Council accepts that the appellant has appealed on the single reason for refusal set out in the decision notice. It also confirms that the Business Case, referred to in the reason for refusal, has been adequately addressed. On that basis the Council confirms it is unable to defend the appellant's case and that its letter will serve as its Statement of Case.
5. Due to the Council's administrative error with regard to the decision notice, and the Business Case being acceptable, the appellant has been invited to comment on the wider planning issues in the Council's committee report. No comments have been received.
6. A copy of the appellant's Business Case was requested and has since been submitted.

Enforcement Appeal A:

The Notice

7. For a material change of use of the land to residential use, the period for immunity from enforcement under s171B(3) is 10 years, not 4 years as stated in the notice. The stationing of a caravan is not a use of land - it is the residential use which is the breach of planning control. A caravan is not a dwelling house and so a 10 year immunity period applies under s171B(3).
8. The building (i.e. the stables) is not in use as a dwelling house from what I saw on site. It was in use for residential purposes, but appeared to be for domestic storage use, which might have been a more accurate description with a corresponding requirement for that use to cease. I note the previous enforcement appeal² Inspector also observed that the building (i.e. the stables) appeared to be in ancillary residential use. There is nothing in the evidence before me to suggest that the building was a dwelling house when the notice was served. Therefore the 10 year immunity period applies under s171(3).
9. I have powers to correct the time period for immunity. But there is a ground (d) appeal and the appellant has based her case on demonstrating the use has occurred more than 4 years ago, not 10 years ago. If I corrected the notice as described, the appellant's ground (d) appeal would be prejudiced, because she would need to demonstrate that the use took place without significant interruption over the 10 year period, not 4 years. This would be a more onerous requirement on the appellant and she would suffer injustice as a result.

¹ Letter dated 21 July 2020

² APP/Y3425/C/18/3209780 dated 13 November 2019

Conclusion on Appeal A

10. For that reason the notice cannot be corrected in accordance with my powers under section 176(1)(a) of the 1990 Act as amended, since injustice would be caused were I to do so. The enforcement notice is therefore invalid and will be quashed.
11. Consequently, the appeal on grounds (d) and (e) do not fall to be considered.
12. I note that that requirement (i) should have been framed along the lines of "Cease the residential use of the land". This would have been correctable but I am quashing the notice for other reasons.

Planning Appeal B

Main Issues

13. Based on the refusal reason and the Council's committee report I consider the main issues in this case are:-
 - Whether the building is capable of conversion without the need for significant alteration or rebuilding, and
 - Whether the proposed holiday let would accord with local policies and national guidance with particular regard to location.

Whether building capable of conversion

14. For the sustainable re-use of rural buildings, Policy E2 d. of The Plan for Stafford Borough (PSB) requires that buildings are structurally sound and capable of conversion without the need for extension or significant alteration or rebuilding.
15. The existing stables is a small single-storey 'L' shaped painted blockwork building with a corrugated metal roof, built off a reinforced concrete slab, and retains the timber stable doors. It is located on a flat area of ground surrounded by a grassed bund to the west and south, and woodland and sloping ground to the west.
16. The proposed development is for the conversion of the stable building into a 1-bedroom self-catering holiday let. The submitted plans show that the internal accommodation would comprise an open-plan kitchen/living area, a separate double bedroom and a separate bathroom, all designed to be compliant with Part M of the Building Regulations that would allow ease of access to, and use of, buildings including facilities for disabled visitors or occupants. Outside, there would be private outdoor amenity space and parking. The holiday let is intended for use by small families, couples and people with disabilities.
17. The accommodation would utilise existing stable door openings as doors; there would be a replacement profiled metal roof similar to the existing, and walls would be lined and insulated. The building would not be extended and the conversion would involve minimal external alterations such that the rural appearance of the building would be retained.
18. The appellant has submitted a Structural Survey by MCN Design Services Ltd, dated 28 October 2019, that was used to support a planning application for

conversion of the stables to a dwelling, which was dismissed at appeal³. The structural report, which followed a site visit, states the building is generally in good condition with no visible evidence of any adverse structural problems. It goes on to say that the roof, walls and concrete base appear robust and suitable for retention. It's overriding conclusion is that the building is suitable for conversion without any significant structural alterations.

19. Local residents have commissioned their own structural survey by Reade Buray Associates⁴ which concludes differently. It criticises the appellant's survey for lack of detailed investigation. It states that the slab floor is not necessarily designed for foundations to a residential unit; underpinning may be required especially due to the steep embankment to the side, and the roof loadbearing requirements of a stable building will differ to a residential use. It concludes that the building is not structurally capable of conversion without significant alterations.
20. The appellant's structural engineers submitted a response⁵ to this. It stated that any works to rectify any structural items would need to be worked up during the technical design stage, but would not amount to major alterations. A further internal trial hole has been made to investigate the concrete slab and it was acknowledged that a design analysis of the roof structure should be undertaken. The response also noted that some cutting into the existing embankment had been undertaken since their site visit and this would need to be investigated further. It maintained its stance that the building was capable of conversion without significant alterations.
21. Reade Buray Associates, acting for the residents, submitted a further response⁶. Due to the conflicting nature of the surveys and responses, the Council commissioned Baker Hall Ltd to undertake an independent review⁷ of both the appellant's and 3rd party submissions. The Barker Hall review did not agree with all of the Reade Buray assessment and that significant alterations were required, because a detailed assessment had not been carried out. However, it did acknowledge that a number of valid concerns were raised. It concluded that further investigation works and analysis of the existing structure should be carried out and not deferred until detailed design takes place.
22. The main area of disagreement between the various surveys, assessments and reviews appears to be whether further investigative works should be undertaken before or after planning, in order to more conclusively determine the extent of the alterations.
23. From my site visit I did not observe any obvious signs of the building being in a poor condition. I note that neither the Reade Buray assessment or the Council's Barker Hall review involved any site visits or physical investigations, unlike the appellant's structural survey. I acknowledge the previous appeal Inspector, for the proposed dwelling conversion, found the building was capable of conversion without the need for significant alterations. But crucially that Inspector was not presented with contradictory evidence.

³ Appeal ref: APP/Y3425/W/18/3195350 dated 30 May 2018

⁴ Reade Buray Associates Report dated 3 December 2018

⁵ Email from MCN Design Services Ltd dated 9 July 2019

⁶ Reade Buray Associates report dated 14 August 2019

⁷ Baker Hall Ltd report dated 23 September 2019

24. Whilst the proposed conversion would not involve any extensions I am, however, faced with conflicting structural surveys, reviews and conclusions. In the absence of more detailed investigative works I am not persuaded that the appellant has adequately demonstrated that the conversion would not involve significant alterations or rebuilding. Therefore I am unable to be certain and conclude on this main issue. Accordingly, I find there would be conflict with PSB Policy E2 d. whose aims have been outlined above.

Location of development

25. PSB Policies E2 and E6 are mutually supportive. Policy E2 supports various sustainable rural development outside settlements identified in the Spatial Principle SP3, subject to satisfying certain criteria. Criterion (vii) firstly requires facilities for tourism in the rural area to be consistent with PSB Policy E6.
26. Policy E6 in turn seeks to promote opportunities for tourism and new visitor accommodation where it can be demonstrated, though a Business Case, that the use can be sustained in the long-term. Criterion e. requires tourism opportunities in the rural area to sustain the local economy in accordance with Policy E2 and provided they are sensitively designed and not detrimental to the natural environment or local amenity. Criterion f. supports opportunities that reduce carbon footprint of the development and promotes sustainable tourism. The Council has confirmed that the appellant's Business Case, which looked at competitors, target markets, profitability and growth, including for people with disabilities, has been adequately addressed, contrary to the reason for refusal.
27. For proposals that involve the use and re-use of rural buildings, Policy E2 will permit appropriate uses subject to meeting another list of criteria. In addition to criterion d. that has been considered above, criterion f. requires the building to be well related to an existing settlement and have access to local services and/or is close to a regular public transport service to the hierarchy of settlements identified in Policy SP3 or those outside the Borough.
28. These policies are broadly in line with paragraph 83 of the National Planning Policy Framework (the 'Framework') which supports a prosperous rural economy and sustainable growth of all types of businesses in rural areas, including through conversion of existing buildings, and sustainable rural tourism and leisure developments which respect the character of the countryside.
29. Outwoods is a small settlement, loosely triangular in shape with houses spaced along its two narrow single width lanes that converge at a small crossroads. The appeal site is a small field located on the outer eastern edges of Outwoods. It is located behind the dwelling 'Tinwood', at a bend in the lane, which continues on towards a farm. It is accessed off the lane up a short section of steep rough track, which gradually becomes less rough. The track is also a Public Right of Way (PRoW), which continues up the track, through the site along the eastern site boundary and exits through a gate into fields beyond. The site cannot be seen from the road. Fields and countryside lie beyond and the site. To the west of the site is a substantial woodland on a steep slope, which serves to further sever the site from the main settlement. Consequently I find the site is not well related to the settlement of Outwoods.

30. Furthermore, Outwoods does not have any services or facilities. The nearest provision would be in the town of Newport, approximately 5 kms to the north west, and Gnosall approximately 6 kms to the north east. I saw on my visit that the route from the site would be along country lanes that have no footways and are unlit, and would then join the A518 to continue west to Newport or east to Gnosall. In light of the distance to travel I do not consider these circumstances conducive to encourage walking or cycling as alternative modes of transport to the car, in order to access services and facilities.
31. In addition, there is no public transport to Outwoods. The nearest bus stops are on the A518 a short distance from the turn-off for Outwoods, but just under 2 kms from the appeal site along the same country lanes already described. Whilst some visitors who enjoy, or are capable of, walking, may choose to walk to the bus stop as part of an outing or across the fields to Newport, I find it unlikely that the majority of visitors would do so. As such, I find it likely that visitors to the holiday let would be reliant on the car. As the appellant seeks to promote the holiday let to those with disabilities for whom mobility may be limited, reliance on the car would further likely be the case. Overreliance on car borne travel and lack of access to public transport is a significant factor against the appeal proposal. It would also be at odds with the Framework that requires opportunities to promote walking, cycling and use of public transport to be identified and pursued (paragraph 102) and that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (paragraph 103).
32. I appreciate that some tourist visitor accommodation is located in more remote countryside locations and beyond existing settlements or in locations not well served by public transport, and which the Framework acknowledges at paragraph 84. Indeed remoteness can itself be the attraction for a quiet rural retreat and for those who like walking, as indicated by the appellant's Airbnb reviews of existing holiday let accommodation in Outwoods and nearby. I have no reason to doubt that the location would suit some visitors to local events such as Iron Man and the nearby Aqualate Mere, a protected wetland reserved popular with nature enthusiasts, bird watchers and walkers. It would also serve as a base to visit the surrounding Shropshire and Staffordshire countryside and attractions such as the Shropshire Union Canal and Norbury Junction. I also appreciate tourists visiting an area on holiday or a short break would not necessarily need the same range of services and facilities as permanent residents.
33. The appeal proposal would bring some social and economic benefits to the wider local economy and surrounding area with visitor spending. But due to the scale of the development for a small single unit and its remote location with reliance on the car any benefits would be modest. The provision of holiday accommodation for visitors with disabilities, where there is a shortage of suitably adapted accommodation, would be a benefit, but this is not sufficient to outweigh the remote location, lack of local services and a car-reliant development.
34. In conclusion on this main issue, I find that the appeal proposal is not well-related to the settlement of Outwoods which does not have access to local services and is not close to a regular public transport service. Accordingly it

would be contrary to PSB Policies E2 and E6 and the Framework, whose aims have been outlined above.

35. Paragraph 79 of the Framework, listed in the Council's reason for refusal, relates specifically to the development of isolated 'homes' in the countryside, and hence is not directly relevant to this appeal.

Other Matters

36. A number of interested parties, including Gnosall Parish Council and The Staffordshire Ramblers association, have raised a series of other concerns about the proposal. However, as I am dismissing the appeal, such matters do not alter my overall conclusion.

37. I acknowledge the appellant's concerns with the Council's handling of the application and ambiguity arising from the administrative error in the decision notice, and I note the appellant has submitted several applications over the years. But in reaching my decision I have been concerned only with the planning merits of the case.

Conclusion on Appeal B

38. I find the proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. I conclude that the appeal should be dismissed.

K. Stephens
INSPECTOR