



Appeal Decision

Hearing Held on 11 August 2020

Site visit made on 12 August 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2020

Appeal Ref: APP/X1355/W/19/3243270

Mount Pleasant Farm, Loaning Burn, Easington, SR8 3TX

- 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 N Frain against the decision of Durham County Council.
 - The application Ref: DM/19/02107/FPA, dated 26 June 2019, was refused by notice dated 1 November 2019.
 - The development proposed is the erection of a 20 bay stable block and the siting of a static caravan as a rural worker's dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form describes the proposed development as 'Erection of 20 block stables and renewal of permission for static caravan' whilst the decision notice issued by the Council describes it as 'Erection of 20 bay stable block and retention of static caravan'. A static caravan is present on the site, which although this has previously had a temporary planning permission, this permission has since expired.
3. Section 55 of the Town and Country Planning Act 1990 describes development as the carrying out of building operations or the making of material changes of use rather than the retention of works, or the continuation of a use. Section 73A of the Act makes allowance for the submission of a planning application for development which has been carried out before the date of the application. It is clear from the evidence that the existing static caravan would be occupied by a rural worker in connection with the proposed stables.
4. In this context, it was agreed at the hearing that it would be more accurate to describe the proposed development as the erection of a 20 bay stable block and the siting of a static caravan as a rural worker's dwelling. I have, therefore, used this description for the purposes of the appeal.
5. The Council adopted the County Durham Local Plan (the Local Plan) on 21 October 2020. This supersedes the Saved Policies in the Easington District Local Plan 2001 that are cited on the decision notice. Comments were sought from the parties in respect of the implications of the adoption of the Local Plan on the arguments that each had put forward. Whist comments were received

from the appellant, no further comments were received from the Council. I have taken these comments into account in reaching my decision.

6. The comments received identified that Policies 10 and 13 of the Local Plan were relevant to the appeal and I have, therefore, determined the appeal with reference to these policies.

Main Issues

7. The main issues in this appeal are:

- Whether there is an essential need for a rural worker to live permanently on or near the site; and
- The effect of the proposed development on the character and appearance of the area and surrounding countryside.

Reasons

8. The appeal proposal comprises two elements, the erection of a stable block containing 20 loose boxes and the siting of a static caravan as a rural worker's dwelling. A static caravan is present on the site, although this does not have a current planning permission, and it is proposed that this static caravan be used for the rural worker's dwelling.

Whether it is essential for a rural worker to live permanently at the site

9. The two elements of the proposal are interconnected in so far as the appellant is seeking to establish a livery stable business using the proposed stable block which would be managed by the appellant's son. It is proposed that the manager of the livery stables would live at the site in the static caravan.
10. The National Planning Policy Framework (the Framework) states that the development of isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work. It is common ground that the appeal site is not within a settlement and, consequently, is in the countryside for policy purposes.
11. Local Plan Policy 10 is permissive of development in the countryside where amongst, other matters, it is necessary to support other rural land based enterprises, or farm diversification. Policy 10 is also supportive of the development of new countryside based recreation and leisure activities.
12. The Council has not raised any objections to the principle of developing the appeal site for stables, although it does have concerns in respect of the design, built form, and siting of the proposal, which are covered later in this decision.
13. The key question is whether there is an essential need for a rural worker to live permanently at the site in connection with the proposed livery stable business. The Planning Practice Guidance¹ advises that considerations which may be taken into account when determining whether there is an essential need to live on, or near, the site can include to ensure the effective operation of the enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where, otherwise, there would be a risk to

¹ Paragraph: 010 Reference ID: 67-010-20190722

- human or animal health, or from crime, and the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.
14. The proposed stables would be used for livery stabling rather than the breeding of horses. In the written evidence and at the hearing the appellant did not identify any animal welfare issues, or indeed any other matters, that might require regular attendance at the site outside of normal working hours as part of the day to day operation of the stables. The main argument advanced by the appellant in support of the proposal is that a full time presence is required to provide security at the site.
 15. Whilst the evidence suggests that there have been past incidents of theft, vandalism and arson at the site, and I have no reason to believe that this is not the case, the evidence is scant and provides no specific detail in respect of the frequency, extent, or time period over which these occurred. The Council consider that adequate security could be provided by closed circuit television cameras (CCTV) and my attention has been drawn to an appeal decision relating to a rural workers dwelling at a stud and livery business where the Inspector found that he was unable to discount the possibility that the animals could be monitored via CCTV or similar.
 16. I accept that CCTV cannot physically prevent the taking or harming of horses, or prevent vandalism to the site. Nonetheless, CCTV would have some deterrent effect and no evidence was put to me regarding other security measures which had been considered and discounted. I have also noted the Council's point that there are suitable residential properties within a mile of the site that would allow for reasonably rapid reaction to incidents or alarms at the site. Based on the evidence before me, I am not persuaded that a full-time residential presence at the site is the only viable or practical option for providing security at the site, or that an essential need for a rural worker to live at the site has been demonstrated.
 17. The livery stable business is not yet established. A brief business plan was submitted with the planning application covering the first year of operation. Whilst this shows the business making a profit in the first year, this is dependent on full occupancy from the outset and continuing throughout the year. The business plan states that there is a waiting list of potential occupiers for the stables, however, this was not provided as part of the business plan or the appellant's appeal submissions.
 18. The Council has questioned the fact that the financial statement in the business plan does not fully account for the wages required for the two full time equivalent workers that it is stated would be employed. At the hearing the appellant clarified that the operators would not draw a wage as such but would take what was needed and what the business could afford from the net profits.
 19. The evidence submitted is not compelling in terms of the future viability of the enterprise, in part because of the assumptions made in respect of occupancy and in part because it is limited to a projection for one year only. This notwithstanding, the PPG recognises that there may be a degree of uncertainty with new enterprises and indicates that it may appropriate to consider granting permission for a temporary dwelling for a trial period. As it has not been demonstrated that there is an essential need for a dwelling at the site for any other reason, and there is not a direct correlation between the financial viability

of an enterprise and whether is necessary for a worker to be resident at the site, I do not consider that a temporary permission to establish whether the enterprise is viable in the longer term would be appropriate in this case. The proposed dwelling would not be necessary to support a rural based enterprise and is, consequently, not supported by Local Plan Policy 10.

20. I therefore conclude that there is not an essential need for a rural worker to reside permanently at or near the site. The proposed development would not comply with the relevant requirements of Local Plan Policy 10 or the Framework.

Character and appearance

21. The proposed stable block would be sited on part of a small field, currently under grass, immediately to the west of the small group of buildings associated Mount Pleasant Farm. The static caravan is sited on a small area of hardstanding adjacent to the gable of a portal framed barn on the east side of the site.
22. The appeal site lies in an area of open, slightly rolling, countryside between the villages of Easington, South Hetton, and Haswell and the landform slopes generally to the east towards the North Sea coast. The landscape consists of a pattern of small, medium, and large fields, generally, although not exclusively, with hedgerow boundaries. Tree cover is restricted mainly to trees on field boundaries and within hedgerows. Outside of the settlements, built development consists of small, compact, groups of farm buildings and former farm buildings scattered through countryside. Slightly to the north of the appeal site is a garden centre consisting of a group of slightly larger buildings and a number of shipping containers set behind a car parking area. The A182 and A19 roads form strong linear features through the area.
23. The proposed stables building would be approximately 75 metres long and approximately 3.6 metres wide. It would have a shallow, overhanging, monopitch roof approximately 2.5 metres high at the rear eaves and approximately 3.7 metres high at the highest point of the overhang. It would be sited close to the north west boundary of the field. The building would be finished in green coloured, profiled, metal cladding.
24. The existing static caravan on the site is a single storey structure with cream coloured walls and is located near the access track from the main road and adjacent to the gable end of an existing barn which faces towards the A182.
25. Policy 10 of the Local Plan seeks, amongst other matters, to ensure that new development in the countryside does not give rise to harm to the intrinsic character and beauty of the countryside which cannot be adequately mitigated or compensated for. Local Plan Policy 13 expects new equestrian related development to not adversely affect the character, heritage, or nature conservation value of the locality, either individually or cumulatively with other development.
26. The current group of buildings at Mount Pleasant Farm includes two large modern barns that are visually prominent from both the A182 and from parts of Pesspool Lane, which runs to the south of the site before turning north. I saw when I visited the site that, due to the proposed location of the new stables building, in views approaching the site on the A182 travelling north

- west, the combination of localised changes in land level and the presence of taller intervening buildings is such that the proposed stables building would be largely concealed. The static caravan is, however, very visible in short range views, appearing as a slightly incongruous feature adjacent to the agricultural barns.
27. Travelling south east from South Hetton towards Easington, the proposed new stables would be visible in medium range views from where the A182 crests a small rise before running downhill past the appeal site. Although there would be some screening from intervening hedgerows and the lower height of the building would reduce its presence, the length of the structure at some 75 metres is considerably greater than the other buildings it is adjacent to and it would significantly increase the visual presence of the existing, already prominent, buildings at the farm.
28. From Pesspool Lane to the south, the existing buildings are visually prominent and due to the relative heights of the road and the appeal site, and undulations in the landform, the screening effect of intervening hedgerow field boundaries is much reduced. In views from Pesspool Lane, the length of the proposed stables building would result in it appearing as a substantial intrusion into the currently open countryside beyond the existing farm buildings.
29. Due to the configuration of the proposed stable building, it would substantially increase the perceived visual extent of the current group of buildings, in an area which is characterised by its openness and the compact form of built development outside of the main settlements. This would be harmful to the character and appearance of the area.
30. The appellant has suggested in his evidence that mitigation in the form of screening could be sought by way of a planning condition requiring the submission and implementation of a landscaping scheme. No indication of additional planting is shown on the submitted drawings. The submitted drawings show the proposed stable building would be constructed close to the north west boundary to the field and it is not clear if the appellant owns land beyond this boundary. In these circumstances, I am doubtful if a meaningful level of screen planting could be achieved in this position whilst still allowing access to the rear of building for maintenance. As set out above, the nature and levels of the landform to the south reduces the screening value of existing hedgerow boundaries to the field where the stables would be located. Without any indication of the position and nature of any screen planting, I cannot be certain that any new planting would overcome the harm that I have identified. As I result, I do not consider that this matter could be addressed by way of a planning condition.
31. Although appellant indicated at the hearing that the scheme could be redesigned, I do not have any alternative design options before me and as any alternative proposals may fundamentally alter the development, this is not a matter that could be addressed through a condition. In any event, I have to consider the appeal based on the scheme that was considered by the Council.
32. As result of its colour and position, the static caravan at the site is very visible. However, this visibility is only in very restricted, short range, views from parts of the A182 in the near vicinity of the site and the access track. It is also sited close to the gable of a larger building and does not project beyond either end of the gable. Consequently, it is seen in context with this building and

perceived as a subordinate feature and well related to the existing group. As such, I find that this element of the proposal has a broadly neutral effect on the character and appearance of the area. Nevertheless, this does not alter my conclusion on the proposal taken as a whole.

33. I therefore conclude that the proposed development would cause harm to the character and appearance of the area and surrounding countryside. It would not comply with the relevant requirements of Local Plan Policies 10 and 13.

Other matters

34. Local Plan Policies 10 and 13 are criteria based policies which cover a number of different aspects development in the Countryside. It is not in dispute between the parties that a livery stable business could potentially be located in this countryside location. Nor is there disagreement on whether a livery stable would be an appropriate diversification of the agricultural use of the land and would enhance recreational opportunities on the countryside. Similarly, operational matters such as drainage, lighting, and storage of waste could be addressed through planning conditions.
35. In terms of users of the livery stables, I saw that whilst there are bus stops near to the site, these are in excess of 500m from the site and that the A182 is unlit and only provided with a footway to one side, which is the opposite side to the appeal site. In these circumstances, users of the site may be deterred from using public transport to access the site and I consider that it is more likely that users would arrive by private car. However, this of itself does not make the site unsuitable for a livery stable use and the Framework recognises that the opportunities to maximise public transport solutions will vary between urban and rural areas.
36. In terms of the residential element, the appeal site is located roughly equidistant between the villages of Easington and South Hetton, at a distance of approximately 1.2km from the edge of each settlement. Whilst both these settlements have a number of shops and facilities, these are located approximately 1.9km and 2.2km respectively from the appeal site, neither of which would be a convenient walking distance. Nonetheless, the site does have some access to public transport, and any car journeys to access shops and services nearby would necessarily be short. Based on these factors, I do not find that the site is inherently unsuitable for the proposed use.
37. Taking into account all of the above, the proposed development would meet some of the requirements of Local Plan Policies 10 and 13 and would be consistent with the objective of the Framework to support a prosperous rural economy. This weighs moderately in favour of the development. However, none of the above points would overcome the fact that it has not been demonstrated that there is an essential need for a rural worker to live at, or near, the site and that the form of the development proposed would cause harm to the character and appearance of the surrounding landscape, which would be significant and lasting. These are important matters that weigh heavily against the proposal and, when taken as a whole, the proposal would conflict with relevant requirements of these policies and of the Framework. For these reasons the appeal must fail.

