



Appeal Decision

Site visit made on 9 December 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2021

Appeal Ref: APP/X1355/W/20/3249710

Land to the north of Crookhall Farm, East of Crookhall Lane, At junction of lane and A692, Leadgate, County Durham DH8 7LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Miss Shirley Ridley against the decision of Durham County Council.
 - The application Ref DM/19/01510/FPA, dated 11 May 2019, was refused by notice dated 24 September 2019.
 - The development proposed is described as the erection of a new barn with mixed use i.e. agriculture and equestrian.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The County Durham Plan (CDP) was adopted 21 October 2020. It replaces the Derwentside District Local Plan 1997 (LP). Consequently, the LP policies cited in the Council's Decision Notice are now void and the appeal proposal must be considered against any relevant policies in the CDP.

Main Issues

3. The main issues are:
 - Whether the proposed barn is an appropriate design for the keeping of horses;
 - Whether the means of vehicular access to the proposed development would be satisfactory; and
 - Whether the field would be sufficiently large for the keeping of horses and sheep.

Reasons

Design

4. The appeal site is a broadly square shaped field to the immediate south of the A692 near Leadgate. The field is bounded by tall shrubs and trees along the northern and western sides.
5. The proposed development comprises the erection of a barn that would be used for the accommodation of 2-3 horses and feed materials. It would be

positioned very close to the north-west corner of the field and close to the A692.

6. According to the plans the building would measure 11.6 metres by 7.5 metres in area. It would have a mono-pitched roof with side elevations measuring 4.3 metres and 3.6 metres in height respectively. It would include 3 perspex roof lights and access would be via a side roller shutter door.
7. The proposal does not show any air vents and thus it is not clear how the barn would be ventilated to provide for the comfort and welfare of the horses. This is contrary to the advice provided by the Department of the Environment, Food and Rural Affairs (DEFRA) 2017 ('the DEFRA guidance') which emphasises the need for good levels of ventilation and low levels of dust¹.
8. Consequently, by failing to incorporate adequate ventilation measures the proposed barn would not meet the minimum standards required for the welfare interests of the horses. It would therefore fail to accord with the advice set out in the DEFRA guidance concerning the design of stables. Considerable weight is attached to this Government authored document.
9. Furthermore, it would conflict with the advice at Paragraph 127f) of the National Planning Policy Framework (the Framework) that buildings should be designed to provide for the satisfactory living conditions of the occupants.

Vehicle access

10. The proposed development would be accessed from Crookhall Lane via a gate in the south-west corner of the field. Crookhall Lane runs from the village of Crookhall in the direction of Leadgate but is severed by the A692 to the north of the appeal site.
11. Crookhall Lane is listed on the Council's Definitive Statement of Public Rights of Way as Public Right of Way No. 38 and is categorised as 'Byway, part bridleway'. The bridleway refers to a short section of just a few metres in length either side of the A692 along which no vehicles are permitted. Although the Appellant had previously proposed accessing the site from the A692 this is no longer the case.
12. Except for the bridleway section, motorised vehicles are permitted along Crookhall Lane. Crookhall Lane is largely overgrown in parts making access by most forms of motorised vehicle practically impossible. It is also prone to occasional surface water flow. Nevertheless, access has been possible with a 4x4 vehicle. The Appellant has offered to clear the byway and maintain it to standard that would permit motorised access at her own expense.
13. The DEFRA guidance recommends that there should be a means of emergency access to the stables in the event of fire or some other serious incident. A gated access in the north-west corner of the site close to the A692 would ensure that fire fighters would have relatively straight forward access to the site in the event of an emergency.
14. There would be a need for access by construction vehicles, but this would only be for a few days in the short term. The Appellant has stated that she would not be intending to access the field with a horsebox. Consequently, any

¹ DEFRA (2017) Code of Practice for Welfare of Horses, Ponies, Donkeys and Their Hybrids.

hindrances to access by vehicles larger than 4x4s would not constitute an overriding problem.

15. For the above reasons there would be a suitable access to the development proposal. Thus, the proposal would accord with the advice set out at Paragraph 108 of the Framework which also requires development to be accessed by a suitable means.

Size of field

16. The field measures approximately 1.3 hectares in area. In its Statement of Case (paragraph 5.4) the Council states that it now accepts that the field is sufficiently large enough to accommodate 2-3 horses and 2-3 sheep. The DEFRA guidance indicates that the field is at the lower end of the spectrum for this number of horses, but it does just fall within the suggested parameters.
17. For the above reason the proposal would accord with the DEFRA guidance as regards field capacity.

Other Matters

18. The proposed barn would not be visually intrusive since it would be well screened by shrubs and trees. This is a matter of neutral importance.

Planning Balance and Conclusion

19. The development proposal would be accessible for 4x4 vehicles via Crookhall Lane from Crookhall and would also be accessible by emergency vehicles via the A692. Moreover, the field would be capable of accommodating 2-3 horses and 2-3 sheep. However, the building would not be sufficiently well ventilated for the occupant horses, contrary to the DEFRA guidance and the Framework. This finding outweighs those concerning access and field capacity.
20. For these reasons the appeal should be dismissed.

William Walton

INSPECTOR