



Appeal Decision

Site visit made on 2 February 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/P0240/W/21/3280248

Brodie Stables, The Rye, Eaton Bray, Dunstable LU6 2BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Sean Banks & Tanya Wilson against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/04068/FULL, dated 9 November 2020, was approved on 12 April 2021 and planning permission was granted subject to conditions.
 - The development permitted is conversion of building B to 1 bed dwelling for use in connection with the care of horses on site and reduction in size of building C to 45 square metres.
 - The condition in dispute is No. 2 which states that: *"Within six months of the date of this permission, the residential conversion of part of Stable Block B shall be completed."*
 - The reason given for the condition is: *"To justify the retention of part of Timber Building C for the storage requirements of the equestrian facility and to protect the openness of the Green Belt. (Section 13, NPPF February 2019)".*
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Decision

1. The appeal is allowed and the planning permission Ref CB/20/04068/FULL for change of use of building B to 1 bed dwelling for use in connection with the care of horses on site and reduction in size of building C to 45 square metres at Brodie Stables, The Rye, Eaton Bray, Dunstable LU6 2BQ granted on 12 April 2021 by Central Bedfordshire Council, is varied by deleting condition 2.

Background

2. In 2019 planning permission was refused by the Council for the provision of a dwelling (building C) for an equestrian worker. At appeal, in June 2020, it was found that though there is a need for an equestrian workers dwelling, it would be inappropriate development in the Green Belt and therefore the appeal was dismissed. In September 2020 an enforcement notice was served requiring the removal of building C and the hardstanding. An appeal against this notice was dismissed in January 2021.
3. Simultaneously, between July and October 2020, the appellant was in discussions with the Council regarding a scheme which involved the conversion of building B to an equestrian workers dwelling, and the use of building C, in a reduced form, for storage space displaced by the residential conversion. The Council suggested building C should be further reduced in size. The scheme reflecting this advice is that subject of this appeal. The Council consider the retention of building C in its reduced form is only acceptable if the conversion of building B occurs.

4. At my site visit I saw that about half of building C has been removed, and that works are under way to convert building B.

Main Issue

5. The main issue is whether the condition is necessary to protect the openness of the Green Belt.

Reasons

6. The national Planning Practice Guidance (PPG) states that conditions requiring a development to be carried out in its entirety will fail the test of necessity. Such a condition could also be difficult to enforce as whether a conversion can be said to have been completed or not is not precise. As such, condition 2 is unnecessary, not precise and fails to accord with the advice in the PPG and paragraph 56 of the National Planning Policy Framework (the Framework). Moreover, as the conversion works have started, it would be unnecessary to replace it with a condition that required the development to commence within a specific period.
7. Without that condition there is no guarantee building B would be converted. If the residential conversion was not completed, the result would be that buildings B and C, in its reduced form, could both be used for storage albeit that building C may not be needed. However, the Council's committee report states that whilst building C would still result in built form in a place previously void of development, its reduced size and position adjacent to building B would not have a harmful impact on the openness of the Green Belt, either in spatial or visual terms. It concludes that the reduced size of building C, as controlled by condition 1, would not be inappropriate in the Green Belt. Therefore there would be no harm in building C being retained in its reduced form even if the conversion of building B did not progress.
8. In any case, as extensive works have already taken place to building B such that it cannot presently be used for storage, it would be unlikely that it would revert back to storage and that its residential conversion would not be completed. Indeed, the desire to provide residential accommodation on site underpins all of the recent planning history. The provision of correspondence between the architect and the appellant and the production of detailed construction drawings is also indicative of the conversion progressing.
9. Overall, the condition is not necessary or precise and without the condition being in place, the development would remain to protect the openness of the Green Belt. It hence accords with section 13 of the Framework which aims to preserve the openness of the Green Belt.

Conclusion

10. The development, without condition 2 in place, accords with the development plan as a whole and there are no other considerations which would support a decision otherwise than in accordance with the development plan. Therefore, for the reasons given, the appeal is allowed and I vary the planning permission by removing condition 2.

Andrew Owen

INSPECTOR