



Appeal Decision

Site visit made on 5 January 2022

by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2022

Appeal Ref: APP/V0728/W/21/3287390

Land south of Middlesbrough Road, Guisborough TS14 8JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr David Donaghey of Ruby Housing Ltd against the decision of Redcar and Cleveland Borough Council.
 - The application Ref R/2021/0364/VC, dated 27 April 2021, was refused by notice dated 5 August 2021.
 - The application sought planning permission for a Detached single storey day room/storage building in connection with outdoor riding area without complying with a condition attached to planning permission Ref R/2020/0314/FF, dated 23 September 2020.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan received by the Local Planning Authority on 02/07/2020 Site Plan (RC/20/004/002) received by the Local Planning Authority on 22/06/2020 Proposed plans and elevations (RC/20/004/003) received by the Local Planning Authority on 22/06/2020.
 - The reason given for the condition is: To accord with the terms of the planning application.
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Decision

1. The appeal is allowed and planning permission is granted for detached single storey day room/storage building in connection with outdoor riding arena at Land south of Middlesbrough Road, Guisborough TS14 8JT in accordance with the terms of the application, Ref R/2021/0364/VC, dated 27 April 2021, without compliance with Condition 2 previously imposed on planning permission Ref:R/2020/0314/FF, dated 23 September 2020 subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan RC/21/002/001, Site Plan RC/21/002/002 and Proposed Floor Plans and Elevations RC/21/002/003.

Applications for costs

2. An application for a full award of costs was made by Mr D Donaghey against Middlesbrough Council. This application is the subject of a separate decision.

Background and Preliminary Matters

3. The development has already begun and I was able to see it when I visited the site. The application which is the subject of this appeal is made under Section 73A of the Planning Act for a minor material amendment to a scheme that was granted planning permission for detached single storey day room/storage building in connection with outdoor riding arena. Condition 2 of the original planning permission specified the approved plans. This appeal relates to a revised scheme which includes changes to the roof structure, an enlarged footprint and alternate finishing materials not shown on the previously approved plans.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The building subject of this appeal is located within a collection of buildings that are associated with an existing equestrian facility to the south of Middlesbrough Road and in an area of open countryside. I saw during my site visit that the building is substantially complete and is visible from Middlesbrough Road and in short views from around the site.
6. The information before me indicates that the ridge height has increased by around 1 metre and the building depth by around 500 millimetres when compared with the original planning permission. In addition, there are some differences to the materials, fenestration, and the addition of a chimney stack. Nonetheless, the building is modest in scale, and the materials and design are reflective of the other buildings on the site.
7. I note the Council's submission in relation to the utilitarian, functional style of buildings within the surrounding area. However, overall, the differences are not substantial, and I consider that the finished building is of a scale and design that is commensurate with the other buildings on site and wider locality. Consequently, I do not consider it to have any harmful effect on the character and appearance of the surrounding area.
8. For the reasons set out above I consider that the revised scheme accords with Policy SD4 of the Redcar and Cleveland Local Plan May 2018 which requires, amongst other things, that development respect or enhance the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features.

Other Matters

9. I acknowledge the third party comments which raise concerns about whether the building has been constructed for residential use rather than its stated intended use. The use of the building is not a matter that is before me and any later change in the use of the building would be a matter for the Council in the first instance. Furthermore, whilst I note the submissions in relation to previous appeals in the locality, this appeal relates to amendments to a previously permitted scheme. Therefore, whilst I acknowledge the frustrations of the third party commentators, the previous or future use of the land surrounding the appeal site is not a matter for my consideration as part of this appeal.

Conditions

10. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In this regard, the submitted evidence includes confirmation that condition (3) requiring external materials of the building to be approved prior to the commencement of development was discharged via application R/2020/0745/CD on 2 February 2021 as so it is not necessary for me to impose the materials condition. Furthermore, as works have commenced at the site, it is not necessary to impose the statutory time limit condition.
11. In respect of the plans list condition, I have listed the revised approved plans, as it is necessary that the development is completed in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.

Conclusion

12. For the reasons set out above and taking into account all other matters raised I conclude the appeal should be allowed.

J Hunter

INSPECTOR

