Appeal Decision

Hearing Held on 22 March 2022

Site visit made on 25 March 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2022

Appeal Ref: APP/H0724/W/21/3286775
Three Oaks, Oak Lodge Shooting Grounds, Brierton Lane, Hartlepool, Cleveland TS22 5PP

- 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 Mrs Kelly Calvert against the decision of Hartlepool Borough Council.
- The application Ref H/2021/0272, dated 3 June 2021, was refused by notice dated 13 October 2021.
- The development proposed is a two storey extension to the side to provide double garage and walk in robes facility with en-suite to master bedroom at first floor.

Decision

1. The appeal is dismissed.

Procedural Matters

2. It was apparent on my site visit that a base and footings which corresponded to the layout of the extension proposed were in place at the site. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.

3. It was also apparent that the dwelling as it exists does not accord with the 'existing plans', the single garage that is shown to the southern wing of the dwelling is fitted out as in internal room. Glazing is fitted in place of a garage door.

4. The parties agreed at the hearing that the plans that initially accompanied the appeal had been superseded. The correct plans have been supplied to me and I have determined the appeal on this basis.

Main Issue

5. The main issue is whether the extension is justified having regard to the functional requirements and financial capacity of the business.

Reasons

Background

6. The Council granted planning permission for the dwelling in 2017 under Ref H/2017/0315. Condition 4 limits the occupation of the dwelling to a person mainly, or last employed prior to retirement, at the Oak Lodge Shooting

Ground or a widow or widower of such a person. The reason given was that the site of the proposed dwelling is within an area where the Council considers that new housing should only be allowed where it is essential in the interests of agriculture and forestry unless exceptional circumstances prevail.

Policy framework

7. It was clarified at the hearing that the site falls within the Rural Area and outside of the development limits of Hartlepool under the Hartlepool Local Plan (2018) (HLP). In the Rural Area, Policy RUR1 states that proposals must be considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land-based businesses.

8. Policy RUR2 relates to New Dwellings Outside of Development Limits. It advises that these will only be permitted if there is a clear justification and, amongst other matters, it can be demonstrated that there is a clearly established functional need and it is considered essential for a full-time rural worker(s) to live permanently at or near to their rural based enterprise. Further, it requires that the dwelling proposed is of a size commensurate with the size/value of the business it is supporting.

9. The Framework[1] at paragraph 80 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless, amongst other circumstances, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

10. Whilst there was disagreement between the parties as to whether the site could be considered isolated, I consider that it should be considered as such in the context of the Framework. Whilst the dwelling does sit at the northern end of a dispersed cluster of dwellings and other buildings, it is clearly physically remote from the settlement of Hartlepool sitting well away from its clearly defined boundary and within the countryside.

11. It is the general convention that dwellings for rural workers should be sized as necessary to meet the requirements of the business to which they are tied and that the cost of the dwelling should be able to be sustained by the business.

12. The requirements of policies RUR1 and RUR2 are consistent with the requirements of the Framework. They should subsequently be afforded considerable weight.

The justification for the extension (functional requirements/financial capacity)

13. The well-kept shooting grounds stretch extensively to the south and west of the dwelling and the grounds include a large clubhouse, large agricultural style storage shed and other outbuildings. It was clear to me at the hearing that the appellant and Mr Calvert are passionate about the shooting grounds, are well versed in the sport and are the north representatives of the Clay Pigeon Shooting Association.

14. The site is rather secluded, and I can understand the desire of the appellant to keep what is likely high value and necessary equipment under secure storage.

[1] National Planning Policy Framework 2021.

15. In terms of supporting the business, the evidence indicates that the double garage would be used to store items including a Honda Quad Bike and a Kubota Ride on lawnmower. However, there are other, in some cases large buildings within the ownership of the business and given the equipment requiring storage is not especially large, I cannot rule out the possibility that space could be made available within another building on site. I cannot therefore be certain that the garages are necessary.

16. It is also the case that had the garage originally approved at the dwelling been incorporated in line with the existing plans, this could have provided storage for some of the equipment detailed.

17. No substantive case has been made as to any functional requirement for the first floor of the extension which includes two walk in wardrobes and a large en-suite bathroom either within the evidence or at the hearing.

18. Overall, the justification for the extension when measured against the functional requirements of the business is not compelling. The proposal would therefore conflict with Policy RUR1 of the HLP which states that proposals must be considered necessary for the efficient or the continued viable operation of agriculture, horticulture, forestry, equine uses, and/or other appropriate land-based businesses.

19. I have been supplied with limited financial information in relation to the business, however it was clear at the hearing that both the appellant and her husband currently have a part time and full-time job elsewhere respectively although I note the intention to spend more time at the business in the future.

20. I have, however, been supplied with a trading and profit and loss account for the year ended 31 March 2020. This shows a net loss for the business of £5,556 in 2020. Whilst I appreciate that the recent pandemic has caused financial difficulties for many businesses, these accounts, on the whole pre-date the worst of the closures. They also, include under expenditure, a wage of only £1,502 in 2019 and none in 2020.

21. In spite of being advised that the figures included a substantial stock purchase and advised at the hearing that business is becoming brisker, the financial capacity of the business on the basis of the information before me to which I have to afford weight appears to be limited.

22. The cost of the extension could not be sustained by the business, even at the anticipated cost of £17,000 which does seem especially low, even accounting for Mr Calvert's profession within engineering. Therefore, an extension to the existing dwelling, which is already large in size, would fail to be commensurate with the size/value of the business which it supports. The proposal would therefore conflict with Policy RUR2 of the HLP.

Planning balance and conclusion

23. There is no indication that the proposal should be considered other than against the development plan, with which it would conflict. The appeal is therefore dismissed.

T J Burnham

INSPECTOR

DOCUMENTS SUBMITTED AT THE HEARING

Drawings 58/2021/01 REV A, 58/2021/02 REV A & 58/2021/03 REV A