



Appeal Decision

Site visit made on 13 December 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2023

Appeal Ref: APP/B3410/W/22/3303467

White Cottage, Leigh Lane, Upper Leigh, Staffordshire ST10 4PA

- 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 & Mrs J & S Farrow against the decision of East Staffordshire Borough Council.
 - The application Ref P/2022/00491, dated 22 April 2022, was refused by notice dated 15 July 2022.
 - The development proposed is the conversion and alterations of existing stables to form holiday let accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be an appropriate form of development in the countryside.

Reasons

3. The appeal site is a parcel of land located on the north-western side of Leigh Lane, comprising a single storey L-shaped stable building constructed in blockwork with timber cladding and a tiled roof. The appeal scheme proposes the conversion of the stable building to form a holiday let.
4. The site is located outside of the settlement boundaries as defined in the East Staffordshire Local Plan (adopted October 2015) (LP) and is therefore considered to be in the countryside. Strategic Policy 8 of the LP seeks to restrict new development outside of existing settlement boundaries unless one of several criteria are met. One such criterion is the appropriate re-use of rural buildings in accordance with the Re-use of Rural Buildings Supplementary Planning Document (SPD) (adopted September 2010).
5. Paragraph 2.3 of the SPD states "*It should also be noted that in the case of more modern structures it will be necessary to demonstrate that the building has been properly used for agricultural purposes for a substantial period of time prior to any application being submitted for an alternative use*". At the time of the previous appeal¹ scheme the Inspector observed that the stable building had not been substantially completed and was not yet capable of being used for stabling as a whole. This led to the Inspector concluding that the

¹ APP/B3410/W/19/3241944

building had not been used for a "*substantial period of time prior to any application being submitted for an alternative use*".

6. I observed during my site visit that the stable building had now been completed and that two horses were present on the land. The appellant contends that the building has now been used for a substantial period of time, with the stables being occupied by their neighbours' horses. Seven photographs showing the completed stables and horses on the site have been provided.
7. However, the evidence before me regarding the period of time that the building has been used since its completion is somewhat limited. No information has been provided detailing when construction works on the building were completed, when horses were first stabled at the site, or if there have been any periods when the building has been vacant or unused. The photographs provided are also undated and therefore do not adequately demonstrate that the building has been used for a substantial period of time. Accordingly, there is insufficient evidence for me to find that the building has been used "*for a substantial period of time prior to any application being submitted for an alternative use*". The proposal would therefore not accord with Strategic Policy 8 or the SPD.
8. Strategic Policy 8 also allows for development outside of settlement boundaries that is "*the creation of a new business appropriate in the countryside in terms of type of operation, size, and impact and supported by relevant justification for a rural location*". Whilst the appellant argues that the proposal would meet this criterion, the proposal is also subject to the requirements of Strategic Policy 15 which expressly relates to new tourism and cultural developments.
9. Strategic Policy 15 states that "*tourist accommodation should be provided within existing settlements where it can make use of existing infrastructure and facilities. New tourist accommodation outside settlements will only be acceptable where it will have good accessibility to existing infrastructure and will not have an adverse impact on the character and appearance of the countryside*".
10. My observations during my site visit were that the appeal site was located some distance from existing infrastructure, local services, and facilities. Furthermore, the site is accessed via narrow, unlit, country lanes that are subject to national speed limits and have no footpath available. Additionally, from my own observations and the information available to me, there are no bus stops or other modes of public transport available near to the appeal site. Due to this lack of connectivity, it is unlikely that future users would walk or cycle to the nearest services and facilities and would instead be heavily reliant on the private car. As a result, I find that the site's accessibility would be poor, and the proposal would not accord with Strategic Policy 15.
11. The National Planning Policy Framework (the Framework) seeks to achieve sustainable development across overarching economic, social, and environmental objectives. Strategic Policy 1 of the LP states that development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development. The proposal would bring about social and economic benefits in the form of the provision of an additional unit to the holiday let market and additional income into the local economy, however given that the

proposal is only for a single 2-bed holiday let these benefits would be limited. The proposed holiday let would be located away from local services and facilities and its poor accessibility would mean that users would be heavily reliant on the private car as opposed to more sustainable transport modes. Consequently, it would therefore fail to meet its environmental objective of moving to a low carbon economy.

12. The Framework also recognises that a prosperous rural economy should be supported. Paragraph 85 states that planning decisions “*should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport*”. In this instance however it has not been sufficiently demonstrated that the proposed holiday let would meet either an identified local business or community need. The only evidence of need that has been provided is a letter dated March 2019 which is largely anecdotal and without any form of robust market research or evidence base. Furthermore, it has not been shown that any such need could not be met on more appropriate sites that are physically well-related to existing settlements.
13. For the reasons set out above, I conclude that the proposal would be an inappropriate form of development in the countryside. It would therefore be contrary to Strategic Policies 1, 8, and 15 of the LP and guidance contained within the SPD, the aims of which are set out above.

Other Matters

14. The Council allege an “attempted process of stealth” to circumvent national and local planning policies and control and secure permission for the holiday let accommodation. However, this matter falls outside of the remit of this decision and is irrelevant to my consideration of the appeal.

Conclusion

15. The proposal would conflict with the development plan as a whole, and there are no material considerations, including the approach of the Framework, to outweigh it. The appeal is therefore dismissed.

David Jones

INSPECTOR