



Appeal Decision

Site visit made on 27 January 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal Ref: APP/M2840/W/22/3291512

Rockingham Caravan Club CL, Rockingham Road, Cottingham LE16 8XS

- 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 and Mrs Croash Robinson against the decision of North Northamptonshire Council.
 - The application Ref NC/21/00397/DPA, dated 7 September 2021, was refused by notice dated 22 December 2021.
 - The development proposed is conversion of existing stable to form a Live/Work unit; formation of an open-air manège; construction of a horse shelter; and additional on-site provision for glamping (up to 14 bell tents).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing stable to form a live/work unit; formation of an open-air manège; construction of a horse shelter; and additional on-site provision for glamping (up to 14 bell tents), at Rockingham Caravan Club CL, Rockingham Road, Cottingham LE16 8XS, in accordance with the terms of the application Ref NC/21/00397/DPA, dated 7 September 2021, and subject to the conditions set out in the attached schedule.

Application for costs

2. An application for an award of costs has been made by Mr and Mrs Croash Robinson against North Northamptonshire Council. This is the subject of a separate decision.

Background and Main Issues

3. Of the development proposed, the Council did not find harm in respect of a proposed open air manège, horse shelter and provision of up to 14 glamping tents on the basis these would support the provision and expansion of tourist facilities in the area.
4. The Council takes issue specifically with the proposed conversion of an existing stable block to a live/work unit, which it argues would have a primarily domestic purpose rather than being related to the wider business purposes of the site. It cites the specific internal layout proposed and a failure to justify the need for a dwelling on the site, pointing to a lack of evidence that it would enhance the performance of the business and its contribution to the rural economy. The site's accessibility to local services is also questioned.
5. The appellant argues that live/work units are a supported re-use of rural buildings under the development plan, that the Council has incorrectly

assessed the proposal as a new dwelling and has failed to consider various benefits of the proposal.

6. The main issues, therefore, are whether the proposal would involve the creation of a live/work unit or a dwelling, whether it would be in a suitable location with reference to the spatial strategy of the development plan; and whether any harm in this respect is outweighed by other material considerations that would justify granting planning permission.

Reasons

Site and Policy Context

7. The appeal site is located outside the settlement boundary for Cottingham and Middleton and is within the countryside for planning purposes. The site contains a mix of equestrian pasture and caravan and/or mobile home pitches, operating as a licensed site. A stable block is located close to the main entrance, with the caravan pitches laid out around a circular track within the front part of the site. The pasture lies beyond this area to the rear of the site, where the land falls noticeably away into the Welland Valley.
8. Policy 11 of the North Northamptonshire Joint Core Strategy (July 2016) (the JCS) sets out a settlement hierarchy, with development in the rural areas limited to that required to support a prosperous rural economy or to meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement and other specific exceptions. Rural diversification and appropriate re-use of rural buildings will be supported in accordance with Policy 25, with other forms of development resisted in the open countryside unless there are special circumstances as set out in Policy 13 or national policy.
9. Policy 13 sets out criteria to be met for residential development to be permitted in rural areas as an exception to Policy 11, including where it meets an identified local need; is well-related to a settlement; accessible to local services and facilities by foot, cycle or public transport; its scale and nature is appropriate to the surroundings; and where affordable housing is proposed.
10. Policy 25 supports sustainable opportunities to develop and diversify the rural economy that are appropriate in scale for their location and respect the environmental quality and character of the rural area. This includes provision and expansion of tourist and visitor facilities, particularly those with access to local services by foot, cycle or public transport. Where proposals involve the re-use of rural buildings, a mix of uses will be supported, including small scale business, tourism activities, tourist accommodation, and live/work units.

Whether a live/work unit

11. In order to establish which of the above policies would be applicable, it is necessary to determine whether the proposal would amount to a live/work unit or a dwelling. I have not been provided with any definition or criteria for a live/work unit as it relates to the application of the aforementioned policies.
12. The Council belatedly set out in its Costs Response an expectation of a 50/50 percentage split of the unit for work and residential purposes, but this is not set out anywhere as a requirement. Conversely, in pre-planning advice to the appellants, and in similar comments from the Council's planning policy team at application stage, support was expressed in principle for a live/work unit under

Policy 25, with no criteria set out and no questions raised as to the authenticity of the live/work unit proposed.

13. However, in the absence of specific criteria, it is ultimately a matter of planning judgment on the facts of the case. By its nature, a live/work unit will have both facilities for day-to-day living and working, delivering benefits such as reducing commuting and the need to rent separate commercial space. I have noted the appellant's arguments regarding the lack of definition for a live/work unit in terms of floorspace or other criteria. However, given that live/work units are identified within the JCS as a separate form of rural development, it seems reasonable to consider that the 'work' element must be of sufficient size and function to differ from, for example, a dwellinghouse with integral or ancillary workspace, such as a home office or garden studio.
14. In this case, the proposal would create family-sized living accommodation across a substantial majority of the floorspace, with the remainder comprising an office and a laundry room and welfare facilities for guests of the tourist accommodation. I accept that the office would fall within the ambit of a 'workspace,' but I saw on site that the office space already exists within the building, and so would not be newly created or enlarged as part of the proposal. This suggests that, despite the additional tourist accommodation being proposed, this would not necessitate a larger workspace, nor have any specific tasks or working practices been highlighted to me as needing a bespoke workspace. In essence, therefore, the 'work' element of the proposal already exists and there is little evidence before me as to how it would be different in substance to how it operates at present.
15. Moreover, the proposed laundry, shower and toilet facilities would be ancillary facilities for the wider tourism use on the site, rather than integral parts of a workspace, and so would not constitute part of the 'work' element of a live/work unit. As such, the proposal effectively seeks to convert the stable block, for the most part, to residential accommodation, with an existing small office retained. On this basis, I am not persuaded that the proposal would constitute a genuine live/work unit that would be directly supported under Policy 25.

Spatial Strategy

16. I recognise that Policy 25 supports rural diversification and appropriate re-use of rural buildings but, given my findings, the proposal would not amount in substance to a live/work unit supported by the policy. Moreover, the residential element would not constitute tourist accommodation in and of itself and so would not amount to 'rural diversification,' but in essence a new dwelling in the countryside which is not set out as an appropriate re-use of a rural building under the spatial strategy.
17. In this scenario, the proposal would fall as an 'other form of development' under Policy 13. The proposal would not satisfy all of the relevant criteria of Policy 13, in particular as it has not been supported by evidence of local need and does not propose affordable housing or housing for a rural worker. I note this policy was invoked by the Inspector in an appeal on the site in 2018¹ in respect of a proposal for a dwelling.

¹ PP/U2805/W/17/3186230

18. Consequently, having regard to the spatial strategy as a whole, there would be support for the manège, horse shelter and provision of up to 14 glamping tents as form of tourist and visitor facilities under Policy 25, but the residential element of the proposal, in the absence of it forming part of a live/work unit or there being a demonstrated functional need for a dwelling in the countryside, would be contrary to Policies 11 and 13, and therefore would represent an unsuitable location that would be at odds with the spatial strategy of the development plan.

Other Material Considerations

19. The appellant argues that the proposal would benefit the tourism business on the site. Similar arguments were made in 2018. The Inspector accepted that a dwelling on the site may improve the customer experience but concluded there was no evidence that it would increase turnover or profitability. Projections of potential income from the glamping tents are based on an unrelated business in a different location, which does not offer compelling evidence that a permanent residence on the site would support the growth of the business, or to what extent.
20. However, the current proposal represents an increase in the scale of tourism development on the land and I accept that this is likely to lead, to some degree, to more on-site duties for the appellants, in terms of meeting visitors' needs, maintenance and security. A full-time residential presence on site would therefore go some way to supporting the development of a land-based, tourism business in accordance with Policy 25. This would be consistent with Paragraph 84 of the National Planning Policy Framework (the Framework) which encourages the sustainable growth and expansion of all types of business in rural areas, including sustainable rural tourism and leisure developments.
21. The Framework also states that housing should be located where it will enhance or maintain the vitality of rural communities, especially where this will support local services, and that the development of isolated homes in the countryside should be avoided. It adds that where there are groups of smaller settlements, development in one village may support services in a village nearby. Paragraph 85 adds 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, with Paragraph 105 also recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
22. The Inspector in 2018 determined that the site was not in a location that would be likely to enhance the vitality of the existing community, or to contribute to creating a sustainable development pattern. However, that decision predated the Court of Appeal judgement in *Braintree*², which established that 'isolated' in the context of the Framework refers to physical proximity to other dwellings and settlements. In physical terms, there are farm buildings immediately adjacent and dwellings within the village a short distance away on Rockingham Road. As such, the site is not 'isolated' for the purposes of the Framework.
23. In terms of accessibility, the site is indicated to be some 300 metres from the edge of Cottingham, and some 750-1000 metres from the village pub, shop,

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

school and bus stops. The nearest footpath commences a short distance inside the village boundary and is lit along the route into the centre of the village. The partial absence of a footpath is not ideal but the stretch of road without one is straight with wide verges and good forward visibility. Local facilities are therefore accessible via a walkable and cyclable route and occupants would not be wholly reliant on the car. The appellants also point to a reduction in commuting trips to and from the site if they were able to reside there.

24. Similarly, although visitors to the tourism facility would generate a larger amount of car borne travel than the residential use, they would also add to the number of pedestrian and cycle journeys to support local facilities in the village, particularly during the tourist season when weather conditions, and a lack of time constraints, are likely to be more conducive to use of sustainable modes of transport. My view is reinforced in that the Council has not raised any concern over the site as a location for the tourism and leisure facilities proposed. I also note support from interested parties for the proposal in terms of its potential to support local services and amenities.
25. The additional tourist accommodation means that the development, as a whole, would make a greater contribution to the local economy and the vitality of the village and wider rural community than the 2018 scheme. Therefore, for the most part, the proposal would be consistent with the Framework in that it would contribute to the sustainable growth and expansion of all types of business in rural areas; to the vitality of the rural area through increased economic and social activity, both from visitors and the appellants living on site and running the business; and its location would strike an appropriate balance between being suitable for the type of tourist and leisure facilities proposed and being close enough to support local facilities in Cottingham by sustainable modes of transport.
26. The Council did not refuse permission in respect of the design of the development or its effect on the landscape character of the area. I note the conclusions of the previous Inspector that the alterations to the stable building would be harmful as they would reveal its residential function. I do not have the previous plans before me, though I note they included a balcony and so differed in at least some respects. However, the proposed changes to the stable building would be modest and would not significantly alter its overall scale or presence in the landscape. It would not be prominent in long distance views from across the valley, particularly when seen in the context of the wider tourism facility on the land, which would dilute the impression of a detached dwelling in otherwise undeveloped countryside. Overall, I concur with the Council that the proposal would preserve the landscape character of the area.

Other Matters

Parking and Highway Safety

27. The proposal includes sufficient on-site parking provision for both the live/work unit and the tourist accommodation, and adequate room to manoeuvre within the site. Cottingham Parish Council (CPC) raised a query about enlarging the entrance splay; however, neither the Council nor the local highway authority has raised this as a concern. I saw on site that there are deep verges providing adequate visibility in both directions, and traffic to and from the site would not be of a volume that would necessitate a wider access to accommodate constant two-way movement. CPC also queried whether the electricity supply would

support electric vehicle charging, but I have no evidence to doubt this could be achieved. Therefore, I am satisfied that there would be no severe risks to highway safety and no conflict with relevant policies or the guidance of the Framework.

Drainage and Sewerage

28. I note concerns over the capacity of the site in terms of sewerage connections for the additional toilet and shower facilities proposed, and in terms of managing surface water run-off. The appellant has stated that existing hardstanding on the site is permeable and would remain so and the existing septic tank has sufficient capacity to accommodate the additional development on site. The Council has not refused permission in respect of these matters and no concerns have been raised by statutory consultees. Overall, I have no substantive evidence to suggest that the proposal would cause problems in these respects.

Other Concerns Raised

29. Cottingham Parish Council comments that the building is not 'eligible' for conversion having only been originally granted planning permission in 2014 as an agricultural building. However, I have not been provided with any specific policy or planning condition that would preclude the conversion of the building on the basis of its age or use. I recognise that certain changes of use under permitted development may be restricted until specific time periods have elapsed, but this is not relevant to an application for planning permission.

Planning Balance

30. For the reasons set out, I am not persuaded that the proposal would amount in practice to a live/work unit but would in practical terms create a new dwelling in the countryside. This element of the proposal would result in conflict with the development plan as it would be contrary to the settlement strategy for the district through the location of residential development in the countryside beyond any defined settlement.
31. However, the harm in this respect would be tempered by the fact that the proposed residential use would make use of an existing rural building and brownfield land with no harmful effect on the surrounding landscape. Through its location close to other dwellings and facilities in Cottingham, it would make small but positive social and economic contributions that would help maintain the vitality of rural communities, as well as encouraging sustainable modes of transport. Most significantly, other elements of the proposal would deliver new tourism accommodation and recreational facilities which are supported in rural areas under the development plan and the Framework. The proposed residential use, though not shown to be necessary to support the tourism facility, would nevertheless help to support its function.
32. Moreover, a planning condition requiring that the residential accommodation is occupied only in connection with the tourism use of the land, so as to avoid the creation of a market dwelling that could be separately sold and/or occupied, would mitigate potential harm that would arise from the occupation of the building as a separate dwelling, including conflict with the operation of the tourism use.

33. Therefore, whilst I find that the proposed residential accommodation does not gain clear support under the development plan, I consider that, taking the proposed development as a whole, there are significant material considerations weighing in its favour which justify a decision other than in accordance with the development plan in this case.

Conditions

34. The Council has provided a list of prospective conditions, upon which the appellant has had the chance to comment. Where necessary, I have amended the wording of conditions to ensure they meet the relevant tests set out in the Framework.

35. In addition to the standard time limit for implementation of the permission, a condition specifying the approved plans is necessary to provide certainty.

36. As set out above, it is necessary that the residential accommodation is occupied only in connection with the tourism use of the land to avoid the creation of a market dwelling that could be separately sold and/or occupied. It is also necessary to set out the parameters for occupation of the bell tents to ensure they are occupied on a short-term holiday basis and not on a long-term or permanent basis, which could give rise to unforeseen impacts.

37. Details of external materials to the stable building and lighting within the site are necessary to ensure an acceptable appearance, minimise light pollution and protect wildlife. Details of vehicle and cycle parking arrangements, and electric charging points, are necessary in the interest of highway safety and promoting sustainable modes of transport. Details of waste management are required in the interests of ensuring public health and the general amenity of the area.

Conclusion

38. For the reasons set out, I conclude that material considerations in this case weigh sufficiently in favour of the proposal to outweigh conflict with the development plan relating to the location of housing, such that planning permission should be forthcoming.

39. Therefore, the appeal should be allowed.

K. Savage

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7031-01 (Front Elevation, Ground Floor Plan & Sections); 7031-02 (Rear & End Elevations & First Floor Plan); 7031-03 Rev D (Front Elevations, First Floor & Ground Floor Plans); 7031-04 (Elevations); 7031-06 (Elevations); 7031-07 (Proposed Site Plan); 7031-00 Rev E (Existing Site Location & Block Plans); 12025-TRCK/01 (Swept Path Analysis).
- 3) The live/work unit hereby permitted shall not be occupied at any time other than in connection with the tourist and equestrian uses operating on the land and shall at no time be occupied as a separate dwelling.
- 4) The tourist use hereby permitted shall operate in accordance with the following:
 - The tourist accommodation shall be limited to the 14 'Bell Tents' as shown on the approved plans.
 - The 14 Bell Tents shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence.
 - The owners / occupiers of the site shall maintain an up to date register of the names of the 'Bell Tents,' the length of stay on the site and their main home address. This information shall be made available on request of the Local Planning Authority.
 - The 'Bell Tents' shall only be occupied for 10 months of the year March – December. If the operator wishes for different operational months – permission is to be requested from the local planning authority.
- 5) The equestrian facilities hereby approved shall be limited to private use with no riding school with lessons no schools, lessons, hacks or hire.
- 6) No works to the existing stable building shall commence until details of external materials and drainage are submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented in accordance with the approved details.
- 7) No building or use hereby permitted shall be occupied or the use commenced until the details for cycle parking provision has been submitted to and been approved in writing by the Local Planning Authority. The approved details shall then be completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.
- 8) Prior to the installation of the bell tents hereby permitted, details of parking arrangements related to the tourist accommodation and visitors shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall thereafter be implemented prior to the occupation of the site by visitors to the tourist accommodation and thereafter maintained for the life of the development. The existing vehicular access and live work unit parking arrangements shall be so maintained at all times.

- 9) The development hereby permitted shall not be occupied until full details of waste and recycling management on the site are first submitted to and approved in writing by the Local Planning Authority and the approved details thereafter implemented. The approved waste and recycling measures shall be maintained for the life of the development.
- 10) Details of external lighting for the bell tents, the manège and live/work unit shall be submitted and agreed in writing by the Local Planning Authority prior to the occupation of the development. The details shall be implemented and maintained in accordance with the approved details.
- 11) Prior to first occupation of development hereby permitted, electric car charging points shall be installed in 10% of the allocated car parking spaces at the development. The charging points shall be supplied to a minimum standard of an independent 32amp radial circuit and must comply with BS7671. Standard 3 pin, 13 amp external sockets will be required. The sockets shall comply with BS1363 and must be provided with a locking weatherproof cover in view of the external location.
