



## Appeal Decision

Hearing held on 14 June 2023

Site visit made on 14 June 2023

**by Alison Scott (BA Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 August 2023**

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**Appeal Ref: APP/X1355/W/23/3317548**

**Merrington Stables, Vyners Close, Kirk Merrington DL16 7HB**

- 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 William Laidler (Laidler Racing) against the decision of Durham County Council.
  - The application Ref DM/22/02176/FPA, dated 25 July 2022, was refused by notice dated 29 September 2022.
  - The development proposed is Construction of 1no. rural workers dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The building the subject of this appeal has been constructed on site.

### Main Issues

3. The main issues are:
  - Whether there is an essential need for a rural worker to live permanently at the site in another dwelling;
  - The effect upon the character and appearance of the local area; and
  - Whether or not there is a highway safety concern with regards to site access.

### Reasons

#### *Essential need*

4. Merrington Lane Stables is not identified within the settlement of Spennymoor and is located within the open countryside. The appellant is part of the family running the business and their main justification for a second rural workers dwelling is to allow them to live independently on site with their own family, whilst ensuring a continuous on-site presence given the full-time responsibilities involved.
5. The County Durham Plan 2020 (CDP) Policy 10, Development in the Countryside is a broad safeguarding policy requiring that development in the countryside will not be permitted unless allowed by specific policies, or where a proposal relates to one or more specified exemptions. Policy 12 of the CDP is more specific in its requirements where new permanent rural worker's

- dwellings are proposed. This policy explains that proposals for new development will be considered against the essential existing functional need; financial viability; effect on landscape; scale considerations; and any other on-site or off-site accommodation opportunities.
6. The National Planning Policy Framework 2021 (the Framework) sets out that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances including, amongst other things, the essential need for a rural worker to live permanently at or near their place of work in the countryside.
  7. There is planning history associated with the site<sup>1</sup>. It has been previously established that activities relating to the business required the essential need for a rural worker to live on site. A dormer bungalow has been erected on site since after around 2014 and occupied by the applicant and their family members. Four family members currently reside in the approved house working at the site on a full-time basis, including the appellant and his wife with their own children.
  8. The new dwelling is intended to house the appellant and their growing family. The appellant describes it as an intensive business which involves training around forty horses on site for harness racing, as well as travelling with the horses to harness racing competitions away from the site. There is also an element of horse livery for around fifteen horses that occurs at Merrington Stables.
  9. In accordance with policy, a rural worker's dwelling requires sound justification. Whilst there may be sufficient duties for the number of people employed, this does not necessarily equate to an essential need for an additional rural worker to live on site, in a second dwelling.
  10. The appellant details that animal welfare is an essential component of the business they run with regular physical checks undertaken as well as the use of CCTV measures to view horses remotely. Functionally, the existing home provides the quarters from which to oversee the animals at close range, including the ability to undertake checks at more unsociable hours.
  11. Younger horses require more attention and specialist care and dietary considerations to manage and prevent illness from occurring. Therefore, more frequent feeds and the close monitoring of their welfare is necessary. There are currently four people living on site managing the horses. Whilst it is essential that these duties occur, together with the requirements of specific trainers' licence obligations to uphold, I find no reason to suggest that the frequency of these duties is such that it requires the essential need for an additional dwelling for the worker.
  12. Furthermore, there was no evidence before me to confirm that animal distress is such a regular occurrence, or, when it does occur it requires more than the existing essential worker to live on site to be on hand to deal with events.
  13. I understand the business requires family members to transport a number of horses at any one time across this country and across the world to scheduled race meetings. They will therefore be absent for a given period of time. Whilst

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<sup>1</sup> Application 7/2013/0531/DM Application for a rural worker's dwelling subject to occupancy condition; removal of temporary caravan and commitment to no further caravans. Approved

this occurs, regular duties are undertaken by the remaining family members living in the existing dwelling. Considering how often this occurs, it does not lead me to the view that their frequency and the time spent away from the site attending these events warrants the need for the appellant to live on site in a new dwelling.

14. Whilst they argue that by them living within the proposed dwelling, within sight and sound of animals, they would be aware of animals in distress and be immediately available, there is already an existing dwelling on site that covers this function. In any case, the proposed building is some distance from the stables. I am not certain sight and sound would be possible without the use of CCTV which would negate the need to live permanently on site.
15. I appreciate that living on-site in a second dwelling would be preferable to the appellant before considering living elsewhere and commuting to the site. The Council evidence housing opportunities for the appellant to live off-site in nearby Spennymoor that they consider to be sufficiently close to the site to allow them to carry out duties, including any out of hours. At around 1km away, the site is a short drive away from Spennymoor to where there is housing choice for the appellant to explore and with the use of the existing dwelling for an essential worker and CCTV, out of hours emergencies can be managed.
16. I have taken into account the threat surrounding rural security which is a genuine concern, and the appellant explained they have experienced theft from the site, despite CCTV in place. However, there are no significant details of thefts or intruders, or other incidents occurring at the site or indeed that the site is vulnerable to crime opportunities. The levels of incidents brought to my attention are not so great as to conclude that the existing residential dwelling, within close proximity to the complex, does not successfully serve the functional need as a security deterrent to require another home for added security. In addition, there is nothing before me to demonstrate that the appellant has exhausted all viable means to improve and enhance security here.
17. The appellant is seeking long-term accommodation beyond living in the existing dormer bungalow with his parents. I could see that there is limited opportunity to convert outbuildings on site into residential use. The existing dormer bungalow has three bedrooms, and the appellant has a growing family who raises overcrowding issues as a concern. Whilst I was able to gain access to the dormer bungalow, there are no details before me as to how their living conditions affects their wellbeing for me to consider further. In the first instance, opportunities to extend the existing home, or live outside the site, should be explored.
18. Turning to the financial viability of the business as evidence to support a new dwelling on the site, a financial appraisal has been submitted with the scheme with accounts spanning a three-year period. These figures omit staff wages, nor does it evidence a sufficiently profitable business to sustain four members of staff employed on a full-time basis. Therefore, the prospect of supporting a new dwelling on site is not financially sound based on these accounts.
19. I accept that a global pandemic has inevitably led to financial losses to the appellant's business, and they have relied upon their own savings to live off. Despite the uplift in horse numbers from when the original dwelling was

- approved, there is insufficient justification presented to demonstrate that the business is financially sound to support a second rural worker's dwelling.
20. Discussions at the hearing disclosed the appellant's additional income stream arising from the winnings from the harness racing competitions where they compete as part of their business. However, further details of this are not evidenced, and despite the Laidler business' reputation and success in the harness racing industry, and their confidence to continue to gain prize money, I am not convinced these factors can be relied upon as a viable financial income stream.
21. I heard that the appellant has intentions to further grow the business through increased numbers of horses to train which would improve financial forecasting projections with the benefit of him more recently being granted an official trainer's licence. However, there is no sound evidence before me that it would increase financial revenue. All things considered, I am not convinced there is adequate evidence to financially justify a new dwelling on site.
22. To conclude on this main issue, it has not been demonstrated there is an essential need for a rural worker to live permanently at the site within the countryside in a new dwelling, and therefore the proposal conflicts with Policies 10 and 12 of the County Durham Plan 2020 and the National Planning Policy Framework that seeks to safeguard the countryside from unacceptable development.

#### *Character and appearance*

23. The appeal site is yard area with a large modern storage building in situ and timber fences and hedgerows to perimeters. Despite the presence of an industrial estate in the background, large agricultural fields, undulating land formation, natural boundary features, sporadic residential buildings of a traditional style, and agricultural buildings, the wider surrounding area is distinctly rural with an open landscape, and mainly agricultural.
24. At the time of my visit, the building was in situ. In this location, despite surrounding boundary treatments, it is visible from outside the site. It has the characteristics of a domestic chalet-style bungalow although its finished style and materials resembles the appearance of a building more akin to a lightweight demountable structure, rather than one of a more permanent fixture.
25. It sits in a verdant countryside setting and does not relate in character or appearance to the more traditional cottages that sit close to Merrington Lane, or the existing dormer bungalow in its design and finished vernacular. Nor is it seen in the same context as the industrial buildings. There are no details of larger consented developments close to the site before me to consider as part of my assessment.
26. In addition, it is physically and visually detached from the existing residential bungalow within the Laidler complex and would inevitably create its own domestic paraphernalia that would further encroach into the countryside. Such domestic effects were visible during my visit.
27. In accordance with the Framework, the special qualities of the countryside are its intrinsic character and beauty. This proposal in its current form lacks architectural merit and does not contribute to these values. Therefore, all

things considered, it has an adverse effect upon the landscape, resulting in harmful encroachment into the countryside thus detrimental to the character and appearance of the local area.

28. To conclude on this main issue, the proposal has an adverse effect upon the character and appearance of the local area in conflict with countryside safeguarding aims and broad character aims of Policies 10, 12, 29 and 39 of the County Durham Plan 2020 and the National Planning Policy Framework that aims to conserve and enhance the natural environment.

#### *Highway safety*

29. An access in the southwest corner onto the B6288 has been in existence and in continuous use, largely by commercial machinery for the business before the 2013 planning approval when the northern access was created. The Council confirmed to me that they did not place any restrictions on its use upon granting permission for the dormer bungalow. The Council comment that the access has been modified as it was historically a field gate and without the benefit of any planning consents.
30. The local highway has a speed limit of 60MPH and is a relatively wide country road leading to and from Spennymoor. At the times of my various visits, the volume of traffic along the road in either direction was not particularly high. The Council also confirmed at the hearing that there are no reported vehicular accident data for the site. The grass verges and hedgerows either side of the access were also reasonably well maintained.
31. There will inevitably be a more intensive use of this access as a result of vehicles coming and going associated with living quarters. However, in light of the Planning Practice Guidance and Paragraph 56 of the Framework with particular regard to the six tests, I am of the view that planning conditions could be imposed to ensure safe access and egress onto the road to satisfactorily address highway safety concerns.
32. Therefore, I find that the proposal could be conditioned to satisfactorily meet the aims of Policies 10 and 21 of the County Durham Plan 2020 in so far as they relate to highway safety, as well as the highway safety objectives of the National Planning Policy Framework. Policy 12 of the CDP does not relate to highway safety and is therefore not directly relevant in this circumstance.

#### **Balance and Conclusion**

33. As set out within the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have assessed the proposal against the relevant policies and found in favour of the scheme with regards to highway safety only. In respect of justification for the need for the proposal and its effect upon the character and appearance of the local area, I have concluded adversely. There are no material considerations in this case that indicate the appeal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal is dismissed.

*Alison Scott (BA Hons) Dip TP MRTPI*

INSPECTOR

## **APPEARANCES**

### **For the Appellant**

Mrs Alexis Laidler - Laidler Racing  
Mr Mark Ketley - Riseber Consulting

### **For the Local Authority**

Gemma Heron - Planning Officer  
Steven Pilkigton - Principal Planning Officer

### **Interested Party**

Mr Gary Huntington

