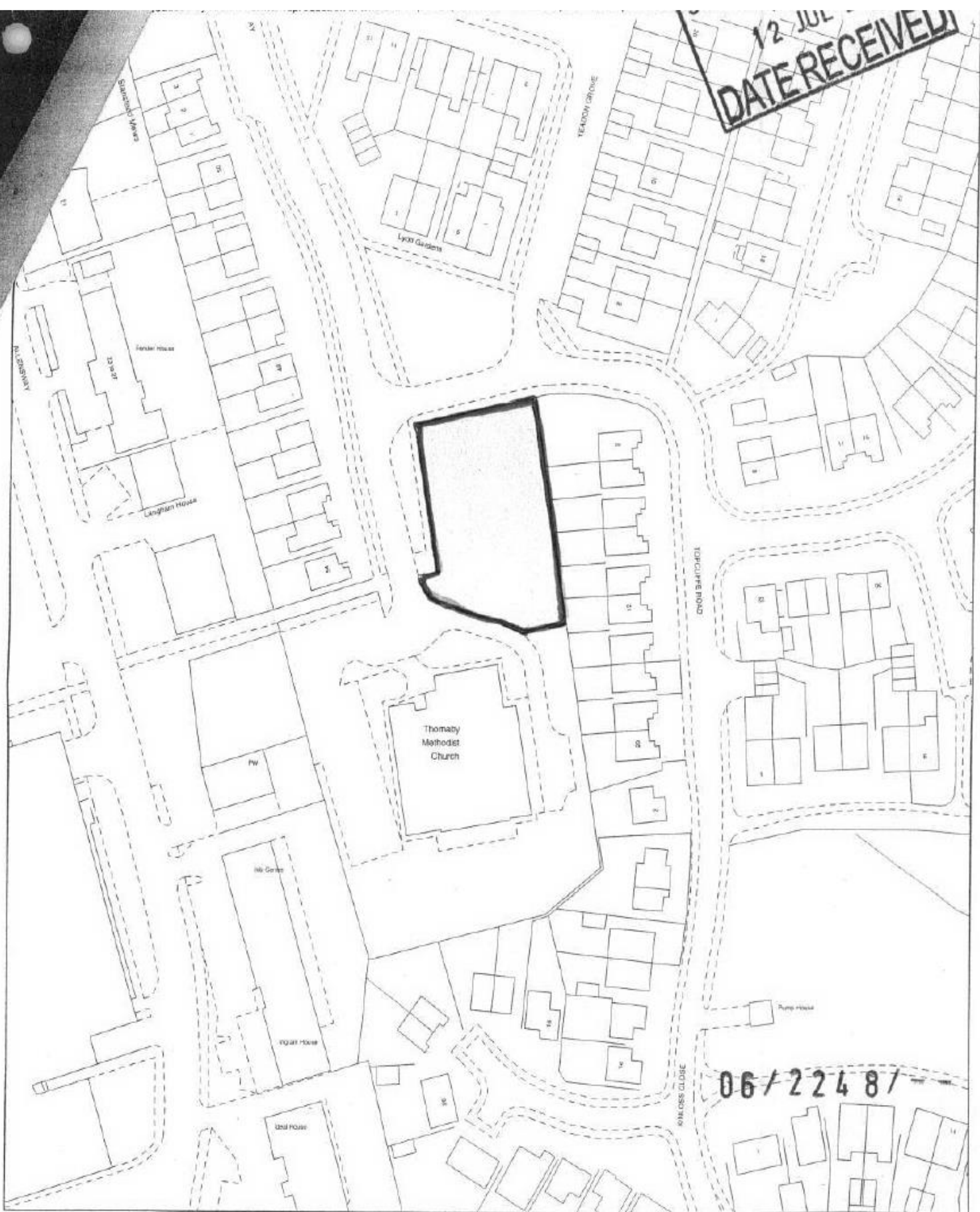


12 JUL  
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This plan should be read in conjunction with result Y41TAFB





# Appeal Decision

Site visit made on 3 June 2003

by **Jean Russell MA MRTPI**

an Inspector appointed by the First Secretary of State

06/22481- -

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Date

15 JUL 2003

**Appeal Ref: APP/H0738/A/03/1110033**

**Thornaby Methodist Church, Stansted Way, Thornaby**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Thornaby Methodist Church against the decision of Stockton-on-Tees Borough Council.
- The application ref: 02/1034/P, dated 10 May 2002, was refused by notice dated 30 August 2002.
- The development proposed is residential use.

**Summary of Decision: The appeal is allowed and outline planning permission granted subject to the conditions set out in the Formal Decision below.**

## Procedural Matters

1. The planning application was submitted in outline, with the matters of siting, design, external appearance, means of access and landscaping all reserved for future consideration.

## Main Issue

2. I consider that the main issue is the effect of the proposed development on the character and appearance of the surrounding residential area.

## Planning Policy

3. The development plan includes the Stockton-on-Tees Local Plan (1997). Policy GP 1 states that new development will be assessed against a number of criteria, which include the contribution of any existing trees and landscape features, and the quality, character and sensitivity of existing landscapes and buildings. Policy HO 3 states that residential development may be permitted within the limits of development, provided that, not least, it does not result in the loss of a site which is used for recreation purposes.
4. The Council's reason for refusal referred to a review of the Local Plan. I understand that this review has been initiated, however I am not aware of what stage this review is at or whether there are any emerging policies that are relevant to this appeal. I therefore can only attach little weight to the review of the Local Plan as a material consideration.
5. Relevant Government guidance is contained within Planning Policy Guidance Note 3: Housing. PPG3 encourages the concentration of housing development on previously developed sites with good access to public transport and local services, and advises against the inefficient use of land. Paragraph 54, however, states that this should be achieved without compromising the quality of the environment.

## Reasons

6. The appeal site lies within a large, medium density housing estate, and it is surrounded by housing on three sides. It is a good quality plot of open space and I consider that it is currently both suitable and likely to be used for play and recreation. However, when I visited the site, it became apparent to me that there are other plots of open space in the area. The layout of the estate is such that there are various green pockets of land at street corners, and indeed such a plot lies opposite the appeal site. This plot is smaller than the appeal site, but would be large enough, in my view, to be used for informal amenity purposes.
7. I accept that at present the site serves to enhance the appearance of the area, however, I consider that this is mainly because of the positive contribution made by the existing trees. Most of these are prominently sited on a bund at the edge of the site by Topcliffe Road and Stanstead Way and I consider that they will be visible from many nearby properties. I also noted, when visiting the site, that they are healthy and capable of further growth. Nonetheless, the appellant has indicated a willingness to retain the existing trees and this can be ensured by means of planning condition. In this situation, and because there are other pockets of open land in the vicinity, my assessment is that the estate would generally retain a green and open appearance even if the appeal site were to be developed. The proposal has been submitted in outline, and I consider that the site is large enough for a development that is in keeping with the character and appearance of the area to be achieved. I conclude, then, that the proposed development would not lead to the unacceptable loss of open space and would not damage the character and appearance of the area. There is no evidence that any previous planning application for development of the site was refused, and I consider that the scheme before me would comply with Policies GP 1 and HO 3 of the adopted Local Plan.

## Other Matters

8. I have taken account of the representations of the Town Council and local residents. The site is considered to be previously developed because it lies within the curtilage of the Church. It is also within the urban area, and is not protected from development in the Local Plan. The proposed development would, therefore, contribute towards the target of achieving 60% of housing on brownfield land and not undermine it. Turning to the matter of highway safety, I note that the Highways Authority has not objected to the proposed development, and I see no reason to disagree with their assessment. When I visited the site, it appeared to me that, although some on-street parking occurs in the vicinity of the church, the road network within the surrounding area was generally quiet. Full details of the proposed means of access and parking arrangements are to be submitted, and I consider that a small increase in traffic using nearby roads would not necessarily undermine highway safety in the area. Finally, I consider that the proposed development would be at a good distance away from nearby properties. Subject to approval of the reserved matters, it should not cause any overbearance or other adverse visual impact, or cause any loss of light or loss of privacy to neighbouring residents. Finally, the effects of a development in relation to property values and views are not land use planning matters.

## Conclusion

9. For the reasons give above, and with regard to all the other matters raised, I conclude that the appeal should be allowed.

## Conditions

10. The Council has suggested six conditions. Firstly, the Council has requested that the trees on the site be retained, and protected during development. The trees are neither the subject of a Tree Preservation Order nor within a Conservation Area. I agree, however, that in this instance it is necessary that the trees be retained, in order that the proposed development would not cause unacceptable harm to the character and appearance of the area. A further condition has been suggested to ensure that the proposed development shall not exceed two storeys in height; and I consider that this would also be necessary for the same reason. I shall therefore impose conditions to these effects, drafted in accordance with Circular 11/95. I consider that it would be unnecessary, however, to attach planning conditions requiring details of the proposed drainage system, means of enclosure or the existing and finished ground levels, because such details should be submitted to the Council as part of any reserved matters application or, if necessary, could be the made the subject of planning conditions at that stage.

06/22481--

## Formal Decision

11. In exercise of the powers transferred to me, I allow the appeal and grant outline planning permission for a residential use at Thornaby Methodist Church, Stansted Way, Thornaby, in accordance with the terms of the planning application (ref: 02/1034/P), dated 10 May 2002 and the plans submitted therewith, subject to the following conditions:
1. The approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
  2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
  3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
  4. No building on any part of the development hereby permitted shall exceed 2 storeys in height.
  5. The existing trees on the site shall be retained, unless subsequently otherwise approved in writing by the local planning authority. The plans and particulars submitted in accordance with the condition 1 above shall include details of the specification and position of fencing and of any other measures to be taken for the protection of the retained trees from damage before or during the course of development.

**Information**

12. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
13. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
14. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
15. Attention is drawn to the requirements of Section 76 of the Town and Country Planning Act 1990 concerning provisions for the benefit of the disabled.



INSPECTOR