



Appeal Decision

Hearing held on 16 January 2008
Site visit made on 16 January 2008

by **P F Young** MRICS MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gov.uk

Decision date:
6 February 2008

Appeal Ref: APP/H0738/A/07/2046305 Call Hill Farm, Eaglescliffe, Stockton on Tees TS16 0QU

- 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 P Lawrence against the decision of Stockton-on-Tees Borough Council.
- The application Ref 06/3105/FUL, dated 2 October 2006, was refused by notice dated 29 November 2006.
- The development proposed is alterations and extensions to existing outbuildings to create a single dwelling.

Decision

1. I dismiss the appeal.

Main issue

2. At the hearing the local planning authority confirmed that policy EN21 of the adopted Stockton-on-Tees Local Plan 1997 is no longer a saved policy. This had required that the conversion, adaptation or re-use of a building in an isolated rural setting for residential use would not be permitted unless it was required for a person working in farming or forestry. The proposed mode of occupation is, therefore, no longer a matter of contention between the parties. The main issue to be decided in this appeal is the effect of the proposal on the prospects for achieving a sustainable pattern of settlement.

Reasons

3. Neither of the principal parties referred me to a development plan policy which explicitly relates to the matter of sustainability. They did, however, refer to PPS7: Sustainable Development in Rural Areas. The appellants argue that PPS7 encourages the re-use of existing buildings in the countryside. The local planning authority also relies on the advice of that document which (in paragraph 17) supports such development only if the building, among other things, is appropriately located and would meet sustainable development objectives. I note also that PPS3: Housing, advises that the Government's policy is to ensure that housing is located in suitable locations which offer a range of community facilities and good access to jobs, key services and infrastructure.
 4. The appellants, at the hearing, argued that the site is not in the open countryside or in an isolated location but, instead, in an urban/rural fringe
-

area. The Design and Access Statement which they submitted in support of their appeal (paragraph 2.1) describes the site as characterised by open countryside. Paragraph 2.3 describes it as well hidden from public vantage points. The report of the marketing exercise prepared for the appellants says (paragraph 3.1) that the site is in the open countryside in a rural location, without good connections to public transport. I agree with these assessments.

5. The site is within an extensive landscape cell which, with the exception of a visually intrusive factory, is almost entirely devoid of built development. The nearest areas of consolidated housing development and their related facilities and services are some 2 km to the north at Longnewton, 3 km to the west at Middleton St George and 3 km to the east at Eaglescliffe. It is remote from all of the facilities and services which are required to support day to day life. It is separated by a track some 440m long from the A67 road which connects Darlington to Eaglescliffe. The facilities of both these settlements are too far to be accessed on foot. The A67 road, furthermore, is subject to a 60mph speed limit and, in the vicinity of the site, lacks any footpaths. Opportunities for cycling would be limited by inclement weather and the lack of carrying capacity for shopping trips.
6. There is a bus service along the main road but there are no bus stops near the site. The Joint Public Transport Group confirms that no bus services on this section of road have ever been registered as 'hail and ride' and, therefore, the buses should pick up only at formally marked bus stops. It is clear, therefore, that resort would be had to the private car for the majority of trips generated by the proposed dwelling. This is clearly an unsustainable location for residential development contrary to the advice of PPS7 and PPS3. The objector argues that the adaptation of an existing structure would, by re-using existing building materials, secure a sustainability gain. This would, however, be greatly outweighed by the harm caused by car-based trips, in perpetuity.

Other considerations

7. The appellants have commissioned a study which shows that protected wildlife species are present within and adjacent to the buildings which are proposed to be converted. I am satisfied, however, that mitigation measures endorsed by Natural England and secured by condition could avoid demonstrable harm to these.
8. The local planning authority is concerned that the works required to stabilise the structure would amount to rebuilding in a number of places. I am satisfied that, even if this was the case, it would still be possible to retain the simple, functional appearance of the structure.
9. The local planning authority argues that the access track to the site should be widened to permit a two-way flow of traffic near to its junction with the A67 road, that a passing place should be provided along its course and that an additional on-site car parking space should be provided. These could be secured by condition.

10. The avoidance of demonstrable harm to wildlife, the character of the building and the safe and free flow of traffic does not, however, outweigh the harm to the prospects for achieving a sustainable pattern of settlement. For this reason, and having regard to all the other matters raised, I conclude that this appeal should be dismissed.

Peter Young

Inspector

APPEARANCES

FOR THE APPELLANTS:

Mr S Hesmondhalgh BA (Hons) DKS Architects, The Design Studio, Ellerbeck
MRTPI Court, Stokesley Business Park, Stokesley. TS9
5PT
Mr & Mrs P Lawrence Appellants.

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Glossop Planning Officer, Stockton on Tees Borough
Council.

DOCUMENTS

- 1 List of persons present at the Hearing.
- 2 Letter of notification of the Hearing.
- 3 Letter of 16 November 2007 to the Local Planning Authority from Natural England.
- 4 Copy of E-mail to the Local Planning Authority regarding bus services along the A67 road.

PLANS

- A Set of application plans considered by the Local Planning Authority including revised plans received before the date of the Council's decision.
- B Superseded plans.