



Appeal Decision

Site visit made on 15 April 2008

by **Robin Brooks** BA (Hons) 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.gsi.gov.uk

Decision date:
24 June 2008

Appeal Ref: APP/H0738/A/08/2064717

**Land to the rear of The Stables, Kirk Hill, Redmarshall, Stockton-on-Tees
TS21 1EL**

- 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 D Holmes against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/2684/OUT, dated 14 September 2007, was refused by notice dated 13 December 2007.
- The development proposed is erection of 21 homes; a mix of 2 and 3 bed dwellings all of which will be "affordable homes".

Decision

1. I dismiss the appeal.

Procedural Matters

2. The application was in outline with all matters of detail except access reserved for future consideration and was accompanied by an indicative layout plan.

Policy Context

3. A number of policies in the Stockton-on-Tees Local Plan are relevant. Policy GP1 sets out a range of criteria against which proposals for development will be assessed, including appearance, relationship with the surrounding area and access and parking. Policy EN13 precludes development outside development limits with certain defined exceptions, none of which are relevant here. Policy HO11 outlines requirements for new residential development, including high quality of built environment, in keeping with its surroundings; open space; satisfactory standards of privacy and amenity; and adequate access and parking. Policy TR15 aims to ensure that new development has satisfactory standards of highway design and parking.
4. Relevant national guidance is to be found in Planning Policy Statements (PPS) 1, Delivering Sustainable Development; 3, Housing; and 7, Sustainable Development in Rural Areas. In summary, development should be located where it would contribute to sustainable communities and reduce the need to travel; and in rural areas this will generally mean focussing it in or near local service centres where employment, housing (including affordable housing) services and facilities can be provided close together. Some development may be permitted in villages where it would enhance or maintain their sustainability; and, where viable and practicable, local planning authorities

should consider releasing sites solely for affordable housing, including Rural Exception Sites. Provision of affordable housing in rural areas should be informed by evidence and based on clear targets; and Rural Exception Sites should meet the needs of the local community whilst ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.

Main Issues

5. Bearing in mind the aims of the above Policies, the determining issues in the appeal are:
 - (i) whether the development would be in a sustainable location;
 - (ii) the effects of the proposal upon the character and appearance of the surrounding area;
 - (iii) the impact of traffic generated upon highway safety and traffic flow;
 - (iv) the adequacy of the site to accommodate development of the scale and character proposed; and
 - (v) whether there is a demonstrable need for affordable housing in the area that would outweigh any objections in terms of the preceding issues.

Reasons

Sustainability

6. In my view to be considered reasonably sustainable a settlement must have a range of facilities capable of meeting at least some of the basic needs of its residents, and ready access to sources of employment realistically likely to provide for some of those residents, in such a way as to minimise the need to use the private car. Redmarshall does not score highly against these yardsticks. Its only facilities are a church and a public house cum restaurant and the only source of employment in the village is a residential home; and although a bus service links the village to Stockton, the town centre is 7-8 kms away. Even accepting that occupants of affordable housing might have less access to cars than some other residents, and thus be more likely to use the bus, the relationship between Redmarshall and Stockton does not in itself make the former a sustainable location for additional development. It is likely that the great majority of trips to and from the town would be by car.
7. The Appellant argues that Redmarshall can be considered as part of a sustainable cluster of villages, including Carlton, Stillington and Whitton, all of which I visited. However, although the first two certainly have a better range of facilities than Redmarshall, including a primary school and doctor's surgery in Stillington, a shop in Carlton, and public halls in both villages, those facilities are not in my view of such a range and level as to contribute significantly to making Redmarshall sustainable. Also, whilst there is some employment in Stillington and to a lesser extent in Carlton, it is all on a fairly modest scale and unlikely to offer more than a handful of job opportunities to new residents in Redmarshall. Nor have I seen any evidence that the four villages function in any real sense as a cluster in a way that underpin sustainability; rather they appear to be essentially disparate communities dependent to a greater or lesser extent on Stockton and neighbouring towns for services and jobs.

8. I accept that additional development in Redmarshall might help support the local bus service, and take up spare capacity at the primary school in Stillington, as the Appellant argues. However, though these would be desirable ends in themselves, they would not contribute greatly to the sustainability of Redmarshall. I conclude on the first main issue that the village is not intrinsically a sustainable location for new development on the scale proposed, which would accordingly conflict with the thrust of national planning advice as outlined above.

Character and Appearance

9. Apart from a ribbon of development along the east side of Drovers Lane, adjacent to the appeal site, the bulk of the village lies west of the cross-roads in a fairly tightly defined group of buildings. Approaching from Carlton the site appears very much as part of the open countryside setting of Redmarshall, beyond which the Drovers Way properties clearly define the edge of the village and mark the limit of development as shown in the Stockton-on-Tees Local Plan. Even accepting that existing hedgerows could be retained and augmented with new planting, I consider that development on the scale envisaged would represent a significant intrusion into the countryside that would not only be harmful in itself but that would also narrow the present open gap between the village and Carlton. I conclude on the second main issue that the proposal would seriously harm the character and appearance of the surrounding area, contrary to the aims of Local Plan Policies GP1 and EN13.

Highway Safety and Traffic Flow

10. As the visibility splay of 4.5 m x 215 m sought by the Council cannot be achieved at the proposed access point, the appeal proposal is predicated on extending the 30 mph restriction towards Carlton so that splays appropriate to that limit could be achieved. This and associated work, including relocation of a bus stop westwards, and traffic calming measures, would be funded by the developer.
11. Although at the time of my visit traffic flows were fairly low, I would expect them to be significantly higher at peak hours. I also noted that westbound drivers were approaching at some speed prior to entering the existing 30 mph zone which is itself quite short before the 60 mph limit resumes beyond the cross roads; and this situation could well continue even if the lower limit were extended. Also, whilst the limited level of the bus service means that it is unlikely that buses would park at both westbound and eastbound stops simultaneously, moving the former towards the crossroads, at which there is a significant number of turning movements, would in my view be undesirable in highway safety terms. Given that the access would serve 21 dwellings it is likely that it would be well used and on all the evidence I am not convinced that safe and satisfactory visibility at the proposed junction is assured. At the very least it would be prudent to carry out the speed surveys suggested by the Council as a basis for a detailed design.
12. I do not share the Council's concern that the development would be likely to give rise to parking on Kirk Hill. Whilst there might well be a significant shortfall of proposed parking space on the site compared with the Council's standards, the thrust of national advice is to constrain parking provision to help

promote sustainable travel choices, rather than to provide at the generous levels that prevailed in the past. Also, the fact that parking space on the site would be limited does not necessarily mean that parking would take place on the main highway as it is likely that affordable housing would require less parking space than other forms of housing. However, whilst parking is not in my view a matter that would give rise to serious highway concerns, this does not allay my concerns about the safety implications of turning movements at the proposed junction, noted above. I conclude on the third main issue that it has not been demonstrated that the traffic generated could be accommodated without unacceptably prejudicing highway safety, contrary to the aims of Local Plan Policies GP1, HO11 and TR15.

Site Layout

13. The submitted layout plan is indicative only and different layout and scale proposals could be sought as reserved matters if the proposal was acceptable in principle. That said, I consider that the proposed layout, taken together with the Design and Access Statement, provides a reasonable indication of the Appellant's detailed intentions for the site.
14. Although the proposed density of development, at around 30 dwellings per hectare, accords with advice in PPS3 on making best use of housing land, the form of development is problematical in a number of respects. In particular, no provision is apparently envisaged for public open space, including children's play space, an important consideration for a development of this nature and size. The form of development proposed, mainly of semi-detached dwellings around a cul-de-sac, would in my view produce an unacceptably cramped layout with a good number of the dwellings having their principal outlook over potentially unattractive car parking areas at very close quarters; and the layout of some of those spaces would make them hard to use. In addition, the limited depth of rear gardens could lead to pressure in the long term for removal of hedges and any associated additional planting along the east and south boundaries of the site, rendering a development that would already be prominent in the landscape more conspicuous still.
15. As the application is in outline these considerations are not determinative in themselves. However, I conclude on the third main issue that it has not been adequately demonstrated that the site could satisfactorily accommodate development of the scale and character envisaged, as sought under Local Policies GP1 and HO11, and that this weighs in the balance against the proposal.

Affordable Housing

16. The Council's Local Housing Needs Assessment of 2006 identifies a need for 10 affordable dwellings within the rural parts of the District, a figure which strikes me as particularly low but which is perhaps understandably so in view of the largely urban character of Stockton. Clearly it is an indicative figure and I also accept that there may be some weight in the Appellant's argument that as a percentage of the total requirement it may not accord with the overall aspirations of the Assessment. Even so, taking that into account, along with other indicators of need such as the housing registers of the Council and housing associations and the effects of rising prices and interest rates, I have

seen no cogent evidence of a need for affordable housing to justify development on the scale and in the location proposed.

17. In particular there is nothing to demonstrate a need in and around Redmarshall. Whilst the Council's housing register figures show some 36 applicants seeking a property there, and higher numbers for Carlton, Stillington and Thorpe Thewles, I regard these as essentially indicative of a **demand** or desire to live in those communities rather than necessarily a **need**. It would require detailed analysis of the reasons for applicants' preferred locations, as well as their personal circumstances and a range of other matters, including availability of different forms of accommodation, for these figures to be translated into anything approaching a demonstrable need for affordable housing in a particular village. Whilst the Appellant is clearly aggrieved that, as he sees it, the Council have not cooperated in supplying such information, the fact remains that for whatever reason and from whatever source, that information has not been produced in evidence.
18. The fundamental point about Rural Exception Sites is that they are indeed exceptions to policy and other constraints on development that would normally apply. Where those constraints are strong, as I consider them to be in this case in terms of both the first and second main issues above, then equally strong counter-arguments are required to set them aside. In essence the evidence of local need for affordable housing is not compelling and is not given added weight by the possibility that housing provided in Redmarshall might also meet needs in other villages or surrounding towns, outwardly attractive though such an argument appears. I conclude on the fifth and final issue that there is no demonstrable need for affordable housing in the area that would outweigh objections in terms of the preceding issues.

Overall Conclusion

19. Bringing together my conclusions on the main issues, there are compelling objections to the appeal proposal in terms of sustainability and impact upon the character and appearance of the surrounding area; and further objections in terms of highway safety and site layout which, though not determinative in themselves, on present evidence also weigh in the balance against. A local need for affordable housing has not been established such as to outweigh these objections taken together.
20. I have considered all the other matters raised including the Appellant's criticisms of the Council's approach to his proposal, and his suggestion that I might indicate an acceptable level of development on the site. On the first matter I have assessed the proposal on its planning merits and see no reason to question the Council's judgement in those terms. On the second, I can only consider the proposal that has been refused planning permission; it is for the Council to advise on any further proposals for development.
21. For the reasons given above I conclude that the appeal should be dismissed.

Robin Brooks

INSPECTOR