



Appeal Decision

Site visit made on 21 July 2008

by **A J Wilson BA MA DipLA MRTPI**

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

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Decision date:
13 August 2008

Appeal Ref: APP/H0738/A/08/2073449

Within an arable field to the south of the Seamer/Hilton Road – the field is located approximately 1.7km to the north west of Seamer

- 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 Danny Maher against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 07/3519/FUL, dated 21 December 2007, was refused by notice dated 14 March 2008.
- The development proposed is the provision of a 60m temporary guyed wind monitoring mast for a period of 24 months.

Decision

1. I allow the appeal, and grant planning permission for the provision of a 60m temporary guyed wind monitoring mast for a period of 24 months on land within an arable field to the south of the Seamer/Hilton Road in accordance with the terms of the application, Ref: 07/3519/FUL, dated 21 December 2007, and the plans submitted with it, subject to the following conditions:
 - 1) The mast hereby permitted shall be removed, and the land restored to its former condition, by a date following on two years from the date of the commencement of any development on the site; all in accordance with a scheme of works submitted to and approved in writing by the local planning authority.
 - 2) Before construction is due to commence on the permitted mast, the Ministry of Defence and the Durham Tees Valley Airport shall be informed in writing of the start date of construction; its location by the correct grid reference; its overall height; any lighting proposals; and the period of time it will be in place.

Main issues

2. I consider the main issues are:
 - a) the effect of the proposed development on the character and appearance of the site and its rural surroundings; and
 - b) the effect of the proposal on the living conditions of the occupiers of residential properties in the locality.

Planning Policy

3. Saved Policy GP 1 of the Stockton-on-Tees Local Plan seeks to ensure that new development is assessed in relation to a number of criteria, including the
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quality, character and sensitivity of the existing landscape; the relationship with the surrounding area; and the effect on the amenities of the occupiers of nearby properties.

Reasons

Character and appearance

4. The appeal site lies within the countryside, midway between the small rural settlements of Seamer and Hilton. In common with much of the countryside in this particular part of the District, the agricultural land about the site is generally free from built development. The gently rolling nature of the farming landscape, and the division of the cultivated fields by low hedges with occasional trees, gives the area an attractive appearance; although I understand that it carries no special national or local Landscape Designation. Much of the visual quality of the locality derives from the expansive views over the landscape, particularly to the south and east, towards the northern edge of the Cleveland Hills and the North York Moors, which forms a constant and impressive backdrop. Another significant and noticeable feature of the locality is a high voltage power line, carried through the area of the appeal site by a series of tall pylons, two of which are relatively close to the site to the north and north west.
5. The proposed mast would be sited in a shallow dip at the north eastern corner of a small arable field, close to the road running between Hilton and Seamer. I recognise that the full height and extent of the proposal would be readily apparent in both directions to travellers on the road past the site and that the development would be a rather unusual sight in this agricultural landscape. However, the mast would have a slender construction, as would the network of guy cables needed to support it, and I do not consider that it would give rise to any undue harm to the site and its immediate surroundings; especially when compared with the size, scale and appearance of the electricity pylons nearby. Moreover, I do not consider that the enjoyment of the countryside, by the local people and holiday visitors travelling along the road, would be unacceptably diminished by the presence of the mast; nor would drivers be unduly distracted by it.
6. The mast would be mainly elevated above the wider surroundings, when observed from most public vantage points further afield, but it would almost always be seen in close association with the existing pylons, which already break the skyline. There would be longer distance views from a higher level on the road approaches to Seamer from the north but, from here, the mast would not be seen against the sky. In addition, the visual effect of such a slender structure in the wider landscape would be sufficiently diminished by distance that its impact would be relatively insignificant. This would be particularly so in the views from the nearby villages, which are about 1½km away.
7. I conclude, therefore, that the proposed development would not materially harm the character and appearance of the site or its rural surroundings and it would thus comply with Local Plan Policy GP 1.

Living conditions

8. The proposed development would occupy a relatively isolated location in the countryside, some distance from either of the two nearest settlements of Seamer and Hilton. Those residential properties closest to the site are few in

number, with the nearest dwelling being about ½km away. I acknowledge that the upper sections of the mast may well be visible from the closest properties and, in more distant prospect, from some homes in the local villages. However, I do not consider that the presence of the mast, at such a distance from these dwellings, would have any direct material impact upon the amenities currently enjoyed by their occupiers. I conclude, therefore, that the proposal would not be detrimental to the living conditions of local residents and thus would not infringe the terms of development plan policy in this respect.

Other matters

9. In reaching my conclusions, I have taken into account the large number of written objections which have been submitted; both to the Council in response to the consultation on the original planning application, and in response to the appeal. In particular, I note that many of the correspondents have lodged their objections on the basis that this development may be the precursor to a future planning application for a wind farm in the locality, to which they also strongly object. However, in the context of the present appeal, I can only consider the proposed development which is currently before me. I am also obliged to assess the proposal on its merits in relation to the provisions of the development plan and, in this respect, I have found that it would not conflict with the relevant saved policy. The appeal should therefore succeed.

Conditions

10. In the event of planning permission being granted, the Council has suggested the imposition of 4 conditions (Council's numbers in brackets) and I have examined these within the terms of Circular 11/95: The Use of Conditions in Planning Permissions. I agree that the permission should be time limited to two years (2), although I have used the model condition from the Circular so as to require all of the details of the removal of the works and the reinstatement of the site to be agreed with the Council.
11. Following the advice in the Circular, I do not consider that there is any justification for a condition requiring compliance with a list of approved plans (1) for this particular development. Suggested condition (3) implies that the Council finds the plan showing the precise position of the mast to be unsatisfactory. However, drawing 5396B/04/N/009 carries a scale and, in my opinion, adequately shows where the mast and its guy cables will be in relation to the northern and eastern field boundaries; such a condition is therefore unnecessary. Finally, I understand that there would be a requirement for the Ministry of Defence to update its records once the mast is in place. I therefore consider it would be reasonable, in the interests of aircraft safety, to impose a condition (4) requiring notification to them, and to the local airport authority, of when it will be constructed on the site and the length of time it will be in place.

Anthony J Wilson

INSPECTOR