



Appeal Decision

Site visit made on 1 September 2008

by **Malcolm Rivett BA (Hons) MSc 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@plins.gsi.gov.uk

Decision date:
4 September 2008

Appeal Ref: APP/H0738/A/08/2062552

Springhouse Cottage, Springhouse Farm, Coatham Stob Lane, Elton, Stockton on Tees, TS21 1AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by FS Sedgewick against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/0383/ARC, dated 16 February 2007, was refused by notice dated 21 June 2007.
- The application sought planning permission for conversion of agricultural barn to residential use to provide extension to existing dwelling and external alterations without complying with a condition attached to planning permission Ref 00/1468/P, dated 6 November 2000.
- The condition in dispute is No 3 which states that: the accommodation hereby approved shall be and shall remain ancillary to the use of the main dwelling known as Springhouse Cottage, shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit and shall be used only for members of the family or the occupier for the time being of this main dwelling.
- The reason given for the condition is: to enable the Local Planning Authority to retain control over the development.

Procedural matter

1. The appellant is seeking deletion of the disputed condition to enable the extended part of Springhouse Cottage to be occupied as a separate dwelling. I understand that such an arrangement has already been effected (the appellant and his wife occupying the extension and a tenant living in the original part of Springhouse Cottage) and that the single connecting door between the two parts of the building has been locked out of use.

Decision

2. I dismiss the appeal.

Main issues

3. The main issues of the appeal are the effect of the deletion of the disputed condition on the character of the area and on sustainability, having particular regard to the objective of locating new housing development where there is good access, by means other than the car, to jobs and key services.
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Reasons

4. Policy EN13 of the adopted Stockton-on-Tees Local Plan indicates that only certain types of development will be permitted outside development limits and provision is not made for general purpose dwellings. Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) indicates that the focus for new housing in rural areas should be in existing towns and villages and that isolated new houses in the countryside will require special justification. I agree with the Council that the effect of the deletion of the condition would be to permit an additional dwelling at Springhouse Cottage and that this conflicts with this local and national policy. The appellant argues that PPS7 indicates that it is new buildings which should be controlled and that no new buildings would result from the deletion of the condition. However in my view the development without compliance with the disputed condition represents the provision of an isolated new dwelling which paragraph 10 of PPS7 indicates is inappropriate in the open countryside.
5. The appellant argues that the disputed condition can be complied with merely by unlocking the connecting door. Whether or not this is so is not a matter before me. However, I agree with him that deletion of the condition would have no effect on the external appearance of the building, as it currently stands. It is also contended that traffic/pedestrian movements generated by the occupation of the building as 2 separate dwellings would not be materially different from that likely in connection with the single dwelling. However, whilst it clearly varies on a case by case basis, I consider that, in general, two small dwellings are likely to generate more movements than one large one. Indeed, it seems highly likely to me that the current occupation of Springhouse Cottage by a tenant will be resulting in more movements to/from the site than would be the case if the cottage and its extension were solely occupied by the appellant and his wife.
6. Springhouse Cottage is around half a mile, along a narrow, unlit country lane without a footway from Darlington Road where there is a bus stop and from where Elton and Longnewton are around a quarter of a mile and half a mile away respectively. It appears to me that both settlements have relatively limited facilities and that, despite the availability of home deliveries, residents at Springhouse Cottage would be likely to travel further afield for employment and many day to day services. Although the centre of Stockton is only 5 miles or so away, to my mind most people would not consider the lane to be conducive to walking or cycling (particularly on dark winter mornings and evenings) and I therefore envisage that most trips by residents of the additional dwelling are likely to be made by car, contrary to sustainability objectives.
7. I accept that the additional traffic arising from one dwelling would, alone, be likely to cause only limited harm to the quiet, rural character of the area and to sustainability objectives. However, I envisage that, if I were to allow this appeal, the Council would find it difficult to resist similar proposals to divide, or to extend and divide, dwellings in the countryside and that cumulatively significant harm would be likely to result both to the character of the countryside and sustainability objectives.

8. With reference to Planning Policy Statements (PPSs) 1 (Delivering Sustainable Development) and 3 (Housing) the appellant argues that it is important to achieve a mix of housing across different types of community setting and that dividing Springhouse Cottage provides, on previously developed land, two, more affordable, two bedroom houses, for which there is a need in Stockton. Whilst there may be such a need, I consider that it is not appropriate to meet it in the open countryside on a site not well located for key facilities, having regard to the guidance of PPSs 1, 3 and 7 that housing should be in suitable locations which offer good access to jobs and key services. Moreover, I have no evidence that the area's housing needs cannot be met in more appropriate locations in the borough, including in its rural settlements. It is also contended that allowing the appeal would enable the retention of a range of interesting farm buildings. However, I see no reason why they cannot be retained with Springhouse Cottage as a single dwelling. I appreciate that the extended cottage as a whole may be too large for the appellant's needs and that PPS3 indicates that the conversion of existing properties can be an important source of new housing, although I consider that this does not justify allowing the appeal given the harm I have found the deletion of the condition would cause.
9. Reference has been made to the recent conversion of outbuildings to dwellings at Coatham Stob, which I saw on my visit, and to the permission for a caravan park. However, I have no details of these schemes or evidence that they are comparable, in nature and in the circumstances of their approval, with the proposal before me. That there are existing dwellings at Springhouse Farm and others nearby does not undermine the harm to sustainability objectives caused by the additional dwelling.
10. In conclusion deletion of the condition would conflict with local and national policy to restrict new/additional housing in the open countryside and I have found there to be no special justification for the development. Whilst harm to the character of the countryside and to sustainability objectives arising directly from deletion of the condition would be limited, the Council would be likely to find it difficult to resist similar proposals which cumulatively would be likely to cause significant harm.
11. For the above reasons I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR