



Appeal Decision

Site visit made on 13 October 2008

by **J S Deakin FRICS**

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

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Decision date:
28 October 2008

Appeal Ref: APP/H0738/A/2069362
Newton Lodge, Darlington Road, Long Newton, Stockton-on-Tees,
Cleveland TS21 1DB

- 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 Mr M Thompson against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/3413/OUT dated 2 January 2008, was refused by notice dated 26 February 2008.
- The development proposed is one detached dwelling and creation of a new vehicular access to serve the existing dwelling.

Preliminary matters

1. This is an outline application with all matters reserved for subsequent approval.

Decision

2. I allow the appeal, and grant outline planning permission for one detached dwelling and creation of a new vehicular access to serve the existing dwelling at Newton Lodge, Darlington Road, Long Newton, Stockton-on-Tees, Cleveland TS21 1DB in accordance with the terms of the application, Ref 07/3413/OUT dated 2 January 2008, and the plans submitted with it, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) No demolition or construction work shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The scheme shall include proposals for the retention of existing brick walls. The boundary treatment shall be

completed before the building is occupied and shall be carried out in accordance with the approved details.

- 5) Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.
- 6) No external lighting shall be erected except in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. The details shall show the location of the light, the type of light fitting, the intensity of illumination, the hours within which the light will be illuminated and any other fittings or structures associated with its erection and use.

Main Issue

3. I consider that the main issue is whether the development would comply with Government policy objectives relating to locating residential development in sustainable locations and reducing car dependency.

Reasons

4. The majority of the appeal site is within the Limits to Development set out in the adopted Stockton-on-Tees Local Plan. Policy HO3 indicates that residential development may be permitted within the development limits, subject to various criteria. The site is within the curtilage of the appellant's dwelling and is therefore regarded as previously developed land, as defined in PPS3. The Council considers that a development could be designed that would meet visual, residential, and highway concerns and objections through a reserved matters application; I see no reason to disagree with this opinion.
5. Long Newton is a good-sized village which contains a church, primary school, two public houses, a village hall, community centre and recreation ground. It does not have a shop. There are bus services at approximately hourly intervals from the village to Stockton, Middlesbrough and Yarm. There is no evidence of any significant employment within the village but it is about 2.5 kms from Durham-Tees Valley Airport where there are hotels and business units. In addition, plans have been approved for large scale business park development near the airport. There are also industrial premises at Uray Nook about 2 kms from the site.
6. The Council's case relies mainly on national policy objectives set out in PPS1 and PPS 3 relating to sustainability and the need to reduce car dependency. No reference is made to any development plan policies considered relevant to this point. The Stockton-on-Tees Draft Core Strategy Policy is subject to consultation and is a material consideration of limited weight.
7. I have been referred to other recent appeal decisions by both parties. The Council cites two appeals that were dismissed: A/06/2020671 at Hilton and A/07/2045128 at Aislaby. From my reading of the decisions, both villages appear to be smaller than Long Newton with fewer facilities; Aislaby has no bus service and Hilton has only a two-hourly service. I do not regard these decisions as being material considerations of sufficient weight to justify allowing the current appeal. On the other hand, an appeal at Carlton

(A/08/2073346) was recently allowed. Carlton appears to be similar to Long Newton in many respects; it has a shop but no school, and is relatively close to Stockton-on-Tees. Furthermore, the appellant's agent refers to another appeal at Glen Marlen, Darlington Road, Long Newton where the Council did not raise the sustainability issue.

8. Para 38 of PPS3 says that there is a need to provide housing in rural areas, including villages, in order to enhance or maintain their sustainability. Similar principles are set out in PPS7: Sustainable Development in Rural Areas. Although Long Newton does not have a shop or any significant employment, it is one of the closest villages to the large employment opportunities at the airport. Furthermore, there are regular bus services to major towns nearby. Another dwelling within the village would help to maintain existing community services such as the school, church and village hall.
9. In my opinion, the development would comply with Government policies and objectives set out in PPS1, PPS3 and PPS7, and with current development plan policies relating to residential development in villages.

Conditions

10. The Council suggests various conditions which should be imposed if the appeal is to be allowed. I impose conditions relating to approval of reserved matters and time limits. A condition restricting working hours during demolition and construction is necessary to protect nearby residents from undue noise and disturbance, at times when they can reasonably expect peace and quiet. I impose conditions requiring details of boundary treatment and of external lighting to be submitted for prior approval, to protect the visual and residential amenities of the area.
11. Detailed conditions relating to access, parking, external finishes, tree protection and landscaping are not required as these are reserved matters which are to be considered in a future application. It is not necessary to impose a specific condition requiring development to be in accordance with the submitted plans as this is dealt with in paragraph 2 of my decision.

J S Deakin

INSPECTOR