

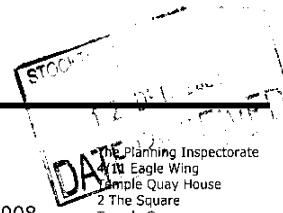


Appeal Decision

Site visit made on 9 December 2008

by **J S Deakin FRICS**

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



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

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

Decision date:
12 December 2008

Appeal Ref: APP/H0738/A/08/2084751

Land at 25 Mountstewart, Wynyard, Billingham, TS22 5QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Mr S & Mrs A McMillan against Stockton-on-Tees Borough Council.
- The application Ref 07/3273/REV, is dated 15 January 2008
- The development proposed is formation of a building plot for a 4-bedroom house in part of the grounds of 25 Mountstewart, Wynyard.

Preliminary Matters

1. This is an outline application. The original application dated 14 November 2007 indicated that appearance and landscaping were to be considered as part of the application. This appears to have been a mistake as the Design and Access Statement stated that landscaping and appearance would be reserved matters. The revised application of 15 January 2008 indicated that only layout was to be considered and I have determined the appeal on that basis.
2. The Council issued a Refusal Notice on 10 September 2008. As this was after the date of receipt of the Appeal documents on 5 September, the Council's decision has no effect. However, it does indicate that the application would have been refused because: (i) the Council considers that the proposal is contrary to Government policy objectives and guidance with respect to locating residential development in sustainable locations and reducing car dependency; and (ii) the Council considers that the erection of a new dwelling in this location would constitute an unacceptable intrusion adversely impacting on local visual amenities and the character of the area.

Decision

3. I dismiss the appeal and refuse planning permission for the formation of a building plot for a 4-bedroom house in part of the grounds of 25 Mountstewart, Wynyard.

Main Issues

4. I consider that the main issues are: (i) whether the development would comply with Government policy objectives relating to locating residential development in sustainable locations and reducing car dependency; and (ii) the visual impact of the new dwelling on the character and appearance of the surrounding area.
-

Reasons

Sustainability

5. Wynyard is a modern development of good quality, low density housing which is widely dispersed throughout woodland. The small village centre is about 1.5km from the appeal site. It includes a general store, public house, hairdresser and dental surgery but there is no primary school or public bus service. The nearest local centre is Wolviston at 4.35 km distance and the nearest employment is about 1.93 km away. In my opinion, a new house would generate a need for additional car journeys as there is a lack of facilities within easy walking or cycling distance.
6. Planning Policy Statement No.1: Delivering Sustainable Development (PPS1) indicates that sustainable development is the core principle underpinning planning. Planning Policy Statement No. 3: Housing (PPS3) and Planning Policy Statement No. 7: Sustainable Development in Rural Areas (PPS7) also reflect this principle and seek to promote more sustainable patterns of development.
7. The appeal site is outside the defined limits of development, as is the whole of Wynyard, but is within a committed residential development area as identified by Policy HO1 of the adopted Stockton-on-Tees Local Plan 1997. The Local Plan was adopted several years before the publication of the Planning Policy Statements and I have not been referred to any policies relating to sustainability. The Wynyard estate was granted planning permission in 1991, again long before the evolution of national policies relating to sustainable development.
8. The appellant refers to other nearby developments which have been granted planning permission in recent years. The Charles Church development is said to be part of a wider approval that was granted in 2003 – a year before the publication of PPS7. The recent approval 08/0396/OUT was part of a site for three plots formerly granted permission in 2002. Since 2003, there has been a significant change in national planning policy as a result of the publication of the Planning Policy Statements relating to sustainability. Consequently, I do not regard these other approvals as being material considerations of sufficient weight to justify allowing this appeal.
9. The original planning permission (95/1483) for 46 dwellings (including Mountstewart) was granted in 1995. This showed two houses in the approximate position of No.25 and the appeal site. However, permission (96/0043/P) was subsequently granted for a revised layout including 47 houses. In my opinion, the original layout is a material consideration of very limited weight because it lapsed following the approved alteration to the plans.
10. I conclude that the proposal would be unsustainable development, contrary to Government policy relating to sustainability, as set out in PPS1, PPS3, and PPS7.

Visual Impact

11. The appeal site is within a finger of residential development which is bounded on both sides by a golf course. The site is at the southern extremity of the

finger and includes part of the golf course land. Planning permission has already been granted for change of use of this and other areas of the golf course into domestic gardens (03/1013/P).

12. The proposed dwelling would be built up to the southern boundary of the existing garden. The golf course land would be used as a garden and would not be built upon. The new dwelling would extend the built environment approximately 30 metres southwards. In addition, a hard surfaced drive and turning area, together with parked vehicles, would be introduced into what is at present an open, green area.
13. The large gardens, together with the golf course plot, provide an attractive open area which helps to soften the change from the open golf course to the built-up appearance of the residential development on Mountstewart. The new dwelling would be clearly visible from the golf course and from the surrounding houses; it would detract from the openness of the locality and would, in my opinion, cause serious harm to the character and appearance of the area.
14. I consider that the development would not reflect the character of the existing landscapes and buildings, and would not provide a high quality of built environment in keeping with its surroundings, contrary to Local Plan Policies GP1 and HO11.

J S Deakin

INSPECTOR