



Appeal Decision

Site visit made on 10 June 2009

by **D R Cullingford BA MPhil MRTPI**

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

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Decision date:
7 July 2009

Appeal Ref: APP/H0738/A/08/2086853

The Stables, Kirk Hill, Redmarshall, Stockton-on-Tees, TS21 1FE

- 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 by Mr David Holmes against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 08/2414/FUL and dated 15 July 2008) was refused by notice dated 25 September 2008.
- The development is described as the 'change of use of agricultural land to residential to allow 2-storey extension to side of dwelling and erection of detached garage'.

Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

2. The Stables is a modest 3 bedroom dormer bungalow that, according to the Proposals Map, just fails to be wholly squeezed within the currently defined 'development limit' for the village of Redmarshall. It presents a gabled façade a little over 10m wide seen between roadside hedges across the driveway from the rural lane that is Kirk Hill. The proposal is to erect a largely separate 'wing' to the property accommodating a 'day room' and a bedroom with en suite facilities; the structure would be adorned with 2 dormer windows but connected to the existing 'bungalow' by a new 2-storey entrance and passageway, thereby extending the façade of the existing building by an additional 9m. The substantial 3-bay garage, with velux windows in the storage space above, would be positioned towards the roadside hedge. The structure would be some 9m wide and some 0.5m below the height of the existing dwelling. The extension, the garage and all the land to the east of the existing bungalow (and even some that is not) would lie beyond the 'development limit', as designated in the latest version of the Local Plan. That is, essentially, why the Council have refused planning permission for the scheme and why they are concerned that it would contravene the requirements of 'saved' policies EN13, GP1 and HO12; that is also the main issue on which this appeal turns.
 3. It is important that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the buildings proposed and much of the land lie beyond the designated 'development limit' where, in accordance with Government guidance, strict controls are imposed under policy EN13. As the planning officer points out, the
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scheme would meet none of the requirements endorsed by that policy being unconnected to agriculture, forestry, tourism, sport and recreation or the diversification of the rural economy; nor would it make use of an existing building. Hence, the proposals would clearly conflict with the requirements of the Development Plan, as currently constituted and, in the absence of overriding material considerations, should be prevented. Are there reasons to warrant a different decision?

4. I am afraid that I find the reasons advanced unconvincing. Although the dwelling lies behind thick roadside hedges and is screened by trees and foliage to the east, it can be seen from the rising ground to the south, across the open paddock from dwellings along Drovers Lane and over the driveway from Kirk Hill. The proposal would almost double the length of the built façade evident from the latter vantage point and that, together with the amount of building proposed, would be seen to incongruously 'urbanise' this land (ostensibly beyond the village) even when viewed from those other vantage points. I do not agree that such building would establish a clear 'end' to development here, and the suggestion that it might seems to me to demonstrate that the scheme would radically alter the currently more 'organic' juxtaposition between the village and the surrounding fields and farmland. I also see little merit in building beyond the village to create a dwelling similar in size to those nearby, particularly as the immediately adjacent property is relatively extensive. And, of course, the addition of the new 'wing' and the substantial increase in the resulting façade would transform the existing building into a significantly more dominant structure, thereby conflicting with the requirements of policy HO12. I think that those harmful effects would be damaging in themselves. But the scheme could, all too easily, serve as a damaging precedent in relation to other development beyond 'development limits', since the claim that buildings might be screened by hedges and trees is one that can often be repeated; the plethora of applications and appeals relating to The Stables and nearby land demonstrating the point.
5. I acknowledge that 'The Stables' now looks as if it stands in its own curtilage amidst lawns and enclosing hedges. However, I think that the planning history reveals a different story; in particular permission does not exist to use most of the 'plot' as a domestic garden. I need not rehearse all the details. Nevertheless, I note the assertion (reported by my colleague back in May 1998) in support of a scheme for a dwelling on land to the rear of Greencroft, Barford and Rose Cottages that 'it would be ridiculous to build on that portion of the site within the limits to development'. Alas, that is (almost) exactly what has happened. And, as my colleague noted in November 2007, the Council's initial decision in 2000 to allow a dwelling on the site of what was then an old stable positioned (debatably) just within the 'development limit' has led to a 'long and tortured process' subsequently. The point is not that the 'enclosed' area would be unlikely to be used for agriculture but that it is not authorised for residential use.
6. The claim now is that the trees and hedging to the east would form the logical boundary to the village. My view is that such a decision is a matter of policy that ought to be considered in the context of reviewing what would have been the Local Plan but must now await the preparation of appropriate Development Plan Documents. The current 'development limit' has emerged from a careful

consideration of the circumstances pertaining at the time, draft proposals, public consultation, the assessment of formal objections, recommendations, alterations and, finally, adoption. The changed circumstances now evident (the result of removing hedges and fences, the subsequent development and of 'tending' the site) are just one of many relevant considerations. The role of the 'development limit' in defining the character of the settlement, or the appropriate relationship of the place with the surrounding fields and farmland, or the nature of the gap sought between Redmarshall and Carlton are also important policy issues; they are not matters for me.

7. I have considered all the other matters raised. However, I find nothing sufficiently compelling to alter my conclusion that this proposal would conflict with the requirements of the Development Plan and that, in the absence of overriding material considerations, it should be prevented. The appeal is, therefore, dismissed.



INSPECTOR