



Appeal Decision

Site visit made on 22 September 2009

by **Graham Garnham BA BPhil MRTPI**

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

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Decision date:
29 September 2009

Appeal Ref: APP/H0738/A/09/2106979

6 Blenheim Court, Ingleby Barwick, Stockton-on-Tees, TS17 5HU

- 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 Dean Parker against the decision of Stockton-on-Tees Borough Council.
- The application (Ref 07/3482/FUL), dated 4 December 2007, was refused by notice dated 24 December 2008.
- The development proposed is 'attic conversion, two storey extension, internal alterations to attic bedroom; septic tank, boathouse & jetty with 5.0 metre wide gravel access road'.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The proposal is in 2 distinct parts, which I understand that the appellant nonetheless wishes to be treated as 1 application. One part involves alterations and an extension to the existing dwelling. I have no reason to differ from the Council in considering that these works would be acceptable and comply with planning policy. I therefore confine my attention to the rest of the proposal.
3. The other part of the proposal involves works on the valley side leading down to the River Leven. I do not have a detailed layout for these works, but at the site visit was able to refer to a sketch plan apparently provided to the Council as part of the planning application process.

Main issues

4. I consider that these are the effects of the proposal on firstly, the character and appearance of the area; and secondly, the biodiversity interest of the site.

Reasons

First main issue – effect on character and appearance of the area

5. The dwelling at no.6 is within the built up area of Ingleby Barwick that occupies level land above the incised valley of the River Leven. The proposed access track and septic tank would be on the slope leading down to the river, with the boathouse and jetty on the river bank.
6. The septic tank itself would be about half way down the slope and would be largely buried and hidden from sight. The first part of the slope that would need to be negotiated by vehicles servicing the tank is relatively steep. The access road may well need to zigzag to achieve a suitably gentle gradient. Whether straight or indirect, I consider that the 5 metre wide access road

would introduce a significant feature across the open part of the undeveloped valley side, which would appear as a "scar" in an otherwise unspoilt and rural landscape. This would detract from the character of the Special Landscape Area along the Leven valley, which is protected by saved policy EN 7 in the Stockton-on-Tees Local Plan (1997).

7. The rest of the access road would avoid deciduous woodland on the lower, less steep part of the valley side. It would be less prominent in the landscape than the upper section, but in my view no less incongruous. The boathouse and jetty on the river bank would be in the most secluded and unspoilt part of the site. Photographs of similar sorts of facility elsewhere along the river show the potential harm arising from introducing development typically associated with domestic curtilages into a quiet and undeveloped stretch of rural waterway. I consider that this aspect of the proposal would also conflict with policy EN 7.
8. The Leven Valley is also part of a Green Wedge between Ingleby Barwick and Yarm. I consider that introducing development into this open landscape would threaten its identity, contrary to saved policy EN 14. However, the limited scale of the development proposed would not materially reduce the separation between the 2 communities.
9. I conclude that the proposal would harm the character and appearance of an unspoilt rural area, contrary to the local plan policies cited above and to the general provisions of saved policy GP 1.

Second main issue – effect on biodiversity

10. According to the Council, a Site of Nature Conservation Importance occupies 10-20 metres of land adjoining the river. Such areas are of local importance for their wildlife, habitat or physical features. They are to be protected from adverse effects by saved policy EN4. I agree with the Council that a Phase 1 Habitat Survey for a nearby site, submitted in support of the proposal, does not adequately address biodiversity interests specific to the appeal site. By the same token, the Council has made no attempt to describe the ecological features of the site, the management of which is to be subject to particular attention. Consequently I am unable to assess the implications of the proposal for the integrity of the habitat or for protected species such as otters and badgers, which are referred to in the submitted Survey.
11. I conclude that the proposals fails to pay due regard to the local biodiversity interest of the site, contrary to local plan policy EN4.

Overall conclusion

12. I have noted the appellant's intention to deal with the hogweed infestation on the site, but this requirement exists regardless of the appeal proposal. Offers of landscaping that might mitigate the harm to the landscape have not been substantiated with any detail. I have identified significant harm with respect to both main issues, and conclude that planning permission should be withheld.
13. I have considered all other matters raised but they do not alter my decision.

G Garnham INSPECTOR
