
Appeal Decision

Site visit made on 9th November 2010

by Jonathan G King BA (Hons) DipTP MRTPI

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

Decision date: 22 November 2010

Appeal Ref: APP/H0738/A/10/2134385

Land north of Aislaby Road and East of Meadowcroft, Aislaby, Stockton-on-Tees

- 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 Martin & Mrs Carolyn Herring against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 10/0672/FUL, dated 16th March 2010, was refused by notice dated 12th May 2010.
 - The development proposed is described as the erection of 2 live / work units, each comprising a detached dwellinghouse (Class C3), an office / workshop / studio (Class B1) detached domestic garage, a nature conservation area and off-site tree planting for carbon balance.
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Decision

1. I dismiss the appeal.

Main Issues

2. the main issues in this case are:
 - (a) whether the proposed development would contribute to a sustainable pattern of development, having regard to relevant national and local planning policy; and
 - (b) the effect of the proposed development on nature conservation interests.

Reasons

3. The Council raises no objections to the proposed development by reference to its impact on the character or appearance of the locality. I agree: the site lies between existing development and is presently partly occupied by old agricultural buildings of no visual merit. The residential development in Aislaby is nearly all of fairly recent date and I am satisfied that what is proposed would be compatible. There are no other practical objections such as the effect on road safety. The main issue of principle is that of the sustainability of the location.

Principle of the location / Sustainability

4. Saved Policy HO3 of the Stockton-on-Tees Local Plan shows the site just within the settlement limits of Aislaby, where residential development may be permitted subject to a number of detailed provisos, all of which could be met.

Although still part of the development plan, it does not reflect current national planning policy that has at its heart the concept of sustainability in relation both to housing and economic development.

5. Planning Policy Statement 3 *Housing* (PPS3) has as one of its objectives the delivery of housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. At the local level, it supports housing in locations that have good public transport accessibility and/or means other than the private car. It also looks to plans to provide housing in rural areas, including in villages to enhance or maintain their sustainability. PPS7 *Sustainable Development in Rural Areas* takes a similar approach, with the focus for most housing being on existing towns and identified service centres. Housing in villages should be provided to meet local need.
6. With respect to employment, PPS4 *Planning for Sustainable Economic Growth* (Policy EC10), tells planning authorities to adopt a positive and constructive approach towards planning applications for economic development, taking into account a number of criteria, including: whether the development has been planned over its lifetime to limit carbon dioxide emissions; accessibility by a choice of means of transport; and the impact on economic and physical regeneration and on local employment. Policy EC6 urges planning authorities to strictly control economic development away from existing settlements or outside areas allocated for development in development plans, and to locate most new development in or on the edge of existing settlements where employment, housing, services and other facilities can be provided close together. In the same vein, development that enhances the vitality and viability of market towns and other rural service centres is supported by Policy EC12. Nonetheless, Policy EC2 says that development plans should facilitate new working practices such as live/work. Policy EC12 also provides support for small-scale economic development where it provides the most sustainable option in villages that are remote from service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.
7. Policies CS3 and CS4 of the Council's Core Strategy follow the same approach: seeking to concentrate most economic development in the main settlements, while indicating that initiatives which support the rural economy and rural diversification will also be encouraged.
8. Far from being the kind of local service centre envisaged in PPS4 and PPS7, Aislaby is a small, wholly residential settlement, described in the Design and Access Statement as a commuter village. It has no schools or shops and no community facilities apart from a post box and a telephone box, the latter likely to be removed shortly. There is a school bus and the appellants say that there is a bus service through Yarm to Stockton, but it would appear that Aislaby is not served directly. So far as I am aware, there is no employment in the village other than that offered by its agricultural surroundings. Its residents are entirely reliant on other settlements such as Eaglescliffe / Egglescliffe and Yarm, each over 2 kilometres away, for their everyday services, which will unavoidably be accessed wholly or mainly by means of private car. In short, the village scores poorly on any measure of sustainability and against the

policies outlined above. Unsurprisingly, it has been assessed by the Council in its *Planning the Future of Rural Villages in Stockton-on-Tees Borough* as being in the lowest (fourth) category of settlement by reference to sustainability in terms of access to work and services.

9. Even the limited encouragement for rural enterprise in PPS4 and the Core Strategy is set within wider sustainability objectives, which are not met. With respect to Policy EC12 of PPS4, Aislaby is not so remote from service centres that its isolation renders development the "most sustainable option". The concept of live / work has strong sustainability credentials, especially if it utilises new information technology, since it can reduce or eliminate travel to work and access to on-line services such as banking. But these benefits are limited and could apply equally to a development in an urban or other more sustainable area. Though it would be intended that the offices / studios would be used primarily by occupiers of the houses, any other employees and clients would still have to travel there. Depending on the nature of the enterprise, deliveries and consignments would still require transport; and the occupiers would still require access to community facilities, shops and so forth, involving regular travel by private vehicle.
10. I conclude that the site is in an unsustainable location; the proposed development receives little policy support; and this is not outweighed by the benefits of live / work. In reaching this conclusion, I have had regard to the Burgess Report and the Taylor Review, to which the appellants refer. Taylor's approach to reversing the "sustainability trap" may have some merit but, in view of its small population and lack of any "critical mass" in terms of existing facilities, it seems to me that Aislaby is unlikely to develop any significant services in the foreseeable future that might improve its sustainability. The present proposal would do little to alter this. In any case, it is wrong to characterise the current planning policy as negative. It does not simply prevent development in unsustainable locations, but also directs it towards settlements with greater potential for a sustainable future where it may be more beneficial. Allowing development in unsustainable locations may therefore inhibit the desirable maintenance of more sustainable settlements. Both documents pre-date the current version of PPS4, which reflects up-to-date government policy and which was, I understand, itself influenced by the Taylor Review.
11. By way of compensation for its location, the appellants have sought to demonstrate that the effective carbon footprint of the development can be made comparable to a more sustainable location. The homes would be built to a minimum of Level 6 of the Code for Sustainable Homes, which would include on site energy generation. That would meet and exceed the requirements of Policy CS3 of the Core Strategy and is to be welcomed. But it is not sufficient on its own to compensate for the inherently unsustainable location. Further, it is proposed to plant 1.45 ha of trees on land close by in the appellants' ownership as a means of offsetting CO2 emissions from the development. It has been calculated that the trees would offset the amount of CO2 derived from the 60 year travel component of household emissions and the 60 year development share of workplace emissions. The planting would be in accordance with a scheme to be approved by the Council under the terms of a Unilateral Undertaking.

12. But I have some doubts about the realism of the projected CO2 emissions from the development. First, they are based on the UK average household size of 2.34 persons, which seems very low when used to assess 5 bedroom houses. The assumed household size would give rise to occupation equal to no more than a couple in each house, plus the equivalent of less than one other person between them. That seems unlikely, as these are family houses. Second, I question the use of the national average for the travel component of the emissions for occupiers, who will be reliant on private transport to access all facilities other than the employment created on the site. That will not be the case for the majority of the population who live in urban areas where, even if the distances from remote suburbs to some facilities may be the same or even greater than at Aislaby, there will generally be the option of public transport. Third, while I have no reason to disbelieve it, I have not seen any basis of the calculation for the offset benefit claimed for the tree planting. Taken together, I consider that the carbon balance calculation is at best optimistic and possibly misleading.
13. In view of the strong policy objection to additional development in Aislaby on sustainability grounds, if I were to allow the appeal I would need to be convinced on balance that any carbon offsetting proposals would have the compensatory benefits claimed for them. Unfortunately, I do not have that degree of confidence. I therefore conclude that the proposed development is in breach of national and local objectives to secure a sustainable pattern of development.

Nature Conservation

14. With respect to bats, the ecological assessment is inconclusive: it recommends further surveys to allow the importance of the site for foraging and roosting to be established and to enable an assessment of potential impacts. However, there are no records of bats using the site though the habitats within it were considered suitable, and 2 of the 7 buildings have some potential for roosting. There is evidence that one building is used regularly as a perch by a barn owl, though not for nesting.
15. Although the development could affect potential bat roosts, the appellants are prepared to carry out further research and to undertake mitigation measures if necessary. Moreover, the proposals include the provision of a managed nature conservation area to the rear, with nesting and bat boxes. Taken together with the nature conservation benefits that would derive from the additional tree planting and the provision of a pond, I consider on balance that there would probably be no net harm. I conclude that there are insufficient grounds to oppose the development with respect to its effect on the interests of nature conservation.

Other matters

16. I agree with the appellant that that the removal of the old buildings and the planting of the tree and the nature conservation areas would improve the appearance of the entrance to the village. However, unlike the Whitton case reported below, the benefits would not outweigh the harm I have identified by reference to my first issue.

17. I have considered the other appeal decisions concerning proposals for development at Carlton and Whitton (refs APP/H0738/A/07/2042645 & APP/H0738/A/08/2072442). The former case related to a single house associated with a larger development that had been permitted in 2005, in a village that (by implication) has at least some local facilities and is therefore not comparable with Aislaby. In the Whitton case, although the Inspector acknowledged that the village had few facilities, those that he mentioned were all much closer than those on which the residents of Aislaby rely. Even then, he concluded that the distance was "probably near the limits of sustainability", and it was only the benefit to the character and appearance of the village that tipped the balance. Both cases pre-dated the publication of the current version of PPS4 and the adoption of the Core Strategy. Neither decision sets any precedent for the present appeal. The third decision supplied to me (ref APP/H0738/A/08/2020671) supports my approach.
18. The appellants say that the development may provide a home for one of their children in an area of high-property prices, and would bring a number of other minor benefits, such as bringing daytime vitality and economy to the village. But these matters carry little weight in my judgment.
19. I have had regard to all other matters, but I conclude that, notwithstanding my conclusion on the second issue, the proposed development is contrary to national and local policy with respect to directing development to sustainable locations, and is thereby unacceptable.

Jonathan G King

Inspector