



Appeal Decision

Site visit made on 25 May 2011

by **Kevin Ward BA (Hons) MRTPI**

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

Decision date: 9 June 2011

Appeal Ref: APP/H0738/A/11/2147088

Land south of High Farm House, Carlton, Stockton TS21 1EA

- 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 John Hellens against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 10/1602/REV, dated 16 June 2010, was refused by notice dated 12 August 2010.
 - The development proposed is a stable block and access track.
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Application for costs

1. An application for costs was made by Mr John Hellens against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the countryside.

Reasons

4. The appeal site is outside the limits to development for Carlton. In such locations Policy EN13 of the Stockton-on-Tees Local Plan (the Local Plan) allows for development for sport or recreation provided that it does not harm the character or appearance of the countryside. The appeal proposal would provide a facility for private recreational use.
5. I note the appellant's reference to the Council's planning guidance on development involving horses. I am not aware that this has been subject to public consultation or formally adopted by the Council and can therefore only give it limited weight. In any case, the Council does not dispute that the proposal is for a recreational use and the guidance makes it clear that proposals for stables should be in keeping with their surroundings and that small private developments should be close to existing buildings and well screened by existing trees or local landscape features.
6. The proposed stable block would be set well away from and be visually unrelated to other buildings, occupying an isolated position in the countryside surrounding Carlton. The countryside in the immediate locality is characterised

by open land with field boundaries formed by hedgerows and a general lack of isolated buildings and structures.

7. The existing hedgerows which run along the road, the access track, the rear of the appeal site and across to High Farm House provide screening of the site in its undeveloped form. However, due to its overall size and particularly its height, the stable block would be likely to be visible from the surrounding area, especially during winter months when vegetation is less dense. Additional landscape planting would take some considerable time to mature sufficiently and to provide effective all year round screening it may well in itself be out of keeping with established landscaping in the area and the pattern of linear hedgerows.
8. The proposal would introduce an isolated and noticeable feature, disrupting the otherwise open and undeveloped nature of the landscape surrounding Carlton. It would harm the character and appearance of the countryside and be contrary to Policy EN13 of the Local Plan.
9. I accept that in order to provide some separation from residential properties and given the links with grazing land, stables may often need to be located outside development limits. This does not justify the harm to the character and appearance of the countryside that would occur in this case however. Nor does the fact that the Council have permitted similar developments elsewhere. I am not aware of the particular circumstances relating to the planning permissions referred to and in any event I have determined the appeal proposal on its own merits on the basis of the circumstances that apply in this case.

Conclusion

10. For the above reasons and taking into account other matters raised I conclude that the appeal should be dismissed.

Kevin Ward

INSPECTOR



Costs Decision

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by **Kevin Ward BA (Hons) MRTPI**

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

Decision date: 9 June 2011

Costs application in relation to Appeal Ref: APP/H0738/A/11/2147088 Land south of High Farm House, Carlton, Stockton TS21 1EA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr John Hellens for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of planning permission for a stable block and access track.
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Decision

1. I refuse the application for an award of costs.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council's reason for refusal concerns the size and location of the proposed stable block and the resultant effect on the character and appearance of the countryside. To a large extent this is a matter of judgement.
4. Whilst the internal advice on landscape and visual matters concluded that the proposal would be acceptable subject to conditions, the Delegated Officer was entitled to take a different view on such a matter of judgement. The Delegated Report was comprehensive, explaining clearly the concerns in relation to the impact on the character and appearance of the countryside.
5. The Council did not dispute that the proposal constitutes a recreational use. Policy EN13 of the Stockton-on-Tees Local Plan allows for such uses outside limits to development subject to the effect on the character and appearance of the countryside, as does the planning guidance on development involving horses. The Council's decision and reasoning was consistent with this policy approach.
6. The fact that the Council has approved similar developments elsewhere is not in itself an indication that it has been inconsistent in applying Policy EN13, given that it is reliant on a judgement of the specific impacts of particular schemes.

7. The reasoning behind the Council's decision is set out clearly in the Delegated Report and the reason for refusal was complete, precise, specific and relevant to the application.
8. I am satisfied that the Council was entitled to exercise its judgement and has adequately substantiated its reason for refusal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009 has not been demonstrated.

Kevin Ward

INSPECTOR