



Appeal Decision

Site visit made on 24 June 2013

by **Philip Major BA(Hons) DipTP MRTPI**

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

Decision date: 28 August 2013

Appeal Ref: APP/H0738/A/12/2187534

**High Bridge Paddock, Urlay Nook Road, Eaglescliffe, Stockton-on-Tees
TS16 0LU.**

- 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 Lee McStravick against the decision of Stockton-on-Tees Borough Council.
 - The application Ref: 12/0505/FUL, registered on 29 March 2012, was refused by notice dated 23 May 2012.
 - The development proposed is the erection of a new private use 3 bay garage along with a new entrance to the site.
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Decision

1. The appeal is dismissed.

Background

2. The application site has a planning permission for use as a private gypsy site limited to the appellant and his dependents living with him. The appeal statement goes into some detail about the generality of gypsy site provision, but the concerns of the local planning authority are restricted here to the particular impact of the development proposed. The wider issue of the provision of sites for gypsy and traveller occupation is not a matter before me in the appeal.

Main Issues

3. The main issues in the appeal are:
 - (a) The impact of the proposed development on the character and appearance of the area;
 - (b) The impact of the proposed development on highway safety.

Reasons

Character and Appearance

4. The application site forms the majority of a parcel of land defined by a railway line, the A67 road, and Urlay Nook Road. Amongst other items the land already contains a building which was granted planning permission as a stable block, and it is also used for the siting of a two caravans. The current access is taken from the north-east corner of the land. It is my understanding that the stable building benefits from a permanent planning permission, but that the residential caravan has a permission which is personal to the appellant. The

proposed garage would add a second significant permanent building on the site.

5. Although a small section of the now unused buildings of the Elementis site can be seen some distance away the remainder of the locality is rural in its character. There are extensive views over the pleasant and unspoilt agricultural landscape with no sense of urbanisation. Even the adjacent railway and A67 are well hidden by vegetation. The existing development therefore stands out as an uncharacteristic urban intrusion into an otherwise relatively unspoilt area. The proposed garage block would add to that intrusive impact. In addition the proposed new gates, pillars, walls and driveway would add a further layer of urbanisation. In total the development proposed would consolidate and increase built development in the countryside, and would significantly detract from the existing character and appearance of the locality.
6. I acknowledge that the appellant has indicated that the garage block is required for security purposes. But I have no substantive evidence of existing problems in this respect. Although it is said that police records are available none has been provided, and I have little by which to gauge the extent of any problem. I also note that the appellant has instigated a number of security measures such as fencing and CCTV. In these circumstances the security concerns expressed cannot outweigh the harm to character and appearance.
7. The appellant rightly expects to be treated fairly and equally with others. I do not accept that denying planning permission in the circumstances of this case amounts to any form of unfair treatment. It must be borne in mind that residential occupation of the site is limited and would be expected to come to an end at some future time. To permit a permanent structure on the site allied to that limited permission would require particular justification. I do not consider that such justification has been made out.
8. The development plan includes the Core Strategy Development Plan Document. Amongst other things Policy CS3 makes it clear that development should respond positively to local character. Local Plan Policy EN13 has been saved and also falls within the development plan. In areas outside the limits to development (as here) the policy seeks to ensure that any development does not harm the character or appearance of the countryside. Given the harmful nature of the proposal there is conflict with both these policies.

Highway Safety

9. There is an existing access to the site. This has adequate visibility in both directions along Uraly Nook Road, which at this point is subject to the national speed limit of 60mph.
10. In contrast the proposed access is closer to the bend in the road to the west, and visibility would therefore be limited. Whilst this new access is described as an entrance, with the existing access being described as the exit, I am not aware of any way in which this could be regulated. There is no formal proposal to block up the existing access before me. In any event I consider that vehicles waiting to enter the proposed access (and delayed by oncoming traffic) could pose a hazard to vehicles sweeping round the bend behind them. Exit from this point would be even more hazardous.
11. It seems to me that the site has an access and egress at its safest point and there has been no justification for adding another way in or out which would

offer lower levels of safety. For this reason I agree with the Council that the proposal would be likely to be harmful to highway safety in general.

Overall Conclusion

12. I find that the proposed development would be harmful to the character and appearance of the area, and would be likely to be harmful to highway safety. There would be conflict with the development plan policies noted. For these reasons I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR