



## Appeal Decision

Site visit made on 1 September 2004

by **Wenda Fabian BA Dip Arch RIBA**

an Inspector appointed by the First Secretary of State

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Date **16 SEP 2004**

Appeal Ref: APP/H0738/A/04/1144863

Land west of Glebe Farm, Elton Village, Stockton on Tees TS21 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr M Douglas against the decision of Stockton-on-Tees Borough Council.
- The application (Ref 03/2686/OUT), dated 27 October 2003, was refused by notice dated 23 December 2003.
- The development proposed is a detached dwelling.

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

### Procedural Matter

1. The application that has led to this appeal was made in outline, with all matters other than siting and means of access reserved for subsequent approval.
2. There is a listed building adjacent to the appeal site. This is described in the listing details as The Church of St John the Baptist. It is identified on the application drawings as Elton Parish Church. For clarity I have used the latter name, shown on the drawings, in my decision.

### Main Issue

3. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the surrounding area and on the setting of Elton Parish Church, which is listed Grade II\*.

### Planning Policy

4. The development plan for the area includes the *Stockton-on-Tees Local Plan, 1997, (LP)*. Policy GP 1 states that development proposals will be assessed in terms of several criteria. These include its relationship with the surrounding area and the quality, character and sensitivity of existing landscapes and buildings. Amongst other things, policy HO 3 requires that proposals should be sympathetic to the character and locality. Policy HO 11 refers to new residential development and includes criteria, some of which echo those in GP 1. No reference has been made to development plan policies that specifically reflect the requirement of Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* that decision makers should have special regard to the desirability of preserving the setting of a listed building. However, I have had regard to this in reaching my decision.

### Reasons

5. Elton is a small linear settlement close to Stockton on Tees. It comprises groups of fairly large, mainly detached dwellings along each side of a through road. The appeal site is

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- within the defined development limit for the village. It is a narrow strip of land, which is currently part of the side garden of Glebe Farm, a substantial modern bungalow with a long road frontage. It is immediately adjacent to Elton Parish Church and graveyard. The proposal is for a new detached dwelling, which would be built in line with the existing bungalow and would share the existing vehicle access from the highway.
6. The original development pattern of the village has been largely obscured by more recently built properties. It is probably a former rural farming-based settlement and many dwellings have now been built on infill plots or replace previous farmsteads. Nevertheless, it retains a pleasant leafy character with mature trees or hedges fronting the dwellings, which are mostly set back from the road. The properties vary in style and size. They include two storey houses and large bungalows, often with generous gardens. Some dwellings have been built behind Glebe Farm and the adjacent property and are accessed from a narrow lane between them.
  7. The church is a grade II\* listed building. It was rebuilt in 1841 but dates from the 12<sup>th</sup> - 13<sup>th</sup> centuries and is quite small, with a low picturesque form. The graveyard level is generally a little elevated above the road and the adjacent appeal site, and has a low stone wall enclosing it. The ground level rises slightly towards the church, which is located on a low mound. The church is set at an angle to the road and does not align with the Glebe Farm bungalow, although it is at a similar distance from the road. Opposite the churchyard and the appeal site is a short line of fairly close-set properties. These include a pair of semi-detached two-storey houses, a small dormer-style cottage with a narrow road frontage and a larger detached house.
  8. The proximity of the appeal site to the graveyard has caused considerable local concern with regard to the effect of the proposal on the setting of the church. National government policy set out in *Planning Policy Guidance: Planning and the Historic Environment* (PPG15) acknowledges the importance of the familiar and cherished scene. Whilst the appeal site is narrow and adjoins the joint boundary, the church itself is fairly centrally located within the graveyard. I consider that the space between it and this boundary is sufficient to provide a visual distinction between the proposed dwelling and the church. In addition, as the appeal site lies lower than the church, the proposed building could be designed to relate closely in terms of its form and floor level to the adjacent existing bungalow. In my opinion, the proposed siting, although fairly close to the existing bungalow and the boundary to the churchyard, would echo the spacing of the group of dwellings opposite. It would reflect the variety and grain of development at this part of the village.
  9. The detailed design and, in particular, the overall height and size of the proposed dwelling, relative to both the church and the adjacent bungalow, would require careful design and detailing to ensure that it would respect the importance of its location. However, these aspects of the proposed dwelling and the landscaping of the site would be the subject of a subsequent submission and concerns regarding these aspects could be overcome then. I am satisfied that an appropriate, sensitive design could be achieved.
  10. I conclude that the proposal would not have a detrimental effect on the character and appearance of the surrounding area or on the setting of Elton Parish Church. Consequently it would not be contrary to LP policies GP 1, HO 3 or HO 11.

**Other Considerations**

11. Attention has been drawn to the possibility that early burials may have taken place outside the current boundary of the churchyard. I note that the Archaeology Service for Teesside has stated that although the site is now vacant, a previous building dating from the 1850s occupied the site and any archaeological remains would therefore have already been disturbed. A condition, as suggested, requiring provision to be made for a watching brief by the Archaeology service during excavations for the proposed dwelling would further safeguard this aspect.
12. Although concerns have been raised regarding the effect of the proposal on highway safety, I note that the Council's highways department has made no adverse comments on this basis. No evidence has been presented with regard to this matter in relation to the current use of the existing access. I am satisfied that the additional traffic produced by a single new dwelling would have little significant impact on the volume of traffic in the village or on highway safety. From what I have seen, sufficient space would be available to allow construction of a vehicular turning space on site and this aspect would be subject to a further submission. As no new highway access would be formed, it seems to me that the proposal would have little effect on the supply of on street parking space for church users. No evidence has been presented with regard to the question of capacity of the existing public drainage system and the Environment Agency has raised no objection with regard to this. ~~These aspects have not altered my decision, which I have reached on its own merits.~~
13. The matter of privacy of those attending burials in the graveyard has been raised. I consider that the level change between the appeal site and the graveyard would overcome this aspect to some extent and the detail design of the proposed dwelling as well as landscaping of the site, which are subject to a further submission, would all combine to provide adequate means to address it.

**Conditions**

14. Several conditions have been suggested in addition to the one referred to above and I have considered these in accordance with the advice in DoE Circular 11/95: *The Use of Conditions in Planning Permissions*. As details of design, external appearance and landscaping were not submitted at the outline stage I shall include a condition requiring that these remaining matters are submitted and approved prior to commencement. Any necessary planting would be covered by the landscaping details and I consider that a separate condition is unnecessary. The design of foul and surface water disposal is covered by other legislation and a condition relating to this is not necessary.
15. The Council has suggested a condition limiting the hours of operation of machinery on the premises. However, 'machinery' is a broad and all-embracing term and the Council has not been specific in what it seeks to control or what harm it is seeking to prevent. Circular 11/95 advises that conditions should only be imposed where they satisfy all of the 6 tests set out in the circular. In this instance there is nothing to show that the condition is necessary; it lacks precision; and it could unduly restrict the occupiers' use of the property as a dwelling to the extent of being unreasonable. Enforcement of the condition would, therefore, be impractical and unlikely.

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**Conclusions**

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

**Formal Decision**

17. I allow the appeal and grant planning permission for a detached dwelling at Land west of Glebe Farm, Elton Village, Stockton on Tees TS21 1AG in accordance with the terms of the application Ref 03/2686/OUT dated 27 September 2003, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) Plans and particulars of the reserved matters referred to in condition 2 above, relating to the design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
- 4) The developer shall give two weeks notice, in writing, of the commencement of works to: Tees Archaeology, Sir William Gray House, Clarence Road, Hartlepool, TS24 8BT (tel. 01429 523458) and shall afford access at all reasonable times to Tees Archaeology and allow observation of the excavations and recording of items of interest and finds.

*Wenda Fabian*

Inspector

