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# Appeal Decision

Site visit made on 7 May 2015

**by N McGurk BSc (Hons) MCD MBA MRTPI**

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

**Decision date: 03 June 2015**

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## **Appeal Ref: APP/H0738/W/15/3004189**

### **Lakewood, Sandy Leas Lane, Elton, Stockton on Tees, TS21 1BT**

- 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 D Lake against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 14/1247/RET, dated 12 May 2014, was refused by notice dated 1 December 2014.
  - The development proposed is minor development and changes of use of land.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. There have been a number of applications relating to the site in recent years. Outline applications for a bungalow<sup>1</sup> and a dwelling<sup>2</sup> were refused in 1997, and withdrawn in 2007, respectively. Permission was granted for change of use for part mixed use horticulture/landscape gardening in association with existing agricultural use and retention of existing buildings on site in 2007<sup>3</sup>.
3. I have taken the description of development from the application form. The description of development on the Decision Notice is more detailed and states "Retrospective consent for a stable block, three steel containers and the change of use of the greenhouse to a storage building (including cladding of the storage building).
4. The development the subject of this appeal has already taken place.

### **Main Issues**

5. The main issues in this case are the effect of the development on the character and appearance of the area; its effect on highway safety; and whether the proposal would be consistent with the principles of sustainable development, having regard to current policy and guidance.

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<sup>1</sup> Ref: 97/0776/P.

<sup>2</sup> Ref: 07/2858/OUT.

<sup>3</sup> Ref: 07/2858/COU.

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## **Reasons**

### *Character and appearance*

6. The appeal site comprises an agricultural holding of around 3 hectares. It occupies an area of land that curves around Sandy Leas Lane, which in this location is a narrow, unlit and unpaved country road. A stream runs through the site which is itself, generally lower-lying than much of the surrounding area.
7. The site is largely surrounded by mature hedgerows and trees. During my site visit, I observed that, as a consequence, much of the site is obscured from the road, with only glimpses through into it. Generally, the appeal site is green, open and spacious in character. These are also characteristics of the surrounding area, which is distinctly rural, comprising large open fields, small copses and areas of woodland, and hedgerows. There is occasional built development, including a farm complex to the east of the site and a gas valve across Sandy Leas Lane and behind trees to the west.
8. Local Plan<sup>4</sup> policy EN13 allows for some development in rural areas, so long as it does not harm the character and appearance of the area. The Framework promotes a strong rural economy, whilst affording protection to local character.
9. The structures the subject of this appeal are located to the north of the site, close to an access on to Sandy Leas Lane. They appear in stark contrast to the otherwise largely open and spacious attributes of the site.
10. A corrugated sheeting-clad greenhouse draws attention to itself as an industrial shed of considerable scale. Three large steel containers add considerable built form to the site and appear incongruous when seen against open grassland, hedgerows and trees. A stable block adds more built volume and its modern form appears austere against a green backdrop of trees. Together, the structures appear as a cluster of industrial buildings, rather than agricultural buildings, and as such, they appear out of keeping with their rural surroundings.
11. Taking all of the above into account, I find that the proposal harms the character and appearance of the countryside, contrary to the Framework and Local Plan policy EN13, which together amongst other things, protect local character.

### *Highway Safety*

12. I note above that Sandy Leas Lane comprises a narrow, unlit, unpaved country road. The access to the site comprises a single track off Sandy Leas Lane. During my site visit, I noted that, due to bends in the road, visibility splays in both directions appear below those required for a road subject to a 60 mph speed limit, as is the case here. In particular, the visibility splay to the north appears wholly inadequate, with only a short distance between the bend and the access to the appeal site.
13. In addition to the above, I observed during my site visit that the presence of mature hedgerows and trees further limits visibility. Whilst I note that, in support of his case, the appellant states that visibility splays can be improved to achieve 89 metres to the north and 157 metres to the south, this would still

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<sup>4</sup> Stockton-on-Tees Local Plan (1997).

result in significantly less visibility than that required for a road of this nature, with reference to both Manual for Streets 2 and the Design Manual for Roads and Bridges. There is no substantive evidence before me to demonstrate that this is not the case.

14. Taking the above and everything before me into account, I find visibility on exiting the site to be insufficient. Given the 60 mph speed limit, the presence of trees and hedgerows, and the narrow, unpaved and unlit nature of this country lane, this poses a danger to road users.
15. The appellant, in support of his case, considers that a reasonable driving speed past the site would be 30 mph. I do not disagree with this, but I am mindful that the speed limit is 60 mph and there is no evidence before me to demonstrate that all drivers drive past the site at a reasonable driving speed of 30 mph or less.
16. Whilst I also acknowledge the point that the current use of the site is less than it was in the recent past, I am also mindful that, were the application the subject of this appeal to go ahead, then there would be significant scope for the site to generate much higher levels of traffic.
17. The appellant considers that the above point could be addressed via a condition restricting use to the Trustees of a charity. However, paragraph 21a-015 of Planning Guidance states that planning permission runs with the land and it is rarely appropriate to provide otherwise. In this case, I note that no "exceptional need" for the current use has been demonstrated. For example, there is no substantive evidence before me to demonstrate that the current use could not take place somewhere else. In this regard, I note the Council's comment that storage and distribution uses are generally considered to be more appropriate within a built up area.
18. Taking all of the above into account, I find that the development harms highway safety. This is contrary to the Framework, which requires the provision of safe and suitable access.

#### *Sustainable Development*

19. Local Plan policy EN13 allows for development that contributes to the diversification of the rural economy, so long as it does not harm local character. I have found that the proposal would harm local character. In addition, I note that the development's storage use is not associated with the appeal site's agricultural use.
20. In the above regard, there is no substantive evidence before me to demonstrate that the development would diversify a business that would help to develop or support the rural economy. There is no evidence to demonstrate that the current use of the site, without planning permission, for charity storage purposes, falls within the criteria of Local Plan policy EN13.
21. The Framework promotes sustainable growth and a strong rural economy. It supports the growth and expansion of business and enterprise in rural areas; and the development and diversification of agricultural and other land-based rural businesses. However, rather than comprise any of these things, the

application the subject of this appeal relates to a change of use, not in association with the agricultural use of the site.

22. Core Strategy<sup>5</sup> policy CS2 seeks to ensure that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes. I note that the development comprises a commercial use in the countryside that, by its very use for storage and distribution, generates vehicle movements. However, there is no evidence before me to demonstrate that the site is served by public transport, or that it is well serviced by footpaths and cycle routes. Indeed, as noted above, the adjacent road is an unlit, unpaved, narrow country lane. Furthermore, no substantive evidence has been presented to demonstrate that there are exceptional reasons for locating a storage and distribution use in a location which conflicts with Core Strategy policy CS2.

23. Taking all of the above into account, I find that the proposal would not be consistent with the principles of sustainable development, having regard to current policy and guidance.

### **Conclusion**

24. For the reasons given above, the appeal does not succeed.

*N McGurk*

INSPECTOR

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<sup>5</sup> Stockton-on-Tees Core Strategy Development Plan Document (2010).