
Appeal Decision

Site visit made on 22 June 2015

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 10 July 2015

Appeal Ref: APP/H0738/W/15/3006549

Land to west of 8 Letch Lane, Carlton, Stockton-on-Tees, TS21 1EE

- 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 Paul Jones against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 14/3222/COU, dated 11 December 2014, was refused by notice dated 3 February 2015.
 - The development proposed is the change of use of agricultural land to residential land.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. At the time of my site visit, the change of use of the land in question had already taken place, and was occupied as part of the appellant's land and gardens. The land itself was laid to lawn and incorporated planting and beds as well as a chicken run and several sheds and structures. A previous extension to the property faces on to the appeal land, with an area of hardstanding or patio abutting the extension.
4. In assessing the proposals, the Council has highlighted saved Policy EN13 of the Stockton-on-Tees Local Plan 1997 (the Local Plan), which seeks to limit development beyond development limits to that necessary for farming or forestry, where it contributes to the diversification of the rural economy, or where it is for sport, recreation, or a small-scale facility for tourism. In all cases it would be expected that development would not harm the character or appearance of the countryside, which is consistent with the core planning principles of paragraph 17 of the National Planning Policy Framework (the Framework), which refers to recognising the intrinsic character and beauty of the countryside.
5. The submitted evidence, including the sales particulars, indicates that the land adjoining No. 8 Letch Lane was previously considered to have been available for use as a paddock, with the Council classifying the land as having been agricultural and within the open countryside. I have carefully considered the

appellant's contention regarding the use of the definition of 'open countryside'. However, for the purposes of planning the appeal site is located beyond the extent of the main developed areas, and although part of a row of dwellings along Letch Lane, it is not situated within a defined settlement and both backs on to and faces fields. In this respect I accept the Council's definition and classification of the location of the site to be the correct interpretation.

6. Despite the addition of a number of existing structures and some domestic-style planting, the land itself does not differ markedly in its overall form and appearance to other nearby paddocks where small field shelters or feed stores are present. However, the existing close-boarded timber fencing around the boundary of the land including the gates along the road frontage, which is cited as a means of screening activity on the land, is a prominent departure from the more prevalent field boundary fencing and presents a far more domestic appearance to the site. This provides a clear visual indication that the land is in use as domestic curtilage. Furthermore, whilst I have noted the appellant's contention regarding the limited visibility of the site from adjoining land, coupled with the statement and denial regarding the potential for the use of the land for the positioning of additional domestic paraphernalia, this would not preclude such an occurrence in the future by either the appellant or any subsequent occupiers, or the removal of the existing boundary treatment. In this respect, I do not consider that it would be reasonable or effectively possible to place restrictions or controls on such activities on the land, and consequently that this would also have the potential to have an adverse visual effect on the countryside. The use of the land for domestic purposes has therefore effectively eroded the character and appearance of the countryside in this location.
7. For the reasons set out above, the use of the land as domestic curtilage results in a harmful effect on the character and appearance of the countryside, for which no exception in accordance with those set out in saved Policy EN13 of the Local Plan has been provided. The proposal is also contrary to paragraph 17 of the Framework which seeks to recognise the intrinsic beauty and character of the countryside.

Other Matters

8. The appellant has submitted that the land has been in use for 'recreational' purposes for an extended period of time, with its use as private garden having taken place for over 10 years. Reference has also been made to confusion which is believed to have been created by the Council's recent permission for a sunroom on part of the land, despite requests to remove other existing structures from the land.
9. I have paid careful regard to the appellant's submissions on these matters, but the appeal before me solely addresses whether or not the change of use of the land would be in accordance with the policies of the Development Plan, and any other material planning considerations. In this respect, I have considered the change of use on its planning merits, whereas the issues raised by the appellant regarding the nature and longevity of the current use of the land would be more appropriately assessed in the context of a Lawful Development Certificate, a point seemingly recognised by the appellant in the Grounds of Appeal. Furthermore, I do not have the full details or circumstances of the decision-making related to the sun room before me from which to draw any

conclusions on its relevance to this appeal, although I note the Council's summary of this case in the officer report. In any event, as already stated I have made my decision based upon the planning merits of this case alone.

10. I have noted the absence of objections from technical consultees, but do not find that this would provide any significant weight in support of the development.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

M Seaton

INSPECTOR