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## Appeal Decision

Site visit made on 1 September 2015

**by Philip Lewis BA (Hons) MA MRTPI**

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

Decision date: 29 September 2015

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**Appeal Ref: APP/H0738/W/15/3029882**

**Willow Dene, School Close, Thorpe Thewles, Stockton-on-Tees TS21 3JE**

- 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 Michael Lindlay against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 15/0059/OUT, dated 12 January 2015, was refused by notice dated 11 March 2015.
  - The development proposed is erection of a single dwelling of up to two storeys in height.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application that led to this appeal was in outline with all matters except access reserved for later consideration. Drawings showing the site location and proposed access arrangements and indicative site layout were submitted with the application and I have had regard to those in determining this appeal.

### Main Issue

3. The main issue in this case is whether the appeal proposal would be in a sustainable location for development.

### Reasons

4. The appeal site is situated at the edge of the village of Thorpe Thewles and forms part of the garden of Willow Dene. Whilst the parties agree that the appeal site is situated outside of the settlement limits of Thorpe Thewles as defined under saved Policy EN13 of the Stockton-on-Tees Local Plan, the Council is unable to demonstrate a 5 year housing supply and the policies in the development plan which deal with housing supply are out of date. Therefore, the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in the National Planning Policy Framework (the Framework).
5. The Framework requires in one of the core land-use planning principles set out in paragraph 17, that planning should "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*".

6. In 2014, the Council updated its document '*Planning the Future of Rural Villages in Stockton-on-Tees Borough*', which was prepared to underpin and support policy development in the local plan. The document includes an audit of services and facilities in small settlements and an assessment of their relative sustainability in order to indicate where new development will be acceptable. The document identifies four tiers of settlements, with Tier 1 being the most sustainable and Tier 4 the least. Thorpe Thewles is identified as Tier 3(1) with limited in-village services and ability to access employment/services by sustainable means. The study concludes that Thorpe Thewles is not a sustainable village.
7. I noted during my site visit that Thorpe Thewles is a relatively small village, situated in countryside between Sedgefield and Stockton-on-Tees. The village has some facilities; a village hall, two public houses, a church and play space, and some businesses in the village providing limited employment opportunities, but no school or shop. Whilst there are bus services to the main settlements, these do not appear to extend into the evening or operate on Sundays. The *Planning the Future of Rural Villages* document identifies the location of the nearest employment area from the village at about 5.2km, primary school about 4.9km, secondary school about 4.3 km; shop about 2.2km and medical facilities about 3.8km. Whilst it is acknowledged that there is footpath and provision for cycling in the area, given the distance of these facilities from the village, it is highly likely that the occupiers of the proposed dwelling would be heavily reliant upon private car use.
8. Paragraph 55 of the Framework is concerned with locating housing in rural areas where it would enhance or maintain the vitality of rural communities. Given the small scale of development proposed, it would not have an appreciable effect on the vitality of the community. The appeal proposal on the edge of the village would not be isolated in terms of paragraph 55 of the Framework, but that does not change my view on the proposal.
9. In regards to this matter, I conclude that the appeal proposal would not be in a sustainable location and would therefore conflict with the objectives of the Framework which seek to direct new development to locations where residents would have access to services and facilities without reliance on private cars.

### **Other matters**

10. Whilst the proposal would make a modest contribution towards housing supply, which stands at less than five years; this would not outweigh the harm caused by the development of a dwelling in an unsustainable location. Similarly, the potential economic benefits of the proposed development would be small and would not outweigh the harm found.
11. The appellant has drawn my attention to a planning application for a change of use of a dwelling to a care home for children in the village (Fairview, Durham Road). The nature and particular circumstances of that development, which related to an existing dwelling, is different from that before me. The appellant has also drawn my attention to a number of appeal decisions, none of which match closely the circumstances in this case. The appeal relating to the village of Elton, a Tier 3 village with possibly fewer facilities than Thorpe Thewles concerned a proposal towards the centre of the village. In the appeal relating to Carlton, a Tier 2 village, the main issue was character and appearance. In any event, I have considered this appeal on its merits.

12. Whilst it is acknowledged that the appeal proposal would be of benefit to the appellant in providing housing at a modest cost; in helping the family on the small holding and in terms of providing care; these matters do not outweigh the harm that I have found. The appellant has suggested that they would be willing to accept a form of occupancy condition on the proposed dwelling. However there is no indication of what restrictions are envisaged or how they might overcome the harms identified. Similarly, whilst some of the environmental effects of the proposal could be mitigated through tree planting and energy efficiency measures, these also do not outweigh the harm found.

**Conclusions**

13. For the above reasons and taking all the other matters into account, I conclude that the appeal should be dismissed.

*Philip Lewis*

INSPECTOR