
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: 7 October 2015

Appeal Ref: APP/H0738/W/15/3032669
Grove Stables, Kirklevington, Yarm TS15 9PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Peter Hodgson against Stockton-on-Tees Borough Council.
 - The application Ref 15/0453/FUL, is dated 21 February 2015.
 - The development proposed was described on the planning application form as *one four bedroom residential dwelling*. *Change of use of land is not applied for as the planning report argues.*
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Decision

1. The appeal is dismissed and planning permission for the proposed erection of 1.no four bedroom residential dwelling is refused.

Procedural matter

2. I have used the description of development set out on the appeal form in the decision above as it adequately describes the proposed development. The Council has set out in its statement that had it been in a position to determine the application, it would have refused planning permission for reasons relating to (1) the sustainability of the location for new residential development and, (2) the justification for the development in an area at risk of flooding.

Main Issues

3. The main issues in this appeal are:
 - whether having regard to the relevant national planning policy, the proposal would be in a sustainable location for development; and
 - whether the proposal would comply with national planning policy which steers new development away from areas at the highest risk of flooding.

Reasons

Sustainable location for development

4. The appeal site is situated outside of the settlement limits for Kirklevington as defined under Saved Policy EN13 of the Stockton-on-Tees Local Plan. As the Council is unable to demonstrate a 5 year housing supply, the policies in the development plan which deal with housing supply are out of date and the proposal must be assessed in relation to the presumption in favour of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, in paragraph 55, sets out that new isolated homes in the countryside should be avoided unless there are special circumstances. It was clear from my site visit that the appeal site is separated from the village of Kirklevington by the railway, which defines the western edge of the village and intervening farm land. Additionally, although part of the Grove Stables site, the appeal site is separate from the built development there and would occupy an undeveloped grassed area. Therefore the appeal proposal constitutes an isolated development in the countryside. As no special circumstances for a new isolated home in the countryside have been demonstrated, the proposal does not accord with national policy as set out in paragraph 55 of the Framework.
 6. The nearest community facilities in relation to the appeal site are at Kirklevington. The 2014 Council 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, concludes that Kirklevington is not a sustainable village for further development. *Planning the Future of Rural Villages* indicates that the village has no bus service and identifies the location of the nearest employment area at 6.6km from Kirklevington, secondary school at 2.5km, shop at 2.1km and medical facilities at 3.4km. There is no footway along the road between the appeal site and Kirklevington and combined with the lack of available public transport and limited facilities nearby, it is highly likely that the occupiers of the proposed dwelling would be heavily reliant upon the private car.
 7. The Framework requires in one of the core land-use planning principles (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*". These objectives are reflected in Policy CS2 of the Stockton-on-Tees Core Strategy Development Plan Document (Core Strategy) which requires, amongst other things, that transport choice is widened by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes to provide alternatives to the use of all private vehicles.
 8. In regards to this matter, I conclude that the appeal proposal would not be in a sustainable location for development and would be an isolated form of development in the countryside. The proposal would therefore conflict with Core Strategy Policy CS2 and 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.

Risk of flooding

9. From the information before me, it is evident that the appeal site is at risk of flooding, although it is disputed by the parties as to whether it falls entirely in Zone 2 or both Zones 2 and 3. Whilst the appellant has provided some information on flood risk, there is no detailed site specific flood risk assessment or sequential test before me as required by the Framework. Consequently the proposal is unacceptable on flood risk grounds.

Other matters

10. I have considered the information put to me regarding the planning history and lawful use of the appeal site and the wider Grove Stables site and have had regard to this in determining this appeal. Nevertheless, I have found that the appeal proposal would constitute an isolated new dwelling in the countryside in an unsustainable location and is unacceptable on flood risk grounds.
11. I have also had regard to the previous planning permission on the appeal site for a cattery but this was for a different type of development assessed against different policy considerations (APP/H0738/A/08/2080418). In addition, I do not accept that it is necessary to 'soften' the edge of the village through the development of the appeal site. A number of other developments in the wider area have also been put to me as examples of schemes consented against the provisions of the development plan, 'Morley Park', 'Tall Trees' and 'Leven Park', along with a proposed residential development at Kirklevington. I am not aware of the particular circumstances of these developments but note that they are for a considerably larger scale of development than the appeal proposal and are not therefore directly comparable. I have decided this appeal on its merits in any event.
12. The proposal would make a modest contribution towards housing supply, which stands at less than five years; however, this would not outweigh the harm caused by the appeal proposal for a dwelling in this isolated unsustainable location in an area at risk of flooding. Similarly, whilst the appeal proposal may increase available housing choice and provide a retirement dwelling for the appellant, these matters do not alter my decision.

Conclusions

13. For the reasons given above, I conclude that the appeal should be dismissed and planning permission refused.

Philip Lewis

INSPECTOR