



Appeal Decision

Site visit made on 21 October 2015

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: 29 October 2015

Appeal Ref: APP/H0738/W/15/3121562

Hillcrest, 1 Leven Bank Road, Yarm, Cleveland TS15 9JL

- 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 S Poulton against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 14/2883/FUL was refused by notice dated 4 February 2015.
 - The development proposed is a bungalow and improvements to the existing access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would support the principles of sustainable development; the effect on the character and appearance of the area, with particular reference to the Green Wedge and the Leven Valley Special Landscape Area; and the effect on highway safety.

Reasons

3. The proposal would result in an additional dwelling in close proximity to two existing houses which are accessed from the main road between the settlements of Ingleby Barwick and Yarm. The Council accept that they are unable to demonstrate a five year supply of housing land in accordance with the *National Planning Policy Framework*. Policies relevant to the supply of housing should not therefore be considered up-to-date. Developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the *Framework* as a whole.
 4. The main purpose of the *Framework* is to achieve sustainable development. This includes the provision of housing, the need to move towards a low carbon economy and the need to protect and enhance the natural environment.
 5. The Council advise that the site lies within the settlement limits defined by the Stockton-on-Tees Local Plan 1997 (LP). Given the housing position, the settlement limits cannot be relied upon. However, LP Policy HO3 identifies that within these limits, residential development may be permitted. As the policy supports new development, it provides some weight in favour of the proposal.
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Given the housing position, there would be considerable benefits to the provision of an additional dwelling.

6. Revised boundaries for the settlements are set out in the emerging Regeneration and Environment Local Plan (RELP). The site lies significantly beyond the new limits for Yarm but given that the RELP has not been through the examination process, the future position of the boundaries is not definitive. The revised settlement limits of the RELP cannot be afforded significant weight at this time.

Sustainability of the location

7. The site and the existing two dwellings appear as an isolated pocket of development within the countryside. There are other pockets of development in the vicinity but these are sufficiently spaced to similarly appear as isolated pockets of development. The first buildings within the built-up area of the settlement of Yarm are in excess of 400 metres to the west. Its services and facilities are significantly further. The consolidated area of development associated with Ingleby Barwick is a much further distance to the east. There are properties and a large amount of new development taking place nearby, in the river valley to the east, but that area is also clearly distinct from both this site and the built up areas of the nearby settlements.
8. There is a bus service that runs along this road which would allow access to services by public transport. There appears to be the remnants of a footpath down one side of the road towards the river to the east. There is no footpath immediately to the west. Although road speeds are restricted, I did not find walking to be an attractive proposition in the vicinity of this site given the nature of the road and the limited facilities. In any event, shops, services and employment opportunities are prohibitively distant. The facilities and services of Yarm could more easily be accessed by bicycle although the road does not include dedicated cycle facilities.
9. Overall, I anticipate that given the distances involved and the nature of the road, future residents would rely heavily on the use of private vehicles. Whilst the site has some benefits with regard to the potential use of bus services and bicycles, this is not a sustainable location where new development should be encouraged. It does not gain support from the objective of the *Framework* to reduce greenhouse gas emissions and congestion and it does not give priority to pedestrian and cycle movements, although it has access to some public transport facilities.
10. This proposal would help to maintain the vitality of the services and facilities of nearby settlements which would be of some benefit, despite the likelihood that access to them would be by car. However, the *Framework* is clear that new isolated homes in the countryside should be avoided. I find this proposal to fall within this definition.
11. The property could be built to a high standard with regard to sustainable living and the use and generation of energy. Subject to such measures being required by condition, it would gain some support from the sustainability objectives of the *Framework*. It would also generate short-term employment and economic activity whilst being built.

12. Reference has been made to various new developments in the locality. I have not been provided with details of these or the circumstances that led to the decisions to allow them. I am not satisfied that they provide weight in favour of this proposal.
13. Overall, the development would have some modest social and economic benefits. The location has some further benefits with regard to access to public transport and the proximity of services. Although these matters provide support with regard to sustainability, many journeys would be carried out by private car. The proposal represents isolated new development in the countryside rather than being in or adjacent to a settlement. I do not find support from paragraph 55 of the *Framework* and I am not satisfied that overall, the proposal represents sustainable development. These matters weigh against the proposal.

Character and appearance

14. A proposal for a dwelling was submitted in 2006 and was dismissed at appeal in 2007 (APP/H0738/A/06/2025547). It was found that the site was in an area of attractive countryside between Yarm and Ingleby Barwick. It was also found to be within a Green Wedge defined by Policy EN14 of the Stockton-on-Tees Local Plan 1997 (LP) and within the Leven Valley Special Landscape Area, defined by Policy EN7. Policy EN7 states that development which harms the landscape value of this area will not be permitted. Policy EN14 states that within Green Wedges, development will not be permitted if it detracts from the open nature of the landscape so as to threaten, by itself or cumulatively, the local identity of the areas separated by the Green Wedge.
15. The inspector found that the small number of existing buildings did not seriously compromise the predominant openness. Similarly, a single additional dwelling would have only a limited effect, especially since the impact would be reduced by existing trees and hedges and could be further mitigated by more planting. However, it was concluded that allowing the protective policies to be breached in one location would make it harder to maintain them elsewhere in the Green Wedge and Special Landscape Area, with the result that the open character that they seek to protect and the local identity of the area could gradually be eroded. The proposal was therefore found to conflict with the LP policies.
16. Policy EN7 remains in force and is generally consistent with the policies of the *Framework*. It can be afforded substantial weight. The proposal would consolidate development in the Leven Valley Special Landscape Area. The site is screened to a large extent by existing landscaping and additional planting could provide a greater buffer. However, there are many small pockets of development within this area and I have found little to distinguish this site from land immediately associated with other pockets of development. Accepting development in close proximity to these houses would make similar developments associated with the other pockets of development more difficult to resist. The proposal would therefore undermine the policy and its objectives.
17. Although I note the views of the Council's officer, consolidating development in this open area would result in harm to its landscape value. In this regard, I

find no reason to reach a different conclusion to the previous inspector. The proposal would conflict with LP Policy EN7.

18. Since the previous decision, LP Policy EN14 has been replaced by Policy CS10(3ii) of the Stockton-on-Tees Core Strategy Development Plan Document 2010 (CS). This now includes the up-to-date guidance with regard to Green Wedges. It seeks to maintain the separation and the quality of the urban environment by protecting and enhancing the openness and amenity value of the Green Wedges. It requires a more positive approach to the openness and amenity value than the former policy but overall, the objectives have not changed significantly since the previous appeal.
19. The RELP consultation period has not yet expired so the future position of the boundary of this particular Green Wedge is not definitive. However, I have been provided with no evidence to suggest that there is any likelihood, as a result of objections to the Green Wedge policy boundaries in this area that this site would no longer fall within the scope of this policy.
20. The proposal would consolidate development in an area of open land and as with my considerations with regard to the Special Landscape Area, I find nothing to distinguish this site from other land in the Green Wedge, particularly the land associated with existing pockets of development. I similarly agree with the finding of the previous inspector that the proposal would conflict unacceptably with the objectives of the Green Wedge policy. It would conflict with CS Policy CS10(3ii). The requirements of the policy are consistent with the environment policies of the *Framework* and can be afforded substantial weight.
21. The introduction of the *Framework*, since the previous appeal decision, is a matter that results in a different balance of considerations overall. The proposal would conflict with LP Policy EN7 and CS Policy CS10(3ii), to which I afford considerable weight. It would lead to unacceptable harm to the character and appearance of the area. These matters weigh against the proposal.

Highway Safety

22. The existing access is sub-standard. It provides very poor visibility. It is narrow and poorly aligned. It does however serve only one property. The proposal would realign the access so that vehicles would approach and leave the highway in a more satisfactory manner. There is scope to provide a driveway which would allow vehicles to pass so as to avoid vehicles waiting in the highway. There is dispute as to the visibility splays that could be achieved and the amount of vegetation that would need to be removed.
23. Vegetation would inevitably be lost but the existing access is unsafe with this vegetation in place. I am not satisfied that it would be necessary to remove any high value trees to substantially improve visibility. Revised planting could replace the existing hedgerow, although I acknowledge that this would take some time. Although there would be some short term harm, with an appropriate replacement planting scheme, the landscaping could be enhanced. I see no reason why a substantially improved access could not be achieved.
24. Whilst it may not be possible or practical to achieve the full visibility splays sought, much improved visibility would be a significant benefit to road safety, despite the increase in usage. This would outweigh the short term harm to the

appearance of the roadside verge and the associated planting. This matter provides weight in favour of the proposal. I have been provided with no indication as to why this new access could not be achieved to serve the existing dwelling, in the absence of this proposal. This reduces the weight I afford to the benefits as they are not reliant on the new development. However, given the improvements proposed and the limited increase in use, I am not satisfied that the proposal conflicts with the objectives of LP Policy HO3 which requires that satisfactory arrangements for access and parking can be made.

Conclusions

25. Given the position with regard to the development plan, considerable weight must be afforded to the provision of a new dwelling, particularly as it is shown to be within the LP settlement boundary. I afford further weight to the accessibility of the site by transport modes other than the private car and the improvements to the access. I have also had regard to the social and economic benefits that would result.
26. Despite the uncertainty with regard to the settlement limits, I find that the development has the characteristics of a new isolated house in the countryside and none of the special circumstances set out within paragraph 55 of the *Framework* exist. I am not satisfied that this is a sustainable location for new development, although it has some accessibility benefits. The proposal would undermine the objectives of LP Policy EN7 and CS Policy CS10(3ii) and would lead to unacceptable harm to the character of the area.
27. Given the above, the proposal does not represent sustainable new development and it does not therefore benefit from a presumption in its favour. Overall, despite the substantial weight that I afford to the provision of new housing, I find that the adverse impacts with regard to the Special Landscape Area and the Green Wedge, significantly and demonstrably outweigh the benefits I have identified when assessed against the policies of the *Framework* as a whole. I therefore dismiss the appeal

Peter Eggleton

INSPECTOR