



Appeal Decision

Site visit made on 17 November 2015

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 10 December 2015

Appeal Ref: APP/H0738/W/15/3035802 Land off Wynyard Road, Wolviston, TS22 5LJ

- 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 G A Pearson against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 15/0542/OUT, dated 03/03/2015, was refused by notice dated 30 April 2015.
 - The development proposed is an outline application with all matters reserved except for access for the erection of a single dwelling on land to the north of Wynyard Road.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr G A Pearson against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline, with all matters reserved except for the access. I have dealt with the appeal on that basis, treating the site layout plan as illustrative.
4. The address differs on the application form and decision notice to that on the appeal form. I have used the address on the appeal form as I consider that it is a more accurate description of the location.

Main Issue

5. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is situated on Wynyard Road to the west of the village of Wolviston. I noticed on my site visit that the appeal site has been fenced off, however, it clearly forms part of a larger agricultural field which wraps around the village. The site is bound to the north and west by agricultural land, the road to the south and a conifer hedge to the east. Three houses lie to the east of the trees which were allowed on appeal (APP/H0738/A/02/1097394). The landscape setting is that of undulating agricultural land with large fields bound by
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hedgerows and intermittent hedgerow trees. The western edge of the village is comprised of large detached properties bound by mature hedges and planting. The Wolviston Conservation Area (CA) lies to the east of the site; however, the site is not within the CA.

7. Saved Policy EN13 in the Stockton-on-Tees Local Plan states that development outside the limits to development may be permitted in certain restricted circumstances, none of which apply to the appeal proposal. Both the Council and the appellant agree that the proposal lies outside the settlement limits as defined in the Local Plan. The appellant considers that EN13 is no longer applicable as the Council accepts that it does not have a five year supply of housing land.
8. Paragraph 49 of the National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Insofar as it seeks to restrict the supply of housing, I, therefore, consider that the policy is out of date. However, it retains some validity to the extent that it seeks to protect the undeveloped character of the countryside beyond the limits to development. Criteria 8 of Policy CS3 of the adopted Stockton-on-Tees Core Strategy Development Plan Document (2010) (CS) which seeks to ensure that new development makes a positive contribution to the local area is also pertinent to the appeal. I shall now, therefore, consider how the appeal proposal affects the character of its surroundings.
9. On my site visit, I noticed that whilst the appeal site itself is level, the land slopes away gradually down to the west with views over agricultural land and the A19 beyond. However, Wynyard Road slopes quite steeply down towards Cowbridge Beck. Due to its location at the top of the slope, the proposal would be visible in medium range views in glimpses through the hedgerow when approaching from the west along Wynyard Road, particularly from the dip in the road. When approaching the site it would be less visible in short range views due to the presence of the hedgerow which runs along the side of the road. It would, however, be readily apparent on the immediate approach to the site in both directions along the road. Due to the openness of the agricultural land it would also be highly visible in views from the west and north.
10. It is suggested that the proposed dwelling would be viewed in the context of the wider housing development. However, I consider that the proposal would be viewed against the mature conifer hedge rather than the housing development. The hedge, whilst not indigenous, nevertheless provides a very strong physical and visual boundary to the edge of the village, effectively screening the development of the three houses behind. This boundary is reinforced by the access road to the three properties which runs perpendicular to Wynyard Road.
11. In my view the appeal site clearly relates functionally and visually to the large agricultural field and landscape within which it is situated, rather than the adjacent settlement which it is separated from by the hedge. Furthermore, as the appeal site is situated at the top of the slope and as the site is open to the north and west, I consider that it would be prominent in medium to long range views. I, therefore, do not consider that the appeal site relates well to the existing settlement.

12. It is also suggested that landscaping could be provided in order to screen the proposal; however, I consider that this would result in an artificial and contrived feature in an otherwise large, open agricultural field.
13. Attention is drawn to an appeal, Land off Poplars Lane (APP/H0738/A/14/2221934) which was allowed in Carlton Village. I have reviewed the decision and visited the site and it is clear that it differs from this appeal proposal in that the Inspector considered that the site 'appears sufficiently enfolded by the developed area to prevent the appeal proposal from detracting from the character of the countryside at the edge of the village'. In contrast, this appeal site is very open to the north and west.
14. My attention is also drawn to a number of appeal decisions which the appellant considers supports their case¹. However, whilst they relate to areas which do not have a five year supply of deliverable housing sites, none are directly comparable to the appeal proposal, being situated on garden land, within settlement boundaries or within an existing group of dwellings. This limits the weight which I can attach to them. In any event, those decisions do not justify the harm which I have identified and each case must be considered on its own merits.
15. The Council consider that the proposal would set a precedent for similar developments; however, I have assessed the proposal on its own merits.
16. It is recognised that the proposal would provide a new dwelling in an area which does not have a five year supply of deliverable housing sites and I have taken this into account in my decision. However, I consider the harm which I have identified outweighs the benefit of the proposal.
17. Paragraph 14 of the Framework states that where the development plan is absent, silent or out of date, development should be granted unless the adverse effects of doing so would significantly or demonstrably outweigh the benefits when considered against the policies in the Framework, taken as a whole. In this case, I consider that the proposal would conflict with paragraph 17 of the Framework which recognises the intrinsic character and beauty of the countryside. Furthermore, paragraph 56 states that good design is a key aspect of sustainable development, indivisible from good planning and which should contribute positively to making places better for people. The proposal would not relate well to the existing settlement and would harm the character and appearance of the area and would, therefore, be contrary to paragraphs 17 and 56. In the context of paragraph 14, I consider that the harm I have identified would significantly and demonstrably outweigh the benefits of the proposal.
18. I, therefore, conclude that the proposal would be contrary to Policy EN13 of the Local Plan which seeks to protect the character of the countryside; and Policy CS3 of the Core Strategy.

¹ APP/L2630/A/13/2205855; APP/K2420/A/12/2168670; APP/J1860/A/13/2194221; APP/X1545/A/13/2205803

Other Matters

19. The western boundary of the CA runs along the garden of Garth End. Due to the intervening new development to the east of the appeal site, the hedge which provides a strong visual screen and the modern nature of development at this western edge of the village, I consider that the proposal would not have a materially greater effect on the character or appearance of the CA when compared to the existing situation. I, therefore, consider that the proposal would preserve or enhance the character and appearance of the CA and its setting.

Conclusion

20. Whilst the proposal would provide some benefits in terms of the economic and social dimension, I consider that the proposal would not meet the environmental dimension of sustainable development. In this case, the benefits do not significantly and demonstrably outweigh the harm which I have identified. For the reasons stated above, I therefore, dismiss the appeal.

Caroline Mulloy

INSPECTOR