



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: 30 December 2015

Appeal Ref: APP/H0738/W/15/3132982

Land off Mill Lane, Wolviston, Billingham, Stockton-on-Tees TS22 5LH

- 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 Neil Kerr against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 15/1296/OUT, dated 28 May 2015, was refused by notice dated 27 July 2015.
 - The development proposed is outline planning application for a detached single storey dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Neil Kerr 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 and elevations as illustrative.

Main Issue

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

Reasons

5. The appeal site is situated in a field off Mill Lane, to the west of Cowbridge Beck. The site has a steep slope on its southern boundary and is accessed by a gate fronting onto Mill Lane. The village of Wolviston lies to the east separated from the appeal site by the Cowbridge Beck. Properties along Mill Lane are a mixture of one to two storey detached and semi-detached properties, some set in large plots. There is an existing single storey brick stable block on the site which was granted consent in 2009.
 6. Saved Policy EN13 of the Stockton-on-Tees Local Plan (LP) 1997 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 agrees that the proposal lies outside the limits to development as defined in the LP. The appellant considers that EN13 is no longer applicable as the Council accepts that it does not have a five year supply of deliverable housing sites.
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7. 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 Policy EN13 to be out of date. However, the policy 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 (CS) (2010) 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.
8. Mill Lane is very narrow and bound by grass verges and hedgerows, with no street lighting or footpaths. Vehicular access is restricted further along the lane to the west, thus allowing pedestrian and cycle access only to the town of Billingham. The general landscape setting of Wolviston is that of gently open undulating agricultural land comprised of large fields. However, this stretch of Mill Lane is contained by the steep slope to the south of the site and a significant number of trees which line the banks of Cowbridge Beck creating a more intimate landscape which contributes to the distinctive rural character of the area.
9. Number 13 Mill Bank, a large 1-2 storey property, is situated to the east and is separated from the proposal by its garden, the Beck and an intervening field. I consider, that the Beck creates a green corridor and a natural boundary for the village of Wolviston. The proposed dwelling would be physically detached from the village and would relate visually to the open countryside rather than the village itself. Whilst the existing L-shaped stable block is visible whilst walking along the lane it has a very low key and agricultural appearance. The proposed dwelling would introduce a more substantial and prominent building of a domestic appearance, thus fundamentally altering the intimate rural nature of the landscape.
10. I agree that the landscape is contained to an extent by the steep slope to the south of the site, the undulating landscape and trees. However, I noticed on my site visit that there were a significant number of walkers using Mill Lane which also provides pedestrian access to nearby schools in Billingham. Given the regular use of this lane, I consider that the proposal would have a detrimental impact on the character and appearance of the landscape which the appellant acknowledges will have value to local people and walkers. It is suggested that a 'structured landscape buffer' along the frontage of the site would help to screen the proposed dwelling; although native hedging is proposed I do not consider that this would adequately screen the proposal from the view of walkers along Mill Lane.
11. The appellant makes reference to appeal decision APP/H0738/A/14/2221934 relating to land off Poplars Lane, Carlton Village in support of their case. The Inspector concluded that the site appeared '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'. I have visited the site and it is clear that the current appeal proposal differs from this case in that it is physically separated from the village of Wolviston by the beck.
12. Attention is drawn to an appeal (APP/N1350/A/14/2217552) Land off Sadberge Road, Middleton St George, Darlington which was allowed. However, I do not consider that this proposal is directly comparable to the appeal proposal as it was for 250 dwellings

which would have made a significant contribution to the Borough's housing land supply.

13. 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 housing land supply, 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.
14. It is recognised that the proposed dwelling would provide a new dwelling in an area which does not have a five year supply of housing land 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.
15. Paragraph 14 of the Framework states that where the development plan is absent, silent or out of date, permission should be granted for development proposals 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 and paragraph 55 of the Framework which seeks to avoid isolated new homes in the countryside.
16. 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. I consider that 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 paragraph 56. In this case, therefore, I consider that the adverse effects of allowing the development would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework when taken as a whole.
17. The Council is concerned that the proposal would set a precedent for similar schemes in the countryside. Whilst I acknowledge those concerns, I have considered the proposal on its own merits.
18. I, therefore, conclude that the proposal would be contrary to Policy EN13 of the LP which seeks to protect the character of the countryside; Policy CS3 of the CS and paragraphs 17, 55 and 56 of the Framework.

Conclusion

19. Whilst the proposal would provide some benefit in terms of the economic and social dimensions of sustainable development, the proposal would not meet the environmental dimension. For the reasons stated above, I therefore, dismiss the appeal.

Caroline Mulloy

INSPECTOR

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