



## Appeal Decision

Site visit made on 21 March 2016

**by Caroline Mulloy BSc (Hons) DipTP MRTPI**

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

**Decision date: 31 May 2016**

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**Appeal Ref: APP/H0738/W/15/3133384**

**The Stables, Kirk Hill, Redmarshall, Stockton-on-Tees TS21 1FE**

- 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 David Holmes against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 15/1110/OUT, dated 7 May 2015, was refused by notice dated 26 August 2015.
  - The development proposed is an outline application for 2 detached dwellings. Design, layout, appearance and landscaping are reserved matters.
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### Decision

1. The appeal is allowed and outline planning permission is granted for 2 detached dwellings at The Stables, Kirk Hill, Redmarshall, Stockton-on-Tees TS21 1FE in accordance with the terms of the application, Ref 15/1110/OUT, dated 7 May 2015, subject to the conditions set out in the schedule attached to this decision.

### Procedural Matter

2. The application was submitted in outline, with detailed consent sought in respect of the proposed means of access with all other details reserved for subsequent approval. I have, therefore, considered the appeal on this basis treating the indicative proposed site plan as illustrative.

### Main Issue

3. The main issue in this case is whether the occupants of the proposed development would have reasonable access to shops and services.

### Reasons

4. The appeal site is situated to the rear of The Stables, Kirkhill on the north eastern edge of Redmarshall Village. Access would be taken along the side of the appellants existing host property.
  5. Paragraph 49 of the National Planning Policy Framework (Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development and that, where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up to date. The Council accepts that it is unable to demonstrate a 5 year supply of deliverable housing sites.
  6. Policies CS7 and CS8 of the Stockton-on-Tees Core Strategy Development Plan Document (2010) (Core Strategy) and saved Policy HO3 of the Stockton-on-Tees Local Plan (1997) are relevant policies for the supply of housing and should not be treated as up to date. The site lies outside of, but immediately adjacent to the limits of
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development as detailed under saved Local Plan Policy EN13. I consider that that the development limits are out of date insofar as they seek to control housing supply. However, paragraph 2.41 of the Local Plan indicates that development limits were drawn up to define the break between urban and rural land uses and landscapes and that their purpose is to help protect the countryside from all forms of inappropriate development and they still have some relevance in this respect.

7. In light of the housing supply position the proposal should be considered in the context of paragraph 14 of the Framework which sets out the presumption in favour of sustainable development. It also states that where the development plan is absent, silent or out of date permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits.
8. Paragraph 8 of the Framework makes it clear that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. I shall, therefore, consider the appeal proposal in those respects having particular regard to paragraph 14 and to the advice in paragraph 55 which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
9. The proposal would bring social benefits in terms of making a contribution, albeit modest, to the shortfall in new housing provision in the Borough. The proposal would also bring modest economic benefits in the short-term during the construction phase and through on-going support for local businesses in the area by future occupiers of the new dwelling. These positive benefits are given significant weight in this appeal.
10. However, in terms of the environmental dimension the Council considers that Redmarshall is not a sustainable village which is appropriate for new development and that the occupants of the proposed development would have to travel for employment, education, retail and recreational uses. Furthermore, the Council do not consider that the benefit of a cluster of villages makes the village sustainable in its own right as suggested by the appellant.
11. The Council's assertion that Redmarshall is an unsustainable village is founded on the assessment set out in Planning the Future of Rural Villages Study (Villages Study) (2014) produced as part of the evidence base for the emerging Regeneration and Environment Local Plan (RELP). Neither of those documents have been submitted for examination and the Villages Study can, therefore, be given very limited weight.
12. I note that Redmarshall has some facilities including a church, a public house and children's play area (unequipped). Hence the Council's concerns relate to the lack of a village shop, village hall and equipped play area. However, I consider that it would be unreasonable that the employment and other daily needs of a person moving into a village could be met entirely without the need to travel elsewhere. The key issue is, therefore, whether such journeys would be unsustainable.
13. I note that the neighbouring village of Carlton has a Post Office and shop which is a 10 minute walk from the appeal site along a road which is relatively flat with pavements along its full length. Hence, this walk would be relatively easy for most people. The village hall and equipped play area in Carlton would be a slightly longer walk but would be easily accessible by bicycle.
14. Furthermore, Table 5 of the Villages Study indicates that Redmarshall has ready access by sustainable means of transport to sources of employment in Stillington and

Stockton which are realistically likely to be able to provide employment for residents and to other services and facilities. There is a bus stop not far from the site and the number 84 bus runs from Stillington to Stockton incorporating Carlton and Redmarshall at approximately hourly intervals. I note the concerns regarding the long term future of the bus service, however, I must determine the appeal on the basis of the current situation.

15. The range and frequency of local bus services supports the appellant's view that Redmarshall forms a cluster of settlements in close proximity to the urban area of Stockton. The range of employment opportunities that would be accessible to occupiers of the proposed development is considerable for a rural village, particularly having regard to the scale and number of business within the Stillington employment area and Stockton.
16. The proposal is situated adjacent to the settlement boundary of Redmarshall and is surrounded on three sides by existing residential development and associated curtilages. I do not, therefore, consider that the site is isolated. Furthermore, I consider that the proposal would help to maintain and enhance the vitality of Redmarshall and the adjacent villages of Carlton and Stillington, thereby reflecting the approach of paragraph 55 of the Framework which states that development in one village may support services in a village nearby.
17. The Council acknowledge that the appeal site is bound on three sides by existing residential development and associated curtilages and that the site is essentially an alcove within the existing residential curtilages for this edge of the village. Whilst the proposal would result in the built form projecting beyond existing building lines this would only be by a very limited degree. The proposal would only extend to the existing timber post and rail fence of the field which is in line with the eastern extent of the curtilage of The Stables. Furthermore, it would not result in the merging of the village with Carlton as there are a number of large agricultural fields situated in between. Neither would it result in significant encroachment of development into the countryside as the proposal would be an alcove within the existing built-up area.
18. Whilst the proposal would inevitably change the appearance of this edge of the village, given the very low density of the proposal, I consider that this would not be materially harmful subject to an appropriate landscape buffer on the western and south western site boundaries. The proposal would not, therefore, undermine the purpose of the limits of development set out in paragraph 2.41 of the Local Plan. Furthermore, I note that the Council did not refuse the application on grounds relating to the effect of the proposal on the character or appearance of the countryside.
19. The Council draws attention to an appeal decision (APP/H0738/A/09/2099918) in which the Inspector concluded that Redmarshall had limited facilities and bus services.
20. Reference is also made to an appeal decision (APP/H0738/A/08/2064717) on the appeal site itself in which the Inspector concluded that Redmarshall is not sustainable in its own right and that the benefit of a cluster of villages did not make it sustainable. The Inspector found that there was no evidence that they functioned as a cluster of villages and further advised that Redmarshall's relationship with Stockton also failed to make it sustainable.
21. However, both decisions predate the publication of the Framework policies with regard to sustainable development and in particular paragraph 55 relating to development in one village supporting services in a village nearby. Those cases were, therefore,

determined within a different policy context which limits the weight which I can attach to them in my decision.

22. I am aware of a more recent appeal decision (APP/H0738/W/15/3129660) in which the Inspector considered that the range and frequency of local bus services and access to a range of employment opportunities in Stillington and Stockton reflects the view that Redmarshall forms part of a cluster of settlements in close proximity to Stockton. The Inspector considered that the proposal would not have an unacceptable effect in terms of encouraging travel by unsustainable means. This is a recent decision which reflects paragraph 55 of the Framework. Furthermore, I agree with the Inspector's conclusions regarding the sustainability of the village. I, therefore, attach significant weight to it in my decision.
23. Redmarshall Parish Council draw attention to an appeal decision (APP/C3105/W/15/3130576) in Chesterton, Oxfordshire which was dismissed. However, this proposal related to 51 dwellings and there was an identified five year supply of housing land. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it.
24. For the reasons set out above, I conclude that whilst the occupiers of the proposed dwellings might need to travel outside of Redmarshall for employment, education and some other of their daily needs; those journeys could be undertaken by sustainable means. Furthermore, the proposal would maintain and enhance the vitality of rural communities.
25. Whilst there is some conflict with existing development plan policies, I have concluded that those policies are not up-to-date insofar as they seek to control housing supply. However, I consider that the proposal would be consistent with criteria ii of Policy CS7 of the Core Strategy which seeks to ensure the maintenance of a 'rolling' 5 year supply of housing sites.
26. In the absence of any other alleged harm, I find that there would be no adverse effects which would significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal would constitute sustainable development and would, therefore, be consistent with paragraphs 8, 14 and 55 of the Framework.

#### *Other matters*

27. Representations were received in relation to the proposed new access which would be created off Kirk Hill. It proposes the relocation of the demarcation of the 30 mph zone. However, the Council's Highways, Transport and Environment Manager has indicated that moving the 30 mph zone is unlikely to be achieved due to an objection from the Parish Council and, therefore, considered the proposal on the existing situation which is with the access being off a section of highway prior to the 30 mph zone where the speed limit is 60 mph, albeit at the approach to the 30 mph zone. As the application is for only 2 dwellings he considers that visibility splays of 2.4m x 120m would be acceptable which has been demonstrated on the plans.
28. Objectors to the proposal have referred to previous objections in relation to highway related matters, however, the Council's highway officers consider that the access for this smaller development would be acceptable, subject to the closure of the existing access into the Stables adjacent which should be served off the new access and subject to the slight repositioning of the existing bus stop which would be at the applicants expense via a section 278 agreement. I have seen nothing on my site visit to disagree with the Council's highways officer's views that the access is suitable.

29. Objectors have commented that the proposal would open up views of the existing development at the Stables. However, the Council is satisfied that the access can be achieved whilst maintaining more native planting along the eastern field boundary as well as being able to supplement it. The indicative layout shows the proposed dwellings facing out towards the countryside which would result in an awkward relationship with the surrounding landscape. However, I consider that an appropriate orientation, layout and design of the dwellings could be achieved at the reserved matters stage. Indeed the Council's delegated officer report states that '*it is considered that a suitable scheme could be achieved which is not damaging to the character of the area*'.
30. Objections have also been raised in relation to the potential relationship with the existing properties to the rear. However, given the very low density of the proposal and the space within the site, I consider that the dwellings could be located without any adverse effect on the living conditions of existing occupiers.
31. Concerns have also been raised regarding the potential effect of the proposal on the wildlife habitat, however, the Council consider that there would be no undue impacts on ecology or protected species and I have no reason to disagree.
32. I have noted concern regarding a letter received in support of the application; however, the letter has not unduly influenced my decision. My decision is based on the merits of the case taking into account all of the submissions received together with my own observations.
33. I also note concerns regarding the housing market in the area and whether the properties would sell; however, this view is not supported by any evidence.

### **Conditions**

34. As the permission is in outline with only the details of the means of access approved at this stage conditions requiring the submission of all other reserved matters and that no development should commence until those matters are approved are necessary. Because the permission is in outline I have added a condition which approves the site layout plan only insofar as this defines the site boundary and means of access. I have also worded the condition to exclude reference to the give way/30mph zone sign as the Council has considered the proposal on the basis of the 60 mph zone.
35. A condition requiring details of surface water and foul water drainage to be submitted to the local planning authority has been attached in order to ensure that the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area and to achieve an adequate scheme of foul drainage.
36. A condition requiring the details of hard and soft landscaping and boundary treatments are necessary in order to ensure a high quality of landscaping on the settlement edge. In addition I include a condition requiring the submission of details of measures to protect the existing trees and shrubs on the site in view of the contribution they make to the character and appearance of the area.
37. I have included a condition controlling the hours of construction in order to protect the living conditions of existing occupiers surrounding the site.
38. As I have seen no evidence to suggest there is any risk of contamination on the site, I do not consider that the condition suggested by the Council relating to contamination is necessary. I have also considered the Council's suggested condition with regard to energy performance; however, as Core Strategy Policy CS3 (5) states that the 10%

renewable sources requirement applies to major developments of 10 dwellings or more there would appear to be no justification for imposing such a requirement in relation to the appeal proposal.

39. The Council also suggested that a section 278 Highways Agreement be secured in relation to the re-positioning of the bus stop. However, as these matters are covered by other legislation, this will be a matter for the Council and the appellant and there is no need for me to consider them any further here.

**Conclusion**

40. For the reasons stated above and taking all other considerations into account, I conclude that the appeal should be allowed.

*Caroline Mulloy*

INSPECTOR

## Schedule

### Conditions

- 1 Details of the appearance, landscaping, layout and scale [hereinafter called 'the reserved matters'] shall be made to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3 The development hereby permitted shall take place not later than 2 years from the date of approval of the last reserved matters to be approved.
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans except in respect of those matters which are reserved for subsequent approval and except in relation to the give way/30mph sign shown on plan no 002:  
  
Drawing numbers: 001 rev A; 002; PP01; PP02; PP03; PP04
- 5 No development hereby permitted shall be commenced on site until a scheme of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. A scheme for long term maintenance of foul drainage shall be included. The development shall be undertaken in accordance with the approved schemes and shall be maintained thereafter.
- 6 No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping and boundary treatments. The scheme shall include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations and inter-relationships of plants, stock size and type, grass and planting methods including construction techniques for pits in hard surfacing and root barriers. All existing and proposed utility services that may influence proposed tree planting should be indicated on the planting plan. The scheme shall detail methods for maintaining and where necessary replacing landscaping and boundary treatments until transfer of ownership. No property hereby approved shall be occupied until the hard and soft landscaping for that plot has been completed in accordance with the approved scheme.
- 7 No development, including any preparatory works to the ground, shall commence until a scheme for the protection of trees and shrubs has been submitted to and approved in writing by the local planning authority. The scheme shall include precise details of the location of protective fences, areas of material storage within the site and root protection zones. The approved scheme of protection shall be implemented on site prior to construction works commencing on site and shall be maintained throughout the period of construction.
- 8 No construction/building works or deliveries associated with the construction phase of the development shall be carried out except between the hours of 0800 and 1800 on Mondays to Fridays and between 0900 and 1300 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.