

## Appeal Decision

Site visit made on 23 August 2016

**by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC**

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

**Decision date: 20 September 2016**

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**Appeal Ref: APP/H0738/W/16/3151064**

**Elton Manor, Darlington Road, Elton, Stockton-on-Tees TS21 1AG**

- 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 Mark Page, Garrison Radio against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 15/1968/FUL, dated 5 August 2015, was refused by notice dated 17 December 2015.
  - The development proposed is change of use of land to rear of Elton Manor (part curtilage of dwellinghouse) to provide 4 no. detached dwellings with detached garages.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues raised by this appeal are whether the proposed development would provide a suitable site for housing, having regard to the character of the area, the accessibility of services and highway safety.

### Reasons

#### *Character*

3. The appeal site is a grassed area with a small orchard in the south east corner. The site is set behind Elton Manor and its immediate neighbours and the intervening garden area. It has the character and appearance of a garden in common with those of adjoining properties which lie on either side of the site, although it is also bounded by open countryside to the south and west.
  4. The village has a predominantly linear character with both large and more modest houses interspersed with mature trees lining Darlington Road. This, along with the large gardens in which many properties are set and the countryside beyond leading to the wooded beck on the south side of the village contribute to Elton possessing a green and pleasant character. The undeveloped nature of gardens and other land in the vicinity of the appeal site to the rear of the single depth run of buildings along Darlington Road makes a positive contribution to this distinctive character, particularly on the south side of the village.
  5. Whilst Juniper Grove and the complex at Elton Hall include dwellings beyond this predominant linear arrangement, these are not so extensive or prevalent as to have changed the overall character of the settlement, particularly in the
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- immediate vicinity of the appeal site where undeveloped green spaces of gardens reinforce the setting of the village. Nor is there any substantive evidence that they form part of an ongoing, organic growth of the village to the rear of properties on the south side of Darlington Road.
6. Although there are dwellings set behind others lining the road elsewhere, from my observations these appear mainly on the north side of Darlington Road whose character is distinguished in that respect from that to the south side of the road. However the overall character of the settlement is derived in a great part from this linear pattern and, notwithstanding the development and extensions to buildings mentioned by the appellant, this does not appear to have been eroded to any great degree.
  7. The effect of introducing four substantial houses in a quadrangular arrangement on the site would change the linear arrangement of the settlement to the rear of Elton Manor and adjoining dwellings. This would result in development extending a considerable distance beyond the existing line of buildings into an otherwise open and undeveloped area with consequent harm to the character of the settlement and its interface with its countryside setting.
  8. Whilst I agree with the appellant that the development would be well screened from public views within the village and beyond, visibility and appearance are only some facets of the area's character. The proposed development could not be considered as infill development in the sense that the proposed dwellings would not fill in space or gaps between existing buildings or built up areas and would only have existing buildings along one side.
  9. Although not part of the proposal the appellant has indicated his willingness to include a landscape buffer on the southern edge of site on other land in his control. However, this would be likely to be restricted to an effect which softens or screens the appearance of the development from the south which whilst in time may affect the appearance of the development would not mitigate the harm to the area's character in any significant way.
  10. As the proposal would fail to respond positively to existing features of local character and would not be sympathetic to that character it would not comply with criterion 8. of the Core Strategy Development Plan Document, 2010 (CS) Policy CS3 or criterion (iv.) of the Stockton-on-Tees Local Plan, 1997 (LP) saved Policy H03. Similarly, the proposal would not avoid conflict with the National Planning Policy Framework's (the Framework) design policies<sup>1</sup> which require that development responds to local character, reflects the identity of local surroundings, adds to the overall quality of an area and takes the opportunities available for improving the character and quality of an area.
  11. However, it is not a matter of dispute between the parties that the Council cannot currently demonstrate a five year supply of deliverable housing sites, circumstances where the Framework<sup>2</sup> considers relevant policies for the supply of housing are not up-to-date. As such this limits the weight I can attach to saved LP Policy H03 and the development limits to which it refers. However, CS Policy CS3 seeks to reduce the impact of economic growth and development on the environment and although it refers to residential development, it is

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<sup>1</sup> Paragraphs 58 and 64.

<sup>2</sup> Paragraph 49.

neither limited to it nor its supply, and I can therefore attach material weight to this policy.

*Accessibility of services*

12. Elton has a limited range of facilities and services and is situated some distance from those which are located in other settlements.
13. The Council have published the Planning the Future of Rural Villages in Stockton-on-Tees Borough (PFRV) which includes a village appraisal detailing the range of services and facilities available in the village and distances to the nearest external services. The PFRV concludes that Elton is not a 'sustainable village' considered against the range of facilities in the village and the accessibility of services, facilities and employment sources elsewhere.
14. However this is only a partial assessment of the sustainability of a location. Noting the comments of an Inspector on a previous appeal<sup>3</sup> regarding the PFRV's status and stage of preparation, I concur that this reduces the weight which can be afforded to the PFRV in terms of establishing the sustainability or otherwise of a settlement and as a consequence the development within it.
15. Nevertheless, the Village Services and Facilities Audit (VSFA) in the appendix to the PFRV is however a useful summary of the services and facilities which are available in Elton. Taking the appellant's comments into account, the VSFA provides an insight into how future occupiers may access services and facilities and is a starting point in assessing whether the future occupiers of the proposed houses would have reasonable access to local services that reflect the community's need.
16. There is, however, a general lack of services and facilities in Elton such that it is likely that the occupiers of the proposed dwellings would have to travel out of the village to satisfy the majority of their day to day needs. Furthermore, the distances involved would mean that in all likelihood most of these journeys would be made in private motor vehicles. The PFRV indicates that there is a bus service to a secondary school which should avoid children attending the school it serves having to make the journey bar car. However the public bus service in the village is very limited only running two days a week and with very few services on those days. The more extensive bus and train services the appellant identifies all appear to have their nearest access points some distance from the village as well.
17. Darlington Road is designated as part of a long distance cycleway and provides a foot way which leads into Stockton, the outskirts of which have the nearest shop to Elton. However, the route not straightforward where it crosses the A66, is unlit between that junction and the village and at 1.5km is unlikely to be attractive as a regular route to all but dedicated walkers, particularly in hours of darkness and inclement weather. Other facilities are further away.
18. The site's proximity to the cycle route may make some journeys more attractive by bicycle however there is limited evidence to suggest that this would render most services and facilities more accessible to future occupiers as a result.

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<sup>3</sup> Ref: APP/H0738/W/15/3129660.

19. Although the appellant identifies a number of employers in or near the village to counter the PFRV's assessment that there is little or no employment in the village, the PFRV notes that the presence of these small scale employment sources is unlikely to significantly reduce the need to travel. Even if future occupiers were employed locally or worked from home, they would still in all likelihood have to rely on private car journeys for many of their day to needs.
20. On balance therefore, the proposed development would not be located where future occupiers would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car. I note that my findings in this respect reflect those in a previous appeal decision<sup>4</sup> in Elton. In that case the Inspector found that the proposal was not in a sustainable location in part due to the limited services and facilities in the village.
21. The proposal would not accord with the Framework's core planning principle<sup>5</sup> of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling nor satisfy the social or environmental role it requires sustainable development to demonstrate<sup>6</sup>.
22. The proposed development would make a limited contribution to supporting the few facilities that are in the village. However, there is little evidence to suggest that Elton is part of a group of smaller settlements where the proposed development would support services in a nearby village, particularly in light of the majority of the nearest services and facilities cited in the VSFA being situated in larger built up areas. Therefore the proposal would not fulfil the circumstances the Framework<sup>7</sup> illustrates as promoting sustainable development in rural areas.
23. I have noted the Inspector's findings in the aforementioned appeal decision in Redmarshall<sup>8</sup> where he found that such circumstances were met in that case. However the relationship between the villages referred to, the facilities available within them and transport options available described in that decision are materially different from those in Elton. In that case they involved a more regular bus service and a convenient walk to a shop in the nearby adjoining village, amongst other factors.

#### *Highway safety*

24. An access track which runs between the gardens of separate properties links the site to Darlington Road. This would provide the access to the site where pedestrians, cyclists and vehicles would share the carriageways. Each house would be served by a garage with space in front where vehicles could park and would also provide the pedestrian accesses for each dwelling.
25. Future occupiers' and visitors' cars might reasonably be expected to park on the area in front of the garage to Plot 2. In so doing they would restrict or block access for vehicles wishing to enter or leave the drive of Plot 3. It would also appear likely that vehicles would have to travel some distance from Plot 3 before they could turn around and so be likely to travel that distance along a

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<sup>4</sup> Ref: APP/H0738/A/14/2222448.

<sup>5</sup> Paragraph 17.

<sup>6</sup> Paragraph 7.

<sup>7</sup> Paragraph 55.

<sup>8</sup> Ref: APP/H0738/W/15/3129660.

- convoluted route in reverse gear either approaching or leaving the garage to that plot or its forecourt.
26. Combined with circumstances where parking, turning or access may be partially or entirely blocked by other vehicles outside Plot 2, this could lead to complicated, awkward or erratic vehicle manoeuvres. The volume of vehicle movements associated with the dwellings would be likely to be low and consequently the instances where conflicts may occur would also be infrequent. However, should they occur, such movements across an area shared with pedestrians and where children could be playing would have severe consequences should they come into conflict with vehicles.
  27. In the absence of any evidence to the contrary, the layout would therefore fail to result in an arrangement which would be safe for users, particularly pedestrians. This would be contrary to saved LP Policy HO3, criterion (vi.) albeit with the limited weight afforded to it. CS Policy CS2 is more strategic in scope and therefore less pertinent to considering the detailed highway safety aspects of the proposal. However, as the residual cumulative impacts of the development would be severe, these are circumstances the Framework<sup>9</sup> indicates development can be prevented on transport grounds.
  28. The appellant considers that the layout could be manipulated to avoid such conflicts. However such changes would appear to be more fundamental than those which could reasonably be dealt with by way of a planning condition, in all likelihood requiring repositioning of buildings as well as their accesses.
  29. Although it has a dog-leg, the alignment of the access route nearest to Darlington Road is such that the driver of a vehicle entering the access could readily see a vehicle, cycle or pedestrian approaching the road along that route and vice versa. All vehicles using the access would in all likelihood be travelling slowly. From the information provided, and notwithstanding the disputed ownership of part of the area, there would appear to be sufficient space for a vehicle turning in from Darlington Road to pull off the highway and still allow traffic coming out of the site to pass, avoiding reversing manoeuvres onto Darlington Road, should they encounter other users on the access.
  30. Similarly, the access at the point of the dog-leg would appear to be of a size and configuration that an exiting vehicle could reverse into to let vehicles entering the site to pass. This would be situated far enough from the houses' drives to avoid the harmful conflicts set out above. Therefore, although the width of the route is constrained and may not encourage drivers to wish to attempt to pass one another it would be unlikely to result in any manoeuvres which would lead to a harm to highway safety to either users of the Darlington Road or the access itself.
  31. Nevertheless, the harm I have identified above means that the proposal would not be acceptable in terms of its effects on the safety of users of the access within the housing development.

### **Other Matters**

32. As Elton is not identified as a sustainable village in the PFRV and no affordable housing is proposed the scheme would not comply with emerging Strategic Policy SP2 of the Publication Draft Regeneration and Environment Local Plan

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<sup>9</sup> Paragraph 32.

(RELP). However, I agree with the Council's assessment that Strategic Policy SP2 only carries limited weight in light of unresolved objections and its stage of preparation, a point confirmed by the appellant's concerns over whether Elton has been appropriately assessed in the PFRV.

33. The interim guidance in an adjoining district to which the appellant refers is of limited relevance to the consideration of the appeal and is therefore something to which I have attached little weight.
34. The appellant has drawn my attention to a topic paper supporting the RELP which refers to an earlier study which concluded that an under representation of executive housing in the region which could be a barrier to growth. He considers that the 'luxury' nature of the proposed houses would help address this and that the site offers benefits over other places identified as locations for such housing including early delivery. However, there is little conclusive evidence to suggest this should consequently attract more weight as a result.

### **Planning Balance**

35. The Council have not referred to any development plan policies in respect of their accessibility objections. Where the development plan is absent or silent, the Framework<sup>10</sup> considers that the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, assessed against the Framework's policies taken as a whole, or specific Framework policies indicate development should be restricted. The housing land supply situation mentioned earlier also directs this approach be taken.
36. The proposal would bring benefits of delivering four new houses and which the appellant considers could be delivered in the short term all of which accords with the Framework's approach to boost significantly the supply of housing<sup>11</sup> in an area where the Council cannot demonstrate a five years supply of deliverable housing sites. There would also be economic benefits through the construction phase of the development and limited economic and social benefits by way of additional support and patronage of the few services which Elton has. However an additional four houses would only make a limited contribution to the Council's identified housing shortfall.
37. The considerable harm which would arise as a result of the proposal's effect on character, a matter which attracts substantial weight, coupled with the harm to pedestrian safety would significantly and demonstrably outweigh those benefits. There are also specific Framework policies which indicate that development should be restricted as a result of such harm and therefore the circumstances where the Framework considers permission should be granted have not been met.
38. Furthermore, whilst the proposal would support the economic and some aspects of the social roles, overall it would not satisfy the Framework's approach to sustainable development<sup>12</sup> as a result of the considerable deficiencies in the environmental role and accessibility aspects of the social role. The Framework points out that these roles are mutually dependent<sup>13</sup> and

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<sup>10</sup> Paragraph 14.

<sup>11</sup> Paragraph 47.

<sup>12</sup> Paragraph 7.

<sup>13</sup> Paragraph 8.

should not be undertaken in isolation, and there is little evidence to suggest that the economic aspects should be considered as more important than the others in this case.

39. On balance therefore, the proposal would not constitute sustainable development which the Framework presumes in favour of and the material harm I have identified would significantly and demonstrably outweigh the benefits of the scheme.

**Conclusion**

40. For the above reasons, and having had regard to all other matters raised, the proposal would be contrary to the development plan and the Framework. The appeal is therefore dismissed.

*Geoff Underwood*

INSPECTOR