

Appeal Decision

Site visit made on 9 January 2017

by **C L Humphrey BA (Hons) DipTP MRTPI**

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

Decision date: 12th January 2017

Appeal Ref: APP/H0738/W/16/3160786

Reivax, High Lane, Maltby (Easting: 446753 Northing: 513446)

- 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 Gareth Tyers against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 16/0380/FUL, dated 12 February 2016, was refused by notice dated 28 September 2016.
 - The development proposed is conversion of and extension to existing single storey outbuilding to form new residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of and extension to existing single storey outbuilding to form new residential dwelling at Reivax, High Lane, Maltby (Grid Ref Easting: 446753, Grid Ref Northing: 513446) in accordance with the terms of the application, Ref 16/0380/FUL, dated 12 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan & Proposed Site Plan	Drawing No. 09960.11 Rev A1
Existing and Proposed Plans and Elevations	Drawing No. 09960.10 Rev A2
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing No. 09960.10 Rev A2.

Procedural Matter

2. The site address on the application form is given as 'High Lane, Maltby', together with the grid reference. However, the Council's Decision Notice refers to the site as 'Reivax, High Lane, Maltby', and the appellant has used this address on the appeal form. I have therefore taken the site address from the appeal form, as it describes the location of the appeal site more fully.

Main Issue

3. The main issue is whether the appeal proposal would provide a suitable location for housing, having particular regard to the accessibility of services and sustainable transport modes.
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Reasons

4. The appeal site is located within the centre of the village of Maltby and is bounded to the south, north and east by residential development and to the west by the car park associated with the Chadwicks Inn public house. Access to the site is taken from High Lane, the main road through the village. The southern part of the site comprises a hardstanding and outbuilding used as a stable block and there is a grassed paddock in the northern part of the site.
5. It is proposed that the existing outbuilding would be extended and converted to form a new residential dwelling. The existing site access would be retained, the hardstanding would be slightly altered to accommodate a driveway, patio and an area of soft landscaping, and the paddock would become a garden.
6. Both parties agree that the Council is currently unable to demonstrate a 5 year housing land supply. Therefore, for the purposes of paragraph 49 of the National Planning Policy Framework (the Framework), the appeal proposal should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date. In accordance with paragraph 14 of the Framework, where relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
7. The Council identifies no development plan policies within the reason for refusal. However, with regard to the main issue, I note that Core Strategy Policy 2 (CS2) of the Stockton-on-Tees Core Strategy Development Plan Document (Core Strategy) is relevant.
8. There are limited services in the village, consisting of a public house, village hall and Methodist church. Therefore, occupiers of the proposed dwelling would have to travel out of the village in order to access services to meet their day to day employment, education, healthcare, retail and recreation needs.
9. A limited bus service operates on a Tuesday and Thursday connecting the village to Yarm and Thornaby. Given the infrequency of this service, it could not be relied upon for regular trips to work or school, although it is feasible it could be used to access shops and other services in neighbouring towns.
10. Maltby is located in fairly close proximity to a wide range of employment, education, healthcare, retail and leisure facilities. High Lane, which runs through the village, connects to Low Lane (B1380) which in turn provides connections to these local services. There is not a continuous lit footway along High Lane to Low Lane, which would be likely to deter future occupiers of the proposed development from making journeys on foot. However, there are good connections to the local network of cycle routes and, based on the submitted evidence, a wide range of services would be accessible by cycle in around 15 minutes. Furthermore, the proximity of the village to local services would mean that car journeys would be likely to be fairly short.
11. The scheme would convert the existing stable block and would thus make effective use of land within Maltby by re-using previously developed land, in accordance with the core planning principles set out in paragraph 17 of the Framework. I attach significant weight to this environmental benefit.

12. The appeal proposal would make a small but positive contribution to the supply of housing. Furthermore, it would provide a bungalow which, the Council acknowledge, are in short supply in the village. There would also be a modest benefit to the local economy during the construction phase, and new residents would help to support existing services in the village. I attach moderate weight to these economic and social benefits.
13. The Council make reference to a recent appeal decision (Ref 3151064) in respect of the proposed erection of 4 detached dwellings in the village of Elton, in which the Inspector found that the development would not be in a sustainable location due to limited services in the village and reliance on private car journeys. I do not have full details of that scheme. However, I note that the proposal would have resulted in the development of an open and undeveloped area which the Inspector concluded would harm the character of the settlement and its countryside setting. The Inspector also found harm to highway safety. As such, the planning balance in the Elton scheme appears to have been different to the appeal proposal before me, so direct comparisons between the cases are not possible. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
14. I have considered the Council's argument that the grant of planning permission would set a precedent for other similar developments and have a cumulative impact on car borne journeys. However, no sites directly comparable to the appeal site have been brought to my attention. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
15. The Government recognises in paragraph 29 of the Framework that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. I have found that although services in Maltby itself are limited and there is fairly poor pedestrian connectivity to the wider area, the village is near a wide range of services in the surrounding area and well connected by cycle routes. Buses run to nearby towns twice a week, providing opportunities to access shops and services on these days. Therefore, future occupants of the proposed development would not necessarily be wholly reliant upon the private car.
16. Overall, the shortcomings of the appeal proposal in terms of the accessibility of services and sustainable transport do not significantly and demonstrably outweigh the benefits of re-using previously developed land within the village, contributing to the supply of housing and supporting the local economy. Consequently, the proposal would represent sustainable development when assessed against the policies in the Framework taken as a whole. I therefore conclude that the appeal proposal would provide a suitable location for housing, having particular regard to the accessibility of services and sustainable transport modes. As such, it would accord with the sustainable transport aims of Policy CS2 of the Core Strategy and the Framework.

Other Matters

17. Local residents have objected to the appeal proposal on a wider basis including the effect upon the character and appearance of the area, the effect upon the living conditions of the occupiers of neighbouring residential properties with particular regard to overlooking, privacy, outlook and light, harm to highway safety and the effect on property values.

18. The planning system does not exist to protect private interests such as land or property values. With regard to concerns about character and appearance, living conditions and highway safety, I note that these matters did not form part of the Council's reasons for refusal. I am satisfied that the appearance of the appeal proposal would reflect the existing building and surrounding development. By virtue of its siting, scale and orientation, the development would not result in overlooking or loss of privacy to neighbouring residents or a loss of outlook from or light to adjacent properties. The level of vehicular activity associated with a single dwelling would be fairly limited, adequate parking would be provided within the site and vehicles would be able to enter and exit in a forward gear, so the scheme would not have a harmful effect on highway safety.

Conditions

19. I have imposed a condition specifying the relevant drawings as this provides certainty. In order to ensure the suitable appearance of the development, I have imposed a condition relating to materials.

Conclusion

20. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted in accordance with the presumption in favour of sustainable development.

C L Humphrey

INSPECTOR