

Appeal Decision

Site visit made on 5 December 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 12 January 2017

Appeal Ref: APP/H0738/W/16/3158029

Land to the south of Kirk Hill, Carlton, Stockton on Tees.

- 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 Frank Andrew against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 16/0185/OUT, dated 21 January 2016, was refused by notice dated 24 May 2016.
 - The development proposed is residential development comprising up to 16 No Dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the indicative site layout as being for illustrative purposes only.

Main Issue

3. The main issue in this appeal is whether the proposed development would represent a suitable site for housing, with particular regard to the character and appearance of the area and the relationship between the villages of Carlton and Redmarshall.

Reasons

4. The appeal site is located on the western edge of the village of Carlton, to the south of Kirk Hill which is one of the main access roads into the village. The site consists of an area of pasture which is bounded to the east by a robust and well established field hedgerow. The northern boundary is adjacent to the highway verge of Kirk Hill, and although there was evidence of a hedgerow along this boundary, it was apparent at my site visit that this had been cut back. The western and southern boundaries of the appeal site are less well defined, consisting of an intermittent line of trees to the west with an area of scrub and trees to the south.
 5. The appeal site is located outside of the settlement limit for Carlton as defined by Policy EN13 of the Stockton Local Plan 1997 (LP). However, the Council accepts that it is unable to demonstrate a five year supply of deliverable
-

- housing sites. Therefore, in accordance with Paragraph 49 of the National Planning Policy Framework (the Framework) relevant policies for the supply of housing, such as Policy EN13, should not be considered up to date. The appeal proposal should therefore be determined on the basis of paragraph 14 of the Framework which states that where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
6. The Council's reason for refusal refers to the impact on the character and appearance of the countryside and the erosion of a gap between the villages of Carlton and Redmarshall. The two villages are located in relatively close proximity, and separated by an area of countryside which primarily consists of fields with established hedgerow boundaries located on either side of a shallow valley as part of an agricultural landscape extending to the south.
 7. Whilst the boundary of the proposal follows that of the existing field, this appears to be a more recent addition to the landscape which does not follow the prevailing pattern of agricultural fields in the wider area. The site is a square angular feature which is located in one corner of a larger field bounded by established hedgerows which are a characteristic feature of the landscape. Although the proposal would continue the settlement boundary established by Green Leas to the north, it would appear as an angular projection into the sensitive area of landscape between Carlton and Redmarshall and would appear as an incongruous feature within the countryside between the villages.
 8. Furthermore, the built area of Redmarshall is located to the south of the highway of Kirk Hill/Redmarshall Road which leads through the area. It was apparent at my site visit that the proposal would increase the intervisibility between the villages of Carlton and Redmarshall as properties on Drovers Lane within Redmarshall are readily visible from the appeal site. Whilst this would not lead to the actual coalescence of the villages, this would reduce the perceived gap to the detriment of the countryside setting of the villages and their respective identities.
 9. The appellant has proposed structural planting belts to soften views of the proposal. However, as this planting would follow the existing arbitrary field boundary I consider that this would result in a contrived area of landscaping which would emphasise the extent and angular form of the site projecting into an otherwise large, open agricultural field. I acknowledge that the structural planting could enhance biodiversity, but I consider that this would not outweigh the harm to the character and appearance of the area.
 10. Adjacent to the eastern boundary of the appeal site is an area of housing which extends further to the south east and which was under construction at the time of my site visit. Based on my observations on site and on the evidence provided to me, it is apparent that this housing development follows the well-established, undulating line of the field hedgerow between the sites. This hedgerow is a historic field boundary and a defining feature within the landscape. In my view, the angular form of the proposal and associated planting would not sit comfortably with this established field boundary. Rather, the proposal would appear as an unsympathetic development on the edge of the village, rather than the rounding off referred to by the appellant.
 11. The proposal would retain the landscaped highway verge which is similar to that adjacent to Green Leas and to the front of the housing development to the

- east. Whilst highways issues are reserved for future consideration, it is apparent from the shape of the boundary of the site that the proposed access would be in close proximity to traffic calming at the entrance to the village. The Council's Highways, Transportation and Environment team state that this traffic calming feature and the speed limit on the entrance to the village would need to be moved to the west. I consider that the relocated traffic calming, signage and other highways features would further erode the visual gap between the villages and would add to the harm identified above.
12. I conclude that the proposal would harm the character and appearance of the area as it would represent an intrusive development projecting into the countryside and would erode the significance of the landscape separating the villages of Carlton and Redmarshall. This would be detrimental to the natural and built environment of the area and would therefore be contrary to the environmental role of sustainable development identified in the Framework.
 13. In their reason for refusal, the Council have referred to Policy CS10(3) of the Stockton-on-Tees Core Strategy 2010 (CS) which refers to the protection of "Strategic Gaps between the conurbation and the surrounding towns and villages". However, based on the evidence before me, I consider that the proposal does not conflict with CS10(3i) as the 'Strategic Gap' depicted on the CS Strategic Diagram is located between the conurbation of Stockton on Tees and the villages beyond, rather than between individual villages. Furthermore, in relation to CS10(3ii), the site is not within the conurbation and is not within one of the 'Green Wedges' listed. The site is also not 'urban open space and play space' referred to in Policy CS10(3iii). I therefore conclude that there is no material conflict between the proposal and the provisions of Policy CS10(3).
 14. In relation to the benefits arising from the scheme, the proposal would provide economic benefits arising through employment during the construction period as well as the support to local services from residents of the dwellings. The proposal would also provide social benefits arising from the provision of up to 16 dwellings to the supply of housing, in an area where the Council cannot demonstrate a five-year supply of deliverable housing sites. The dwellings would also be within easy reach of services and transport links in Carlton.
 15. The appellant has provided a Unilateral Undertaking which would ensure provision of affordable dwellings as well as contributions towards education facilities and open space. The provision of affordable dwellings as part of the scheme would make a contribution towards affordable housing in the area in accordance with the Council's requirements. However, the contributions relating to education and open space are required to mitigate the impact of the development rather than being a benefit of the scheme and as such have a neutral effect on the planning balance.
 16. I have had regard to the concerns raised locally in relation to issues including traffic, drainage, residential amenity, disturbance, precedent, property values, antisocial behaviour, capacity of local services, highway safety and the need for housing in the area. However, these matters do not add to my reasons for dismissing this appeal. I also note the comments received in support of the proposal in relation to the five year housing land supply and the rounding off of the village, which I have addressed previously.
 17. I conclude that the proposal would not represent a suitable site for housing, due to the harm to the character and appearance of the area and the distinct

and separate identities of the villages of Carlton and Redmarshall. Whilst the benefits of the scheme would contribute to the social and economic roles of sustainable development identified in the Framework, this would not overcome the harm arising to the environmental role. On this basis, the harm arising from the scheme would demonstrably and significantly outweigh the benefits. The proposal would therefore conflict with the Framework as a whole, and in particular paragraphs 7 and 14 in relation to sustainable development, and paragraph 61 in relation to integrating new development into the natural and built environment.

Conclusion

18. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

David Cross

INSPECTOR