



Appeal Decision

Site visit made on 27 June 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 29th August 2017

Appeal Ref: APP/H0738/W/17/3172202

Harvest Fields, 6 Seamer Road, Hilton, TS15 9JH

- 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 and Mrs Bond against the decision of Stockton-on-Tees Borough Council.
 - The application Ref: 16/2260/OUT, dated 30 August 2016, was refused by notice dated 27 February 2017.
 - The development proposed is the construction of a detached bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached bungalow at Harvest Fields, 6 Seamer Road, Hilton, TS15 9JH in accordance with the terms of the application, Ref: 16/2260/OUT, dated 30 August 2016, subject to the conditions in the attached schedule.

Procedural matter

2. The development proposal was submitted in outline with all matters reserved for future approval. An indicative layout has been provided which shows a location for the proposed bungalow and the position of a new access. I have had regard to this drawing, however, as approval for siting and access was reserved for future consideration, I have treated it as illustrative only.

Main Issue

3. The main issue in this appeal is whether the appeal site is a suitable location for a dwelling having regard to the relevant local and national policies for the provision of housing, and access to shops, services and employment opportunities.

Reasons

4. The appeal site is approximately 0.09 hectares in area and forms part of the garden of number 6 Seamer Road, a detached bungalow fronting onto the main road through the village. The site lies within the limit to development for Hilton defined in the Stockton-on-Tees Local Plan 1997 (the Local Plan).
5. It is common ground between the parties that the development proposed would not have an adverse effect on either the character and appearance of the area, or on the living conditions of the occupiers of neighbouring properties. In addition it is not in dispute that, subject to a suitable visibility

- splay being provided at the access to the site, the proposal would not prejudice highway safety. The sole matter of contention is whether the site is a suitable location for a dwelling in terms of the level of access to shops, other services and employment opportunities.
6. Although the Council have not referenced any development plan policies within the reason for refusal, in their statement it sets out that Policies CS2 and CS3 of the Stockton-on-Tees Core Strategy 2010 (Core Strategy) and Saved Policy H03 of the Local Plan are relevant to the appeal proposal. Saved Policy H03 is permissive of new residential development within the defined limits of development and it is not suggested that any of the criteria set out in this policy are breached. Nor is it suggested that there is any conflict with the relevant provisions of Core Strategy CS3 which addresses energy efficiency and design of new development. I would concur that the proposed development meets the relevant requirements of these policies.
 7. Core Strategy Policy CS2 seeks to ensure that all new development is well serviced by an attractive choice of transport modes in order to support sustainable transport, although this Policy predates the publication of the National Planning Policy Framework (the Framework) which recognises that the opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
 8. Hilton has only limited facilities in the form of a public house, a church and a village hall. It has no food shop, health services or employment opportunities. The closest food shop is approximately 2.8km away and whilst there is a wider range of services, schools and employment opportunities in Ingleby Barwick and at the Teeside Industrial Estate, these are all in excess of 2.5 km from the appeal site.
 9. These are not within a practical walking distance of the appeal site. Whilst there is a school bus service, the sole provision of public transport is a bus service to Thornaby and Yarm which operates on Tuesdays and Thursdays with only two buses calling at the village on these days. This would not provide a convenient alternative means for regularly travelling to work, although it would potentially allow for trips for shopping or other purposes.
 10. It would be possible to access these nearby facilities by cycle, however, the roads that would have to be used are unlit for large portions of their length and subject to a 60 mph speed limit beyond the village. This is likely to deter cyclists from using them regularly, especially during the winter months. Though there are some limited opportunities to use alternative means of transport, the occupiers of the new dwelling would be largely dependent on the private car to meet their day to day travel requirements. Consequently, the proposal would not, in my opinion, promote sustainable modes of travel or reduce the need to travel. In this respect the proposed development would not wholly comply with criterion 1 of Policy CS2.
 11. This fact notwithstanding, the proposal also has to be considered in the light of the Framework, which is clear that in rural areas there may be fewer opportunities to maximise the use of sustainable transport solutions.
 12. Due to the distances involved, journeys by car would not necessarily be long. The existing residents of the village will need to travel to meet their day to day requirements and the addition of a single new house would not generate a

significant number of additional journeys over and above those already generated by the village as a whole.

13. Paragraph 49 of the Framework requires that applications for new housing should be considered in the context of the presumption in favour of sustainable development set out in Paragraph 14. The Council have not identified any conflict with the development plan and accepts that it does not have a deliverable five year supply of housing land. Whilst there is a slight conflict with Core Strategy Policy CS2, having regard to the Framework, I do not consider that the proposal is contrary to the development plan as a whole, given that Policy HO3 is generally permissive of new residential development within defined limits to development. Where a proposed development accords with the provisions of the development plan, Paragraph 14 of the Framework indicates that permission should be granted.
14. There would be some small scale economic benefits from the construction of the proposed bungalow in terms of the investment in its construction and the creation or support of a small number of jobs during the construction period. There would also subsequently be a small amount of additional spending in the local economy by the future occupiers, and some support for the limited facilities that exist in the village. The Framework seeks to significantly boost the supply of housing and the provision of an additional house would provide a modest boost to the housing supply in the area, which would represent a social benefit.
15. Whilst Paragraph 17 of the Framework expects patterns of growth to be actively managed to make the fullest possible use of public transport, walking and cycling and Paragraph 32 seeks to ensure that the opportunities for sustainable transport opportunities have been taken up, this latter is dependent on the nature and location of the site. Paragraph 29 recognises that the opportunities to maximise sustainable transport solutions will vary from urban to rural areas. There are some opportunities for the future occupiers of the development to utilise alternative means of transport but, due to the location of the site in a rural area, the availability of sustainable transport solutions is limited. Although the proposed development would result in a small amount of environmental harm due to the requirement of the occupiers to travel to meet their day to day living requirements, this would not, of itself, significantly and demonstrably outweigh the benefits of the proposal.
16. I have had regard to the previous appeal decision in respect of the site which is referred to by the Council and note that the Inspector in that case did not consider that the proposal met with the principles of sustainability. However, this decision was made prior to the publication of the Framework and within the context of earlier national policy that predates the requirement to consider applications for housing within the context of the presumption in favour of sustainable development. I have, therefore, only given limited weight to that decision.
17. The appellant has referred to a number of appeal decisions, although I would agree with the Council's comments that, as a result of the greater proximity of these sites to either shops service and employment opportunities, or to regular public transport, these are not directly analogous to the case before me.

18. I therefore conclude that the appeal site is a suitable location for a dwelling having regard to the development plan and national policy, and to access to shops, services, and employment opportunities.

Other matters

19. I have considered the comments that the proposed development would set a precedent for other similar developments. However, no directly comparable sites to which this might apply have been identified. Each application and appeal must be considered on its own individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

20. Concern has been raised by third parties in respect of overlooking and loss of privacy, however, there are no detailed designs for the proposed dwellings as the proposal is made in outline. At this stage, I am satisfied that due consideration could be given to the living conditions of the occupiers of neighbouring properties at the reserved matters stage. I note that the Council have not raised any concerns in respect of these points.

21. There is no substantive evidence before me that the proposed development would result in an increase in surface water runoff that would affect adjoining properties.

Conditions

22. Neither party has suggested any proposed conditions. However, from the evidence before me, there is nothing to indicate that anything other than standard conditions would be necessary. As the appeal site is located among other residential properties it is, however, necessary to restrict the hours that construction works can be carried out in order to ensure that the living conditions of the occupiers of these properties are not adversely affected.

Conclusion

23. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted 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 of the reserved matters to be approved.
- 4) Demolition or construction works shall take place only between 07:00 to 19:00 Monday to Friday, 08:00 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.