



Appeal Decision

Site visit made on 22 September 2017

by **Elaine Gray MA(Hons) MSc IHBC**

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

Decision date: 18 October 2017

Appeal Ref: APP/H0738/W/17/3171671 **Infill land, Aislaby, Stockton TS16 0QX**

- 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 M Herring against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 16/2534/FUL, dated 29 September 2016, was refused by notice dated 24 January 2017.
 - The development proposed is residential development for two dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site, in principle, is a sustainable location for the proposed development, having regard to the relevant policies.

Reasons

3. The appeal site forms a largely open plot of land which contains a number of redundant agricultural buildings. The proposal would create two new dwellings.
4. The National Planning Policy Framework (the Framework) sets out, in paragraph 47, that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a five year supply of deliverable housing sites. In the event that an authority cannot demonstrate a five year supply, paragraph 49 of the Framework states that the relevant housing policies should be considered out of date.
5. Where policies are out of date, paragraph 14 provides that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. The Council confirms that it is only able to demonstrate 4.5 year housing supply. In view of this shortfall, the contribution of two dwellings, albeit modest, must be given weight.
6. Paragraph 55 of the Framework states that local authorities should avoid new isolated homes in the countryside. In this particular instance, the proposed new dwellings would be close to existing residences in Aislaby, and would therefore not be 'isolated' in the sense of being remote from other development. However, Policy CS2 of the Stockton-on-Tees Borough Council Core Strategy Development Plan Document (CS) seeks to ensure that all new

- development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles.
7. Aislaby is a predominantly residential settlement whose service provision appears to be limited to a private school bus. Whilst such a service is of undoubted benefit, residents would have to travel out of the village to make use of a wide range of other day-to-day facilities. There is no access to public transport within the village, and so it is necessary to consider the accessibility of the site by walking and cycling. The appellant states the appeal site is located approximately 1.5km from the boundaries of Eaglescliffe, and the Council estimates that the distance to the nearest services would be about 2km. I have been provided with an extract from the 'Guidelines for Providing for Journeys on Foot' document produced by the Institute of Highways and Transportation, which considers 2km to be a preferred maximum distance for 'commuting/school and sight-seeing'.
 8. A walk of 2km would therefore fall within acceptable parameters. However, the distance in itself is only one factor to be considered. I observed on my visit that the road from Aislaby is lightly trafficked. However, the route has little footpath provision for the most part and no street lighting outside the settlements. It is a narrow road whose speed limit is 60mph. These factors would be significant deterrents to anybody wishing to walk to Eaglescliffe on the main road on a regular basis. After dark, or in poor weather, this route would be prohibitively dangerous to pedestrians.
 9. Whilst in the area, I took the opportunity to walk part of the Teesdale Way footpath, which is 1¼ miles to Yarm from Aislaby. Of the stretch I covered, I saw that the route was damp and muddy underfoot in places. Elsewhere, it was rough and unmade, and badly rutted in one area. Whilst no doubt a pleasant route for leisure walks, the conditions I observed on the footpath lead me to conclude that it would simply not be suitable for regular journeys on foot to access day-to-day services.
 10. A distance of 2km is well within acceptable limits for journeys by bicycle. Indeed, during my time in the area, I saw that the road was popular with leisure cyclists. However, given the road conditions outlined above, and the lack of a dedicated cycle lane, I am unconvinced that cycling would be an attractive option throughout the year, and in various weathers, for regular and sustained trips to access employment and other facilities.
 11. Drawing these factors together, I therefore consider that potential future occupiers would not regularly use sustainable modes of transport to access local facilities. Instead, it is highly likely that they would be reliant on the use of the private car to satisfy the majority of day-to-day needs. The proposal would therefore conflict with the aims of CS Policy CS2.
 12. The development would reuse a brownfield site, which is in its favour. The construction phase of the dwellings would also make a contribution, albeit limited, to local economic activity, and future residents would be likely to support services in the adjacent settlements. The development would also contribute to meeting the need for larger detached properties in the area. It would therefore provide some modest social benefits.

13. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Whilst the proposal would provide some benefit in terms of the economic and social dimensions of sustainable development, I have found that the appeal site would not represent a sustainable location for development. Therefore, although the area has an undersupply of housing sites, I conclude, with regard to paragraph 14 of the Framework, that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
14. In support of their case, the appellant refers to recent appeal decisions at Cowpen Bewley and Maltby. The Cowpen Bewley appeal¹ comprised two linked decisions relating to proposals for housing at sites at Manor House Farm. However, the decision states that in those cases, the appeal sites were linked to local services via a footpath that benefitted from lighting along its entire length. Furthermore, a bus stop was available within about 15 minutes' walk from the sites. These elements alone lead me to conclude that the Cowpen Bewley cases are not directly comparable to the circumstances of the appeal scheme before me.
15. The Maltby appeal² related to the residential conversion of an outbuilding. Again, it appears that some facilities were located within the village, close to the appeal site, and that a bus service was available, albeit on a restricted timetable. The decision refers to 'good' connections to cycle networks, but no further detail is available regarding the cycling conditions in that case. I am therefore unable to be certain that the Maltby case represents a direct parallel to the appeal scheme at Aislaby. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence in front of me.
16. My attention has been drawn to the Government document entitled 'Fixing our broken housing market', which indicates that great weight should be given to using small, undeveloped sites within settlements for homes, where they are suitable for residential development. Whilst the appeal site is a small, largely undeveloped site, this circumstance would not outweigh the overarching aim of the Framework to support development that would meet all three dimensions of sustainability.

Other Matters

17. The Council has raised no concerns in terms of the design of the new dwellings, and I agree with that position. I note they would incorporate sustainable features, for example, the use of recycled materials and recycled aggregate. However, these circumstances would not be sufficient to overcome the concerns regarding the overall acceptability of the scheme.
18. The appellant makes reference to ecological and biodiversity benefits that would arise from the planting associated with the proposal. However, little evidence has been provided to quantify these benefits, and so I can afford them only limited weight.
19. Paragraph 55 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities, particularly where development in one location would support nearby services. Whilst future

¹ APP/H0738/W/16/3143709 & APP/H0738/W/16/3143718

² APP/H0738/W/16/3160786

occupants would undoubtedly use local facilities, the benefit to the economy in the neighbouring settlements, whilst welcome, would not be substantial enough to outweigh the harm that would arise from the unsustainability of the appeal site location.

Conclusion

20. For the reasons above, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR