



## Appeal Decision

Site visit made on 2 October 2017

by **S Jones MA DipLP**

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

Decision date: 9<sup>th</sup> November 2017

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**Appeal Ref: APP/H0738/W/17/3177957**

**Land rear of 6 Blenheim Court, Ingleby Barwick, Stockton On Tees TS17 5HU**

- 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 Mrs J Parker against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 15/2623/OUT, dated 28 October 2015, was refused by notice dated 10 March 2017.
  - The development proposed is erection of four dwellings.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The description of the development was subsequently amended and re-publicised by agreement between the parties to erection of three dwellings, and I have proceeded on that basis. The application was in outline with other matters reserved for future consideration. I have treated the indicative plan as illustrative of a possible layout for 3 dwellings.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area and the Leven Valley Special Landscape Area.

### Reasons

4. Blenheim Court is situated on the valley ridge above the River Leven at Ingleby Barwick and is part of the large modern estates that form the settlement. A narrow gated access constrained by adjoining properties leads down to the site which is an open field that falls away at a steep gradient to the river.
5. In general, housing on both sides of the river valley follows the ridge contours a short way above the river and does not come down into the steep and relatively narrow river valley. The adjacent properties on the Ingleby Barwick side follow this pattern as far as the eye can see, and again on the opposite side of the river other settlements or properties were some distance away following the ridge contours and not extending below.

6. Although the final siting of the houses would be determined at reserved matters stage, the site is small and constrained between the river at the bottom and the existing housing at the top, and any incursion over the ridge would be particularly noticeable from developments on the opposite side of the valley. A smaller amount of incursion would still be noticeable if it extended beyond the ridgeline so that moving the proposed dwellings backwards would not necessarily address this. Due to the steep gradient, the introduction of three new dwellings would significantly alter the valley and its present contours and bring development further towards the river. This would intrude considerably into the narrow valley area and harm the open landscape that forms the natural valley sides at this location and still largely surrounds the river as it flows through the area. At this particular location the appeal site falls between a paddock on the west and Bettys Close Farm and another paddock farther east, and so would not relate directly to other existing dwellings. Although in general terms the site would be behind existing houses, it would nevertheless be downhill of them and would not follow the ridgeline in the same pattern as the majority of the settlement at Ingleby Barwick. These factors would result in significant harm to the character and appearance of the area and the Leven Valley Special Landscape Area.
7. Although the local plan has saved policies, these are not necessarily out of date unless they are inconsistent with or fail to reflect the aims of the 2012 National Planning Policy Framework. I am satisfied that these policies are consistent with the Framework as it is clear from the Framework that there is a need to protect and enhance the natural environment and Policy EN7 secures continued protection of valued landscapes and therefore accords with its aims.
8. Nevertheless, local plan policies for the supply of housing may be deemed out of date if a 5 year supply of housing cannot be demonstrated. The Council state that they do have a 5 year housing land supply but did not produce any figures and agreed that under the circumstances, Paragraph 14 of the Framework comes into play. Accordingly, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. I do not have any specific evidence before me linking local employment opportunities or landscaping or minimal waste or pollution generation to the proposal to conclude that these would be benefits. The development would bring benefits in terms of providing 3 new houses contributing to the local economy in a well-established location. However I find that the significant harm caused by the development to the character and appearance of the Special Landscape Area and the area as a whole would significantly and demonstrably outweigh the relatively modest benefits of the proposal.
9. This approach would have been different when applied to the larger development of 17 houses (06/1064/OUT) with creation of country park or nature reserve to which the appellant refers, so that it can be distinguished. Furthermore I note that the proposed housing in that instance would be in the River Tees valley and not encroach into the River Leven valley as this would be the location for the country park/nature reserve instead, reflecting its landscape value. I have also had regard to APP/H0378/A/14/2226575 for 14 houses at a different location, but again note that the scheme comprises significantly more public benefits in terms of the housing contribution.

10. Consequently this development would conflict with policy CS3 (8) of the Stockton on Tees Local Development Framework Core Strategy Development Plan Document and policies EN7 and HO3 of the Stockton on Tees Local Plan and the Framework which together seek to secure high quality development that protects landscape value and reflects its surroundings.

**Conclusion**

11. For the reasons given above I conclude that the appeal should be dismissed.

*S Jones* INSPECTOR