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# Appeal Decision

Site visit made on 6 February 2018

**by John Dowsett MA DipURP DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> March 2018**

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**Appeal Ref: APP/H0738/W/17/3189699**

**Land south of Kirk Hill, Carlton, Stockton on Tees TS21 1EA**

- 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: 17/1383/REV, dated 22 May 2017, was refused by notice dated 23 August 2017.
  - The development proposed is residential development comprising up to 16 no. dwellings.
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## Decision

1. The appeal is dismissed.

## Procedural matter

2. The appeal proposal was submitted in outline with all matters reserved for future approval. Although a plan was submitted that shows a potential site layout and the location of tree planting belts to the south and west of the site, I have treated this as indicative only.

## Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding countryside.

## Reasons

4. The appeal site is an area of approximately 0.74 hectares located to the south of Kirk Hill, the principal road into the village from the west. It is located on the edge of the settlement adjacent to a site that is currently being developed for housing. The site is currently rough grassland with an area of scrub and trees to the south, an established hedgerow forming the eastern boundary, and to the west the boundary is marked by a line of trees.
5. It is common ground that the site lies outwith the development limits for the village defined in the Stockton-on-Tees Local Plan 1997. These development limits relate to housing allocations in that plan covering the period to 2006 and are now somewhat dated. They are, nonetheless, still part of the adopted development plan for the area and are useful in demarcating those areas that are to be considered as the countryside from the built up areas of the borough.

6. Policy CS1 of the Stockton-on-Tees Core Strategy 2010 (the Core Strategy) sets out the spatial strategy for the area and seeks to focus housing development in the conurbation, but also gives priority to the provision of affordable housing in sustainable locations to meet identified needs.
7. Policies CS2 and CS3 of the Core Strategy relate to sustainable transport and sustainable construction respectively.
8. Core Strategy Policy CS10 expects, among other matters, that development throughout the Borough will be integrated with the protection and enhancement of biodiversity, geodiversity and the landscape, and seeks to retain separation between settlements by protecting specific strategic gaps between the conurbation and the surrounding towns and villages, and green wedges within the conurbation.
9. Although the Core Strategy pre-dates the publication of the National Planning Policy Framework (the Framework) these policies are still broadly consistent with the policies in the Framework.
10. Carlton is one of a group of small villages located to the north west of Stockton with the surrounding landscape being largely flat with only small changes in elevation. The landscape is comprised of a pattern of irregularly shaped, small to medium sized agricultural fields, with a scattering of farm buildings, in addition to the villages. Tree cover is generally limited to field boundaries and hedgerows and along the line of watercourses.
11. On the south side of Kirk Hill, Carlton is only separated from the neighbouring village of Redmarshall by two fields, the appeal site forming part of a larger field that has been subdivided. The area of countryside between the villages is not subject to any formal landscape designations, and it is neither within the strategic gap between the Teeside conurbation and the village, nor is it within any of the green wedges in the conurbation identified in Core Strategy Policy CS10. Nonetheless, this small gap forms an important visual break between the two built up areas, the rear of houses on Drover's Lane being clearly visible from the appeal site despite some intervening tree cover. As such this part of the landscape around the village would be particularly sensitive to change.
12. The new housing to the east of the appeal site is set well back from Kirk Hill behind an area of open space. This open space area forms a visual transition from the open countryside to the west into the built up area of the village and contributes to increasing the perceived visual separation between the two villages. The introduction of new housing on the appeal site would both break this visual continuity and diminish the separation between the settlements.
13. At present the western boundary of the village is formed by a substantial hedge that follows the boundary of a former agricultural field that is now being developed for housing. The proposed development would introduce an enclave of housing beyond this existing boundary feature and would significantly erode the open area between the two villages and result in a more urbanised appearance.
14. In order to meet the requirements of the Highway Authority, it would also be necessary to relocate an existing traffic calming feature at the entrance to the village approximately 30 metres to the south west to prevent potential conflicts between vehicles leaving the appeal site and those using Kirk Hill. This

together with its associated lighting and signage would exacerbate the erosion of the visual gap between the settlements by increasing the perceived extent of the settlement.

15. I accept that on the north side of Kirk Hill the dwellings at Green Leas project beyond the extent of development on the south side of the road. However, it does not automatically follow that this western boundary should be replicated. The village of Redmarshall is located entirely to the south of Kirk Hill and Redmarshall Road and to the west of Carlton there is no development north of the line of these roads, other than farm buildings set well back from the road. The visual openness of the countryside on the north side of the road is therefore not affected by the greater extent of the built up area of the village on this side.
16. I am also mindful that the land to the east of the appeal site on which new housing is currently being built is also beyond the development limit for the village. This notwithstanding, from the submitted evidence and from my site visit this site follows a long established field boundary and extends to the same depth as the existing built form. As such it forms a logical and visually robust edge to the village.
17. From the historic maps included in the Design and Access Statement the current western boundary of the appeal site was established at some time after 1987 and appears as a somewhat arbitrary subdivision of an older field pattern. Whilst the proposal may re-establish a historic field boundary to the south, due to the substantial area of planting proposed beyond the western boundary of the appeal site it would perpetuate and re-inforce the later subdivision that is inconsistent with the historic field boundaries in the wider area. I also saw when I visited the site that large blocks of woodland and shelter belts are not characteristic of the surrounding landscape, which is primarily open farmland with trees present mainly as linear features within field boundaries. The proposed perimeter landscaping would introduce a further feature that would be inconsistent with the prevailing landscape structure.
18. Although there are some trees present on the existing boundaries of the appeal site these would not provide any significant degree of screening to the new housing. The proposed additional planting would necessarily take some years to become established and would do little to screen the development in views from Redmarshall in the intervening period.
19. Overall I do not consider that the proposal would integrate well with either the existing built form of the village or the surrounding landscape as required by Core Strategy Policy CS10. Whilst there is no inherent conflict with Policy CS10(3), taken as whole, the Policy expects new development to protect and enhance the environment. The proposed development would cause harm to the character of the landscape and surrounding countryside as a result of its location, the erosion of the gap between the settlement and the inconsistency with the prevailing landscape features. As such it would not comply with Policy CS10 when taken as a whole.
20. I therefore conclude that the proposed development would cause harm to the character and appearance of the surrounding countryside. It would not comply with the relevant requirements of Policy CS10 of the Core Strategy. It would also be inconsistent with the requirements of the Framework which seeks to

- ensure that new development is integrated with the natural and built environment and the intrinsic character of the countryside is recognised.
21. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration and Paragraph 49 requires that the proposals for new housing be considered in the context of the presumption in favour of sustainable development.
  22. The conflict with the development plan and the harm that would be caused to the character and appearance of the surrounding countryside weigh very heavily against the proposal.
  23. The Council accepts that it does not have a deliverable five year supply of housing land. There are some limited facilities in the village and there are hourly bus services to the Teeside conurbation from bus stops near the appeal site. It is not argued by the Council that the appeal site is an unsuitable location in terms of access to shops, services and employment opportunities. I note that there is interest in the site from housing developers and that there is a strong likelihood that the site would be developed if planning permission is granted. The development of the appeal site would therefore make a small contribution towards meeting that supply. However, as the Council have a 4.5 year housing land supply, the shortfall is not severe and I, consequently, give only moderate weight to this point.
  24. There would also be some economic benefits arising from both investment in the construction of the dwellings and spending in the local economy by the future residents. This also weights moderately in favour of the proposal
  25. An increase in population could contribute to the social life of the village and the proposed screen planning would have a bio-diversity benefit, although the precise extent of these is difficult to quantify due to the limited detail in the proposal and as such I give this little weight.
  26. As part of the appeal submission I have been provided with a copy of a unilateral obligation that sets out financial contributions towards open space and education provision and makes provision for the delivery of affordable housing. The unilateral obligation whilst signed, is not dated and does not have the plan referred to in the obligation appended to it. There are also minor drafting errors in Paragraph 2.1 which cites a different planning application reference number to that of the appeal proposal, and in Paragraph 1.6 of the Second Schedule, which has missing dates. The unilateral obligation is not complete and is flawed, and it is not within my powers to correct this. Consequently, I can give no weight to the obligation.
  27. The proposal makes provision for up to three affordable housing units, however, there is no mechanism in place that would secure their delivery and I can give little weight to this.
  28. The principal benefit of the scheme that has been identified is the provision of additional housing where there is not a five year supply of housing land. Although, the Framework seeks to increase the supply of housing, this is not an objective that is to be pursued at all costs. Whilst the proposal would increase the housing supply, it would also result in substantial and long lasting harm to

the character and appearance of the surrounding countryside. The Council have a housing land supply of 4.5 years and so the shortfall in potential housing delivery is not acute. I have had regard to the appellant's point that 107 dwellings have been identified as being required in the rural area of the Borough. I am, however, mindful that there is not a requirement for all of these new dwellings to be in Carlton and that since that figure was identified planning permission has been granted on the adjacent site for 61 dwellings.

29. Within this context, I have no evidence that there is such a compelling need for new housing that would justify the great harm that the development of this site would cause to the character and appearance of the countryside. The adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal, and consequently the appeal must fail.

### **Conclusion**

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

*John Dowsett*

INSPECTOR