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# Appeal Decision

Site visit made on 19 June 2018

by **Michael Moffoot DipTP MRTPI DipMgt**

an Inspector appointed by the Secretary of State

Decision date: 28th June 2018

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**Appeal Ref: APP/H0738/W/17/3189499**

**1 Leven Bank Road, Yarm TS15 9JL**

- 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 & Mrs M Parker against the decision of Stockton-on-Tees Borough Council.
  - The application Ref: 16/2339/OUT, dated 8 September 2016, was refused by notice dated 11 August 2017.
  - The development proposed is 'outline application for the construction of a detached bungalow, attached annexe and garaging'.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The application is made in outline form with all matters other than access and layout reserved for future approval.

## Main Issues

3. The main issues in this case are:
  - (i) whether the proposed development would be in an accessible location having regard to national policies which seek to achieve sustainable development; and
  - (ii) the effect of the proposal on the character and appearance of the area, including the Leven Valley Special Landscape Area (SLA) and 'Green Wedge'.

## Reasons

4. The triangular appeal site comprises an elevated parcel of open paddock land with frontage and access to the busy A1044 Leven Bank Road between Yarm and Ingleby Barwick. The existing access would be closed off and a new one formed to serve the proposed dwelling and the appellants' adjacent property, together with the provision of a short section of footway to the east and west of the new entrance.
5. The Council cannot demonstrate a five-year supply of deliverable housing land as required by the *National Planning Policy Framework* ('the Framework'). As such, relevant policies for the supply of housing should not be considered up-to-date and the proposal must be assessed in relation to the presumption in

favour of sustainable development. The Framework adds that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

6. The appeal site lies within the settlement development limits as identified in the *Stockton-on-Tees Local Plan (1997)* where residential development may be permitted under the provisions of saved Policy HO3. This weighs in favour of the appeal proposal, although I agree with the parties that the settlement limits cannot be relied upon given the shortfall in housing land supply in the Borough.
7. Under the provisions of Policy SD5 of the emerging Local Plan<sup>1</sup> the site lies within a 'Green Wedge' (rather than an SLA), where the open nature, green infrastructure benefits and separation between built-up areas will be protected and enhanced to ensure local identity and character are preserved. The formal Examination of the Local Plan is currently under way and in these circumstances I attach limited weight to the policy since it may be subject to change.

#### *Sustainable development*

8. Within the vicinity of the appeal site existing housing comprises sporadic development in the countryside, and includes two dwellings to the immediate east of the land and two substantial houses in large grounds to the south. Other scattered housing is situated towards and within the valley floor to the east together with a cluster of residential properties adjacent to Leven Bridge and an adjacent chalet development at Leven View Residential Park, with the fringe of Ingleby Barwick beyond. The built-up edge of Yarm lies some 400m to the north-west of the site, where this part of the town includes food stores, primary and secondary schools, a train station, petrol filling station and public open space. The town centre is further north and offers a wider range of services and facilities. Other facilities are located in Ingleby Barwick some distance to the north-west.
9. In terms of accessibility, the site is on a public transport route with a bus stop to the front and another to the east at the bottom of Leven Bank, which between them connect to Yarm, Stockton and Middlesbrough. The proposal makes provision for a footway to the nearest (eastbound) bus stop and there is an overgrown path of sorts leading to the other (westbound) bus stop on Leven Bank. However, this section of the road is unlit and heavily trafficked, and the evidence suggests that the occupiers of the proposed dwelling are unlikely to use public transport on a regular basis to reach local services and facilities.
10. Furthermore, given these shortcomings and the distance to the nearest services and facilities, access to these destinations from the site by foot and bicycle is unlikely to be an attractive option in the absence of a connection to the local footway network and segregated cycle paths, particularly during inclement weather. Although the retirement village near to the site will have a GP surgery and 'a range of shops', connectivity to it from the appeal site would not be conducive to those on foot or two wheels.

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<sup>1</sup> *Stockton-on-Tees Publication Draft Local Plan (2017)*

11. Realistically therefore, the occupiers of the new dwelling would be heavily dependent upon private vehicles to reach Yarm and other destinations beyond for day-to-day shopping needs, schooling and employment opportunities. In this respect the proposal is not in a sustainable location and conflicts with objectives in the Framework which seek to reduce pollution and minimise reliance upon the private transport by actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.
12. It is argued that as the appeal proposal would bring two generations of the family under one roof and retain the existing dwelling adjacent to the site within the extended family, vehicle trips between existing family properties in the area would be reduced. This may well be the case, but there would still be a heavy reliance on the private car by various family members given the shortcomings of alternative forms of access to services and facilities.
13. However, accessibility is only one component of sustainable development, and it is necessary to consider the proposal in the context of the need for planning to perform economic, social and environmental roles.
14. The proposal would make a modest contribution to the local economy during the construction phase in terms of employment and the provision of materials, and thereafter through the use of local services and facilities by the occupiers of the dwelling. In social terms, the proposal would increase housing choice and availability with the sale of the family's existing properties, and there would be some benefits to the extended family by effectively living on one site.
15. The proposal would therefore offer modest economic and social benefits together with access to public transport, albeit limited. These factors weigh in favour of the scheme. However, given the location of the site some distance from local services and facilities the occupiers of the proposed dwelling would be largely reliant upon private cars to reach these facilities, which weighs heavily against the proposal. Overall, I am not satisfied that the proposal would amount to sustainable development.

#### *Character and appearance*

16. The northern boundary of the site adjoins a well-established belt of predominantly coniferous trees and the southern boundary to Leven Bank Road is defined by trees and hedging. The eastern boundary adjoins the remainder of the paddock with open land beyond which falls down to the Leven Valley.
17. Here, the SLA is designated for its particular quality and attractiveness due to the use, form and features of the land, where saved Policy EN7 of the Local Plan does not permit development which harms its landscape value. Saved Policy HO3 permits housing within the 'Limits of Development' provided that, amongst other things, it is sympathetic to the character of the locality. Policy CS10(3ii) of the Core Strategy<sup>2</sup> seeks to maintain the quality of the urban environment and separation between settlements through the protection and enhancement of the openness and amenity value of the (undefined) Leven Valley 'Green Wedge' between Yarm and Ingleby Barwick. These objectives are consistent with one of the core principles of the Framework which requires planning to recognise the intrinsic character and beauty of the countryside.

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<sup>2</sup> Stockton-on-Tees Core Strategy Development Plan Document (2010)

18. In a 2006 appeal decision for a dwelling on the site<sup>3</sup> the Inspector noted that it lies within an area of attractive countryside between Yarm and Ingleby Barwick and the small number of existing buildings did not seriously compromise the openness of the SLA. In a subsequent appeal decision<sup>4</sup> the Inspector noted many small pockets of development within the SLA and found little to distinguish the appeal site from land immediately associated with small pockets of development in the area. He concluded that the proposed dwelling would cause harm to the landscape by consolidating development in the open area. The Inspector was also concerned that accepting development in close proximity to other houses would make similar developments associated with the other pockets of housing more difficult to resist.
19. Since these decisions new development has been permitted in the general vicinity of the appeal site, including an extensive retirement village to the north and a country club and spa to the south. The appellants submit that these developments greatly diminish the significance of the SLA, which they argue is reflected in the Council's decision to exclude the Leven Bank SLA designation from the emerging Local Plan. However, I note that the landscape value of the Leven Valley is proposed to be safeguarded by a further 'Green Wedge' designation in the emerging Plan. This reflects the Council's continuing commitment to protection of the valley, which in the meantime is safeguarded in the current Development Plan as an SLA and Green Wedge.
20. It is argued that the appeal site has a distinctly different character to other parts of the SLA. I do not agree. Whilst the river corridor is a major component of the SLA, the surrounding land at higher level, including the appeal site, is an important feature which significantly enhances the character and setting of the SLA.
21. The submitted site plan shows a dormer style dwelling with a single-storey residential annexe and a double garage together with a new access and drive. Views of the development from Leven Bank Road would be filtered by boundary trees and hedging, but it would be prominent when the foliage thins out during the autumn and winter months. Moreover, it would be likely to be several years before the additional landscaping would provide the degree of maturity and screening to offset the visual impact of the development.
22. The proposed development would be perceived as a random addition to scattered housing in an otherwise open area of countryside. Domestic paraphernalia around the property and parked vehicles would add to the visual impact. In conjunction with the adjoining dwellings at Nos 1 and 2 Leven Bank Road, it would consolidate sporadic development to the detriment of the area's character and appearance and the landscape of the SLA and Green Wedge.
23. In reaching this view, I acknowledge that existing development in the SLA has had some impact on its openness and landscape value, and there is no doubt that other recently permitted development within the SLA and Green Wedge will significantly erode its open character, and in particular the large retirement village and the country club and spa I have referred to. Nevertheless, the remaining SLA/Green Wedge would continue to make an important contribution to the landscape character and quality of the area.

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<sup>3</sup> APP/H0738/A/06/2025547

<sup>4</sup> APP/H0738/W/15/3121562

24. The proposed dwelling and garage would consolidate development in an area characterised by sporadic buildings in otherwise open countryside. As such, the scheme would materially harm the character and appearance of the area, including the Leven Valley SLA and Green Wedge, in conflict with saved Policy EN7 of the Local Plan and Policy CS10(3ii) of the Core Strategy. These findings weigh heavily against the proposed development.
25. Whilst I have determined this appeal on its individual merits I have borne in mind the need to avoid creating a precedent for development of other sites in the SLA, since it is only by consistency of decisions on small applications such as this that the character and appearance of the SLA/Green Wedge and its aims can be safeguarded from piecemeal erosion and harm.

### **Other Matters**

26. My attention has been drawn to a number of other appeal decisions in the Borough where matters including the sustainability of the proposals were considered, and in particular accessibility. I have had regard to these decisions insofar as they raise similar issues to the proposal before me, but I have reached my conclusions based on the specific circumstances of the case.
27. The appellants have indicated that account should be taken of the potential fall-back position relating to permitted development rights for a domestic outbuilding on the site. Whether or not such works would be permitted development is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It would be open to the appellants to apply for a determination under sections 191/192 of the Act to determine this matter, and any such application would be unaffected by my determination of this appeal. Furthermore, there is no clear evidence that the appellants would carry out any such development.
28. The development would be a self-build project, which is encouraged by the Framework and the *Planning Practice Guidance* and this aspect of the appeal proposal is a material consideration which attracts limited weight in favour of the proposal, as does the improved access.
29. Reference is made to the 'good' design of the proposed dwelling, but as the application is in outline form with only limited details at this stage I am unable to reach a view on this matter.

### **The planning balance and overall conclusion**

30. The Framework contains a presumption in favour of sustainable development with reference to the three dimensions: economic, social and environmental.
31. The factors in favour of the appeal proposal include: the location of the site within the settlement development limits; the modest but nevertheless useful contribution that an additional (and self-build) dwelling would make to meeting the shortfall of housing land provision in the Borough; and the limited, albeit positive weight to be accorded to the accessibility of the site by means other than the private car. Moderate economic and social benefits would also arise.
32. On the other side of the coin the proposal would introduce a new dwelling into open countryside which is locally designated for its landscape value and is not, overall, in a sustainable location notwithstanding some of the sustainability benefits I have described. In harming the character and appearance of the

area, including the SLA and Green Wedge, it would conflict with Policy EN7 of the Local Plan and Policy CS10(3ii) of the Core Strategy.

33. I therefore conclude that the adverse environmental impacts of proposed development significantly and demonstrably outweigh the limited social and economic benefits of the scheme. When considered as a whole, the proposal would not comprise a sustainable form of development. As such, planning permission should not be granted according to the Framework and the Development Plan, and the appeal is therefore dismissed.

*Michael Moffoot*

Inspector