



Appeal Decisions

Site visit made on 25 June 2018

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2018

Appeal A Ref: APP/H0738/W/18/3193538

The Carrs Angling Lakes, Letch Lane, Carlton, Stockton-on-Tees TS21 1EB

- 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 Thomas Andrew of The Carrs Angling Lakes against the decision of Stockton-on-Tees Borough Council.
 - The application Ref: 17/2032/OUT, dated 31 July 2017, was refused by notice dated 4 October 2017.
 - The development proposed is the erection of a machinery/office building.
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Appeal B Ref: APP/H0738/W/18/3199511

The Carrs Angling Lakes, Letch Lane, Carlton, Stockton-on-Tees TS21 1EB

- 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 Thomas Andrew of The Carrs Angling Lakes against the decision of Stockton-on-Tees Borough Council.
 - The application Ref: 17/2636/REV, dated 21 October 2017, was refused by notice dated 15 December 2017.
 - The development proposed is the erection of a machinery building.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of a machinery/office building at The Carrs Angling Lakes, Letch Lane, Carlton, Stockton-on-Tees TS21 1EB in accordance with the terms of the application, Ref: 17/2032/OUT, dated 31 July 2017, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for the erection of a machinery building at The Carrs Angling Lakes, Letch Lane, Carlton, Stockton-on-Tees TS21 1EB in accordance with the terms of the application, Ref: 17/2636/REV, dated 21 October 2017, subject to the conditions in the attached schedule.

Procedural matters

3. The development proposals were submitted in outline with all matters reserved for future approval. A plan showing a building was submitted with Appeal B

but as scale and appearance were matters reserved for future approval, I have treated this as indicative only.

4. As there are other properties accessed from Letch Lane, in the interests of clarity, I have added the name of the business to the address.
5. As set out above there are two appeals on this site. Whilst each scheme proposed the erection of a building at the appeal site, they differ in the extent of the proposed total floor area and the proposed use of the building. The proposal which is the subject of Appeal A includes an element of ancillary accommodation and would have a total floor area of 420m², of which 180m² would comprise office space a reception area and ancillary facilities. It is suggested that some or all of this latter floorspace could be accommodated on an upper level, maintaining a building footprint of 240m². The proposal that is the subject of Appeal B omits these additional facilities and would have a floor area of 240m². This building would be solely used for the storage of machinery. In addition, it is stated that the proposed building that is the subject of Appeal B would total height of approximately 5 metres compared to approximately 6 metres total height for the building proposed by Appeal A. The reason for refusal is identical for both proposals. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
6. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and replaced the version published in 2012. None of the revisions to the Framework materially affect the issues in this appeal, however, for clarity, references to the Framework in this decision are to the National Planning Policy Framework 2018.

Main Issue

7. The main issue in both appeals is the effect of the proposed development on the character and appearance of the surrounding landscape.

Reasons

8. Taken together Policies CS3 and CS10 of the Stockton-on-Tees Core Strategy 2010 (the Core Strategy) expect new development to make a positive contribution to the local area and to be well integrated with the landscape. Saved Policy EN13 of the Stockton-on-Tees Local Plan 1997 allows for development outside of the defined limits to development where this would not harm the character and appearance of the countryside and is for one of a number of specified purposes which include, among others, development for sport and recreation purposes. It is common ground that the appeal site lies beyond the limit to development for Carlton and that the appeal proposals are development in connection with the recreational use of the site. It is also not in dispute that the current use of the site is an established and viable business.
9. The appeal site is part of a larger area of land which contains four recreational fishing lakes located adjacent to the village of Carlton. The appellant has advised that a fifth lake is to be created in the future adjacent to the appeal site. The appeal site is low lying with the terrain rising towards the village and towards Letch Lane where it runs to the south of the site. Immediately to the north of the appeal site is a small pond bounded by trees. The area of the

- wider site surrounding the appeal site currently consists of rough grazing land with a dense scrub cover. The fishing lakes to the north east are surrounded by a large number of well established trees.
10. The wider site is separated from Letch Lane to the west by a high hedgerow and a further hedgerow runs along the southern boundary of the wider site, separating it from an agricultural field which bounds Letch Lane to the south. A further established hedgerow and tree line runs parallel to Letch Lane at this point.
 11. To the north of the appeal site, tall well established trees follow the line of the Letch Beck separating the wider site from the houses on Chapel Gardens and the agricultural land behind them. Opposite the entrance to the wider site, fronting Letch Lane, is a large metal clad building and associated yard area housing a farm machinery sales and maintenance company.
 12. The appellant states that following a previous appeal relating to a dwelling and storage building on a different part of the site¹ it was agreed with the Council that a floor area of approximately 240m² was an appropriate size for a machinery store taking account the size of the site and the nature of the business, although there is nothing that reflects this in the decision on that appeal and no formal acknowledgement from the Council that this is the case. The Council contend that each of the buildings proposed are of a substantial scale and include aspects that are not necessary to the scale and nature of the existing business, however, it has submitted no substantive evidence in respect of why the proposed size is inappropriate or which elements of the proposal are not necessary given the current scale of the business.
 13. The appellant has submitted various photographs of the equipment and supplies that are used at the site and which are currently stored elsewhere. I saw when I visited the site that there is presently only a small steel container next to the car park which contains limited toilet facilities and that there is no other on site storage, office or visitor facilities. The Council acknowledge that a tool and machinery store may be considered to be acceptable where it is designed to be sympathetic to the rural surroundings. Given the current extent of the site and the extensive planting around the existing lakes and car park that will, along with the fishing lakes themselves, require maintenance, I am satisfied that on site storage of maintenance equipment and machinery is justified.
 14. The appellant has also stated that the office for the business is currently located off site and that the provision of the additional facilities proposed by Appeal A would allow for more efficient management of the fishing lakes and provide better visitor facilities which would allow for the continued development of the business. From what I saw when I visited the site, given the current scale of the operation and the very limited visitor facilities presently available, and in the absence of any evidence to the contrary, I can find no reason why the additional facilities proposed by the scheme in Appeal A would not be warranted.
 15. The proposed building in each case would be set approximately 200m from Letch Lane to the west. Due to its low lying position and the height of the trees and hedgerows in the area, there is little visibility of the appeal site from

¹ Appeal Reference: APP/H0738/W/16/3158924

- most public view points. I accept that it would be visible through the gap in the boundary hedge where the access road joins Letch Lane, however, the views for both motorists and pedestrians would be fleeting. The proposed building would be more visible from the Public right of Way that runs across the wider site and passes the appeal site. Nonetheless, I observed when I visited the site that although this is signposted, the section of the Public Right of Way that is closest to the appeal site showed little sign of regular use.
16. Consequently, although both proposed buildings would be quite large, as the appeal site is not visually prominent, the effect on the appearance of the wider countryside of either proposal would be small and restricted to relatively close range views.
 17. I note the Council's point in respect of the high landscape and visual sensitivity for the site, however, no evidence has been submitted which identifies the factors that contribute to this sensitivity or how they would be affected by the proposed development. I saw when I visited the site the significant tree planting that has been undertaken by appellant around the current fishing lakes and I note that in his statement in respect of Appeal A the appellant suggests further screen planting in the vicinity of the building could be provided. Further screen planting is specifically proposed as part of Appeal B. Whilst it would take some time for any new screen planting to become established, in combination with the low lying nature of the site and the present degree of screening provided by the hedgerows on the boundary of the site and by the tree screening to the south beside Letch Lane, this would assist in integrating the development with the surrounding landscape.
 18. Although I accept that the Inspector who determined the previous appeal for a dwelling and a machinery store at the fishery found harm would be caused to the landscape from the proposal, I note from the evidence submitted by the appellant that these buildings were to be located much closer to Letch Lane and adjacent to the access to the fishery. As a consequence, the proposed buildings would have been much more visually prominent than the appeal proposals and I do not consider that this earlier proposal is directly comparable to the cases that are before me.
 19. Due to the outline nature of the proposals, little detail has been provided in respect of the proposed building in either appeal. I note that the indicative drawing submitted with the proposal that forms the subject of Appeal B shows a fairly typical, modern, portal framed building. Such buildings are not uncommon in countryside settings and, indeed, the farm machinery depot opposite the entrance to the fisheries takes this form. I also observed when I visited the site that there are other farm buildings not far from the village that are of a similar scale to those proposed by the appeal schemes. Although I have had regard to the Council's point that farm buildings are more often found in groups, this is not exclusively the case. Within this context I do not find that a building of the height and footprint proposed by either appeal would cause harm to the character and appearance of the surrounding landscape. I am also satisfied that the external appearance and materials can be addressed through a subsequent reserved matters application.
 20. Whilst the Framework seeks to ensure that the intrinsic character and beauty of the countryside is recognised and enhanced, it also supports the sustainable growth and expansion of all types of businesses in rural areas and sustainable

leisure developments which respect the character of the countryside. It is not in dispute that the existing fishing lakes are an established business in the area or that further expansion and development of the business could not be supported. Consequently, I do not find any fundamental conflict with the requirements of the Framework.

21. I therefore conclude that the proposed developments would not cause harm to the character and appearance of the surrounding countryside. They would comply with the relevant requirements of Core Strategy Policies CS3 and CS10 and saved Policy EN13 of the Local Plan.

Other matters

22. Whilst concerns have been raised in respect of setting a precedent for future developments at the wider fisheries site, any future developments would have to form the subject of a further application or applications for planning permission that would be considered on their own merits. I do not consider that allowing this appeal would make it more difficult for the Council to resist further applications for other forms of, as yet unspecified, development. A generalised concern of this nature is not sufficient to warrant withholding planning permission in this case.

Conditions

23. Neither party has suggested any conditions that may be required in the event that the appeals were to be allowed. In addition to the standard conditions relating to commencement and the time period for the submission of reserved matters, due to the more sensitive countryside location, it is necessary to impose conditions requiring details to be submitted of the proposed materials to be used in the construction of the buildings. For the same reason it is also necessary to require that details of a landscaping scheme be submitted for approval and subsequently implemented. As the appeal proposals were submitted in outline with all matters reserved, it is necessary to set the parameters of the development allowed and, consequently, I have also attached a condition to each restricting the footprint and height of the building to those set out in the supporting statements submitted with the planning applications. None of these requirements is particularly contentious or unusual.

Conclusion

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

John Dowsett

INSPECTOR

Schedule of conditions for Appeal A Ref: APP/H0738/W/18/3193538

- 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) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The total gross floor area of the development hereby permitted shall not exceed 420m². No element of the building shall exceed 6 metres in height as measured from the original ground level prior to the commencement of development.

Schedule of conditions for Appeal B Ref: APP/H0738/W/18/3199511

- 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) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The floor area of the development hereby permitted shall not exceed 240m². No element of the building shall exceed 5 metres in height as measured from the original ground level prior to the commencement of development.