



Appeal Decision

Site visit made on 22 July 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/H0738/W/19/3222759

Elton Manor, Darlington Road, Elton TS21 1AG

- 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 Mark Page against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 18/0580/OUT, dated 7 March 2018, was refused by notice dated 22 November 2018.
 - The development proposed for outline planning permission with all matters reserved apart from access for up to four dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mark Page against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. For the sake of brevity and clarity I have used in the banner heading the description of development as provided in the Council's decision notice.
4. Outline planning permission is sought with all matters reserved except access. I have determined the appeal on this basis.
5. Since the submission of the appellant's appeal, the Stockton-on-Tees Borough Council Local Plan 2019 (LP) has been adopted and I have therefore assessed the appeal on this basis. Policies of the LP were included in the Council's report and decision notice, and therefore I do not consider any of the parties have been unduly prejudiced in the manner in which I have proceeded with the appeal.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the surrounding area and whether the proposal would be in a suitable location with particular regard to services.

Reasons

Character and appearance

7. The area immediately surrounding the appeal site is characterised by large properties on plots which front onto roads. Whilst the pattern of development

in the wider village of Elton is mixed, within the immediate area of the appeal site the built form remains uniform in a linear form with properties fronting onto the highway. This linear pattern of properties in the area surrounding the appeal site makes a positive contribution to the character of this part of the village.

8. The proposal to the rear of Elton Manor would be at odds with the existing spatial pattern of development in the immediate area. The properties would not front onto the highway which would conflict with the linear built form of adjacent properties that face the road. The location of the proposed properties would therefore have a detrimental effect on the character and appearance of the immediate area.
9. It has been described that the village of Elton has developed in an ad-hoc manner with infill development closing gaps in between buildings and the village having a mixture of styles and materials. There are a number of back land developments including the Juniper Grove estate which make up the mixed character of the overall village. However, these developments are mainly found in the east part of the village, whereas the west part of the village particularly near the appeal site, retains much of its linear vernacular. The appellant has stated that around 37% of the houses in the village do not front onto the main road. This figure clarifies that the majority of the properties in the village do have a road frontage which is more evident within the area around the appeal site. On this basis, the proposed development would detract from the linear character of the part of the village where the appeal site is located.
10. The appeal site is not located within any specific landscape designation. The site is mainly screened from views from the main highway however it is prominent from views from nearby properties. The proposal would result in the loss of an open area that contributes to the existing pattern of development. The proposed scheme would introduce an incongruous development that would have a detrimental effect on the appearance of the area.
11. I have had regard to the appellants statement of case and appendices including comments made regarding the previous appeal decision¹ and the Inspectors expertise on landscape character. I have assessed the proposal subject of this appeal on its own merits from the evidence that has been presented to me.
12. For the reasons given above, I find that the proposal would have a harmful effect on the character and appearance of the surrounding area and would be contrary to Policy SD5 of the LP and the National Planning Policy Framework (the Framework) which seeks to ensure the conservation and enhancement of the environment.

Suitability of location

13. The appeal site is located within a village which is detached from other settlements in the area by open countryside. The appellant has demonstrated that there are a number of employment uses within the village however, there are few services and public facilities. The future occupants of the proposed properties would therefore be reliant on services from other settlements.

¹ Planning Appeal Reference: APP/H0738/W/16/3151064

14. The appellant has identified an extensive list of the range of facilities in adjacent settlements which can be accessed by footpath from the appeal site. The distance to the facilities is substantial with the nearest being described as the One Stop convenience store, some 1970 metres from the appeal site. The footpath leading to these facilities do have dropped kerbs and tactile paving in places and the National Cycle Route forms part of the route however, there are sections of the public highway which are unlit and would not be a desirable walk or cycle route, particularly during hours of limited daylight. There are bus stops within close proximity to the site, in which it has been indicated that there is a service which runs on a Wednesday and a Friday. This service is infrequent and future occupiers of the proposed dwellings would likely be tempted to use private motor vehicles, particularly on those days other than Wednesday or Friday. There is another bus service which runs through Hartburn which is approximately a kilometre away from the appeal site. Given the distance to this bus service in Hartburn, I am not convinced that future occupiers of the proposed properties would use this service on a regular basis. I acknowledge that there appears to be a school bus service for children however, I still consider that future occupiers of the proposed development would be less likely to walk, cycle or use the bus for everyday trips and be more reliant on the use of private motor vehicles.
15. The number of journeys generated by four dwellings would be relatively limited and the Framework does recognise in paragraph 103 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, given the above factors, the proposal would still be likely to result in the majority of journeys being made by private motor vehicles, with the associated cumulative negative effects in terms of emissions and air quality. Therefore, the proposal would not be suitably located with regards to services. The proposal fails to comply with Policies SD1 and SD3 of the LP and the Framework which seeks to promote development and the distribution of housing in the most sustainable way.
16. I have had regard to the appeal decisions² referred to in the appellants statement of case. In each of these decisions, the Council had accepted that they were unable to demonstrate a five-year supply of deliverable housing sites which was a contributing factor in the assessment of these appeals. The Council have indicated for this proposal that a five-year housing land supply can be demonstrated, and this has not been disputed by the appellant. I therefore do not consider that the appeal decisions² represent a direct comparable to the appeal proposal. In any case, I have determined the appeal on its own merits.

Other matters

17. The appellant has indicated that there have been no accidents involving pedestrians in the area for an eight-year period, with only one minor accident involving a cyclist which was reported as "very low". The appellant concludes that the proposal would not adversely affect road safety in the vicinity and the highway impact would not be severe. This matter however would not outweigh the harm I have identified in the main issues.

² Appeal references: APP/H0738/W/17/3172202; APP/H0738/W/15/3129660; APP/H0738/W/16/3143709; APP/H0738/16/3143718; APP/H0738/W/15/3133384.

18. I note the appellant has undertaken extensive pre-application advice with the Council and is also critical of the way Officers have dealt with the planning application. There is also reference to civil action from a third party. These matters however, do not alter my assessment of the planning merits of the scheme.

Conclusion

19. I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Chris Baxter

INSPECTOR