



Appeal Decision

Site visit made on 23 July 2019

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 26th September 2019

Appeal Ref: APP/H0738/W/18/3218308

18 Houghton Banks, Ingleby Barwick, Stockton-on-Tees TS17 5AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Harker against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 18/1925/RET, dated 06 September 2018, was refused by notice dated 05 November 2018.
 - The development is described as proposed change of use from open land to residential curtilage and erection of 1.8m high close boarded timber fence. (Retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application sought permission for a change of use on land which is designated as green wedge but which has now been incorporated into the garden of No 18. I have therefore determined the appeal on the basis that retrospective permission is sought for the change of use of the land which has already been implemented.
3. In January 2019, after the Council determined the application, it adopted the Stockton-on-Tees Borough Council Local Plan (the LP). The Local Plan was at an advanced stage when the application was determined and the emerging policies were listed in the reasons for refusal. I am therefore satisfied that both parties were aware of, and have had the opportunity to comment on, the policies contained within it and which have now been adopted.
4. The site visit procedure was altered from an access required site visit to an unaccompanied site visit as, although the appellant was not present when I arrived at the appeal site during the pre-arranged period, I am satisfied that I was able to see all I needed to from public land.

Main Issue

5. The main issue is the effect of the change of use of the land on the character and appearance of the area, including Bassleton Beck Valley Green Wedge.

Reasons

6. No 18 Houghton Banks is a 2 storey detached dwelling at the edge of a residential area. The appeal site is a narrow strip of land immediately adjacent to the boundary of No 18, extending beyond the edge of the housing estate. It

is in an elevated position in Bassleton Beck Valley green wedge, an extensive area of undeveloped green space that separates Ingleby Barwick and Thornaby.

7. Green wedges serve a range of functions including maintaining the separation between, and local character of, the different built-up areas within the conurbation, providing recreational opportunities, and supporting ecological networks. Policy ENV6 of the LP sets out that development within green wedges will only be supported provided it meets one of a limited number of criteria, including where it would not result in the coalescence of built-up areas or adversely impact on local character.
8. In this case, the abrupt change in character where the built form meets the green wedge creates a strong and well-defined edge to the settlement. Viewed from the appeal site, the green wedge in this location has the appearance of wooded countryside with scattered areas of rough grassland and scrub. Formal pathways and desire lines through the area appear to be well used for recreational purposes and the range of habitats present in the green wedge are likely to support wildlife, including pollinating insects and birds.
9. The appeal site is relatively small in the context of the green wedge as a whole. The change of use has not significantly reduced the separation between Ingleby Barwick and Thornaby and it has not compromised the function of the green wedge in maintaining separation between the built-up areas.
10. However, the green wedge provides other important functions, including protecting local character. While the change of use is not visible from ground level within the settlement, it will be visible from nearby first floor windows that overlook the green wedge. Moreover, it is visible from within the green wedge, including the well-used recreational path which runs along the bottom of the bank to the rear of the settlement boundary at this point.
11. The settlement has a continuous and smooth edge in this location, formed by the boundary treatments of the residential properties that abut the green wedge. As a result of the similar design and uniformity of the building line, the edge of the settlement has a harmonious character and appearance. The appeal scheme juts forward from the established built edge, disrupting the otherwise coherent settlement boundary. By virtue of its siting, design and uncharacteristic extent of fencing, it has an awkward relationship with the edge of the settlement. It is a visually obtrusive and incongruous feature that does not relate well to the appeal property, the settlement or the green wedge. Consequently, it does not maintain, or make a positive contribution to, the character of the area.
12. The scattered scrub in the green wedge near to the appeal site does not screen the scheme from view. I have considered whether the adverse effects of the scheme could potentially be mitigated by landscape planting. However, there is little before me to demonstrate what planting, if any, could be achieved on the green wedge side of the boundary fence or that this could be controlled by planning condition. Moreover, given the concerns of the appellant in relation to the encroachment of vegetation into his property from the adjacent land, I am not persuaded that any meaningful screen planting could be secured at this site. Vegetation is in any case not permanent and should not be relied upon to hide inappropriate development from view.

13. In addition to the protection afforded to green wedges, Policy ENV6 of the LP seeks to restrict development in areas designated as open space, with certain exceptions including where the land is surplus to requirements or the loss would be replaced by equivalent or better. In this case, it has not been demonstrated that the appeal site is surplus to requirements and there is little before me to demonstrate that the loss would be compensated.
14. The Council is concerned that the change of use would set a precedent for similar schemes coming forward that could adversely affect the green wedge. In this respect, the appeal scheme is one of three nearly identical appeals¹ that affect the edge of the green wedge in this location. Therefore, there is evidence that the occupiers of other residential properties in the area either have extended, or are proposing to extend, their gardens into the green wedge. Moreover, there are no exceptional circumstances or any compelling justification which apply to No 18 only, as evidenced by the similar appeals at both Nos 14 and 24. Therefore, and notwithstanding that each scheme must be considered on its individual merits, I find that there is a reasonable prospect of similar development coming forward elsewhere at the edge of the green wedge.
15. Therefore, the change of use of the land has resulted in unacceptable harm to the character and appearance of the area, including the green wedge. The scheme conflicts with Policies SD5, SD8 and ENV6 of the LP. These require, among other things, that development protects and enhances green infrastructure assets, responding positively to the character of the area, reinforcing local distinctiveness and contributing to place making and, within green wedges, avoiding adverse impacts on local character.

Other Matters

16. I appreciate that the appellant has been put to the trouble of controlling an overgrowth of vegetation, particularly brambles, in the green wedge adjacent to the boundary. In this respect, he has made attempts to identify the owner of the adjacent land and he has also approached the Council. Notwithstanding, I am not persuaded that there are no alternative means which would enable the management of vegetation along the boundary without the conflict with the development plan.
17. Evidence has been submitted with the appeal to demonstrate that the formerly overgrown area to the rear of No 18 and the neighbouring properties was used by groups of young people for recreational purposes. I appreciate the appellant's concerns in respect of such activity in proximity to his property and his understandable reticence to confront groups of people behaving in an antisocial manner. I also note his concern that the area could have provided a hidden location for potential burglars to survey his property. However, there is no substantive evidence before me to indicate that antisocial behaviour or crime is a significant problem in this area. Moreover, it has not been demonstrated there are no alternative solutions that could deliver substantially the same benefit without conflict with the development plan.
18. The appellant admits that the angular ends of the fence create recessed corner areas that could actively encourage rather than deter antisocial behaviour. While I note the suggestion that an amended scheme could be secured by

¹ Nos 14 and 24 Houghton Banks, appeal refs APP/H0738/W/18/3218307 and APP/H0738/W/18/3218309

planning condition, there are no proposals before me that demonstrate any alternative arrangement and which would mitigate the harm that I have identified.

19. While I accept that there were no objections to the planning application, this is a matter that carries limited weight in my assessment.

Conclusions

20. For the reasons set out above, the appeal is dismissed.

Sarah Manchester

INSPECTOR