



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/18/3218309

24 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 P Bennett against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 18/1927/COU, dated 06 September 2018, was refused by notice dated 05 November 2018.
 - The development proposed is change of use from open land to residential curtilage and erection of 1.8m high close boarded timber fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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.
3. The application sought permission for a change of use on land which is designated as green wedge. At the time of my visit, I observed that there has been some vegetation clearance on the land but the land had not been incorporated into the garden of No 24. I have therefore determined the appeal on the basis that the change of use of the land has not been implemented.
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 proposed change of use on the character and appearance of the area, including Bassleton Beck Valley green wedge.

Reasons

6. The appeal site is a long and narrow area of open land adjacent to the boundary of the appeal property, No 24 Houghton Banks, and the neighbouring property No 20. It is in an elevated position at the edge of Bassleton Beck

Valley green wedge, an extensive area of undeveloped open space that separates Ingleby Barwick from Thornaby.

7. Green wedges are acknowledged to provide a range of important functions including maintaining the separation between, and the character of, built-up areas within the wider conurbation, providing recreational opportunities and supporting ecological networks. Policy ENV6 of the LP sets out that development within green wedges will only be supported where 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, there is a strong and well-defined edge to the settlement and an abrupt change in character where the built form meets the well-vegetated and undeveloped green wedge. Viewed from the appeal site, the green wedge 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 proposed change of use would result in a modest loss of land at the edge of the green wedge. The loss would not result in a significant reduction in the separation between Ingleby Barwick and Thornaby. The proposal would not therefore compromise the function of the green wedge in maintaining the separation between the built-up areas.
10. However, the green wedge functions not only to prevent coalescence of built-up areas but also to protect local character. In this respect, while it would not be readily visible from ground level within the housing estate, the appeal scheme would be visible from residential properties that overlook the green wedge. It would also be visible from the green wedge, including the recreational track which runs along the bottom of the bank near to the edge of the built-up area at this point.
11. The edge of the settlement is well-defined in this location, with a continuous and smooth boundary between the built environment and the green wedge. By virtue of its design, materials and consistent building line, the edge of the settlement has a uniform and harmonious character and appearance. When viewed from the green wedge, the scattered trees and shrubs in front of the developed edge also serve to soften and integrate the built environment into its surroundings.
12. The appeal scheme would protrude forward from the established edge of the settlement. It would not relate well to, and it would have an awkward relationship with, the otherwise coherent edge of the settlement in this location. By virtue of its excessive length and proposed materials and siting in an elevated position above the green wedge and associated recreational areas, the change of use would be conspicuous and visually obtrusive. Consequently, it would be an incongruous feature and it would not make a positive contribution to the character of the surrounding area.
13. I have considered whether the adverse visual impact of the proposal could be mitigated by landscape planting. However, in the absence of any details I cannot be certain that any planting could be delivered on the green wedge side of the proposed boundary fence. Moreover, given the concerns of the appellant

in relation to the encroachment of vegetation into his property from the adjacent land, it seems reasonably unlikely 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. This is not therefore a matter that could be dealt with by planning condition.

14. The Council is concerned that the proposed change of use would set a precedent for similar schemes coming forward that could adversely affect the green wedge. In this case, there is evidence that occupiers of other residential properties in the area have extended their gardens into the green wedge. Moreover, there are no exceptional or unique circumstances which apply only to the appeal property, as evidenced by the substantially similar appeals at Nos 14 and 18¹. Notwithstanding that each scheme must be considered on its own merits, in the absence of any individual merits and taking account of the nearly identical schemes nearby, there does appear to be a reasonable prospect of similar development coming forward at the edge of the green wedge elsewhere.
15. I therefore find that the proposed change of use of the land would result in unacceptable harm to the character and appearance of the area, including Bassleton Beck Valley green wedge. The proposal would conflict with Policies SD5, SD8 and ENV6 of the LP. These require development, among other things, to protect and enhance green infrastructure assets, to respond positively to the character of the area, to reinforce local distinctiveness and contribute to place making and, within green wedges, to avoid 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 his 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 24 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 planning condition, there are no proposals before me that demonstrate any

¹ Nos 14 and 18 Houghton Banks, refs APP/H0738/W/18/3218307 and APP/H0738/W/18/3218308

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 should therefore be dismissed.

Sarah Manchester

INSPECTOR