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## Appeal Decision

Site visit made on 10 March 2020

**by M L Milliken BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 March 2020**

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**Appeal Ref: APP/H0738/W/19/3241952**

**Wolviston, TS22 5LJ, (Grid ref: Easting 444905, Northing 525389)**

- 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 Mrs Emily Greenhalgh against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 18/2161/FUL, dated 13 September 2018, was refused by notice dated 31 May 2019.
  - The development proposed is conversion of existing farm building to residential dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. As the planning application form is lacking a conventional site address, the above banner refers to the appellant's details as subsequently set out in the appeal form. For further clarity, the Local Planning Authority has described the address in its decision notice as 'Cross Farm, Wynyard Road, Wolviston, TS22 5LL'. From the evidence before me, there is no dispute in relation to these details and I am proceeding to determine the appeal on that basis.
3. At the time of my site visit I saw that a wooden fence was in place around the perimeter of the site which is not shown on the application drawings as formally considered by the Council. Whilst I note that revised plans have been submitted by the appellant as part of her evidence, this information has not been formally publicised as part of the original proposal, and I am therefore determining the appeal on the basis of the original plans upon which the Council made its decision.

### Main Issues

4. The main issues are:
  - (i) Whether or not the proposed development would occupy an acceptable location for a new dwelling;
  - (ii) The effect of the proposed development upon the character and appearance of the appeal site and upon its wider surroundings;
  - (iii) The effect of the proposed conversion on the living conditions of future occupants, with specific regard to noise, nuisance and general disturbance; and

- (iv) Whether or not the proposed development would provide a safe access for vehicles and pedestrians with particular regard to visibility.

## **Reasons**

### *Location of the proposed development*

5. According to the development plan, the appeal site is located outside of a settlement, in the countryside. At the time of my site visit I saw that the existing barn was being used for the storage of farm related items. There was also what appeared to be fresh hay present on the floor of the building. Whilst clad with corrugated metal panels, there was evidence that the barn serves a practical purpose on the site and it appeared to be otherwise well maintained and therefore not in a dilapidated state.
6. The appellant asserts that the proposal would meet the terms of paragraph 79 of the National Planning Policy Framework (the Framework) insofar as the proposed development would result in a significant enhancement of the site and that the mismatched finish of the existing barn would be replaced with a uniform building. The existing barn is however typical of many agricultural buildings in the countryside and is therefore considered to be appropriate in its setting. Notwithstanding the proximity to the nearest settlement, the proposed dwelling would still appear as physically isolated and characteristically urban, which would not accord with its rural landscape setting and the lack of dwellings within the immediate vicinity. For these reasons, I do not consider that the proposed development would result in an enhancement to its immediate setting or be otherwise compatible with the terms of the Framework.
7. From the evidence before me, I am not convinced that the barn comprises either a disused or redundant building, as put forward by the appellant. It has not been adequately demonstrated that the proposed development would bring a disused or redundant building back into use, however, even if the barn were disused and redundant, it would still appear discordant and would not be appropriate for the reasons given.
8. I note that the appellant references an appeal decision elsewhere with regards to the interpretation of paragraph 79 of the Framework. Although I do not have the details of that particular proposal before me, I am assessing the appeal before me on its merits and on the basis of the evidence provided.
9. For the reasons given, the proposed development would not occupy an acceptable location for a new dwelling. It would be contrary to adopted Policy SD3 (4) of the Stockton-on-Tees Borough Council Local Plan (SONBCLP) Adopted 30 January 2019, which sets out the Council's criteria in relation to new dwellings within the countryside, with specific support for the re-use of redundant or disused buildings which would lead to an enhancement of the immediate setting. It would also be contrary to Paragraph 79 of the Framework.

### *Character and Appearance*

10. The existing barn is located close to the edge of the appeal site, parallel to Wynyard Road. By virtue of its scale and location, the site can be publicly viewed from a number of vantage points, including clear views into the site from the highway.

11. Although the proposed dwelling would comprise the same footprint as the existing barn, with simple elevations and would involve the use of sustainable materials, the location of the proposed dwelling would result in it appearing as a prominent feature in the landscape, particularly when viewed from Wynyard Road. Whilst I note that the site is not subject to any specific landscape, heritage or ecological designations, the proposed development, including the required noise mitigation fencing, would appear out of context in the local rural landscape. Whilst I note that hedgerow removal at the site access may be necessary, I do not consider the proposed boundary treatments, even with the potential for hedgerow planting to soften the overall effect, would be acceptable for the reasons provided.
12. The appellant comments that the proposed development would include the clearing of items such as feedstock and heaps from stable bedding, associated with the running of the smallholding. Whilst it is noted that the proposed noise mitigation fencing would provide a certain element of screening, given that the appeal site would still comprise a smallholding, the presence of such items is somewhat expected. In any event, it is not clear where such items would thus be relocated. I have considered the possibility of managing domestic paraphernalia through the use of a planning condition however this does not alter my overall conclusions on this matter.
13. Whilst I have had due regard to references made to permitted development rights, the appeal in question relates to an application for planning permission, therefore other procedures which may be open for the appellant to pursue are not a matter for further consideration as part of my decision.
14. For the reasons given, the proposed development would have an adverse effect on the character and appearance of the appeal site and its wider surroundings. It would therefore be contrary to adopted Policy SD5 of the SONBCLP, which seeks to conserve and enhance the natural environment. It would also be contrary to adopted policy SD8 of the SONBCLP, which seeks to ensure that new development responds positively to the landscape character of the area. It would also be contrary to paragraph 170 of the Framework.

#### *Living Conditions*

15. The appeal site lies within close proximity to the A19 highway. At the time of my site visit, road traffic noise was clearly audible. The latest consultation response from the Council's Environmental Health team confirms that the team no longer object to the appeal subject to a range of mitigation measures as outlined within the noise report which accompanied the planning application. From the evidence before me, it would however appear that the Council retains its concerns regarding external noise levels.
16. Whilst I note the evidence provided in relation to highway upgrading, from the evidence before me and in the absence of further noise monitoring post-implementation, it is not clear what specific level of noise abatement the highway improvements would actually have, with regard to noise levels at the appeal site.
17. The appellant has drawn my attention to an appeal decision elsewhere and the need to look at the issue of external noise levels in the round. I note that the appeal decision in question is otherwise not directly comparable to the appeal site, by virtue of its immediate location within the countryside and the type of

development proposed. In any event, I am assessing the appeal on its merits and from the evidence before me.

18. I note that, even with the mitigation proposed, external noise levels would be substantially in excess of World Health Authority (WHO) guidelines. Such high levels of noise and disturbance would likely have an adverse effect on future occupiers' enjoyment of their external amenity space. For this reason, the proposed development would result in an adverse effect on the living conditions of future occupants, with specific regard to noise, nuisance and general disturbance, contrary to adopted Policy SD8 1(e) of the SONBCLP, which seeks new development to respond positively to the amenity of all future occupants of buildings. Accordingly, the proposed development would not result in acceptable living conditions for future occupants, contrary to paragraph 127 of the Framework.

#### *Highway Safety*

19. The appeal site is located off Wynyard Road, which is a single carriageway subject to the national speed limit. Wynyard road contains dips and bends at intervals along its length, which affects visibility along the route. From the plans submitted, it is understood that the existing site access would remain but would be widened and splayed.
20. I have had regard to the appeal decision provided and the reference to the need for Local Planning Authorities to make consistent decisions, however I am dealing with the appeal before me on its merits and on the basis of the evidence before me, including the measured vehicle speeds provided. In the context of the site and on the basis of the evidence before me, the visibility splays proposed, although an improvement compared to the existing, would still be substantially less than the minimum requirement.
21. The appellant notes that the access is already in use and has provided a record of historic trips to and from the appeal site in relation to managing the smallholding, which they propose would cease if the proposed development gained consent. The key issue before me is whether or not the proposed development and resultant access situation would be materially worse than at present, and the resultant harm arising from any trips associated with it.
22. Whilst the appellant asserts that they have undertaken works to the access in order to maximise visibility and improve safety since the application was submitted, there is no further evidence before me to confirm that the works undertaken have resulted in the access now providing the required visibility splays.
23. Although there is every possibility that trips associated with the running of the smallholding would reduce or cease as a result of the proposed development being granted consent, there is also every likelihood that other journeys would occur, including personal trips and deliveries. Whilst the existing access is sub-standard and the proposed access would also be sub-standard, the proposed access would be less dangerous and therefore the scheme would incur no further harm in that regard.
24. Nevertheless, although maximised, the proposed visibility splays would be materially substandard and the proposed development would therefore not provide a safe access for vehicles and pedestrians, with particular regard to

visibility. The proposed development would therefore be contrary to adopted Policy SD8 of the SONBCLP which seeks, amongst other things, to ensure the provision of safe and satisfactory access for all modes of transport. It would also be contrary to paragraph 109 of the Framework.

### **Other Matters**

25. It would appear from the evidence that matters relating to the existence of a five year housing land supply are not in dispute and therefore this issue is not considered further.
26. The appellant comments that the proposed development would meet the requirements of Policy CS3 of the Core Strategy in relation to sustainable design. Although this policy has been superseded by policies contained within the SONBCLP and does not form part of the development plan, the potential carbon savings of conversion compared to new build and the use of sustainable materials would accord with other policies in the development plan, when taken as a whole. The benefit of the provision of a single dwelling is also noted. Although these matters attract limited weight in the consideration of this appeal, they do not outweigh the harm I have identified in relation to the main issues.
27. The potential reduction in crime as a result of the proposed development, with specific reference to historic thefts at the property is noted, however I give this limited weight in the consideration of this appeal.
28. The potential for the single dwelling to support local services is also noted, however given the absence of footpaths along Wynward Road it is likely that the majority of such trips would be made by car, with the potential for some trips to be made via bicycle.
29. I have had regard to other appeal decisions referenced by the appellant however as I am assessing the appeal before me on its merits and on the basis of the evidence provided, these do not alter my conclusions in relation to the main issues.

### **Conclusion**

30. For the reasons given, I conclude the proposed development to be in conflict with the development plan as a whole, and that finding is not outweighed by other material considerations. Accordingly, the appeal should be dismissed.

*M L Milliken*

INSPECTOR