



Appeal Decision

Site visit made on 20 February 2025

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/H0738/W/24/3352732

Land at Wynyard Village, Easting (x) 440223 Northing (y) 526881

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Antonopoulos (Cameron Hall Development Limited) against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 22/2579/FUL.
 - The development proposed is full planning permission for the erection of 135 residential dwellings with associated landscaping and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is adjacent to Wynyard Park Grade II* listed park and garden. It was therefore the case that both Historic England and The Gardens Trust should have been consulted by the Council during the course of the original application, although this did not happen until I requested those consultations during the course of the appeal. A response was received from Historic England and I have taken this into account. Both the appellant and the Council have been afforded an opportunity to comment on this matter, which I consider to be a main issue.
3. The Council decision notice makes reference to the Wynyard Village Extension. The evidence indicates that this refers to an earlier outline planning permission (13/0342/EIS). I am advised that the subsequent reserved matters applications relating to that approval have been granted for which construction has commenced. The land within the red line boundary for that outline application included land within the red line boundary of the appeal site though it is suggested that the land was ultimately not required for that development.
4. The appeal site is located adjacent to a site where outline planning permission was granted for up to 130 dwellings, a new local centre, associated landscaping and ancillary works (referenced 20/2408/OUT and also referred to as phase 1). The evidence indicates that a reserved matters application was approved for the housing elements of the scheme with construction having commenced.
5. The appeal scheme (also referred to as phase 2) relates to the provision of 135 residential dwellings with associated landscaping and ancillary works. It would be linked with and follow on from the consented development site adjacent, forming the second phase of that development although this appeal relates to a separate full planning application which should be considered on its own merits.

6. The appeal site is within land allocated for residential development and Policy H3 of the Stockton-on-Tees Borough Council Local Plan (2019) (LP) deals with Wynyard Sustainable Settlement which includes Wynyard Village.

Main Issues

7. The main issues therefore are firstly the effect of the proposal on the setting of the Wynyard Park Grade II* listed park and garden. The second main issue is whether the proposal would represent overdevelopment of the site contrary to the overall characteristics of Wynyard Village including with reference to supporting infrastructure.

Reasons

Setting of Wynyard Park Grade II listed park and garden*

8. The appeal site sits next to the boundary of the park and garden. The evidence indicates that the parkland adjacent to the appeal site is shown on 19th Century maps much as it is today including reference to a racecourse or course. The significance of the park and garden therefore sits partly with its open character and historical associations with the breeding and training of racehorses dating back to the 18th Century tenure of Sir Henry Vane Tempest.
9. The appellant indicates that the Wynyard Hall and Estate Conservation Plan states that the appeal site is attributed as having neutral significance with regard to the setting of the park and garden. I do not disagree with that position and I consider that the site has neutral significance as a result of being largely free of built development which reflects the largely open and undeveloped characteristics of the adjacent parkland.
10. The proposal would introduce a substantial level of built development to the appeal site in the form of executive housing within close proximity to the boundary with the park and garden. The closest properties would be those on plots 31-36. During the course of the appeal, the appellant has suggested the introduction of a native tree shelter belt to the boundary with the park and garden¹. This would shorten the rear gardens of the properties on those plots. The evidence suggests that the shelter belt would be 13m in depth and I note the parkland transition arrangements elsewhere at Wynyard Park.
11. However, the stated depth is not consistently reflected on the plan and would not apply on site as the shelter belt would narrow substantially close to plot 36 due to the positioning of the garage that would serve that dwelling. Further, I am not convinced that the shelter belt would be of sufficient depth to limit the urbanising influence of the houses from being experienced within the bounds of the parkland, especially during the winter when any deciduous trees would be out of leaf.
12. Although I appreciate that it may be possible to condition such matters, it is further the case that the details of the proposed shelter belt are also limited with regard to the standard of tree and planting proposed and the amount of time it would take for the shelter belt to mature to the level that it would be able to seek to fulfil its intended purpose. It would not be reasonable to condition a deeper shelter belt given that such an arrangement would be likely to consume too great an amount of the rear gardens of plots 31-35 to be reasonable. No details of any potential tree planting beyond the boundary of the appeal site within the park and garden are before me.

¹ Detailed within Drawing No. 4280-Native-Tree-Belt-01.

13. To conclude on this main issue, the appeal proposal, through the introduction of substantial built development within close proximity to the parkland would harm the significance of the Wynyard Park Grade II* listed park and garden through introducing a suburban influence into the setting of the parkland which would be at odds with the sense of isolation and enclosure which is a key characteristic of the parkland landscape, harming its setting.
14. There would be conflict with Policy SD5 of the LP which has aims to conserve and enhance the historic environment including through supporting proposals which positively respond to and enhance heritage assets.
15. There would also be conflict with Policy SD8 of the LP which amongst other things seeks development to be designed to the highest possible standard taking into consideration the context of the surrounding area and the need to respond positively to heritage assets.
16. There would further be conflict with Policy H3 of the LP which amongst other things requires that development at Wynyard Village must be designed to ensure that the significance of Wynyard Park Registered Park and Garden is not harmed.
17. The heritage harm would be less than substantial and the Framework² requires that this harm be weighed against the public benefits of the proposal.

Overdevelopment/supporting infrastructure/characteristic of Wynyard Village

18. The appeal proposals would deliver predominantly 4 and 5 bedroom homes on well sized plots at a density which the evidence indicates is towards the lower ranges of existing densities on Wynyard Village. In any event, a density of 9.6 dwellings per hectare would be well below what could be considered standard density. Further, Wynyard Village hosts a mix of dwelling sizes with variation in design and material. I cannot therefore conclude that the proposal would represent an overdevelopment of the site nor would it undermine the characteristics of Wynyard village.
19. Services and facilities are available within Wynyard Village. The evidence indicates that these include a Village centre with Co-op convenience store, hairdressers, public house and estate agents, Dentist, pharmacist and beauty therapists, Wynyard golf club with associated restaurant, Wynyard Hall Hotel and Spa, Wynyard Walled Garden including café and the glasshouse restaurant, Wynyard Primary School with hall and sports facilities available for community use, Children's play area off Wynyard Woods and Significant areas of open space and recreational routes. I observed some of those services and facilities on my site visit on which I took in the appeal site and walked through other parts of Wynyard Village.
20. The evidence also indicates that a local centre comprising of up to 8 units which may include a medical centre, restaurant/café, community facility and veterinary practice amongst other units is likely to be forthcoming having been secured via a planning obligation under S106 associated with a previous planning approval. The appeal proposal would therefore benefit from adequate supporting infrastructure.
21. There would therefore be no conflict with Policy SD8 of the LP with regard to this particular main issue, which amongst other things states that new development should contribute positively to making places better for people including by being inclusive and establishing a strong sense of place.

² National Planning Policy Framework 2024.

Other Matters

22. The evidence indicates that the Council cannot demonstrate a five year supply of housing land with the Council indicating the supply as being 4.33 years. However, given the effect of the proposal on the setting of Wynyard Park Grade II* listed park and garden, the application of Framework policies relating to designated heritage assets provide a clear reason for refusing the development proposed. The balance in paragraph 11d) of the Framework does not therefore apply.

Planning Balance and Conclusion

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
24. There would be public benefits to the scheme. The proposed removal of the palisade fence which currently separates the appeal site from the park and garden would offer some improvement to the setting of the park and garden as a result of the removal of a modern boundary treatment. However, that benefit would be limited given its reasonably open appearance which allows visual correlation between the two sites and I afford this benefit limited weight.
25. There would be education contributions and other economic benefits that would normally be associated with a scheme of this type and size. These benefits are afforded moderate weight.
26. There would be further public benefits which would include the delivery of executive housing which would contribute towards the supply of housing within the context of a housing land supply of 4.33 years. There would be a financial contribution towards the provision of affordable housing within the local area at an amount in excess of two million pounds. These benefits are afforded significant weight.
27. The Framework however requires that great weight should be given to the conservation of designated heritage assets. That weight is increased given the importance of the asset which is Grade II* listed, a listing which the evidence indicates applies to only a limited amount of the country's registered parks and gardens.
28. The proposal would conflict with the Framework in that it would result in less than substantial harm to the setting of Wynyard Park Grade II* listed park and garden, harm which would not be outweighed by the public benefits.
29. The application of Framework policies relating to designated heritage assets provide a clear reason for refusing the development proposed. This is a matter which weighs against the proposal.
30. There is also conflict with the LP around these matters. Subsequently, the proposal would conflict with the development plan and there are no material considerations which indicate a decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

T Burnham

INSPECTOR