



Appeal Decision

Site visit made on 15 July 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2025

Appeal Ref: APP/H0738/W/25/3362277

**Land south of Woodland View, The Green, Egglescliffe, Stockton-on-Tees
TS16 9DB**

- 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 Ms Julie Henderson against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 24/1609/FUL.
 - The development proposed is the conversion of 2 existing barns to 1 detached dwelling and 1 detached dwelling with attached annex, with demolition of existing huts.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form site address refers to land 'south of' Woodland View, but the decision notice and appeal form refer to land 'west of'. As the main portion of the site and the associated woodland mitigation area lie to the south of the dwelling of Woodland View, I have therefore used the application form address.
3. The appellant's appeal submission evidence included 3 plans not before the Council at the time of its determination¹. They do not amend the proposal, but seek to clarify the relationships between the buildings, and with nearby consented sites. The Council has not objected to the acceptance of these plans.
4. A Bat Risk Assessment Report² was also only submitted at appeal stage. The Council stated that it has no further comment to make on this due to it being new information unavailable at the time of the decision. However, it is very common to include additional reports at appeal stage to attempt to overcome the reasons for refusal. The Council and interested parties have had the opportunity to comment upon all of the appellant's appeal evidence. The Bat Report does not evolve the parameters of the scheme, and therefore accepting it would comply with paragraph 16.1 of the 'Procedural Guide: Planning appeals – England'. I have therefore accepted the new plans and Bat Report into the evidence, in accordance with the substantive and procedural tests of the Holborn Studios Ltd judgement³, with no parties prejudiced in the interests of natural justice.

¹ Combined Proposed South Elevation, 2083/APP/09, February 2025; Proposed Plot 1 Cross Section, 2083/APP/11, February 2025; Location Plan Showing Previously Approved Schemes, 2083/APP/10'O', February 2025.

² Ecosurv Ltd, 23/01/2025

³ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Main Issues

5. The main issues are the effect of the proposed development on:
- the character and appearance of the area, with particular regard to the preservation or enhancement of the Eggescliffe Conservation Area;
 - biodiversity, with particular regard to the extent of Biodiversity Net Gain;
 - the living conditions of the new occupiers, with particular regard to privacy; and
 - the protected species of bats.

Reasons

Character and Appearance

6. The site comprises a driveway alongside the dwelling and garden of Woodland View, one of a pair of semi-detached properties, with the main part of the site encompassing parts of a large paddock to its south. It contains a small group of agricultural buildings/outbuildings. Two of these would be demolished, with the main two buildings being converted to dwellings.
7. The property lies within the Eggescliffe CA, and so I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. The Framework Section 16 also requires that great weight should be given to the conservation of designated heritage assets. The Stockton-on-Tees Borough Council Local Plan (LP) Policy HE2 reiterates the Framework guidance, and confirms that proposals should positively respond to and conserve and enhance heritage assets, in a manner appropriate to their significance. The Framework paragraph 135 also requires developments to be sympathetic to local character and history, and to maintain a strong sense of place.
8. The significance of the CA arises from the village's planned medieval origins, with original long, narrow plots still evident. It has largely escaped modernisation and redevelopment, allowing retention of its rural identity as an intact Georgian village around a central green surrounded by agricultural land. The Eggescliffe Conservation Area Appraisal⁴ identifies that the pleasant Georgian buildings, the mature trees on the green, and the tucked away location away from main roads, create one of the most pleasant villages in the North East. It contains numerous listed buildings.
9. The CA is also different from most others because it includes a significant amount of green space surrounding the main built form. This includes the whole of the paddock within which the appeal site lies. These spaces contribute towards the CA significance in protecting its historic character and appearance.
10. Much of this greenspace including the appeal site is also located within a 'green wedge' as identified on the LP Policies Map. The LP Policy ENV6(4)(b) identifies that development within green wedges will only be supported where it would not adversely impact on local character or the separate identity of communities.
11. The barns are not locally listed. The appellant asserts that they meet local listing criteria, because historic mapping identifies barn 1 to date between 1898 and

⁴ Ref 09-CO5, within 'Supplementary Planning Document 4: Conservation Areas and Historic Environment Folder' (2006)

1916, and barn 2 between 1939 and 1967, with a functional link to the 150 years of horticultural nursery use on the site and surrounds.

12. Although in a reasonable state of preservation, and evidence of some relationship to traditional or historic industrial processes, no specific features other than their age have been identified to indicate this former nursery use. They are no longer surrounded by glasshouses, which appear to have been removed on the site itself by 1939. By 1967 the Woodland View dwelling and its conjoined neighbour were built, pig sties were added to barn 1, and a building consistent with the Nissan Hut was in place alongside barn 2. These factors do not indicate ongoing horticulture use. The 1972 CA designation does not infer that all buildings within it hold specific historic merit, especially because in this instance the boundary was broad to encompass the series of open fields. By 1982 there had been removal of all the glasshouses within the appeal site paddock, and some others to the north east.
13. Numerous distinctive field patterns and layouts are still evident such that the rural history can be understood, even were the appeal site buildings to be removed. Furthermore, the conversions would use profile roof sheeting, not tiles as were originally present on barn 1. The cedar cladding does not link to any historic wooden facades identified, indeed, barn 2 had no sides until some point after 1975. On this basis, I find no benefit to the CA or the wider character of the area from the proposal's function in retaining the barns to avoid ongoing deterioration or loss. This is also the position taken by the Council's Conservation Officer.
14. I also concur with the Council that the other structures to be demolished are read within the context of the wider agricultural landscape, such that there would be no particular benefit from their removal.
15. The new dwellings would retain strong agricultural design cues through their form and proposed materials. However, they would also introduce a modern material palette which would not reflect the existing CA buildings, and insert modern fenestration of a Juliette balcony and feature glazed entrance and rooflights. In periods of low light there would be internal light spill. Importantly, it would also introduce significant external domestic paraphernalia, including parked vehicles, garden equipment, lighting, and new boundaries, alongside significant hardstanding. This would amplify the incongruous change in character from the traditional rural landscape to one specifically modern and domestically urban.
16. The dwellings would extend beyond the rear of the original planned plot. To some extent this would harm the legibility of the medieval plan, but would also act as piecemeal erosion into the green wedge, in being detached from the main built form of the village envelope and its rear domestic building line. As such, the proposal would compromise the village's integrity and character.
17. I acknowledge the recent approval of a dwelling to the north of plot 1 and immediately adjacent to the site's access drive⁵. However, although this physically brings the appeal buildings closer to other residential development, that other site is north of the green wedge, and set within the historic domestic village envelope. The appellant also identifies two other CA sites which have each been recently approved for 4 dwellings⁶. However, they consolidate buildings within historic former farmsteads set within the main village envelope. Again therefore, I find their

⁵ 22/2292/FUL

⁶ 22/1656/FUL, 20/2296/FUL

context within the built form of the village and the CA to be sufficiently different such that they are not determinative in this case, and do not act to outweigh the direct harm I have identified.

18. There is existing mature vegetation screening, and the proposal would incorporate additional further planting, with views across the site restricted to neighbouring properties and glimpses from vantage points further away. Nonetheless, this does not mitigate the occurrence of intrinsic harm to the CA.
19. The nearest listed buildings lie approximately 80m to the north along Church Road/Butts Lane. I concur with the Council that the proposal would not cause harm to their respective settings, due to the intervening separation distance, and very limited views of the appeal site in any shared views.
20. In totality, I find that the proposal would cause harm to the character and appearance of the area, and would fail to preserve or enhance the CA. As such it would conflict with the LP Policies SD8 and SD5, which together and amongst other matters specify that proposals should conserve and enhance the built and historic environment, respond positively to the character and sensitivity of heritage assets and the landscape character of the area, and reinforce local distinctiveness. It would also conflict with aspects of the LP Policies ENV6 and HE2 relating to the green wedge and the CA as a heritage asset, as already outlined above.
21. The proposal would thus cause less than substantial harm to the significance of the CA as a designated heritage asset, within the upper range of that spectrum of harm to which the Framework paragraph 212 requires that I give great weight. The Framework paragraph 215 requires less than substantial harm to the significance of the CA to be weighed against the public benefits of the proposal, also reiterated in the LP Policy HE2. I therefore return to this matter within my Planning Balance.

Biodiversity Net Gain (BNG)

22. The Planning Statement and Design and Access Statement identifies the proposal to be exempt from BNG requirements. This is firstly suggested because less than 25sqm of on-site habitat would be impacted, with no on-site linear habitat impacts. However, the application form identifies the site area as 0.146ha. Although some of this comprises the buildings' footprints, there is no clear indication that less than 25sqm of the site's grass cover would be affected. As such, the BNG de minimis exemption does not apply for this reason.
23. Secondly, the development is suggested as exempt due to meeting the requirements of self-build and custom build. Only very minimal information was provided in support of this position, whereby the dwellings would be occupied by the two children and their families of the current residents of Woodland View, who themselves will occupy the dependant relatives' annex.
24. However, the Planning Practice Guidance (PPG) clarifies that relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout⁷. Homes purchased prior to construction and without input into the design and layout from the buyer, are not considered to meet the self-build definition. Clause (A2) of the Self-Build and Custom Housebuilding Act 2015 ('the Act') (as amended by the Housing and Planning Act 2016 and the Levelling Up and Regeneration Act 2023) also specifically identifies that self-build does not

⁷ Paragraph: 016 Reference ID: 57-016-20210208, Revision date: 08 02 2021

include the building of a house on a plot acquired from a person, wholly or mainly to plans or specifications decided or offered by that person.

25. Two dwellings are proposed as self-build, but there is only one appellant. As such, there is no evidence that occupants of both dwellings have had primary input into the final design, in order to meet the Act's self-build definition. Furthermore, there is no mechanism such as a legal agreement to prevent the dwellings from being sold as market housing. Self-build is not referenced in the description of development, with market housing stated on the application form. Although I have no reason to doubt the appellant's general intention in this regard, it is therefore insufficient for the purposes of the Act and for granting permission.
26. As such, the proposal is statutorily required to demonstrate at least 10% BNG in mitigation, alongside general biodiversity protection and enhancement required by the Framework paragraph 187(d) and the LP Policy ENV5.
27. The red line site area includes 0.13ha proposed as new woodland to address nutrient neutrality issues, which could therefore have a dual BNG purpose. There would also be new hedgerow planting incorporating new trees. However, although I could infer that this would provide higher biodiversity than the current grassed areas, no detailed information is before me, such as a pre-development biodiversity value, detailed future habitat plan, or statutory biodiversity metric. The PPG confirms such details should be provided⁸.
28. A grant of permission would assume the statutory biodiversity gain condition would be in place, which would not be possible without the necessary information at this stage. It would therefore be an inappropriate approach to defer BNG consideration entirely to condition stage. Overall therefore, the proposal would demonstrate insufficient BNG. It would conflict with the statutory BNG requirements, the Framework paragraph 187(d), and the LP Policy ENV5.

Living Conditions

29. The Sustainable Design Guide Supplementary Planning Document (SPD) paragraph 4.8.2 identifies an expectation for a minimum of 21.0m separation to be provided between the main habitable room windows on facing residential properties. The separation distance between the two dwellings would only be 8.0m. However, the only fenestration on the relevant dwelling 2 elevation would be the main door and obscured glazing, such that no direct overlooking between the two dwellings would occur.
30. The SPD also normally expects a gap of at least 11.0m where main habitable room windows will face a blank gable, which is effectively the scenario for dwelling 1. However, its lounge, and the dining room and lounge of its annex, would also benefit from additional windows on other elevations. The snug and the study would only have small high level windows, but this is in some part a function of their purpose, and would also only comprise a small proportion of the overall habitable space. I therefore find there would be no issues of restricted outlook.
31. The southern elevation of each dwelling would face their own main garden area. The SPD paragraph 4.8.1 states that private garden areas should not be subject to an inordinate level of overlooking from public spaces or neighbouring properties. The intervening rear boundary treatment proposes only a low timber post and rail

⁸ Paragraph: 005 Reference ID: 74-005-20240214

fence, which would not allow for any garden privacy. However, this is understandable because the proposed occupants are at this point expected to be extended family members. Any other future occupants could very likely install boundary treatment of a more typical height and type. Subject to this, there would be no overlooking from ground floor height between neighbouring gardens.

32. Dwelling 2 would have a Juliet style balcony with patio doors at first floor. Compared to a normal window, this arrangement would provide a wider expanse of view and a likely higher attractiveness of looking out of the window for longer periods of time. However, views across the neighbouring garden would be oblique, and would not all be readily seen due to the slight forward positioning of dwelling 2. Oblique views over neighbouring gardens are typical for residential developments, and the separation distance is such that this would not be dominating or intrusive even for future unrelated occupants.
33. Overall therefore, the proposal would provide acceptable living conditions for the new occupiers. It would comply with the LP Policy SD8(e) which requires development to respond positively to the privacy and amenity of all future occupants.

Protected Species - Bats

34. A previous application on the site⁹ was supported by a Bat Risk Assessment and Bat Survey Report dating from July 2020. An updated Bat Risk Assessment Report accompanied the appeal, as identified in my Preliminary Matters.
35. The Bat Report assesses Building 2 as having negligible bat roost suitability. Building 1 was assessed as having low bat roost suitability, at the lower end of the spectrum covering opportunistic roosting at best. The majority of its features fall under the negligible category definition, of bats sometimes using unsuitable features on occasion. It concludes that in considering the previous bat activity survey which concluded no emergences from the building and so no risk to roosting bats, and the updated endoscope inspection, a further bat activity survey is unnecessary with regard to current guidance on structures assessed as having low bat roost suitability. A more proportionate approach would be to undertake any demolition or destructive works under a Precautionary Working Method Statement.
36. The Council referenced that the 2020 Bat Report identified that the site was acknowledged to be a great foraging commute for common and soprano pipistrelles, such that mitigation measures were suggested. Although this was not highlighted in the Bat Report for the appeal, mitigation measures could similarly be imposed via conditions.
37. Overall therefore, I see no reason to find contrary to the updated Bat Report. Subject to the imposition of relevant conditions relating to precautionary measures during construction works, bat sensitive lighting, and foraging mitigation measures, I find no harm to bats would arise. The proposal would therefore comply with the LP Policy ENV5 in this regard, which seeks amongst other matters to protect biodiversity and priority species.

⁹ 21/1436/FUL, Conversion of 2no existing outbuildings to 1no detached dwelling and 1no detached dwelling with attached annex (demolition of existing huts), refused February 2024.

Other Matters

38. The Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Permission may only be granted after having ascertained that the proposed development would not affect the integrity of this, or any other protected site.
39. Only very limited conservation features of the sites have been provided, which would not enable me as the Competent Authority to undertake the required Appropriate Assessment, were I minded to allow this appeal. Moreover, the appellant did not respond to the Natural England query as to why their Nutrient Neutrality Budget Calculator departed from the default value for the 'Wastewater treatment works N permit' cell.
40. Nonetheless, as I am dismissing the appeal on other grounds, the outcome of further consideration of the proposed nutrient neutrality mitigation would not be determinative. I therefore do not need to address any further whether the proposed woodland planting area and relevant planning conditions would adequately mitigate the proposal's effect.

Planning Balance and Conclusion

41. The Council is only able to demonstrate 4.33 years supply of deliverable housing sites. This was publicised on the Council's website on 3rd April 2025, after the appeal was submitted. However, I have already found above that the proposal would cause harm to a designated heritage asset. The Framework paragraph 11(d)(i) footnote 7 refers that the application of the Framework policies that protect areas or assets of particular importance provides a strong reason for refusing a proposed development. I find the impact on the Egglescliffe CA would thus be such a reason. Accordingly, the proposal does not benefit from the Framework presumption in favour of sustainable development as a material consideration.
42. Nonetheless, the benefits of the proposal's contribution to the housing supply may still be capable of outweighing the harm when undertaking the planning balance. The Framework seeks to significantly boost the supply of homes and make effective use of land. The public benefits of the proposal include the contribution of 2 dwellings towards the Borough's housing supply, which is important, albeit small-scale. The Framework Paragraph 73 does further identify that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and gives specific support to the development of windfall sites. The principle of residential development would be generally in accordance with the LP Policy SD3, because the site lies within the village's development limits. Overall, I give moderate weight to the benefits of the new dwellings.
43. The appellant also suggests Framework paragraph 125 support in giving substantial weight to the value of using suitable brownfield land within settlements for homes. However, the site is an agricultural paddock, and the Framework Annex 2 Glossary identifies that previously developed land excludes land last occupied by agricultural buildings.
44. There would also be small-scale economic and social benefits associated with the construction and occupation of the dwellings. This would include the social benefits of allowing local families to move onto the one site, albeit this would in

part be a private benefit, and would not be certain. In this regard I also note the letters of support from local residents, and who also identify they are keen to see the buildings restored to use. I give minor cumulative weight to these benefits.

45. Overall, in applying the Framework paragraph 215, the great weight to which I give the less than substantial harm to the CA would outweigh the proposal's public benefits. The proposal would therefore not preserve the significance of the Eggescliffe CA, and would cause considerable harm to the character and appearance of the area. It would thus conflict with several development plan policies as already identified above.
46. I also found insufficient evidence that the 10% statutory BNG could be achieved. The PPG identifies the statutory provisions as an important material consideration, which represents the appropriate national approach towards, and benchmark for, biodiversity gains in planning¹⁰. There is a statutory and development plan conflict in this regard, and I give this matter significant weight. Even were I to accept that there would likely be some unquantified biodiversity benefit from the proposed planting, I can only afford this minor weight in favour.
47. In conclusion therefore, the proposed development would conflict with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR

¹⁰ Paragraph: 020 Reference ID: 74-020-20240214