



Appeal Decision

Site visit made on 2 August 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2023

Appeal Ref: APP/H0738/W/23/3321634

R M B Autoparc, Low Lane, Stockton-on-Tees, High Leven TS15 9JT

- 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 K Beechey of Stoneacre Motor Group against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 22/2516/RET, dated 7 December 2022, was refused by notice dated 9 March 2023.
 - The development proposed is new fence along existing boundaries.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to development that has been substantially completed. At my visit I noted some discrepancies between the details shown on the submitted plans and the development as built. For example, the fencing labelled as a brown dotted line on the plans is listed as galvanised steel palisade fencing, whereas on site it appeared to be black mesh fencing. Additionally, the fencing to the eastern boundary adjacent to The Manor House car park appeared to be palisade fencing, rather than the concrete post and mesh fencing listed on the plans. I therefore cannot be certain that the development I observed on site represented its intended finished appearance. I have therefore determined the appeal based on the submitted plans on which the Council made its decision. For brevity, I have referred to the scheme as the development proposed. After all, those are the plans before me which, as above, diverge from what has been built.
3. The Council's delegated report refers to the site being a former car sales showroom and the current use of the site being unauthorised, with a planning application being under consideration for the use. However, the planning application to which this appeal relates does not refer to the use and accordingly I have not considered this matter as part of the appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site occupies a roughly triangular plot of land between the A1044 Low Lane to the north and High Lane to the south, with the adjacent roads joining to the west of the site. The site is therefore widely visible. To the east,

- it shares boundaries with the car park of The Manor House public house and a self-storage facility, which together with the appeal site form a larger area of developed land.
6. There are some sporadic residential uses in the vicinity of the site, including on the opposite sides of the neighbouring roads to the north and south. Those typify a rural transition to the surroundings of Stockton-on-Tees, similar to that which occurs elsewhere. Maltby Cricket Club also sits close by to the northwest. Further to the west is some higher density residential development, some of which remains under construction. To the northeast is the Teesside Industrial Estate. Nevertheless, the parties do not appear to dispute that, for the purposes of the development plan, the site lies in the open countryside.
 7. Whilst acknowledging the developed nature of the appeal site and the presence of neighbouring development, the site's immediate surroundings retain a relatively rural character including expansive areas of undeveloped land to the north and south, and grass verges and hedgerows alongside the adjacent roads. The land's status in the development plan therefore reflects these factors.
 8. The area of developed land comprising the appeal site and its adjoining plots is bound on all sides by roads, which in turn predominantly adjoin open countryside. Although there are some limited exceptions where the site lies opposite neighbouring development, as set out previously, this comprises only a small portion of the land surrounding the site and its adjoining development.
 9. The appeal site extends close to the highway edge. Consequently, the fencing to the site perimeter sits very close to the highway edge and is prominently visible to passing traffic and pedestrians, particularly along the busy A1044 Low Lane. Whilst a narrow grass verge is retained between the highway edge and the fencing, this does little to detract from its dominant appearance, which appears incongruous and reduces the visual openness of its countryside location.
 10. I note there were discussions between the main parties regarding the colour of the fencing. However, I must base my decision on the details before me. I acknowledge the colour has been chosen to match the existing buildings, which are utilitarian in their appearance. However, the buildings are reasonably set back from the highway edge and of lesser prominence. Conversely, the position and scale of the fencing dominates views from the highway and comprises an unwelcome and incongruous form of development that does not reflect the character of the surrounding area.
 11. I recognise that the fencing has been installed for legitimate security reasons and this would support the business, which would reflect the aims of Section 6 of the National Planning Policy Framework (the Framework) in terms of supporting a strong and competitive economy. However, the appellant's case that security would be improved is stated rather than evidenced. There is no substantive evidence in terms of existing security issues at the site. Moreover, there is no indication that the proposal before me is the sole means of achieving the security improvements sought.
 12. The appellant has also drawn comparisons with the nearby Teesside Industrial Estate, which is a much larger industrial area than the appeal site and is therefore treated differently in planning terms. Around the perimeter of the

Industrial Estate, which is the area most similar to the appeal site, the industrial premises are generally well set back from the highway and include some elements of screening. Whilst there are some comparable examples of similar fencing in this area, there are vast differences when comparing the character and appearance of the two areas. As such, any weight I can give to the economic benefits of the development, and nearby examples, is therefore limited.

13. There is some ambiguity in the precise areas to which the Council find harm with the proposals. The appellant notes that the delegated report is concerned solely with the fencing to the front of the site, with the fencing on High Lane considered acceptable. However, the delegated report states that the fencing to the rear of the building is acceptable, rather than specifically referring to the rear of the site. Nevertheless, irrespective of the precise interpretation of this point, I have found that harm would arise in respect of the Low Lane frontage.
14. The Council has referred in its decision to paragraphs 130, 134 and 135 of the Framework. I acknowledge that paragraph 135 appears to hold limited relevance to the appeal subject, given the proposals do not seek any changes to a permitted scheme. The proposed development would also accord with some objectives of paragraph 130 in terms of providing security and reducing the fear of crime for the business. However, it would conflict with other objectives of paragraph 130 in terms of its failure to add to the quality of the area and its adverse effects on local character. For these reasons, the development would not be well designed, which would also conflict with paragraph 134. Therefore, although the proposals would accord with some objectives of the Framework, it would fail to accord with others which would result in overall conflict with relevant elements of the Framework.
15. By virtue of its design, length and position, the proposal would reduce the visual openness of the countryside and harm the character and appearance of the area. It would therefore conflict with Policy SD8 of the Stockton-on-Tees Borough Council Local Plan – Adopted 30 January 2019, which seeks, among other objectives, for new development to be designed to the highest possible standard taking into consideration the context of the surrounding area. The proposal would also conflict with the provisions of the Framework, as set out above.

Conclusion

16. For the reasons given above, having considered the development plan as a whole along with all relevant material considerations, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR