



Appeal Decision

Site visit made on 30 January 2024

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 March 2024

Appeal Ref: APP/H0738/W/23/3332107

**Hunters Rest Farm, Urlay Nook Road, Eaglescliffe, Stockton-on-Tees
TS16 0QA**

- 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 Steve Wilson of Rockwill Homes Ltd against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 23/1451/FUL.
 - The development proposed is provision of 7 no bungalows including 2 no. affordable bungalows on part of original application site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. The main parties have had the opportunity to comment on its relevance to the case. I am therefore satisfied that no party has been prejudiced by my proceeding on the basis of the revised Framework.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is a grassed area of land, having recently been used as a construction compound associated with the development of 22 dwellings which is nearing completion as part of a previous planning permission¹ and is manifest in the streetscape. The appeal site is identified as an area of open space as part of that planning permission. The site is bounded by hedgerows and an access road, with newly constructed homes facing onto it. To the rear of the site are the gardens and houses on Valley Gardens. Overhead electricity lines cross the site and there is a pylon located nearby.
5. The open qualities of the appeal site provide an appreciable degree of spaciousness and visual separation between the built form of Valley Gardens and the newly constructed houses adjacent to the site. The layout and spacings between houses creates a porous development on the edge of the settlement, with views of open countryside beyond contributing to the open characteristics of the area.

¹ Ref 20/1898/FUL

6. The proposal would develop a large part of the appeal site with seven bespoke bungalows. It would result in a noticeable concentration of built form at the edge of the settlement, eroding the spatial qualities of the area and restricting views of the open countryside beyond. Consequently, the loss of this area of undeveloped land would be detrimental to the prevailing character and appearance of the area.
7. The siting of residential development adjacent to electricity pylons is said to be common in the surrounding area and I note that Northern Powergrid were consulted but have not commented on the scheme. The proposed bungalows would be sympathetic in terms of appearance and form to dwellings locally and would comply with separation distances. However, this would be at the expense of an area of undeveloped land that positively contributes to the area. It would also result in an element of visual intrusion in views from the recently constructed properties that overlook the appeal site, which I observed are already occupied.
8. The appeal site also has an important function in forming an integral part of the planned layout and design quality of the permitted scheme as a linear area of proposed open space. My attention has been drawn to paragraph 140 of the Framework which advises that the quality of approved development should not be materially diminished between permission and completion as a result of changes being made to the permitted scheme.
9. The appeal site is not subject to any designation as open space and the loss of the proposed open space, in itself, is not a reason for refusal. It is also not disputed that the surrounding area is well served by existing open space, as set out in the submitted Open Space Needs Assessment. Two areas of open space would remain either side of the proposed bungalows to meet development plan requirements for open space provision, and it is indicated that the areas would be privately managed, at a time when the Council are unable to adopt new areas of open space.
10. However, while the proposed areas of open space would meet an element of resident's recreational or health and well-being needs, they would not have the same function as the wider area of open space previously permitted. The smaller areas of open space would limit their useability for informal recreational activity such as ball games, restricting the activities that could reasonably take place in them. In doing so the effect of the proposal would be to undermine the quality of the permitted scheme. The proposal would fail to take the opportunity to enhance the area and the way it functions and would thus diminish the quality of development compared to the previously approved scheme, contrary to the aims of the Framework.
11. Smaller areas of open space may well be common in residential areas and even if the neighbouring development site has open space that is broken up to benefit different parts of the site, the context and scale of that site and the appeal site is different. The appeal site relates to a smaller scheme and so occupiers are within easy reach of the proposed open space. As such, there is no requirement to break up the open space. Other examples of smaller areas of open space do not therefore, lead me away from my above findings.
12. As such, the proposal would be harmful to the character and appearance of the area, in conflict with Policy SD8 of the Stockton-on-Tees Borough Council Local Plan (2019) (LP) which requires development to be designed to the highest

possible standard, responding positively to the need to ensure that new development is appropriately laid out for an attractive environment. New development should also establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live.

13. The proposal would also be contrary to the aims of paragraph 140 and the provisions of section 12 of the Framework relating to achieving well designed and beautiful places.

Other Matter

14. The appeal site is located within the impact risk zone of the Teesmouth and Cleveland Coast Special Protection Area, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations require that permission may only be granted after having ascertained that the development will not affect the integrity of the habitat. However, it is not necessary for me to consider the implications of the proposal upon the protected site because the scheme is unacceptable for other reasons.

Planning Balance

15. I have found the proposal to be harmful to the character and appearance of the area which is contrary to Policy SD8 of the LP. I afford this conflict with the development plan significant weight. The provisions of the Framework in relation to achieving well designed and beautiful places also weigh heavily against the proposal, as such the proposal would be contrary to the Framework, taken as a whole.
16. The provision of seven dwellings would make a modest contribution towards the area's housing supply and I note that bungalows are said to be a housing type that is in short supply. The appellant is also agreeable to the provision of two affordable units as required by the development plan. These are clear benefits of the scheme which attract moderate weight. I have also had regard to the provision of open space as part of the proposal and that appropriate standards of living conditions for existing and future occupiers can be achieved. The lack of harm on these matters and the policy compliance with various development plan policies are a neutral factor, weighing neither for, nor against the proposal.
17. Overall, the benefits of the scheme do not outweigh the harm I have identified or the conflict with the development plan.

Conclusion

18. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR