



Appeal Decision

Site visit made on 17 April 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/H0738/W/24/3337958

Middle Fields, Calf Fallow Lane, Norton, Stockton-on-Tees TS20 1PF

- 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 & Mrs Paul and Kerry Derbyshire against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 23/1722/FUL.
 - The development proposed is described as "Erection of a single replacement dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. As a part of the Framework's revisions, some paragraph numbering changed from that contained within the previous version. In my decision, I have had regard to the most up to date version of the Framework.

Main Issues

3. The main issues are:
 - Whether the appeal site provides a suitable location for the dwelling proposed having regard to relevant policies within the development plan and the National Planning Policy Framework; and
 - The effects of the proposal upon the character and appearance of the area.

Reasons

Location

4. Located beyond the defined limits to development established within the Stockton-on-Tees Borough Council Local Plan (LP), the site lies within the countryside. The site is accessed via a country lane – Calf Fallow Lane, and fields separate it from the nearest settlements. The part of the countryside the site is within is characterised by groups of buildings separated by fields and paddocks. Given its setting, I find the appeal site to be isolated within the countryside.
5. LP policy SD3 establishes that new dwellings within the countryside are unacceptable unless they would be for certain exceptional purposes set out within the policy's criteria. Amongst other matters, policy SD3 further sets out

that support will be given to the replacement of a dwelling in the countryside provided that the replacement would not be materially larger than the existing dwelling and it would be located on the same site or in close proximity. On the basis of the evidence before me, no definitions of “replacement dwelling” or “dwelling”, as referenced within policy SD3, are provided within the LP.

6. The site contains a caravan which the proposed dwelling would replace. The caravan is a twin unit, it is made up of two separate chassis joined together. The use of the caravan for residential purposes is lawful but, given it is a caravan, it is not a building. The replacement would be a brick bungalow with tiled roof.
7. In comparison to bricks and mortar houses, caravans are constructed of shorter-life materials and have greater mobility characteristics. The caravan on site would not have the same degree of permanency as the replacement bungalow would. Therefore, whilst the site may be used for the siting of a caravan permanently, the accommodation itself is not permanent.
8. The caravan will be affording its occupants the facilities required for day-to-day private domestic existence. However, those facilities are not contained within a building. The physical form of the caravan means that it is not a dwellinghouse even if, in function, it is serving as one.
9. In my view, the support offered to replacement dwellings by policy SD3 will be in those circumstances where one permanent dwellinghouse would be replaced by another. For the reasons I have set out, this would not be the case in the proposal. Consequently, the proposal does not constitute a replacement dwelling as referenced by policy SD3. In turn, I find that a new isolated dwelling in the countryside is proposed, and it would not be for any of the exceptional purposes set out at criteria 4 (a) – 4 (d) of policy SD3.
10. Even if I were to adopt the position that the proposal should rightly be considered as a replacement dwelling, the floor area and volume of the proposed dwelling would be considerably greater than that of the caravan. Therefore, even though the proposed dwelling may be of a comparable scale to some nearby dwellings, and smaller than some others, it would be materially larger than that which exists. Consequently, the proposal conflicts with the replacement dwelling criteria within policy SD3 in this respect.
11. I appreciate that these findings diverge from some of those expressed by the Inspector in the Follyfoot Banks appeal decision. I also note that elsewhere in the area planning permissions for dwellings have been granted following the grant of certificates of lawfulness including for caravans. However, appeal decisions are heavily dependent on the case-specific evidence and circumstances. I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case.
12. For the above reasons, the appeal site does not provide a suitable location for the dwelling proposed. The proposal conflicts with policy SD3 read as a whole. The proposal also conflicts with advice within the Framework which seeks to ensure isolated homes in the countryside are avoided unless it meets certain exceptional circumstances.

Character and appearance

13. The fields, paddocks, country lanes and the sporadic development groups surrounding the appeal site provide for a rural character. The groups of buildings include dwellings but also buildings which exude an agricultural and equestrian appearance. The agricultural and equestrian type buildings exhibit varied designs but many, given their function, are quite utilitarian in appearance. Next to the existing caravan is a corrugated metal building and a stable block. Therefore, the setting of the caravan also includes utilitarian buildings.
14. The caravan is itself of simple design, and it is quite modestly scaled. It is not particularly attractive, but its scale and appearance means that it is congruent with the buildings next to it, and it is reflective of the varied and utilitarian development in the area.
15. The proposed dwelling would be considerably larger than the caravan and, it would introduce into this part of the countryside a scale of development which exceeds what is presently there. From certain vantage points, including in the east along Calf Fallow Lane, the proposed dwelling would be quite effectively screened by landscaping. There are other views, such as from the tracks to the north, where the site is much more open, and the dwelling's size would be readily appreciable. The result of the caravan's replacement with the dwelling would be that this particular part of the countryside would become more built-up, and its present degree of openness reduced.
16. Furthermore, as the existing caravan's appearance is reflective of the utilitarian buildings beside it and in the area, no enhancement to the character or appearance of the area would result. Instead, the proposal would introduce a permanent and larger residence into this part of the countryside. In turn, it would erode the rural character.
17. I have no objection to the design detailing or material finish proposed to the dwelling, and I appreciate that a bungalow is proposed in order to reflect the scale of the nearest existing dwellings. Despite this, in the round, the building's scale and erosion of the prevailing character means that the development would be harmful.
18. Consequently, I find that the proposal would harm the character and appearance of the area. The proposal conflicts with policies SD5 and SD8 of the LP which seek to ensure that development is of an appropriate scale, would not harm the character and appearance of the countryside and is designed to the highest possible standard, taking into consideration the context of the area. The proposal would also conflict with those policies within the Framework which seek to ensure that development is sympathetic to local character and contributes to and enhances the natural and local environment, including through its recognition of the intrinsic character of the countryside.

Other Matters

19. As a small development, the proposal would also be likely to contribute quickly to the supply of permanent dwellinghouses. However, in providing only a single dwelling, this contribution would be very modest. Some economic benefits would arise from the proposal's construction and occupation. The development would provide for a biodiversity net gain. Though these are benefits of the

proposal, they are insufficient to outweigh the harm I have identified in the main issues.

20. The accommodation proposed may be of a better standard for the appellants, but I find that this is essentially a personal matter. Planning is principally concerned with land use in the public interest. Moreover, it has not been shown to me that there are not alternative means for the appellant to be better accommodated.
21. The site has access to a bridleway, providing a recreational route for the dwelling's occupants. The site would not be at risk of flooding nor is it the subject of any site specific environmental designation. The proposal would not harm the living conditions of neighbouring occupiers, it would not result in any effects prejudicial to highway safety and it would make appropriate provision for parking and property servicing. However, these are neutral factors which do not weigh in the proposal's favour and do not outweigh the harm which would arise from the development.
22. Both appeal parties submit that, as the proposed dwelling would replace a caravan, no additional nutrient loading effects upon nearby Habitats sites would result. If I were minded to allow the appeal I would need to be satisfied that the proposal would have no adverse effects on the integrity of such sites. Given I am dismissing the appeal, there is no requirement for me to undertake this assessment.
23. The appellant refers to paragraph 11 (d) of the Framework, but the reasons for this are not clear to me. Relevant development plan policies apply and, on the basis of all that is before me, I have no reason to conclude the most important policies should be treated as being out of date.

Conclusion

24. The appeal site does not provide a suitable location for the dwelling proposed, and the proposal would harm the character and appearance of the area. This, and the resulting conflict with the aforementioned development plan policies, leads me to conclude that whilst the proposal would comply with some development plan policies, it conflicts with the development plan as a whole. The material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR