



# 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: 8 May 2024**

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**Appeal Ref: APP/H0738/W/23/3335619**

**Land West of New Close Farm, 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 failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Georgia Swales against Stockton-on-Tees Borough Council.
  - The application Ref is 23/1003/FUL.
  - The development proposed is conversion of a barn to a dwelling.
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## Decision

1. The appeal is dismissed and planning permission for the conversion of a barn to a dwelling is refused.

## Applications for costs

2. An application for costs was made by Georgia Swales against Stockton-on-Tees Borough Council. This is the subject of a separate decision.

## Preliminary Matters

3. Following the submission of the appeal against non-determination, the Council has clarified the decision it would have taken on the application if it had been determined within the statutory time period. The Council would have refused the application, and the reasons why have been provided. These notional refusal reasons inform my main issues set out below.

## Main Issues

4. The main issues are:
  - Whether the proposal would constitute an appropriate barn conversion within the countryside including in respect of its effects upon setting; and
  - Whether the appeal site provides a suitable location for the proposal having particular regard to its accessibility to services, facilities and sustainable transport modes.

## Reasons

*The appropriateness of the conversion including in respect to setting*

5. The appeal site is located within the countryside, isolated from the nearest settlements. Policy SD3 of the Stockton-on-Tees Borough Council Local Plan (LP) establishes that in such locations new dwellings are unacceptable unless they would constitute a particular form of housing development set out within

the policy's criteria. Relevant to the conversion proposed is criterion (c) which supports the re-use of redundant or disused buildings provided that it would lead to an enhancement of their immediate setting. This is consistent with the advice at paragraph 84 of the National Planning Policy Framework (the Framework). The appropriate re-use of buildings in accordance with these LP and Framework policies is one means of using land effectively to meet the need for new homes.

6. The barn proposed for conversion has been fitted out for horse stabling and storage. However, at the time of my visit the building was empty, and there was no evidence of it being in use. That said, my visit represents only a snapshot in time.
7. The planning statement submitted in support of the application is dated May 2023, and it submits that the proposal would re-use a disused building. However, the site survey undertaken to inform the submitted structural condition and conversion report dates from a little later, in June 2023, and the photographs included show that the barn at that time was housing equipment as well as some straw or hay.
8. Therefore, there is some diverging evidence before me regarding whether the barn proposed for conversion is genuinely disused or redundant. Given the content of the structural condition and conversion report contradicts the assertions made by the appellant about the building, I find the evidence before me that the building is either no longer being used or no longer needed or useful is not compelling. Regardless, to comply with LP Policy SD3, and paragraph 84 of the Framework, the proposal is required to result in a setting enhancement.
9. The part of the countryside the appeal site is located within is characterised by groups of buildings accessed by tracks and separated by fields and paddocks. Some of these buildings are residential, but others are of an agricultural or equine appearance. The barn sought for conversion is one of a group of four quite closely positioned buildings. Each exude the appearance of being for agricultural or equestrian purposes. Abutting the barn is a paddock. This was being grazed at the time of my visit. Therefore, this building group, and its surroundings, are very reflective of the local area. Each of the buildings within the group, including those proposed for conversion and demolition, are in decent condition, and they cause no detriment to the character or appearance of the area.
10. Altogether, the porch and fenestration proposed to be introduced to the barn and the demolition of the building beside it would domesticate the appearance of the building group and erode its present rural character. These effects would result even if any domestic paraphernalia which would arise from the development was well screened and irrespective of whether the section of boundary wall proposed could be erected under permitted development rights or its design amended.
11. Given the existing barn and the buildings close-by to it comprise of an enclave of development entirely congruous to the area and with little sign of decline, no enhancement to the character or appearance of the site or its immediate surroundings would be derived from the proposal's domesticating effects. On the contrary, the domesticating effects would be unsympathetic and, thereby, harmful.

12. The woodland proposed within the paddock would contribute to the delivery of a biodiversity net gain, and it would put land to use with positive effects in ecological terms. If I adopt a broad interpretation of what is meant by a setting enhancement, it is fair to consider such ecological betterment as constituting one.
13. However, this woodland would also reduce the area of grassland and, in so doing, diminish the extent to which the land exhibits the appearance of a paddock. In this site's particular context, where land exuding equine usage is part of the prevailing character, such effects would be detrimental and would serve to temper the woodland's ecological benefits.
14. Therefore, I have firstly found that the evidence that the barn is redundant or disused is unpersuasive. Secondly, and despite the proposed woodland's contribution to an overall biodiversity net gain, the development would alter a building and land in a manner which would be unsympathetic to their character and appearance and, in turn, to that which typifies the area. A mix of different positive and negative effects would arise from the development but, in the round, I find that upon completion of the development no enhancement to immediate setting would result. The proposal would not, therefore, constitute an appropriate barn conversion within the countryside.
15. Consequently, the proposal conflicts with policy SD3 of the LP and the advice at paragraph 84 of the Framework. The proposal conflicts with policy SD5 of the LP which, amongst other matters, requires the re-use of buildings in the countryside to provide for the development identified within policy SD3. The proposal also conflicts with policy SD8 of the LP which requires 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 the character of surrounding buildings and the landscape. Similarly, conflict with policy advice within the Framework arises as it sets out that development should be sympathetic to local character, including the surrounding built environment, and to landscape setting.

### *Accessibility*

16. Isolated from the nearest settlements and accessed via meandering rural access tracks without dedicated footpaths or street lighting, the appeal site is inconveniently located to access services, facilities and sustainable transport modes. To access the typical range of services that they would be likely to require frequently, I expect that the future occupiers of the development would be heavily reliant on the use of a private car.
17. The opportunities to maximise sustainable transport solutions do vary between urban and rural areas, and the opportunities in this case will be more limited than within a more built-up environment. However, isolated housing in the countryside should be avoided. The harm which can be derived from it includes harm to the intrinsic character of the countryside, but it can also result in houses being built in inaccessible locations. Isolated housing can, nevertheless, be acceptable in certain circumstances.
18. However, in my first main issue, I have set out the reasons why the proposal would not constitute an appropriate barn conversion within the countryside nor form one of those particular types of isolated housing developments which accords with LP policy SD3 or paragraph 84 of the Framework. In not

constituting one of those accepted exceptional forms of isolated housing under the provisions of the LP and the Framework, the proposal would facilitate housing within a location with poor accessibility credentials and a high car dependency, without the exceptional reasons for justifying doing so.

19. The appellant refers to the permitted development rights afforded by Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which relates to the change of use of agricultural buildings to dwellings. That permitted development right does not apply a test in relation to the sustainability of a site's location. The statutory requirements relating to the lighter touch prior approval procedure are, deliberately, much less prescriptive than those relating to planning applications.
20. However, the evidence before me demonstrates that the permitted development right cannot be exercised in this case. As such, the permitted development rights afforded by Class Q do not represent a real alternative prospect to deliver the development proposed. Accordingly, they also do not provide a fallback position of any meaningful weight. In this case, planning permission has been applied for, and the lighter touch prior approval procedure does not apply. It is appropriate to consider the accessibility credentials of the site.
21. I accept that, with just a single dwelling proposed, vehicular movements associated with the development would be modest and the effects of it upon the local road network would not be severe. Nevertheless, and for the reasons given above, I find that the appeal site does not provide a suitable location for the proposal having particular regard to its accessibility to services, facilities and sustainable transport modes. Consequently, the proposal conflicts with the advice of the Framework which seeks to ensure that planning decisions create accessible places.

### **Other Matters**

22. The development would make a contribution to housing supply. 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. Though these are benefits of the proposal, they are insufficient to outweigh the harm I have identified in the main issues.
23. The site may not be at risk of flooding nor be the subject of any site specific environmental designation, whilst the proposal's design would incorporate energy efficient measures and make appropriate provision for parking. I have had regard to these matters but, again, they do not outweigh the harm which would arise from the development.
24. The appellant refers to paragraph 88 of the Framework, but this relates to the growth and expansion of businesses within rural areas and not housing. Therefore, that paragraph of the Framework is of very little relevance to my decision.
25. Wastewater arising from the development could result in nutrient loading effects upon the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. The woodland planting proposed would serve as mitigation. If I were minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects on the Habitat site's integrity. Given I am

dismissing the appeal, there is no requirement for me to undertake this assessment.

26. The appellant submits that the proposal would enable their family to move out of an existing caravan within which they reside and into more spacious accommodation. However, I have very limited information before me on the family's present situation or what alternative accommodation options have been explored. In the circumstances, I can only attach limited weight to the matter and given the harm that I have identified in the main issues, it is proportionate and necessary to dismiss the appeal.

### **Conclusion**

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

*H Jones*

INSPECTOR