



Appeal Decision

Site visit made on 5 December 2023

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2024

Appeal Ref: APP/H0738/W/23/3331328

Land north of no.1 Kirklevington Hall Drive, Kirklevington, Yarm TS15 9LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Paul Hudson against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 21/0532/OUT, dated 18 February 2021, was refused by notice dated 20 April 2023.
 - The development proposed is the erection of two detached houses (1 x two storey house and 1 x dormer bungalow).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a planning application that was submitted jointly by Mr Paul Hudson and Mr Tony Burns. Mr Paul Hudson is the sole appellant specified on the appeal form.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to the spatial strategy in the development plan for the distribution of housing.

Reasons

Location

4. The appeal site lies beyond the southern edge of Yarm and outside the settlement boundary for Kirklevington village. For planning purposes, it lies within open countryside where policy SD3 of the Stockton on Tees Local Plan (LP) 2019 applies.
5. Policy SD3 defines the spatial strategy for the distribution of housing development within the Borough, to meet the housing requirement and to maintain a rolling five-year supply of deliverable housing land. This strategy aims to ensure that, amongst other things, development is directed to the most sustainable locations. It promotes development in the most sustainable way, supporting housing in regeneration areas, within the development limits of identified main settlements, within an urban extension and development in villages.

6. The development proposal for the construction of two detached dwellings on the site, would conflict with policy SD3 of the LP. Criteria detailed in policy SD3 part (4) sets out exceptional circumstances when new residential development may be permitted in the countryside. The appellant accepts that the appeal proposal would not meet any of those exceptions. Furthermore, the site is not a strategic allocation in the Local Plan. As such, the proposal would be contrary to this strategic housing policy, which promotes development in the most sustainable way in terms of housing distribution.
7. The appellant has advanced that the appeal site is in a sustainable location and is not isolated. The main parties do not dispute that the dwellings would not be isolated. The proximity of the appeal site to existing dwellings, amenities and services is acknowledged- and indeed, was accepted by the Inspector in relation to the adjacent site. Notwithstanding this or the sustainable design credentials of the proposed dwellings, given that the site is in the countryside outwith the development limits of the settlement, it remains that the proposal must be considered under policy SD3 of the LP.
8. The spaciousness and vegetation within and adjacent to the appeal site, which is presently an area of garden associated with the adjacent terrace, positively contributes to the verdant countryside and surrounding open parkland landscape. Construction of two additional dwellings and associated domestic paraphernalia would result in the loss of this garden area and would therefore, diminish the openness, harm the rural character and intrinsic value of the countryside, and undermine the housing strategy in conflict with policy SD3.

Self-build and custom-build

9. Accepting the policy conflict with the locational strategy set out in policy SD3 of the LP, it is the appellant's case that self- build housing, the provision of which policy SD3 identifies as a priority, and which the Framework supports in paragraph 70(b), is a material consideration which should be afforded substantial weight. In LP policy H4, the Council supports the delivery of self-build and custom build housing. Policy H4 identifies two sites at which self-build and custom housing building will be required.
10. The Council's 2021-2022 Annual Monitoring Report (AMR) indicates that in the period 2021-2022, the total number of serviced plots required for part 1 of the Register was 19. However, at the time the appeal was made, the Council maintains that there is limited evidence of demand for self-build and custom build within the Strategic Housing Market Assessment (SHMA) and on the authority's Custom and Self- build Register. Its position is that the proposal would not meet any registered demand for self-build and custom-build housing.
11. However, there is no substantive or historic evidence from the Council as to how many self-build and custom-build homes have been built to satisfy any identified need. Moreover, the appellant casts doubt on whether the homes permitted on the two sites identified for self-build and custom-build housing in policy H4: Betty's Close Farm and Lowfield Farm; together a total of 85 self-build and custom-build homes, would actually meet the definition of self-build and custom-build homes, particularly at Lowfield Farm, which accounts for 81% of the self-build and custom-build homes allocation.
12. It is unclear whether the permissions would secure self-build and custom-build homes and it is unclear that the initial owner of the homes will have primary

input into its final design and layout. The Council has not refuted the appellant's concerns on this and have not confirmed that they are satisfied that the development permission being counted as self-build and custom-build homes in fact meet the legislative requirements. On the limited evidence from both sides before me on this, it is not clear to me that development at Lowfield Farm will truly be self-build and custom-build homes. This is a material consideration that weighs in favour of the proposal.

13. Notwithstanding this, and even discounting the provision on Lowfield Farm, there is no substantive evidence that the remaining self-build and custom-build homes at Betty's Close Farm would not meet the definition of self-build and custom-build homes. These amount to 16 self-build and custom-build homes. In this light, though the additional 2 self-build and custom-build homes in the proposal would make a small, but important contribution to meeting the demand for self-build and custom-build homes, it would not outweigh the conflict with the development plan, which directs housing to the most sustainable locations.
14. I therefore conclude that the appeal site would not be a suitable location for the proposed development, having regard to the spatial strategy in the development plan for the distribution of housing. It would be in conflict with policy SD3 of the Stockton on Tees Local Plan (LP) 2019. There are no material considerations that direct me to conclude any differently.

Other Matters

15. The appellant references the appeal decision at Leicestershire (Ref: APP/G2435/W/18/3214451). The nature and scale of the development proposal to which the referenced appeal decision relates, differs from that of the current appeal proposal. The Inspector gave substantial weight to the economic benefits of the 30 houses in that appeal, whereas this proposal is for 2 houses. The Inspector identified substantial social benefits from its being able to meet most of the current demand for self-build and custom-build plots in the district, concluding that the economic, social and environmental benefits of that proposal significantly and demonstrably outweighed the conflict with the development plan. As such I can only attribute limited weight to any parallels to this previous decision. I have given careful consideration to all representations received – including those from local residents- but they do not lead me to a different overall conclusion on the main issue.

Conclusion

16. The construction of two additional dwellings on the site would constitute a moderate contribution to the housing stock- thereby aligning with the national aim, as set out in the Framework (para. 60), to boost significantly the supply of homes. It would provide self-build and custom-build houses, which would be a small contribution to meeting the demand for this kind of housing. It would also bring some uplift to the local economy from construction services and the patronage of local business and services of future occupiers. I attribute some weight to the appellant's health and personal circumstances and to the fact that the appellant's have registered on the Council's Custom and Self- build Register. To all these social and economic benefits, I attribute moderate weight.

17. However, the appeal site is in countryside outwith the development limits set out in the Local Plan and the proposal would not meet the identified policy exceptions. Rather the proposed development would harm the rural character and intrinsic value of the countryside, undermine the housing strategy and hinder delivery of that strategy, placing it in conflict with the development plan. The delivery of custom and self- build housing would not in itself justify residential development in this location. This outweighs the positive aspects of the proposal.
18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
19. For the reasons given above, I conclude that the proposal would conflict with the development plan when taken as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

N Kempton

INSPECTOR