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# Appeal Decision

Site visit made on 19 March 2013

**by E Norma Farish BA DIPTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 5 April 2013**

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**Appeal Ref: APP/H0738/A/12/2189630**

**Handley Cross, Leven Bank, Leven Bank Road, Yarm, Cleveland TS15 9JL**

- 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 Mr William Charles Bates against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 12/2326/FUL dated 28 September 2012 was refused by notice dated 14 November 2012.
  - The development proposed is change of use of outbuilding to dwelling, including extensions and alterations.
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## Decision

1. The appeal is dismissed.

## Main issues

2. The principal issue in this case is the impact which the creation of new residential development in the open countryside without appropriate justification would have on the rural character, the strategic gap/green wedge, and the intrinsic value of the countryside.

## Reasons

3. The appeal site lies within the grounds of a substantial detached house, Handley Cross, in open countryside outside the defined settlement limits of Yarm and in an area between Yarm and Ingleby Barwick identified in the Stockton-on-Tees Core Strategy as a Green Wedge. Handley Cross is set well back from its northern boundary with the A1044 Leven Bank Road in grounds of some 3.4 ha, and beyond its own well-treed boundaries is surrounded by open fields or woodland on all sides except for a detached house, recently extended, known as Hedgeside, which is close to the north-western boundary and currently shares an access with Handley Cross. Two houses do not constitute a hamlet, and whilst the nearest edge of the built-up area of Yarm is only roughly 400m or so to the north-west the appeal site clearly is not within the urban fringe.
4. The appeal site itself comprises a block of brick-built garages about 21m long, an extensive area of concrete hardstanding to the north, part of a walled garden to the south, and an area to the east which is mostly grass but which also accommodates several old containers used for storage. This parcel of land is entirely enclosed within the grounds of Handley Cross but is barely visible from it. To the north between the site and the road is rough grassland

used by the appellant for driving his collection of former military vehicles; that and the appeal site are separated from the front garden and driveway to the existing house by fencing and a screening line of trees. Access is from Leven Bank Road via the present drive.

5. The National Planning Policy Framework of March 2012 (the Framework) constitutes guidance for plan- and decision-makers and is a material consideration in determining planning applications. The Framework says that decision-takers at every level should seek to approve applications for sustainable development wherever possible. One of the core planning principles set out is that planning should recognise the intrinsic character and beauty of the countryside and support thriving local communities within it. The Framework seeks to encourage development in rural areas where it would support economic growth, and to promote the retention and development of local services and community facilities in villages, but says that to achieve sustainable development housing should be located where it will enhance or maintain the vitality of rural communities; new isolated homes in the countryside should be avoided unless justified by special circumstances.
6. Planning law requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. Saved policy EN13 of the Stockton-on-Tees Local Plan 1997 restricts development in the countryside to that necessary for farming or forestry, tourism, sport or recreation, or where it contributes to the diversification of the rural economy. Saved local plan policy EN20 permits the conversion, adaptation and reuse of rural buildings for commercial, industrial, tourism, sport and recreational uses, subject to compliance with all of a number of criteria which include that the proposed use can be largely accommodated within the existing building without significant demolition and rebuilding, and that any alterations or extensions are limited in scale and do not affect the form and character of the existing building. This is qualified in paragraph 2.63 which says that residential conversions might be appropriate where there is to be no significant change to the character and appearance of the building or the area immediately around it.
7. The Stockton-on-Rees LDF Core Strategy Development Plan Document adopted in 2010 emphasises the importance of the rural environment, which provides a pleasant setting for the Teesside conurbation, creating an environment with the quality of life which makes people want to stay, attracts entrepreneurs and investment, and is beneficial to wildlife. Core strategy policy CS10(c) seeks to maintain the separation between settlements and the quality of the urban environment by protecting and enhancing the openness and amenity value of strategic gaps between the conurbation and surrounding settlements and green wedges within the conurbation, including the steep-sided and well-wooded Leven Valley between Yarm and Ingleby Barwick. These development plan policies have a high degree of consistency with the Framework and so carry considerable weight.
8. The appellant proposes to enlarge and convert the existing garages to a single storey office and two storey living accommodation and to add at right angles to that a new two storey residential wing, thus creating a two-bedroom house with the bedrooms in the roof-space. The footprint of the proposed dwelling would be more than double that of the existing garages and the total residential floorspace created would be more than three times that of the

garages. There would be major changes to the form, character and appearance of the original building, and alterations to its setting might well of necessity follow. Moreover, since the present front and dividing walls, one end wall and the roof of the garages would be removed and the back wall, to largely remain, appears to be in fact the original garden wall, the development proposed is not only a new dwelling but, in effect, a new building in the countryside not ancillary to the existing house.

9. No indication has been given that the proposed development is required in connection with agriculture or any of the other purposes identified in either the development plan or the Framework as necessary to support economic growth, diversification of the rural economy, or social and community facilities in rural villages, nor have any other special circumstances to justify the development been submitted. Thus the appeal scheme would not comply with the provisions of the development plan policies referred to above.
10. The appellant submits that the proposed dwelling would not be visible from outside the grounds of Handley Cross and so there would be no demonstrable harm. However, the Leven Valley Green Wedge is relatively narrow and therefore its rural character is particularly vulnerable to damage from inappropriate development. The appeal scheme would not protect or enhance the openness or the amenity value of the locality but by introducing an additional residential unit would add further domestic activity which would be out of keeping with and cumulatively harmful to the character of the area. I note from paragraph 12.26 of the core strategy that the council has identified a need and demand for executive housing in the Tees Valley, but that does not justify residential development in this location.
11. I saw for myself that quite significant development has taken place at Bridgewater and the appellant has drawn to my attention other permissions on sites outside the settlement boundaries. I cannot be aware of the full history of these various schemes, but the council has sought to explain and defend its decisions, and on the basis of the information before me I am not persuaded that the council has been inconsistent in its decision-making. Whether that is also true of Hedgeside, which appears to have a complicated history, is unclear, but, whilst I can understand the appellant's frustrations in the face of other permissions, every case must be judged on its own merits and none of the examples referred to persuade me that a grant of planning permission would be justified in this case.
12. I have considered whether any conditions that could be imposed would overcome the planning objections to the proposed development to a degree sufficient to enable permission to be granted, but I have found none. I have given careful consideration to the above and to all other points raised in the representations received, including the various comments made in support of the development proposed, but I have found nothing that outweighs the matters which have led me to conclude that the permission sought should not be granted. The appeal fails.

*E Norma Farish*

INSPECTOR

