



## Appeal Decision

Site visit made on 24 February 2015

by **C J Checkley BA(Hons) MRTPI**

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

Decision date: **05 March 2015**

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### **Appeal Ref: APP/H0738/W/14/3000570**

### **Aslak, Aislaby, Eaglescliffe, Stockton-on-Tees, Cleveland, TS16 0QN**

- 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 & Mrs Jordan against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 14/2285/FUL, dated 22 August 2014, was refused by notice dated 16 October 2014.
  - The development proposed is *installation of new driveway to serve existing property*.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue in this appeal is the effect of the proposed new access and driveway on the appearance and character of the rural surroundings.

### **Reasons**

3. The small settlement of Aislaby stands either side of Aislaby Road on the lower northern slopes of the Tees Valley. An informal private road leads southwards at a tangent off Aislaby Road, changing gradient and direction along its route, and serves as the access to 3 detached dwellings set in mature gardens on the edge of the settlement adjoining open countryside. The appeal property, Aslak, forms the last dwelling at the end of the private road and stands within a large rectangular garden.
  4. Beyond the houses, the appellant owns two fields outside the limits to development at Aislaby that rise northwards up the valley slope to Aislaby Road. The lengthy new driveway is proposed across this open land.
  5. The extensive undulating valley slopes below Aislaby Road, including the dwellings and their gardens and open land over which the new driveway would be constructed, all form part of the Tees Valley Special Landscape Area (SLA) defined under saved Policy EN7 of the Stockton-on-Tees Local Plan (LP), which states that development which harms the landscape value of the SLA will not be permitted. This part of the SLA is characterised by attractive undulating landscape with fields bounded by hedgerows with trees and woodland, in which
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the more sensitive man-made elements have an informal nature that respects the character of the rural area and its topography.

6. The section of Aislaby Road where the new access would be located outside the development limits still retains much of the character of a country lane running through open countryside between hedgerows, despite the short drives serving Orchard House and The Gables having introduced suburban domestic features. The existing farm gate providing a low-key and unobtrusive agricultural access through the hedgerow into the field is in keeping with the rural landscape. It would, however, be replaced by a wide tarmac entrance with kerbed radii with the hedgerow set further back to provide visibility, and with the wooden gate also set back between 2 brick pillars. The driveway itself would be a 4m wide tarmac carriageway with drainage channels, cutting straight across the two open fields some 145m down the slope to the rear garden of Aslak.
7. In combination, the new access and tarmac drive would form a prominent further domestic intrusion into the surrounding countryside, adversely affecting the character of the country lane and eroding the attractive rural landscape. Although the proposed new hedgerow and trees would in time soften its obtrusive effects, the suburbanising effect of the development upon the character of the landscape would remain apparent, also giving the resulting parcels an appearance akin to plots awaiting development. The fact that the Landscape Officer raised no objections does not alter my findings.
8. I conclude that the new driveway would cause material harm to the appearance and character of the rural surroundings that are designated as a SLA in recognition of their special qualities. The effect would be contrary to the provisions of saved LP Policies EN7 and EN13 (which remain consistent with the National Planning Policy Framework), Stockton-on-Tees Core Strategy Policies CS3(8) and CS10(3.i) and the NPPF, which seek to protect the landscape quality of the SLA, resist development outside defined limits, make a positive contribution to the area, protect the openness and amenity of strategic gaps, and recognise the intrinsic character and beauty of the countryside.
9. The reason given for the application is the creation of a safer access to Aslak. The new access would be outside the 30 mph zone but would achieve acceptable visibility for the recorded speeds. The existing shared private road has a tangential junction with Aislaby Road, so that vehicles exiting westwards have reduced visibility and initially need to encroach onto the opposing side of the road. Against that, traffic levels and speeds within this 30 mph zone appear low and there is no evidence of personal injury accidents at the junction.
10. In net terms vehicles ceasing to use the existing shared road and instead solely using the proposed new access to reach Aslak could experience a minor increase in highway safety. However, there is no mechanism before me to ensure that the existing road serving Aslak would not continue to be used by some residents, visitors or deliveries. The other houses would in any case need to continue using it. Therefore, I find the highway safety benefits would be limited and not sufficient to outweigh the clear-cut objections. Therefore, this appeal must fail.

*C J Checkley*