
Appeal Decision

Site visit made on 8 April 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2019

Appeal Ref: APP/H0738/W/18/3215779

The Moorings, Bentley Wynd, Yarm TS15 9BS

- 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 Mr P Riley against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 18/0142/OUT, dated 19 January 2018, was refused by notice dated 3 July 2018.
 - The development proposed is erection of a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with all matters reserved for future consideration except access. I have dealt with the appeal on that basis, treating the proposed site plan as well as the proposed elevations of the dwelling and garage as indicative.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to determining the planning application, the Council adopted the Stockton-on-Tees Local Plan (LP) in January 2019. The LP superseded the policies referred to by the Council in its reasons for refusal. I have therefore considered the appeal against the relevant adopted policies of the LP and make no further reference to the previous development plan.
5. The Government has published its Housing Delivery Test results alongside the publication of an updated revised National Planning Policy Framework (The Framework) in February 2019. This includes minor revisions including an additional footnote to Paragraph 11. The Housing Delivery Test outcome for the Council indicates that the total number of homes delivered has been above the total requirement for the last three years, which results in no change to the

housing position. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of this appeal.

6. It was requested that I view the appeal site from the neighbouring property of Riverside, and I was able to do so at my site visit.

Main Issue

7. The main issue is whether the appeal site would represent a suitable location for a dwelling with due regard to the development plan as well as character and appearance.

Reasons

8. The appeal site is located in the large garden located to the side of the detached property of The Moorings, which in turn is located at the end of a linear extent of dwellings. The site is located at the top of a slope leading down to the banks of the River Tees, and due to this topography the appeal site and line of dwellings are in a prominent elevated position on the skyline when viewed from public rights of way along the river.
9. The Council states that the appeal site is located outside of the defined limits as identified on the Policies Map of the LP. In response, the appellant contends that the demarcation of the limits of development is unclear and has provided extracts from the LP Policies Map to support this. However, the low resolution extract provided by the appellant indicates that the defined limit excludes the garden to the side of the Moorings. Moreover, no substantive evidence has been provided to me that the Council's interpretation of the defined limits to development is incorrect, and I have proceeded to determine the appeal on the basis that the appeal is located outside of the limits to development.
10. As the site is located outside of the limits to development, it is considered to be in the countryside within the terms of the LP. Based on what I have seen and read, the proposal would not meet the criteria set out in Policy SD3 of the LP with regards to new dwellings within the countryside.
11. Furthermore, due to the prominent location of the appeal site, the proposal would appear as an extension of suburban built development into the sensitive landscape around Yarm, with resultant harm to the character and appearance of the area. I have had regard to the 'Landscape and Visual Comments'¹ on the proposal, which initially raised no landscape and visual objections, but which were then reviewed in the light of the location of the site within a Special Landscape Area (SLA). However, whilst the SLA designation has since been superseded by the policies of the LP, the exclusion of the site from the limits to development of the LP indicates the sensitivity of the landscape around the edge of this settlement.
12. This reflects my own observations where the proposed development would appear as a prominent and obtrusive extension to the residential area into the sensitive landscape around Yarm, and which would be readily visible from footpaths along the river. Due to the prominent location of the site, I am not persuaded that the visual harm could be overcome through the design and landscaping of future schemes. The proposal would therefore conflict with

¹ From the Highways, Transport and Design Manager

Policies SD5 and SD8 of the LP which seek to ensure that development is responsive to the landscape character of the area, amongst other things.

13. I am mindful of the benefits of the proposal, including that it would add to the number and mix of dwellings in this sustainable location. However, this could be said of many locations on the edge of this sustainable settlement and the benefits arising from a single dwelling would be very limited. This matter would not outweigh the clear conflict with development plan policy or the harm to character and appearance.
14. The appellant contends that the proposal should be assessed in accordance with the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework. However, mindful that the LP has only recently been adopted and of the results of the Housing Delivery Test, I conclude that the development plan policies are up-to-date and that the provisions of paragraph 11(d) are not triggered.
15. Due to its location beyond the limit to development and the harm to character and appearance as set out above, I conclude that the proposal would be contrary to Policies SD3, SD5 and SD8 of the LP. Material considerations do not indicate that the proposal should be determined otherwise than in accordance with the development plan.
16. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR