
Appeal Decision

Site visit made on 5 December 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 05 January 2017

Appeal Ref: APP/W0734/W/16/3157459

Middlesbrough Golf Club, Brass Castle Lane, Middlesbrough TS8 9EE

- 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 Middlesbrough Golf Club against the decision of Middlesbrough Borough Council.
 - The application Ref M/OUT/0017/16/P, dated 6 January 2016, was refused by notice dated 7 March 2016.
 - The development proposed is outline planning permission for the erection of 6 no. detached dwellings with associated means of access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline form with all matters of detail, except access, reserved for later consideration. Plans were submitted with the application showing a layout for the proposed development. However I have considered the appeal on the basis of this being indicative, except for the details shown regarding the proposed access.

Main Issues

3. The main issues of the appeal are:
 - (i) the effect of the proposal on the character and appearance of the surrounding area; and
 - (ii) whether or not the proposed development would constitute an appropriate location for housing, having regard to development plan policy and the National Planning Policy Framework.

Reasons

Character and appearance

4. The appeal site forms part of the Middlesbrough Golf Course site and consists of approximately 0.5 hectares of land located towards the south-eastern section of the golf course. A section of mature trees forms a boundary between the appeal site and the golf course.
 5. From the details submitted by the appellant, I note that the proposed site cannot be incorporated into the golf course layout due to its modest size and
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location close to the public highway. In addition, I note that the site has not been identified as having any wildlife habitat or agricultural rental potential. Consequently, I accept that the proposed is surplus to requirements and in this respect complies with paragraphs 73 and 74 of the National Planning Policy Framework (the Framework) in relation to the use of sport and recreational surplus land.

6. From the evidence before me, the proposed access arrangement appears to be satisfactory and will not result in any safety issues in relation to vehicular or pedestrian usage. In addition, whilst details regarding layout, scale and appearance are only illustrative at this stage, the evidence before me demonstrates that the site could comfortably accommodate six dwellings without resulting in a cramped and overbearing form of development to the site.
7. Some sections of the mature hedge which currently provide existing screening to the site would be retained. However, in order to provide the required width and adequate visibility for access to the proposal, a significant proportion of the hedge would be removed and replaced with low shrub planting. The appellant contends that the small dip in the land would further assist in screening the site from public views. However, from my observations on site I do not consider that this would be sufficient in order to significantly reduce the visual impact of the proposal when viewed in context of the predominately open countryside character of the immediate area. Accordingly, clear views of the proposal would be evident from the lane.
8. I accept that in regard of the design of the proposed dwellings, the application was submitted in outline and therefore it would be possible to ensure that the dwellings were of a high quality. Nonetheless, I consider that a housing development in this location would impact on the visual amenity of the locality and would therefore detract from the character and appearance of the surrounding area. It would therefore fail to accord with Policies CS4, CS5 and DC1 of the Middlesbrough Local Development Framework Core Strategy 2008. These policies when taken together, amongst other things, seek to ensure that development does not adversely affect the character of an area.

Appropriate location

9. It is common ground between the appellant and the Council that the appeal site is located beyond the limits to urban development and is designated as Primary Open Space within the Middlesbrough Council Local Plan 1999 (the LP). In addition, the appellant accepts that the proposal is a departure from the Middlesbrough Housing Local Plan, Housing Core Strategy and Housing Development Plan Document 2014 (the HLP).
10. Policies E20 and E22 of the LP seek to limit development in the countryside to a number of exceptions, including agricultural and forestry uses. In addition Policy E7 of the LP, which safeguards primary open space from development, details exceptions for development in such a designation. However, any such development must be of an over-riding benefit to the community as a whole and should not harm the character of the locality.
11. I acknowledge that a number of policies referred to in the Council's decision notice pre-date the Framework. Nonetheless their content is broadly consistent with various elements of the Framework. Consequently, and in accordance

with paragraph 215 of the Framework, I consider that it is appropriate to continue to give weight to those elements of the policies.

12. In addition, the Council can demonstrate a 5 year supply of deliverable housing within the Borough. Accordingly, on the basis of the evidence before me I have no reason to regard the relevant policies for the supply of housing as being not up-to-date, with respect to the advice at paragraph 49 of the Framework.
13. Paragraph 55 of the Framework specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes, unless there are special circumstances such as, inter alia, the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
14. The residential areas of Marton and Nunthorpe are in relative proximity to the site. From my observations made during my site visit, both areas have a range of facilities and services which would meet the requirements for daily living needs. However due to the distance of the proposed dwellings from these areas, I do not consider that the proposed site could be considered to be adjacent to these residential areas.
15. I acknowledge that the proposed dwellings would not be isolated in the sense of being stand-alone buildings on the site. They would however be located some distance from larger settlements that provide a full range of local services, employment and facilities. In addition, the appellant, in their submitted evidence, has stated that the nearest bus and train provision is located approximately 1 mile of the appeal site. I accept that this is not a significant distance from the site. However, given the lack of suitable footpaths and street lighting, journeys to access the public transport provision may be hazardous on foot, particularly in the winter months.
16. This therefore leads me to the conclusion that any future occupiers would inevitably rely on the private car, which is the least sustainable mode of transport. Whilst the proposal might not generate a large number of traffic movements, the proposal would, nonetheless, increase the number of unsustainable journeys.
17. In this instance I have also not been made aware of any other special circumstances that would justify an exception to the principle set out in Paragraph 55 and therefore the proposal would be a form of development which the Framework seeks to avoid.
18. I note that Policy E7 of the LP and the implications of this policy were not raised during pre-application discussions or during the determination of the application. Notwithstanding this, conflict with Policy E7 was identified in both the committee report and decision notice. Whilst I acknowledge the appellant's frustration in relation to this matter, I consider that the appellant has had ample opportunity to consider the implications of this policy.
19. I have identified that the appeal site is not located within a sustainable location and therefore the proposal is contrary to Policies E7, E20 and E22 of the LP and also fails to comply with the housing spatial strategy as detailed in Policy H1 of the HLP.

Planning Balance

20. Paragraphs 6, 7 and 8 of the Framework indicate that the purpose of the planning system is to contribute to the achievement of sustainable development, with sustainable development having three roles; economic, social and environmental. None of these roles should be undertaken in isolation as they are mutually dependent.
21. I have considered the benefits of the proposal, including the provision of up to 6 relatively substantial dwellings on generous plots, of which the appellant has indicated there is a need for. The economic benefits of the proposal include the jobs that would be created during construction, a potential increase in spending to support local businesses and services and the economic activity generated by the increase in the supply of houses. The social benefits would be related to the housing and a potential increase in support for local community services and facilities.
22. In addition, I have also taken account of the fact that the Golf Club is an established business enterprise which employs between 25 and 30 staff and offers golfing and social facilities to the local communities. I further acknowledge that the proposal before me would allow for improvements to be made to the club house and playing provision.
23. However, as the proposal represents an unsustainable location in the countryside, the adverse effects of the proposal significantly and demonstrably outweigh the limited benefits associated with the provision of a relatively small number of dwellings.

Other Matters

24. The appellant has drawn my attention to a number of planning application and appeals in support of their respective case; however I do not have full details of the proposals before me. Nevertheless, the examples given simply demonstrate the exercise of planning balance in the circumstances of each case. The specific circumstances of the appeal site, alongside the requirements of the development plan, dictates that the appeal scheme falls to be considered on its own merits, as I have done so. Accordingly, the planning applications and appeal decisions referred to do not alter my conclusion on the main issues.

Conclusion

25. I have found no material considerations which would warrant making a decision other than in accordance with the relevant development plan policies. Therefore, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR