



Appeal Decision

Site visit made on 29 July 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/H0738/W/19/3224414

Yarm Riding Centre, Glaisdale Road, Yarm TS15 9RN

- 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 David Anderson against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 17/2904/REV, dated 25 January 2018, was refused by notice dated 25 January 2019.
 - The development proposed is described as 'revised application for erection of five detached dwellings (demolition of existing stable and ménage)'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the issuing of the decision notice on 25 January 2019, the Council adopted the Stockton on Tees Local Plan (2019 LP), on 30 January 2019. Policies SD5, SD8 and ENV6 are considered the most relevant policies in this new Local Plan, which were referred to as policies from the then emerging policies on the decision notice. The appellant has had an opportunity to comment on these now adopted policies and so has not been prejudiced.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area including the land designated as a Green Wedge at the River Leven Valley.

Reasons

4. The appeal site is a former riding school and stables situated in open fields within the Tees Heritage Park to the rear of residential properties on Mount Leven Road and Glaisdale Road on the outskirts of Yarm. The properties on these roads predominantly take the form of bungalows and currently form the north eastern extent of built development of Yarm. The Tees Heritage Park covers a large geographical area within the Borough where it connects a number of existing green spaces together along the River Tees and its tributaries as a single park.
5. The appeal site generally benefits from an elevated position looking over the river Leven Valley corridor. On the opposite side of the Leven Valley is Round Hill, a scheduled ancient monument. Due to the topography of the area, the northern end of the appeal site slopes down steeply towards the river. This end

of the site lies within the Leven Valley Green Wedge (LVGW). This is one of a number of Green Wedges within the Borough, which serve an important role in maintaining local character and the separate identity of built up areas. The LVGW continues towards the east along the river corridor, creating separation between Yarm and Ingleby Barwick on the other side of the river.

6. A large proportion of the land to the east of the appeal site is already subject to housing commitments, including a site known as the Mount Leven Retirement Village, which has planning permission¹ for 332 retirement dwellings along with a 68 bed care home. Beyond this lies a further site known as Busby Way, which has planning permission² for a further 14 dwellings.
7. The appeal site would continue to be accessed from its south eastern corner via the existing entrance on Glaisdale Road. The access road heads north east, passing a large triangular paddock area that would be retained to the immediate rear of Mount Leven Road and Glaisdale Road. After this paddock area would lie the first 4 of the 5 proposed large detached dwellings. These would be clustered together in a square formation, around where the existing stable buildings are located. To the west of these dwellings, a further triangular grazing/paddock area, larger than the first, would also be retained. This is to the immediate rear of numbers 52 – 64 Mount Leven Road. The remaining dwelling (Dwelling 5) would be positioned further to the north of the site.
8. Cross-sectional drawings and a Landscape and Visual Impact Assessment (LVIA) have been prepared by way of illustrating how the proposed dwellings would appear within the context of the wider area. It is clear that whilst being 2 storeys in height, the four dwellings towards the south of the site would have a similar ridge height to that of the bungalows on Mount Leven Road and Glaisdale Road, due to the differences in site levels. As a result, the scale of these dwellings, in terms of their height, would reflect that which is characteristic of the other built development in the surrounding area. However, as a result of their proposed positioning on the site, set in an unaligned position with the properties on Mount Leven Road and in between the 2 triangular paddock areas, these dwellings would appear as an insular and isolated 'island' of development that would be out of context with both the existing pattern of development in the surrounding area and of that which has been shown as being proposed for the Mount Leven Retirement Village and Busby Way. Such an arrangement would, therefore, be harmful to the character and appearance of the surrounding area.
9. Dwelling 5 would be positioned further to the north of the site, with the northernmost tip of the building and part of its grounds protruding into the LVGW. However, the proposal would not impact upon the separation between Yarm and Ingleby Barwick that the LVGW seeks to maintain. It would also accord with Policy ENV6, which sets out specific criteria that developments in Green Wedges need to achieve. Whilst these are positive indications, these do not overcome the fact that Dwelling 5 would nonetheless appear as an unduly prominent and isolated feature, sitting in front of the other 4 dwellings, part way down the slope that leads to the River Leven.
10. Dwelling 5 would be substantially greater in size than the other 4 dwellings that are proposed and would be of a more contemporary design, featuring multiple

¹ Planning Application Reference 15/2161/REM

² Planning Application Reference 17/2694/REM

flat roofs, large expanses of white render and full storey-height glazed windows. By virtue of its significant scale and footprint and its white render and glazing finish, Dwelling 5, positioned forward of the other 4 dwellings and protruding into the LVGW would be visually prominent and incongruous when viewed within the context of the surrounding landscape, which is verdant in character. In particular, Dwelling 5 would be prominent when viewed from a distance away, from the other side of the river Leven Valley. Whilst the VIA concludes that in time, the appearance of the appeal site would become less significant due to the establishment of the landscaping associated with the proposal, such mitigation measures cannot be considered permanent. Dwelling 5 in particular would still nonetheless be visible and would appear as a large and isolated building within the context of the River Leven Valley.

11. The appellant has referred to the appeal decision³ for the Busby Way² scheme, which they consider to be comparable to that which is before me. Whilst it is inevitable that comparisons can be made between developments, each will have its own particular site-specific circumstances and merits upon which it will be considered. In the Busby Way case, the Inspector considered that the proposal would ultimately be viewed in the context of the backdrop of the existing housing behind it. The appellant has explained that the backdrop behind the appeal site would also be changing considerably in the future once the Mount Leven Retirement Village¹ and Busby Way² schemes have been constructed. Whilst this may be the case, there is currently no certainty that these developments would be fully implemented in their approved form and as such, I can only attach limited weight to this argument. In any event, even if these other schemes do come forward, this would not alter the prominent and isolated appearance of Dwelling 5, which would stand alone, separated from any development to both the east and west by large undeveloped areas of land.
12. Accordingly, I find that due to the overall awkward positioning of all of the dwellings, and the scale and prominent appearance of Dwelling 5, the proposal would appear out of keeping with both the existing and proposed patterns of development in the area. As a result, it would be harmful to the character and appearance of the surrounding area, including the LVGW. Consequently, the proposal would be contrary to policies SD5, and SD8 of the 2019 LP and policies CS3 and CS10 of the Stockton on Tees Core Strategy Development Plan Document 2010 (DPD). When read together, these policies seek to ensure that proposals are of an appropriate scale that make a positive contribution to the landscape character of the local area, whilst protecting and enhancing the Leven Valley Green Wedge.

Other Matters

13. The appellant has also asserted that the proposal would assist in housing supply and that the proposal is broadly aligned with the National Planning Policy Framework (the Framework) in this regard. Whilst it is acknowledged that the proposal would indeed create an opportunity for custom build housing to come forward on a windfall site, the benefits that this would bring would not outweigh the clear harm that I have identified above.
14. Round Hill, a scheduled ancient monument is located nearby to the appeal site. Paragraphs 193 and 194 of the Framework explain that great weight should be

³ Appeal ref APP/H0738/A/14/2226575

given to the conservation of scheduled monuments and any substantial harm or loss to them should be wholly exceptional. With this in mind, there would be no harm upon the immediate setting of this heritage asset due to the significant separation distance between it and the appeal site, which is on the opposite side of the River Leven Valley.

15. Both parties have acknowledged that the proposal is in conflict with Policy H4, which requires a 20% affordable housing contribution on all residential developments over 1000 m². However, as I am dismissing the appeal for other reasons, I do not need to consider this matter further.
16. Objections have also been raised by local residents relating to biodiversity and ecology amongst other matters. However, as the appeal is dismissed for other reasons, I do not need to consider these matters further.

Conclusion

17. For the reasons given above and having had regard to all matters raised, I conclude that the appeal is dismissed.

Jamie Reed

INSPECTOR