



## Appeal Decision

Site visit made on 23 July 2019

**by Sarah Manchester BSc MSc PhD MEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> September 2019**

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**Appeal Ref: APP/H0738/W/18/3218307**

**14 Houghton Banks, Ingleby Barwick, Stockton-on-Tees TS17 5AL**

- 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 D Horner against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 18/1926/RET, dated 06 September 2018, was refused by notice dated 05 November 2018.
  - The development is described as proposed change of use from open land to residential curtilage (retrospective).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application sought permission for a change of use on land which is designated as green wedge but which has now been incorporated into the garden of No 14. I have therefore determined the appeal on the basis that retrospective permission is sought for the change of use of the land which has already been implemented.
3. In January 2019, after the Council determined the application, it adopted the Stockton-on-Tees Borough Council Local Plan (the LP). The LP was at an advanced stage when the application was determined and the emerging policies were listed in the reasons for refusal. I am therefore satisfied that both parties were aware of, and have had the opportunity to comment on, the policies contained within it and which have now been adopted.

### Main Issue

4. The main issue is the effect of the change of use of the land on the character and appearance of the area, including Bassleton Beck Valley green wedge.

### Reasons

5. No 14 is a 2 storey detached dwelling at the edge of a residential estate. It is in an elevated position above Bassleton Beck Valley, an area of open green space that separates Ingleby Barwick and Thornaby and which is designated as a green wedge. The appeal site is a narrow strip of land enclosed by close-boarded timber fencing at the edge of the green wedge immediately adjacent to the appeal property.
6. Green wedges serve a number of important functions including maintaining the separation between, and the local character of, the built-up areas within the

conurbation, providing recreational opportunities and supporting ecological networks. Policy ENV6 of the LP sets out that development within green wedges will only be supported in certain circumstances, including where it would not result in coalescence of built-up areas or adversely impact on local character.

7. In this case, there is an abrupt change in character where the built environment meets the green wedge. In this location, the large expanse of Bassleton Beck Valley includes areas of woodland and unmanaged rough grassland with scattered and dense patches of scrub. Pathways through the area appear to be well-used recreationally. Although there is no evidence before me in respect of any ecological network functions, it seems reasonably likely that the range of habitats present in the green wedge would have value to wildlife including pollinating insects and birds.
8. Although it has eroded the edge of the green wedge in this location, the extension to the garden is modest in size in the context of the green wedge as a whole. Consequently, the small loss of open space does not result in any significant reduction in the separation between Ingleby Barwick and Thornaby. The change of use has not therefore compromised the function of the green wedge in maintaining the separation between built-up areas.
9. However, as set out above, the function of the green wedge is not merely to avoid coalescence of built-up areas but also to protect local character. While it is not readily visible from ground level within the housing estate, my impression is that the garden extension will be visible from nearby first floor windows. Moreover, it is visible from the green wedge, including the recreational track which runs along the bottom of the bank near to the edge of the built-up area at this point.
10. The edge of the settlement is well-defined in this location by a continuous and smooth hard boundary. By virtue of the consistency of design, materials and building line, the built edge of the estate has a harmonious character and appearance. When viewed from the green wedge, the scattered trees and shrubs in front of the developed edge also serve to soften and integrate the built environment.
11. The appeal scheme protrudes forward from the established edge of the settlement. It does not relate well to, and it has an awkward relationship with, the continuous boundary of the estate in this location. By virtue of its siting, design and materials and elevated position above the green wedge and associated recreational areas, the change of use is conspicuous and visually obtrusive. Its visual prominence has been further exacerbated by the clearance of vegetation in proximity to the appeal site. Consequently, the change of use is incongruous and it does not make a positive contribution to the character of the surrounding area.
12. I have considered whether the adverse effects of the scheme could be mitigated by replacement planting. However, there is little before me to demonstrate what planting, if any, could be achieved on the green wedge side of the fence or that this could be controlled by planning condition. Moreover, given the concerns of the appellant in relation to the encroachment of vegetation into his property from the adjacent land, I am not persuaded that any meaningful screen planting could be secured at this site. Vegetation is in

any case not permanent and should not be relied upon to hide inappropriate development from view.

13. In addition to the protection afforded to green wedges, Policy ENV6 of the LP seeks to restrict development in areas designated as open space, with certain exceptions including where the land is surplus to requirements or the loss would be replaced by equivalent or better. In this case, it has not been demonstrated that the appeal site is surplus to requirements and there is little before me to demonstrate that the loss would be compensated.
14. The Council is concerned that the change of use would set a precedent for similar schemes coming forward that could adversely affect the green wedge. In this respect, the appeal scheme is one of three nearly identical appeals<sup>1</sup> that affect the green wedge in this location. Therefore, there is evidence that occupiers of other residential properties in the area either have extended, or are proposing to extend, their gardens into the green wedge. Moreover, there are no exceptional circumstances or any compelling justification which apply to No 14 only, as evidenced by the similar appeals at both Nos 18 and 24. Therefore, and notwithstanding that each scheme must be considered on its individual merits, I find that there is a reasonable prospect of similar development coming forward elsewhere at the edge of the green wedge.
15. Therefore, the change of use of the land has resulted in unacceptable harm to the character and appearance of the area, including Bassleton Beck Valley green wedge. It conflicts with Policies SD5, SD8 and ENV6 of the LP. These require development to protect and enhance green infrastructure assets, to respond positively to the character of the area, to reinforce local distinctiveness and contribute to place making and, within green wedges, to avoid adverse impacts on local character.

### **Other Matters**

16. I appreciate that the appellant has been put to the trouble of controlling an overgrowth of vegetation, particularly brambles, in the green wedge adjacent to the boundary. In this respect, he has made attempts to identify the owner of the adjacent land and he has also approached the Council. Notwithstanding, I am not persuaded that there are no alternative means that would enable the management of vegetation along the boundary without the conflict with the development plan.
17. Evidence has been submitted with the appeal to demonstrate that the formerly overgrown area to the rear of No 14 was used by groups of young people for recreational purposes. I appreciate the appellant's concerns in respect of such activity in proximity to his property and his understandable reticence to confront groups of people behaving in an antisocial manner. I also note his concern that the area could have provided a hidden location for potential burglars to survey his property. However, there is no substantive evidence before me to indicate that antisocial behaviour or crime is a significant problem in this area. Moreover, it has not been demonstrated there are no alternative solutions that could deliver substantially the same benefit without conflict with the development plan.

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<sup>1</sup> Nos 18 and 24 Houghton Banks, appeal refs APP/H0738/W/18/3218308 and APP/H0738/W/18/3218309

18. The appellant admits that the angular ends of the fence create recessed corner areas that could actively encourage rather than deter antisocial behaviour. While I note the suggestion that an amended scheme could be secured by planning condition, there are no proposals before me that demonstrate any alternative arrangement and which would mitigate the harm that I have identified.
19. While I accept that there were no objections to the planning application, no formal representations were made in support of the scheme and I am aware that concerns have subsequently been raised by an interested party. The absence of objections at the planning application stage is a matter that carries limited weight in my assessment.

### **Conclusions**

20. For the reasons set out above, the appeal is dismissed.

*Sarah Manchester*

INSPECTOR