



Appeal Decision

Site visit made on 7 December 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/W0734/W/20/3257806

1 Bridlewoods, Middlesbrough TS8 9EE

- 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 Lee Spensley (c/o Wynyard Motor Company) against the decision of Middlesbrough Borough Council.
 - The application Ref 20/0138/FUL, dated 2 March 2020, was refused by notice dated 14 July 2020.
 - The development proposed is the erection of a 2.5 storey split-level dwelling with attached triple garage with guest suite over.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2.5 storey split-level dwelling with attached triple garage with guest suite over at 1 Bridlewoods, Middlesbrough TS8 9EE in accordance with the terms of the application, Ref 20/0138/FUL, dated 2 March 2020, subject to the conditions set out on the attached Schedule of Conditions.

Application for costs

2. An application for costs was made by Mr Lee Spensley against Middlesbrough Borough Council. This application is the subject of a separate Decision.

Background and Main Issue

3. Outline planning permission was granted on appeal in 2015¹ for five detached dwellings with associated access. Following the granting of outline planning permission, applications for approval of reserved matters were approved for detached dwellings on plots 2, 3 and 4, with conditions were subsequently discharged and the permissions implemented. At the time of my visit to the site those properties were either occupied or in the final stages of completion.
4. I have not been advised of any further applications for approval of reserved matters in relation to the remaining two plots originally granted outline planning permission and the parties agree that the relevant time periods for doing so have expired. A separate application for planning permission for a dwelling on one of those plots² has recently been approved by the Council, leaving the appeal site as the only one of the five plots originally granted for which there is no implemented or extant permission for residential development.

¹ APP/W0734/W/15/3033360

² Plot 5

5. The application the subject of this appeal was recommended to the Council's Planning and Development Committee for approval. The Council's consideration of the matter is set out in the minutes to that committee and the single reason for refusal on the decision notice. The Council confirm in their appeal submission that to support the refusal reason they wish to rely upon the officer's report to the Planning and Development Committee. The Council have not challenged or disputed the content of the appellant's Grounds of Appeal, particularly the matters set out at paragraph 6.1.2 therein, with regard to matters not in dispute.
6. Having regard to the above therefore, the main issue is whether or not the appeal site is an appropriate location for residential development, having regard to the development plan and national planning policy.

Reasons

7. There is no dispute that the appeal site lies beyond the defined settlement limit for Nunthorpe. Nor is a case made that the proposal would benefit from any of the exceptions to development beyond development limits and within the open countryside set out within policies E20 and E22 of the Middlesbrough Local Plan (MLP). As a consequence, there is also no dispute that the proposal would be in conflict with MLP policies E20 and E22 or that it would be contrary to policy H1 of the Middlesbrough Housing Local Plan (MHLP) as it is not within one of the strategic sites listed therein and is not within the urban area. I have not been presented with any further evidence or argument that would lead me to a different conclusion.
8. I do not intend to repeat the description of the site's planning history as set out by both parties in their submissions. However, it is agreed that the principle of residential development on the appeal site has previously been accepted, even if it has now expired, and that residential development on the surrounding 3 plots, and at Green Willows, is well established and that the construction of a dwelling on plot 5 has recently been granted permission.
9. Policy CS4 of the Middlesbrough Core Strategy (MCS) sets out the Council's approach to how it aims to contribute towards achieving sustainable development principles. Amongst these are principles such as development being located so that services and facilities are accessible by a range of means of transport so as to reduce reliance on the private car; to make the most efficient use of land, including vacant sites, to meet the borough's housing needs in the right locations; securing high quality design and protecting landscape character.
10. Brass Castle Lane provides a direct link towards Nunthorpe, but it is a relatively narrow and twisty lane, without footway or street lighting and, whilst it might provide the basis for a pleasant stroll into the open countryside it would not be particularly conducive to walking or cycling to access services and facilities within Nunthorpe or Middlesbrough. In this respect, a further dwelling at Bridlewoods would not align with MCS policy CS4's principle of seeking to reduce reliance on private transport to access services and facilities.
11. However, I am mindful that the appeal site lies within a group of existing dwellings; one pre-existing dwelling, three recently constructed dwellings and one which has recently received planning permission. The latter two groups, totalling four dwellings, were all part of the same outline planning permission

for five dwellings. Although the element of that outline permission that relates to the appeal site is no longer extant, the principles established by it and the on-going development around it, are very much material considerations to which I give significant weight.

12. A broad timeline of submissions subsequent to the original granting of outline planning permission is described by the appellant which, I am satisfied, shows a clear intention to develop the wider Bridlewoods site within the bounds of individual plots and house designs linked by a commonality of design approach. Moreover, I am also satisfied that in addition to showing a clear intention to comprehensively develop the site, it also demonstrates a relatively limited hiatus between the original outline permission expiring in relation to the appeal site and the appeal proposal's submission as a planning application.
13. Having carefully viewed the appeal site and having particular regard to its surroundings on Bridlewood, I am satisfied that there is a clear contextual and visual synergy between the appeal site and the remainder of the Bridlewoods development. It would, if left undeveloped, appear quite clearly as a vacant and undeveloped site within the context of the dwellings, plot layout and plot sizes of the houses around it.
14. The proposed dwelling would clearly be one of substantial scale. As such, it would differ from existing estate-housing development further north on Brass Castle Lane, and from the on-going development of residential sites on the eastern side of Bonny Grove Plantation. However, it would very clearly be understood as a contemporary of houses on plots 2, 3 and 4, whilst the existing house at Green Willows is also a substantial property.
15. Further south along Brass Castle Lane substantial entrance gates hint at the scale of houses, glimpses of which are possible through woodland from the road, whilst the grouping of large houses within De Brus Park are clearly visible from the lane. Thus, sporadic groups of large houses and individual properties are not uncommon along the length of Brass Castle Lane. Bridlewoods is one such group, now established, and I am satisfied that the proposed dwelling would be of an appropriate scale, character, design and layout in relation to those around it.
16. Although the proposal would not actively support a reduction in reliance on the private car, as required by MCS policy CS4(g), the proposal would develop what in essence has the appearance and visual prompts of a vacant plot within the wider Bridlewoods scheme and its development would make efficient use of it. Furthermore, the proposal would result in a form of high quality design which would, through synergy with the scale, character and appearance of existing houses within Bridlewoods, which would 'complete' the originally envisaged development and contribute positively to the local townscape of this development. More widely, a dwelling in this location would not be out of character with the sporadic nature of development elsewhere along Brass Castle Lane. Thus, whilst not fully aligning with MCS policy CS4, the proposal can nevertheless draw support from some elements thereof.
17. The site lies within the Marton West Neighbourhood Plan area. Policy MW3 of the Marton West Neighbourhood Plan (MWNP) is supportive of residential development proposals on small unallocated sites, subject to assessment against a range of criteria. The proposal was not refused over concerns about the capacity of existing infrastructure to meet increased demands likely to arise

from the proposed development, nor would it result in the loss of existing amenity open space. There would be no conflict with points (b) or (c) of MWNP policy MW3 as a consequence.

18. With regard to access, parking and impact on the local highway network, this matter has previously been considered and found to be acceptable with regard to the original outline scheme for five dwellings and was not a point of objection for the Council in the current instance. I saw that the appeal site is located a considerable distance from the entrance to Bridlewoods from Brass Castle Lane and that the access road from the latter has already been constructed in order to provide access to the existing dwellings. Despite the concerns expressed by a ward councillor during the Planning and Development Committee's consideration of the proposal, highways and highway safety matters did not form part of the Council's refusal reasons and I have not been presented with any further evidence or compelling argument that would persuade me otherwise. There would be no conflict with the highways elements of MWNP policy MW3(d) or with point (e).
19. The position of the proposed dwelling within a now established residential context would be entirely in keeping with the scale, form, character and layout of those dwellings. Relative to Brass Castle Lane, the appeal property would not be widely visible. The building's substantial south facing elements, a skewed combination of the front (west) and rear (east) elevations would be visible in views along the residential access drive from Brass Castle Lane, but these would be glimpsed, limited by the entrance gate pillars and walls at the entrance and, in time, largely dominated by the presence of a dwelling at plot 5. The proposed dwelling would therefore only have a minor visual impact on the character of Brass Castle Lane, the character and appearance of which at this point is largely dictated by existing dwellings at plots 2 and 3 and Green Willows. There would, as a result, be no conflict with MWNP policy MW3 (a) or (d) in these respects.

Planning Balance

20. The appeal site lies beyond defined development limits without the benefit of satisfying the exceptions set out in MLP policies E20 and E22. The proposal is therefore contrary to those policies, and also to MHLR policy H1 as it lies beyond any defined strategic sites or the urban area. However, set against these, I am satisfied that the proposal would broadly satisfy the wider sustainable development aims of MCS policy CS4, even if it would not wholly be in full accordance with that policy, and there would be no conflict with MWNP policy MW3 in terms of location, siting, design, scale, living conditions, access or highways impacts.
21. The Bridlewoods development, having received outline planning permission, approval of reserved matters in relation to three of the five dwellings proposed at outline stage and the discharge of conditions to allow development to commence, is now an established residential development. Together with the existing house at Green Willows, they form a distinct grouping of substantial dwellings set in large residential plots within a verdant, sylvan context.
22. The proposed dwelling would follow these now established parameters at Bridlewoods and Green Willows, and in a manner which, whilst differing from the large scale residential estate developments to the north on Brass Castle Lane nevertheless reflects its immediate context and can also find some

parallels in sporadic large houses and groups of large houses further south along Brass Castle Lane. It is clear that there has been a determined intention to implement the proposal initially granted outline planning permission, and the development of three of the five units within that scheme is nearing completion. The approval of a further dwelling on plot 5, subject to a separate permission, consolidates the wider Bridlewoods scheme. The proposal would be contrary to MLP policies E20 and E22 and MHLP policy H1, but the support that CS4 and MW3 offer to the appeal proposal and the significant material considerations of the appeal site's immediate history, wider intent to develop and position within a now established group of houses and a modest contribution in social and economic terms commensurate with a single dwelling, outweigh the conflict with MLP policies E20 and E22 and MHLP policy H1 in the overall planning balance. Thus, I am satisfied that there are sufficient material considerations to justify reaching a decision not wholly in accordance with the development plan.

Other Matters

23. I have noted the ward councillor's comments as summarised in the Council's committee meeting minutes when the proposal was considered. I have addressed matters relating to highways above in respect of MWNP policy MW3's highways aspect. The matter of the Council's current 5-year housing land supply position was introduced by the Marton West Community Council in their representations to this planning application but was not cited by the Council. Even if the Council are able to demonstrate a 5-year housing land supply, to be able to do so does not represent a ceiling or limit on the supply of homes. The Framework is clear on the Government's objective of significantly boosting the supply of homes. The presence (or otherwise) of a 5-year housing land supply now as opposed to the absence of one when previously considered at appeal is not therefore a determinative matter in this instance.

Conditions

24. The Council's suggested conditions are limited to those set out in the committee report with no further conditions requested. I have considered those conditions in light of the Framework and Planning Practice Guidance.
25. I agree that time limit and plans conditions are both necessary and reasonable in order to provide certainty and in the interests of good planning and I have imposed those conditions with slight amendment to the wording thereof. The Council consider the list of specified materials submitted by the appellant³ to be appropriate and acceptable. I have not been presented with any reasons that would lead me to reach a different conclusion and so I have adopted the suggested materials condition without alteration.

Conclusion

26. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

³ At the planning application stage

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, reference no. AJR19:60-100; Site Block Plan, reference no. AJR19:60-02; and Proposed Floor Plans and Elevations, reference no. AJR19:60-01.
- 3) The development hereby approved shall be carried out in complete accordance with the external finishing materials detailed in the Planning Application Form, received 5th March 2020 and listed below:
 - a) Smooth Saw Cut Dring Stone
 - b) Terca Hathaway Brindle Facing Brick
 - c) Natural Slate Acura Clay Tiles
 - d) Anthracite UPVC
 - e) Anthracite UPVC Bifolds
 - f) Black Composite

or in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the development shall be carried out in accordance with the approved details.

**** end of schedule****