



Appeal Decision

Hearing Held on 8 December 2020

Site visit made on 10 December 2020

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2021

Appeal Ref: APP/G2713/W/19/3221241

Land South of Bridge House, Station Road, Stokesley, Middlesbrough TS9 7AB

- 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 David Quigley against the decision of Hambleton District Council.
 - The application Ref 17/02687/OUT, dated 1 December 2017, was refused by notice dated 27 July 2018.
 - The development proposed is an outline application for the construction of a mixed use B1, B2/B8 development and associated access with all other matters reserved.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application seeks outline planning permission with access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters to be considered in the future. Although the application plans show site layout, elevations, sections and indicative building types the appellant has indicated that these are solely for illustrative purposes. I shall determine the appeal on this basis.
3. As part of the appeal process the appellant submitted revised plans Proposed site plan No. P-100-02 D and Section Views No. P-100-08 C. These were produced to show a correction to the Flood Risk zones with no other alterations. The Council had no objection to the submission of the plans. I am satisfied that the interests of parties would not be prejudiced by me taking account of these plans.
4. The Hambleton Local Plan has reached the examination stage with Hearings taking place during October and November 2020. There is the potential for additional Hearing sessions although these would not necessarily relate to employment development. Given the stage that the Plan has reached and taking account of the comments of the parties at the Hearing, I give it little weight.

Main Issues

5. The main issues are:
 - a) The effect on the character and appearance of the area,

- b) The effect on the living conditions of neighbouring occupiers in respect of noise and disturbance; and,
- c) Whether the principle of the proposed development is acceptable having regard to the location of the development and development plan and national policy on the rural economy.

Reasons

Character and appearance

- 6. The appeal site is located to the west of Station Road and lies south of Stokesley. The land slopes gently down towards the Eller Beck to the north of the site. The site is very open with paddock boundaries and some fences punctuating the site. Hedgerows are visible but are not part of the appeal site except for the hedgerow on the boundary with Station Road.
- 7. The site's character and appearance are consistent with some of the key characteristics of the wider landscape as identified in the North Yorkshire and York Landscape Characterisation Project Report (2011). This includes features such as low lying, gently rolling landscape and medium to large scale agricultural landscape delineated by a network of mature hedgerows.
- 8. Although the Landscape report identifies the land between Stokesley and the A172 as being the most sensitive to development, the appeal site which is further south still has a strong rural quality. There is limited development on the west side of Station Road, and even with Bridge House and Field House located very close to the site the overall appearance is agricultural in nature.
- 9. On the east side of Station Road, the Terry Dicken and Stokesley Business Parks have a distinctly different character to the appeal site as they are urban and built-up in nature. There is some noise from the nearby business parks and glimpses of roofs from the north part of the appeal site but neither of these factors detract from the open and rural appearance and character of site. The appeal site boundary provides an obvious delineation between the countryside and the business areas to the east as much of the site screened by the tall evergreen hedge.
- 10. In respect of closer views there is a public footpath that is currently diverted to run along the hedge within the appeal site. The site and wider landscape to the north, west and south is highly visible from the footpath, which appeared to be well used. To the north of the site close to the Eller Beck and in more distant views such as Viewpoint VP02 from the footpath at the A172 (as shown in the VIA), the site's rural qualities are very apparent. It is possible to see the roofs of the buildings on the industrial estate to the east of Station Road even over the tall hedge of the appeal site.
- 11. The appeal scheme would be visible from higher ground particularly from Cringle Moor identified in the appellant's Visual Impact Assessment 2019 (VIA). However, due to the distances involved I consider this would not be harmful. Construction effects on the landscape would be temporary.
- 12. The illustrative plans indicate potential roof heights at 8 metres high, and blocks of buildings with access and parking areas. The blocks of buildings would have a mass which would draw the eye. Urban features would be introduced into the landscape, and when coupled with the potential scale of development

this would appear considerably at odds with the rural character and appearance of the site. From Viewpoint VP02 and from the footpath any new buildings would be very visible and prominent even with the existing backdrop of the estates at present. Whilst I note that passers-by may be used to the built-up nature of the existing business park, I consider landscaping would not provide sufficient screening to soften the effect of the proposal particularly when seen from the public footpath.

13. In addition, a considerable portion of the hedge would be removed to create the access to the site. This would have the effect of opening the site to views from the road. There is the potential for landscaping for potentially mitigating effects from viewpoint VP01 close to the appeal site and VP02, including potentially replicating the tall hedge along the access road and a small bund. However, a new hedge and landscaping would take some time to be established with the development being highly noticeable for some time.
14. It would also introduce built features into a predominantly open setting. The access and the new roundabout would be noteworthy features along the road, highlighting the presence of the development and altering the street scene negatively to a great degree. This is the case particularly as the delineation between the site's characteristic and that of the existing industrial areas is quite strong.
15. The proposed development would cause significant harm to the character and appearance of the area and would conflict with Policies CP16 of the Hambleton Core Strategy Development Plan Document 2007 (CS) and Policy DP30 of the Hambleton Development Policies Development Plan Document 2008 (DP). These amongst other things seek development that preserves and enhances the District's natural and man-made assets and respects the openness, intrinsic character, and quality of the District's landscape. It would not meet the aims of the National Planning Policy Framework (the Framework) at paragraph 170 in terms of recognising the intrinsic character and beauty of the countryside.

Living conditions

16. There are residential properties close to the appeal site. Some of these are affected by traffic and some noise from the nearby estates. Field House lies to the south of the scheme, but there would be some distance between the nearest proposed new building and the house. Bridge House is located to the north of the appeal site with the main dwelling close to the boundary. As Bridge House is set back from Station Road, the level of disturbance is somewhat limited from the existing estates and traffic. The boundary of Bridge House has a low hedge and it possible to see the appeal site clearly from within the garden. The development would be visible from within the boundary of Bridge House and also the upper floor windows of rooms facing towards the appeal site.
17. Finished floor levels and a lighting strategy could be agreed as part of any reserved matters application and there would be sustainable transport options to offer an alternative to the car. I accept that there would be the potential for landscaping and boundary treatments, although landscaping would take some time to mature and other mitigation may have to be located very close to the boundary with Bridge House to be effective in terms of noise and disturbance.

18. Layout is a matter which is reserved, although the indicative plans show that an office building could be located close to Bridge House with parking areas serving that building and a larger car park also close by. However, even if the buildings were relocated in a reserved matters application there is still the potential for a considerable increase in disturbance to the occupiers of Bridge House through noise from the buildings, and additional comings and goings and pollution. This is due to the proximity of the house to the boundary of the site and first floor rooms facing towards the site.
19. There is a bungalow located on Station Road adjacent to the existing estate, it is close to the boundary of land which contains occupied and vacant business premises. However, the location of that property close to existing businesses is not sufficient reason to justify the scheme before me, which I find to cause harm to a different property.
20. For the reasons given above, the proposed development would cause moderate harm to the living conditions of the occupiers of Bridge House in respect of noise and disturbance. It would conflict with Policy DP1 of the DP which seeks development proposals that must adequately protect amenity.

Principle of development

21. Policy CP10 of the CS refers to bringing forward 75 hectares of employment development between 2005 and 2021. Approximately 74 hectares of employment land would be allocated within the District up to 2035 as set out in the emerging Local Plan. However, I was not provided with detailed information to suggest that the overall target in CP10 was not being met.
22. Policy CP10A of the CS seeks a target provision of 9 hectares at Stokesley as part of achieving the scale of development envisaged in Policy CP10. This would be achieved through allocations although the supporting text also indicates that windfall schemes may be considered.
23. Other sites in Stokesley are referred to within the 2016 Employment Land Review (ELR) as being sequentially preferable to the appeal site. As such, the Council are proposing to allocate land in the emerging Local Plan as sites STK2, (East of Stokesley Business Park) and STK3 (Southeast of Terry Dicken Industrial Estate). These sites adjoin the existing built area of the estates. Whether these potential allocations are deliverable or developable this relates to whether the sites can be accessed, including issues such as there being more than one landowner. The Council indicate that there is the potential to resolve these issues including through alternative accesses. In any event, assessing the detail of proposed allocations in the Council's emerging Local Plan is not a matter for me.
24. Nevertheless, in respect of Policy CP10A there is the potential for the target of 9 hectares of employment provision at Stokesley to not be reached before the end of 2021. I acknowledge that the proposal could be brought forward in the short term by attaching a condition which would refer to one year for the time frame of the submission of a reserved matters application. Therefore, the appeal scheme could potentially start to contribute to the local target for employment land in line with Policy CP10A.

25. Policy DP8 of the DP seeks to focus development within the Development Limits and sets out the circumstances in which development would be acceptable within these limits. The appeal site is located outside the Development Limits of Stokesley. Policy CP4 of the CS supports development outside the Development Limits when an exceptional case is made and sets out several criteria by which development would be assessed. Criterion i) would not apply to the scheme as it is not development necessary to meet the needs of types of occupations which require a countryside location and where they would help sustain a local economy. Other criteria of Policy CP4 refer to significant improvements to the environment, to affordable housing, re-use of an existing building and renewable energy generation, none of these apply in this case and there would not be improvements to the environment as a result of the scheme.
26. Criterion vi) of Policy CP4 refers to development supporting the social and economic regeneration of rural areas. Although the occupancy rate of the existing local business parks is high, there is no indication that this is having a negative effect on local economic growth and productivity and so would not be a sufficient reason to justify the scheme. There is information to suggest that the sale of the units would be popular and the proposed development would provide local jobs and business floorspace. However, there was no evidence to indicate that the scheme was needed to specifically support the social and economic regeneration of rural areas. Therefore, no exceptional case was made that would justify the proposal in terms of criterion vi) of Policy CP4.
27. The scheme would not be in accordance with Policy DP9 which refers to Policy CP4 and replacement buildings. CP11 sets out the priorities for employment development, which seeks to focus it mainly within the development limits but allowing some outside these in accordance with Policy CP4 and CP15 and the scheme does not meet with the criteria of CP4. The Framework does indicate that where sites have to be found adjacent to or beyond existing settlements in relation to the rural economy it will be important to ensure that the development is sensitive to its surroundings, which would not be the case here.
28. I have been referred to an appeal decision¹ in respect to the evidence of employment land supply. However, that appeal differs from the one before me. It was a scheme within another local authority area with different policies and requirements. The Inspector concluded that there was a significant need to accommodate the employment requirements of an adjoining authority and to provide strategic sites. It has different factors that affect the nature of the development and the Inspectors' conclusions, and as such I give it little weight. In any event, I have considered this proposal on its own merits.
29. The scheme would contribute to the supply of employment land at Stokesley. However, the principle of the proposed development would not be acceptable having regard to the location of the site and development plan and national policy on the rural economy. The proposal would conflict with Policies CP1, CP4 and CP11 of the CS and DP8 and DP9 of the DP. It would not accord with the Framework in respect of the rural economy which requires the sustainable expansion and growth of all types of business in rural areas including the need for well-designed new buildings and ensuring development is sensitive to its surroundings.

¹ APP/R3705/W/15/3136495

Other matters

30. The northern part of appeal site is partly located within Flood Zone 2 and Flood Zone 3. I note that the Environment Agency objected to the planning application on this basis. However, particularly for Flood Zone 3, this is only an extremely small proportion of the site and there is potential within the appeal site to avoid the development of any land within Flood Zone 3. Within Flood Zone 2 it would be possible to ensure that only essential infrastructure and water compatible uses were proposed as part of the scheme in that zone. Measures proposed as part of the Flood Risk Assessment (November 2017) could also be implemented. I am satisfied that were other matters acceptable, these matters could be dealt with by means of suitable conditions.
31. There appears to be no space on Station Road to provide suitable pedestrian and cycle access to Stokesley without removing the majority of hedge on the boundary of the appeal site. Nevertheless, there is potential to provide this within the appeal site. A condition to secure the implementation of the proposed access, roundabout and a scheme for the pedestrian and cycle access could be attached to planning permission were other matters acceptable.
32. The proposed scheme would include a four-arm roundabout on Station Road. A Transport Assessment (2017) that accompanies the proposal indicates that the development would not result in a significant effect on the capacity of the road network, and the Highways Authority does not object to the scheme. I see no reason to disagree.
33. The scheme would provide jobs during the construction period and would provide employment within the local area on a permanent basis upon occupation of the units. The site would also add to the employment land supply in the local area. I give this benefit moderate weight, as the scheme is outline in nature it is not possible to quantify what the amount of local employment would be at this stage. The scheme would contribute to the supply of employment floorspace including a variety of uses, whilst this is not quantifiable it would be a moderate benefit of the scheme.
34. There is the potential to incorporate sustainable methods of construction and energy saving methods for the lifetime of the scheme. This would have limited weight in favour of the scheme as the scale of this would not be known until a reserved matters application. The site also has the potential to provide for improved pedestrian and cycleway improvements for access to Stokesley. I give this limited weight as a benefit.

Conclusion and Balance

35. Policies CP1, CP4, CP10, CP10A, CP11, CP16 of the CS, and DP1, DP8, DP9 and DP30 of the DP are the most important policies for determining the appeal. In terms of whether policies of the CS and DP are out of date, Policies CP4, CP11 and DP8 do allow for some form of development outside Development Limits subject to certain criteria therefore demonstrating some flexibility. They are consistent with the Framework at paragraphs 83 and 84 in that they would enable the sustainable growth of all types of business in rural areas and in acknowledging that sites may need to be found adjacent to or beyond existing settlements. Policy DP9 refers to Policy CP4 and so is consistent in that respect.

36. Although the Council published Interim Policy Guidance in 2015, this was focused on housing and does not indicate that the consideration of Policy CP4 in respect of employment development should be disregarded. Policies CP4, CP11, DP8 and DP9 are not out of date for the purposes of paragraph 11d of the Framework. I give significant weight to the conflict of the proposal with Policies CP4, CP11, CP16, DP8, DP9 and DP30.
37. In respect of the production of a new plan, new evidence on the need and requirement for employment land does not automatically render existing policies to be out of date. However, the target of 9 hectares of employment land at Stokesley has not yet been met. This indicates that policy CP10A is out of date in terms of the progress being made towards the target. That said, the most important policies taken as a whole are not out of date for the purposes of this decision. The proposal would conflict with the development plan when considered as a whole.
38. The scheme would cause significant harm to the character and appearance of the area and would cause moderate harm to the living conditions in respect of noise and disturbance. Also, the principle of development would not be acceptable having regard to the location of the site, and development plan and national policy on the rural economy. There are several benefits including the provision of employment and the Framework states that significant weight should be placed on the need to support economic growth and productivity. Nevertheless, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, and the presumption in favour of sustainable development does not apply.
39. The Framework confirms that decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. The conflict with the development plan is not outweighed by other considerations including the Framework.
40. For the reasons given above the appeal is dismissed.

L Gibbons

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr D Quigley	Appellant
Mr T Wattis	Eco Executive Limited

FOR THE LOCAL PLANNING AUTHORITY

Mr P Jones	Hambleton District Council
Ms A O'Driscoll	Hambleton District Council
Mr P McColgan	G L Hearn

INTERESTED PERSONS

Mr G McGill
Mr and Mrs Rathmell
Mr Price