



Appeal Decision

Site visit made on 4 April 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2022

Appeal Ref: APP/W0734/W/21/3289929

44 The Birches, Coulby Newham, Middlesbrough TS8 0UA

- 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 Alexander Horner against the decision of Middlesbrough Council.
 - The application Ref 21/0275/COU, dated 8 April 2021, was refused by notice dated 13 September 2021.
 - The development proposed is change of use of land as extension to residential curtilage with erection of a boundary fence.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land as extension to residential curtilage with erection of a boundary fence at 44 The Birches, Coulby Newham, Middlesbrough TS8 0UA in accordance with the terms of the application, Ref 21/0275/COU, dated 8 April 2021, subject to the following 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: Current Boundary Lines; Proposed New boundary; Proposed Fence Line; Proposed Fence; Site Location Plan.

Preliminary Matter

2. For the sake of clarity and brevity, I have used the description of development from the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The area surrounding the appeal site is characterised by a mix of built form and woodland areas. The appeal site forms part of a woodland landscape strip that separates the residential properties to the east from the B1365 highway and residential properties to the west.
5. The woodland landscape strip provides an important function in defining Coulby Newham, separating the built form of The Birches from the B1365 highway and the Hemlington Grange development. The proposal would result in the loss of a small portion of the woodland area however, the majority of the landscape strip

would remain. Due to the size of the proposal, it would not be an erosion of the landscape strip that would result in the coalescence of two residential areas. The scale of the proposal and the minimal amount of trees that would be removed, would ensure that Council aspirations for maximising tree cover, enhancing green infrastructure, tackling climate change and biodiversity challenges would not be adversely harmed.

6. Accordingly, the proposal would not have a harmful effect on the character and appearance of the area. The proposal would not be contrary to Policies CS5 and DC1 of the Middlesbrough Core Strategy 2008 and the Middlesbrough Green and Blue Infrastructure Strategy 2021-2037 which seeks all development to contribute to the character and appearance of the area and protect and enhance green and blue infrastructure.
7. The Council are concerned that this proposal might make it difficult to resist similar further proposals. I have not been presented with evidence of any other proposals of similar nature and this appeal has been determined on its own merits, as would any future proposals that may come forward.

Conditions

8. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. I have identified the plans which were submitted with this appeal.

Conclusion

9. The proposal would not conflict with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
10. For the reasons given above I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR