



Appeal Decision

Site visit made on 2 August 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/V0728/W/23/3319096

Land off Lingdale Road, Boosbeck, Cleveland

- 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 R Hunton against the decision of Redcar and Cleveland Borough Council.
 - The application Ref R/2022/0864/FF, dated 26 October 2022, was refused by notice dated 20 January 2023.
 - The development proposed is proposed dwelling.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Mr R Hunton against Redcar and Cleveland Borough Council and is the subject of a separate decision.

Main Issue

3. The main issue is whether the proposed development would be acceptable having regard to designated development limits.

Reasons

4. The appeal site lies to the southeast of the village of Boosbeck and close to Lingdale Road, which runs through the village. The site is generally well screened from surrounding areas by mature trees and vegetation which occupy much of its perimeter. The policies map forming part of the Redcar & Cleveland Local Plan – Adopted May 2018 (the LP) identifies that the site lies outside of the development limits of Boosbeck.
5. Paragraph 2.16 of the LP, forming part of the supporting text to Policy SD3, states that the purpose of development limits is to contain future development and to make a clear distinction between the urban area and the countryside. The appellant submits that the development limits would appear to be better positioned if it included the appeal site. However, this appeal is not the forum to challenge adopted development plan policy. I am therefore satisfied, for the purposes of the appeal, that the site lies in the countryside.
6. Policy SD3 seeks to restrict development beyond the development limits defined on the policies map, other than for certain exceptions. Among these is exception 'f.' for isolated single dwellings that are of exceptional quality and incorporate innovative design features, reflecting the highest standards in architecture and sustainability.

7. Some sporadic development exists in the vicinity of the site, including sheds and stables to the east and the remnants of former buildings on the site. However, whilst only being a short walk away, the site is physically separated from the built-up area of the village as well as the development limits defined by the policies map. I am provided with no strict definition of what is meant by 'isolated single dwellings', as referred to in exception 'f.' However, having regard to paragraph 2.19 of the LP, it seems to me that it refers broadly to proposals for single dwellings that are unrelated to similar neighbouring development. The proposals would fall under this term.
8. The submitted details illustrate an interesting design including cedar cladding and a grass roof. They identify potential areas for the inclusion of solar development and illustrate how the dwelling would be excavated into the surrounding landform. The submission states that the proposal seeks to achieve a negative carbon footprint.
9. Whilst finer details of the specification have not been provided at this stage, the appellant considers it absolutely clear that certain elements of the proposals alone, such as those described above, indicate that effort has been made to design an eco-friendly building. The appellant argues that such details could be conditioned, given the cost to address such issues at the planning application stage when the outcome of an application is not known.
10. Policy SD3 seeks primarily to restrict development to land within the identified development limits. To my mind, the policy therefore places a high bar on the expectation of what development outside of development limits should comprise. In order to accord with exception 'f.', proposals should therefore set out in sufficient detail specifically how the objectives of the policy will be met, namely to be of exceptional quality, incorporate innovative design features, and reflect the highest standards in architecture and sustainability.
11. In this case, very limited details have been provided to demonstrate how the proposals would fulfil the specific policy requirements. It is not enough to make generalised assertions that the development will comply without a reasonable degree of evidence. Whilst I understand the appellant's concerns regarding the costs and risks associated with a more detailed approach at this stage, the level of detail I am currently provided with does not convince me that the proposal would deliver on the requirements of exception 'f.'. Moreover, I am not persuaded that the imposition of conditions could reasonably address this disparity.
12. Exception 'j.' of Policy SD3 is for the redevelopment of previously developed land, provided that the site is not of high environmental value and is, or can, be made accessible by sustainable modes of transport. The appellant suggests that the site should be considered as previously developed (brownfield) land due to the remnants of buildings and structures on the site.
13. The presence of buildings on the land does not necessarily amount to it being considered as previously developed. The National Planning Policy Framework notes land that is or was last occupied by agricultural or forestry buildings should not be considered previously developed. The appeal submission states that the site has historically been used for farming related activities. Whilst the submission also notes there is speculation that a dwelling occupied the site at one time, no substantive evidence has been provided to support this. As such, based on the evidence provided, I am not persuaded that the site comprises

previously developed land, and the proposal would therefore not meet exception 'j'.

14. For the above reasons, the proposal, comprising development outside of designated development limits that would not meet any relevant exception criteria, would comprise harmful development in the countryside. This would conflict with Policies SD3 and SD4 of the LP, which together seek, among other objectives, to restrict development beyond development limits other than in specific circumstances, to contain future development, to make a clear distinction between the urban area and the countryside, to prevent uncontrolled urban sprawl, to deliver sustainable development, and to meet the requirements of the locational policy and accord with other Local Plan policies and designations.

Other Matters

15. The appellant refers to a nearby development at Cherry Tree House, which is said to represent a quality build that was initially recommended for refusal by the Council. However, I am provided with no substantive details of the relevant planning considerations of this case or any specific parallels with the appeal scheme. As such, this matter carries very limited weight.
16. The appellant submits that the proposal would provide benefits including the provision of additional family housing to meet the needs of existing local residents, which would in turn support local services and the vitality of the village. I attach some weight to these benefits.
17. I acknowledge that several letters of support have been submitted and there are no public objections to the scheme. It is also submitted that the proposal would provide security in an area prone to crime, although limited substantive evidence has been provided to support this statement. However, in combination with the benefits identified above, these considerations would not outweigh the identified harm.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

P Storey

INSPECTOR