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## Appeal Decision

Site visit made on 4 December 2024

**by P Storey BA (Hons) DipTP MRTPI**

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

**Decision date: 7 January 2025**

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**Appeal Ref: APP/H0738/W/24/3343742**

**Maxwell's Corner: 1-3 Norton Road, Stockton-on-Tees TS18 2BW; and 2 Bishopton Lane, Stockton-on-Tees TS18 2AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Martin Johnson of James Cook Discovery Ltd against the decision of Stockton-on-Tees Borough Council.
  - The application Ref is 23/0590/FUL.
  - The development proposed is the change of use and conversion from a commercial retail area to a 7 bedroom ground floor HMO.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The planning application form, decision notice and appeal form each list slightly different addresses for the appeal site. The appellant has clarified that the site consists of two distinct addresses, as set out in the banner heading above.
3. The appeal site is located within the Stockton Town Centre Conservation Area (the CA). Accordingly, I have had special regard to the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.
4. An update to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were invited to comment on how the updated Framework might affect the appeal. I have had regard to these comments in my decision.

### Main Issue

5. The main issue is whether the proposed development would have an acceptable effect on the character and appearance of the area, and whether it would preserve or enhance the character or appearance of the CA.

### Reasons

6. The appeal site comprises the ground floor of a building located on the corner of Bishopton Lane and Norton Road, with High Street extending southward opposite the building. The property, which is currently vacant, is understood to have last operated as a hairdresser until 2023. The 3-storey building, which also includes a basement, features a curved façade that wraps around the

corner, occupying a prominent position within the town centre. This distinct curved façade is visible from wide-reaching vantage points along High Street to the south.

7. The appeal site sits within the northern part of the CA. According to the Stockton Town Centre Conservation Area Appraisal (the CAA), the building is a fine Georgian terrace on the Y-junction of Bishopton Lane, Norton Road and the High Street. The ground floor façade of the building is currently configured for commercial use but appeared vacant at the time of my visit, enclosed by solid metal roller shutters.
8. The CA follows a broadly linear north-south pattern, with extensions east and west along adjoining streets, and is focussed on the commercial core of the town centre. Centred on the High Street – reputedly the widest in England – the CA contains many historic and architecturally significant buildings from various periods. Notable examples include the Grade I listed 18<sup>th</sup> century Stockton Parish Church and the Grade II listed Art Deco Globe Theatre. While some less sympathetic 20<sup>th</sup> century development exists, many of its fine buildings date from the Georgian and Victorian periods, reflecting Stockton's expansion firstly as an important port on the River Tees, and later in connection with the growth of the railways. Insofar as is relevant to the appeal, the significance of the CA is derived from its eclectic range of buildings that collectively illustrate the town's historical evolution.
9. The surrounding area features a mix of uses, particularly including residential units at upper floors. Farther north, some period buildings appear residential throughout. However, the ground floor streetscape near the appeal site is of distinctly commercial character. At the time of my visit, the appeal building and many nearby units were closed and shielded by solid shutters. However, it is unclear whether all of these units were vacant, as signage suggested some operated as pubs, bars, restaurants or takeaways that may open later in the evening. Nevertheless, I acknowledge that the area appears to exhibit a relatively high vacancy rate, which negatively impacts its overall character.
10. The proposed changes to the ground-floor façade would align with the fenestration and proportions of the building's upper floors. However, given the appeal site's prominent location and high visibility within the town centre and CA, these changes would create a distinctly non-commercial appearance for the ground floor. This would contrast sharply with the predominantly commercial character of the surrounding area, making the proposed development appear out of place and uncharacteristic.
11. The appellant has highlighted the removal of historic shopfronts elsewhere in the CA, including at the appeal site, and has referenced a previously approved scheme that reduced the glazed frontage. They argue that the building's inactive and vacant state, coupled with the presence of imposing black roller shutters, already makes it visually obtrusive. While I do not dispute this observation, the proposed non-commercial elevational appearance would nevertheless appear uncharacteristic among its surroundings.
12. Although some historic shopfronts may have been removed, my assessment must focus on the specific merits of the proposal before me. Based on my site visit, the majority of nearby buildings retain ground floor commercial frontages, except those originally designed for non-commercial purposes. This commercial character is therefore a defining feature of both the appeal site

and the wider area. As such, considerations relating to consented and other nearby developments do not alter my previous findings.

13. The appellant has also provided a list of recently approved planning applications for nearby residential developments but has provided limited substantive detail of these proposals. Importantly, there is no evidence that these developments involved changes to ground floor street frontages. As such, I am not persuaded that they are of significant relevance to the main issue in this appeal. The appellant further asserts that the building is likely to remain vacant if continually marketed for a commercial or retail use, and that its continued vacancy would be more harmful than the proposed development. However, I am provided with limited detail of the marketing strategy and can therefore place limited weight on this issue.
14. The appellant also contends that the proposed elevational changes are necessary to provide suitable living conditions for future residents. Although the Council does not raise concerns regarding the principle of the use, and the proposed arrangement would better accommodate residential use, this would not address the broader concerns set out above.
15. Paragraph 212 of the Framework advises that, when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Based on my findings, I conclude that the proposal would harm the character and appearance of the area and the significance of the CA. While the harm is less than substantial, it is nevertheless of considerable importance and weight.

#### *Heritage balance*

16. Paragraph 215 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
17. The appellant argues that the development would bring a vacant unit back into use, and the proposed external changes would deliver appropriate living conditions for future occupiers. While the Council does not object to the principle of the proposed use, I am not convinced – due to the lack of marketing evidence – that the proposal before me is necessary to bring the unit back into use.
18. Given these factors, and in light of the harm previously identified, the potential public benefits associated with bringing the unit back into use – such as removal of dead streetscene frontage, eliminating the unsympathetic roller shutters, protecting the condition of the building, employment opportunities during construction, increased tax revenues, increased footfall and improved natural surveillance – are limited.
19. The proposal would provide additional housing in a sustainable town centre location, contributing to housing supply in the Borough and supporting the Government's objective of significantly boosting the supply of homes, as set out in the Framework. The appellant also cites an excerpt from the Strategic

Housing Market Assessment 2016 (the SHMA), which highlights the likelihood of a continuing, and possibly growing, role for homes in multiple occupation (HMOs) in providing housing for those on lower incomes who can only afford shared accommodation. While I acknowledge that the provision of housing would provide some public benefits in these terms, such benefits would be limited by the modest scale of the development.

20. While the proposed development may offer some public benefits, I am not convinced that these, taken together, would be sufficient to outweigh the harm to the significance of the CA, given the great weight that must be given to its conservation.
21. For these reasons, I conclude that the proposed development would harm the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA, resulting in harm to its significance that would not be outweighed by public benefits. In respect of this issue, the proposal would therefore conflict with Policies SD8 and HE2 of the Stockton-on-Tees Borough Council Local Plan, Adopted 30 January 2019, which require development to be designed to the highest possible standard taking into account the context of the surrounding area, and to conserve and enhance heritage assets and their setting. It would also conflict with the relevant provisions of the Framework, the aims of which have previously been set out.

### **Other Matters**

22. The appellant highlights the changes in the latest version of the Framework regarding the method for calculating housing need, suggesting that this will increase the Borough's housing requirement. However, I have been provided with limited substantive detail of the housing land supply position.
23. I note paragraph 11 d) i. and footnote 7 of the Framework, which advise that the presumption in favour of sustainable development does not apply if the application of policies in the Framework that protect areas or assets of particular importance – including designated heritage assets – provide a strong reason for refusing the development proposed.
24. Therefore, even if I were to conclude that the Council cannot demonstrate a five-year supply of deliverable housing sites, my previous conclusions in relation to the CA would still provide a strong reason for refusing the development.

### **Conclusion**

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

*P Storey*

INSPECTOR