
Appeal Decision

Site visit made on 16 June 2025

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/H0738/W/25/3358703

Viewley Hill Farm, Old Mill Lane, Billingham, Stockton-on-Tees TS20 1PQ

- 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 and Mrs Kansal against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 22/1653/FUL.
 - The development proposed is described as 'Conversion of existing stable block to 2no holiday lets to include solar panels, siting of 10no glamping pods to include associated access and the creation of hardstanding area to the rear'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council and the appellant have agreed an amended development description from that shown on the application form. I have used this amended description in the header above. I have however, removed the word 'retrospective' from the description as it is not an act of development.
3. The appellant and the Council refer to parts of the development being retrospective. For clarity, as only a small element of the proposal has been detailed as being completed, I have considered the appeal as proposed development and on the drawings submitted.
4. The National Planning Policy Framework (the Framework) was updated in December 2024. Insofar as it is directly relevant to the appeal, there are no substantive changes. As a result, I have determined the appeal on the information provided and the parties have not been prejudiced by this. However, for correctness I have used the paragraph numbering and any related changes in the update where applicable.
5. The Council noted that the farmhouse annexe is not being used in accordance with its granted consent and indicated that this matter was being passed to its planning compliance to investigate. However, this is a matter for the Council and this appeal has been considered on the proposal before me.

Main Issues

6. The main issues in the determination of the appeal are:

- whether or not the appeal site is an appropriate location for the proposed development, having regard to the development plan and other material considerations;
- the effect the proposed development would have on the living conditions of the occupants of the neighbouring properties with regard to noise, nuisance and general disturbance; and
- the effect the proposed development would have on the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site with regard to whether the scheme would achieve nutrient neutrality.

Reasons

Location

7. The appeal site is an approximate 14-hectare farm stead located along an approximate 0.9 mile narrow lane. The Council advises that the surrounding area is principally open countryside, and the appellant has not disputed this. The farmstead consists of a farmhouse with annexe, outbuildings and some associated fields. It is confirmed that much of the farmstead is currently used for agricultural purposes with the outbuildings being used as general stores and stabling. The appeal site is located close to a network of bridleways and public rights of way and more distantly to a cycle network.
8. The proposal would consist of the conversion of an existing stable building to the rear of the farmhouse to two holiday lets and the siting of ten glamping pods in the fields.
9. Policy SD1 of the Stockton-on-Tees Local Plan (LP) details the Council's approach to sustainable development. Policy SD4 of the LP sets out the Council's Economic Growth Strategy and, amongst other matters, the approach to sustainable tourism. This policy identifies a range of appropriate economic growth developments which would be supported within the countryside, and which cannot be located within the limits to development or is of an appropriate scale and does not harm the character and appearance of the countryside. This policy, amongst other matters, supports 'tourism proposals requiring a rural location'. LP Policy EG7 also supports and promotes the sustainable growth and expansion of both new and existing rural land-based businesses and enterprises.
10. These policies are broadly consistent with the Framework with, amongst other matters, Paragraph 88 supporting sustainable rural tourism and leisure developments which respect the character of the countryside. Furthermore Paragraph 89 of the Framework also recognises that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, in these circumstances it is also stated that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

11. It is advised that the proposal would offer visitor accommodation in a tranquil location with opportunities to access outdoor recreation and visitor attractions in the Tees Valley and County Durham. However, notwithstanding this, even with its closeness to the network of bridleways and public rights of ways, the appellant only identifies a small number of visitor attractions that would be within walking distance, and would not discourage journeys by foot. This includes Wynyard Village and Wynyard Hall and Gardens and the urban services and facilities on Station Road and Norton High Street. As such, walking to other tourist attractions in the area would not be an attractive option except to the most dedicated walkers.
12. While there is a cycle network in the surrounding area, the proposal's location would require cyclists to have to deviate a significant distance from the designated cycle routes. It is therefore likely that this would deter all but the more serious cyclists from using this mode of transport.
13. It is further advised that there is a regular public transport service to a range of local services. However, little detail of this is provided. The nearest bus stop to the proposal is approximately 38 minutes walk away and this would not likely be a particularly attractive mode of transport for visitors to use.
14. Overall, while it would be feasible for some visitors to travel to the proposal and visit a variety of the visitor attractions in the area by walking, cycling and using public transport, in all probability these modes of transport would not be attractive or used by the majority of the visitors. With little evidence to the contrary, it is likely that the proposal would result in the majority of visitors using a private car to access the outdoor recreation and visitor attractions in the Tees Valley and County Durham. Consequently, the proposal would not represent a sustainable tourism development.
15. While visitors would tend to be on weekend/holiday breaks when visiting the proposal, there is little compelling evidence presented to show this would be sufficient to encourage the majority of visitors to use the sustainable transport options in preference to using a private car. There is also little to suggest that the longer daylight hours in summer would also discourage visitors from using a private car. Indeed, these conditions would, in all likelihood encourage many visitors to travel to more distant visitor attractions and, due to the limitations of the sustainable transport options, the use of a private car.
16. I acknowledge that tourist accommodation is a widely accepted form of development, the proposal would be only approximately 1 kilometre from the nearby urban areas and Paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account. However, the Framework does not state that sustainable transport solutions should be ignored when considering rural locations, and while it is contended that the proposal can promote and take up sustainable transport modes, no substantive evidence has been presented to show how this would be achieved.
17. Reference is made to the DfT National Travel Survey 2018 which confirms that 80% of all trips of less than a mile are carried out on foot. However, this supports my view that the majority of visitors using the proposal would in all likelihood use an alternative mode of transport in preference to walking when travelling to the proposal and more distant visitor attractions.

18. The health benefits from walking are appreciated. However, there is little to suggest that without the proposal, visitors would not continue to take walks elsewhere and get the health benefits from this.
19. In conclusion the proposed development would not represent a sustainable tourism development. It would conflict with LP Policies SD1, SD4 and EG7. It would also conflict with the sustainable development objectives set out in the Framework including Paragraph 11.

Living conditions - noise, nuisance and general disturbance

20. The narrow access lane to the appeal site also serves a small number of neighbouring properties. However, other than the contention that the existing and proposed development's vehicle movements would be low, no detailed information such as a noise assessment has been provided.
21. While the number of proposed holiday lets would be modest, in comparison to the number of existing neighbouring properties, it would represent a significant increase in properties using the lane. This would increase traffic movements along the lane and would inevitably increase noise and disturbance to some of the neighbouring properties from the existing situation. With no substantive evidence to the contrary, there is little to suggest that the living condition of the occupants of these properties would not be significantly harmed.
22. Although it is stated that the proposal's traffic impacts would be limited by the expected occupancy rates for holiday lets being in the region of 60% to 70%, this would not be the case during the peak occupancy periods. Furthermore, little compelling evidence has been presented to show that the proposal's noise and disturbance risk would be adequately mitigated through the intermittent use of the access throughout the day, the low vehicle speeds on the access or the proposal's guests using other forms of sustainable modes of transport. As such these aspects do not change my view regarding the harm the proposal would have.
23. Due to the uncertainty regarding this matter, and limitations in potential mitigation on third party land should it be found to be required, I am not satisfied that a condition could be imposed that would meet the enforceable, precise and reasonable tests¹ set out in the Framework. As such a condition cannot be used to secure this matter.
24. Consequently, the proposal would adversely affect the living conditions of some of the occupants of nearby neighbouring properties with regard to noise, nuisance and general disturbance. It would conflict with Policy SD8 of the LP and Paragraphs 135 and 187 of the Framework. These seek, amongst other matters, for new development to respond positively to the amenity of all existing occupants of land and buildings and to prevent unacceptable levels of noise pollution.

Nutrient neutrality

25. The appeal site is within the catchment of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site. It is agreed between the main parties that the proposal would increase residential accommodation, and this would have a significant adverse effect on the integrity of the habitat sites.

¹ Paragraph 57 of the Framework

26. However, the proposal would include mitigation to achieve nutrient neutrality. This would be achieved by an approximate 1.16 hectares of 'Lowland' field margins owned by the appellant being taken out of agricultural use and converted to 'Greenspace' where the application of fertiliser and grazing would not be permitted. Furthermore, the proposal would ensure the 'Greenspace' mitigation would be managed and maintained by the appellant for perpetuity as part of the wider maintenance requirements for the holiday lets. To secure the mitigation, the appellant has proposed a planning condition be used and provides suggested wording for consideration.
27. Under the Habitat Regulations², I am the Competent Authority for the appeal and, if I was minded to grant planning permission for the proposal, then I would, amongst other matters, be required to consider the proposed mitigation in detail and have beyond all reasonable scientific doubt, that it would not have an adverse effect on the integrity of the habitat sites.
28. In relation to this, while there is little doubt the calculated area being proposed for 'Greenspace' would achieve nutrient neutrality, full details on how this mitigation would be managed and maintained for perpetuity has not been presented. The proposed planning condition includes the requirement that a Nutrient Mitigation Management and Maintenance Plan shall be prepared and approved by the Council prior to commencement of the development. However, this information is critical to confirm the proposed mitigation would maintain the integrity of the habitat sites. Without such details on how the 'Greenspace' would be demarcated on-site and protected, what monitoring regime would be undertaken and how costs associated with these aspects would be funded for perpetuity, I am not able to have, beyond all reasonable scientific doubt, that the proposed mitigation would be sufficient and acceptable. The above findings are supported by comments provided by Natural England.
29. It is contended that the use of a planning condition to secure this matter is similar in structure to that used in the standard Biodiversity Net Gain condition. However, in legislative and regulative terms these are not directly comparable, and little evidence is provided to show otherwise. As such, this does not change the fact that I am not able to have beyond all reasonable scientific doubt that the proposed mitigation would be sufficient and acceptable.
30. Based on the above, the proposed planning condition is not adequate to provide the certainty needed regarding this matter. I shall return to this matter in the planning balance at the end of my decision.

Other Matters

31. At the application stage the appellant referred to the proposal being farm diversification as supported by Policy EG7 of the LP. However, in the appellant's appeal statement farm diversification is not considered in any detail. Notwithstanding this, Policy EG7 of the LP states that proposals for farm diversification must be accompanied by a comprehensive whole farm diversification plan, which establishes how the proposed change will assist in retaining the viability of a farm and its agricultural enterprise. No such plan has been provided, and it is not possible to conclude that the proposal would be farm diversification. Accordingly, the proposal would conflict with this aspect of the policy.

² Conservation of Habitats and Species Regulations 2017 (as amended).

32. While reference is made to some of the network of bridleways and public rights of way being affected by closures and maintenance, little detailed evidence has been presented to show these would either be permanent closures or that alternative routes would not be provided. Furthermore, reference is made to some of the routes being unlit and unsafe. However, such routes are not uncommon in rural locations and as most are separated from vehicular traffic, there is little to suggest they would be unsafe. Nevertheless, while the routes would be available and safe, they do not change my view that the majority of the proposal's visitors would be highly dependent on using a private car.

Planning balance and conclusion

33. Reference is made to the proposal supporting the aims of the Tees Valley Destination Management Plan 2021-2026. The proposal would create tourist accommodation which would support visitor stays. This would provide financial benefits through job creation, construction and visitor expenditure. However, due to the proposal's size and no economic or viability details to the contrary, these social and economic benefits are likely to be modest and they would only weigh moderately in favour of the proposal.
34. In spite of the benefits, the proposal would not represent a sustainable tourism development and would significantly harm the living conditions of some of the neighbouring occupants in terms of noise and disturbance. These would significantly weigh against the proposal, and they would not be outweighed by the identified moderate benefits.
35. In relation to the effect the proposal may have on nutrient neutrality, on the basis that the proposal would be unacceptable for other reasons there is no need for it to be considered in any further detail or for an appropriate assessment to be carried out as it would not change the overall decision.
36. For the reasons given above, and having had regard to the matters raised, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR