
Appeal Decision

Site visit made on 24 June 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Appeal Ref: APP/H0724/W/25/3362254

Land north of the A179 and west of Tremaine Close, Hartlepool, TS27 3LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Anthony Oliver against the decision of Hartlepool Borough Council.
 - The application Ref is H/2022/0045.
 - The development proposed is erection of single storey dwelling with three car garage and access and drainage works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The reasons for refusal cite, amongst other things, paragraphs from the National Planning Policy Framework (2023) (the Framework). A revised and updated version of the Framework was published in December 2024, after the Council refused the application for planning permission but prior to the submission of this appeal. I am satisfied from this chronology that both main parties have had sufficient opportunity to reflect the provisions of the current Framework in their submissions. I have determined the appeal accordingly and on the basis of the current Framework.

Main Issue

3. The main issues are:
 - Whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and the National Planning Policy Framework (the Framework); and
 - The effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

Location

4. The appeal site is a broadly elongated wedge-shaped piece of land. It is bound to the south by the highway corridor and verge of the A179 and to the north by a gated metalled track, presumably the former alignment of the A179 prior to the construction of the newer road to the south. Residential properties on Tremaine Close back on to the track to the north, from where a stepped footpath access leads on to the track whilst on the opposite, southern, side of the A179 roundabout lies a newly built residential development.
5. Within the site lies a dilapidated former stable building, but the site is otherwise overgrown grassland. Dense and overgrown hedgerow boundaries enclose the majority of the site's perimeter, with only small breaks in the hedgerow from the track allowing glimpses into the site's undulating interior. A more open view towards

and across the site is possible from beyond its eastern boundary where the gated track joins the A179.

6. Although I have not been provided with a copy or extract of the development plan's proposals map showing the exact extent of the defined development limits, it is common ground that the appeal site lies beyond these limits. It is also common ground that the appeal site lies within a defined 'Strategic Gap' and 'Green Gap'. Thus, Hartlepool Local Plan (HLP) Policy LS1 sets out the Council's broad approach to locational strategy to achieve balanced urban growth, whilst Hartlepool Rural Neighbourhood Plan (HRNP) Policies GEN1 and H4 together with HLP Policies RUR1, RUR2 and LS1 set out the approach to development beyond development limits and within strategic and green gaps.
7. HLP Policy LS1 states that protection will be given to the rural character of the borough to avoid coalescence between Hartlepool and its surrounding villages. The appeal site lies within the Hartlepool and Hart strategic gap¹ where the generally open and undeveloped nature of the strategic gaps will be expressly protected. Development will, it goes on to state, only be permitted in particular circumstances² (LS1 a), b) and c)). HRNP Policy GEN1 and HLP Policy RUR1 both set out further exceptions to the restrictive approach to development in such locations, but only in exceptional circumstances will development be permitted.
8. Whilst not disputing the site's location beyond development limits, the appellant has sought to demonstrate that satisfactory justification for a proposed dwelling beyond those limits exists, in line with the exceptions provided by HLP Policies LS1, RUR1 and RUR2 and HRNP Policy GEN1. However, whilst the site lies adjacent to existing residential development at Tremaine Close, albeit on the opposite side of a metalled track, it is beyond the settlement boundary and separated from built development within it, both visually and functionally by dense and somewhat overgrown hedging and vegetation. Indeed, I saw and appreciated during my visit to the site that the enclosed nature of much of the track's length alongside the appeal site by virtue of the dense vegetation insulated the site and its immediate surroundings from the residential development to the north, and the busy road and further residential development to the south. With the footpath link running along the track, the site and its surroundings had a distinctly rural character and feel, which these development plan policies seek to protect.
9. The development of the appeal site would not directly result in the settlements of Hartlepool and the nearby village of Hart coalescing, which the strategic gaps set out by HLP Policy LS1 seek to prevent. Nevertheless, the residential development of the site, albeit for only a single dwelling, would introduce substantial built development where only a small existing building currently exists. That the building would be partially submerged within remodelled ground levels would not significantly reduce the effect on openness of the site, particularly given the indicated extent of otherwise incongruous formal garden and acoustic fencing within the strategic and green gap location. It would do so therefore in a manner and in a position that would reduce the gap between existing development at Tremaine Close and bring residential development closer to the A179 corridor where, notwithstanding the newer development on the southern side of the road,

¹ HLP Policy LS1(1)

² HLP Policy LS1 a), b) and c)

the site aids the transition from Hartlepool to the east to the open countryside beyond.

10. There is no suggestion that the proposed dwelling would be essential for the support of the rural economy, rural businesses or rural workers. However, HLP Policy RUR2 also exceptionally provides for dwellings in such locations if its design is considered to be 'truly outstanding, groundbreaking and innovative, for example in its use of materials, methods of construction or its contribution to protecting and enhancing the environment', 'reflects the highest standards in architecture', 'significantly enhances the immediate setting' and 'is sensitive to the defining characteristics of the local area'.
11. The appellant accepts that the proposed dwelling would not amount to truly outstanding, groundbreaking or innovative design. I have no reason to doubt that, with appropriate attention to detail during the construction and finishing stages, that the dwelling would not be of a high quality. There is, however, a very clear and significant difference between a well-specified and finished development and one which passes the threshold of exceptional, groundbreaking and innovative design and the highest standards in architecture. I am not persuaded that the proposal before me would pass this high bar.
12. Nor am I persuaded that the site's redevelopment would result in a significant enhancement to the site, its immediate setting or the surrounding area. Whilst I agree that the former stable building is in a poor physical condition and of dilapidated appearance, it is not the defining feature of the appeal site. It is modest in scale and well screened by dense vegetation alongside the track to the rear of the site to the extent that its poor physical and visual condition does not overwhelm the otherwise pleasant, verdant surroundings in which it lies. Moreover, the surrounding landform is such that it sits discretely at the edge of the overgrown paddock and although glimpsed from the A179 it is not a dominant feature. Notwithstanding its condition, a small stable building in a location and context such as the appeal site is neither exceptional nor intrusive.
13. The proposed dwelling would significantly and materially change the context and character of the site and its surroundings. I acknowledge that its partly sunken design would to an extent minimise its physical and visual impact and, thus, its effect on the character of the surrounding area. However, it would only be partly sunk into the site and the building's main axis would have a significant physical presence even if visually proposed landscape screening could, in time, mitigate and intercept some views from, particularly, the A179. This would, however, be less true in respect of the views from the track and the access to the site, where the necessary opening and splay would open up views towards the building's substantial gable elevation and, across the courtyard, the glazed elevation of the 'bedroom wing'.
14. For these reasons, whilst the proposed residential development may result in a more attractive building than is currently within the site, it would be a substantially larger and more intrusive building. Nor would it be sited in a 'similar' location to the existing stables, being both larger, more sprawling and set further towards the middle of the site than the existing. Its partially sunken design into the sloping site would only go so far as to minimise its intrusive nature within this generally open, verdant and pleasant rural strategic and green gap and it would not, for reasons set out, significantly enhance the immediate setting. The appeal scheme is therefore in

conflict with HLP Policies LS1, RUR1 and RUR2 and HRNP Policies GEN1, H4 and H5.

15. The proposal would redevelop previously developed land (PDL), albeit that the appeal proposal would occupy a significantly larger footprint than the existing stable buildings and would spread further outwards towards the middle of the site. The scheme would not however amount to the reuse of the existing building and whilst the redevelopment of PDL carries some weight in support of the proposal, this is limited and does not justify development beyond defined development limits and within a strategic gap and a green gap.
16. I am advised that the site has suffered from instances of anti-social behaviour, albeit that such matters are only anecdotally referred to. The presence of a dwelling in this location would result in increased natural surveillance of the appeal site, although any wider benefits arising in this respect would be limited due to the design, orientation and positioning of the proposed building and the nature of the surrounding area, the gated track and other nearby residential properties. Nevertheless, any measures that would reduce instances of anti-social behaviour would carry some weight in support of the proposal albeit, from reasons set out, in this instance that weight would be very limited.

Character and appearance

17. Development within the strategic gaps will only be permitted, HLP Policy LS1 states, if it would not diminish visual or physical separation between urban areas of Hartlepool and nearby villages, would not compromise the integrity of the gap either individually or cumulatively. Similarly, HRNP Policy GEN1 refers to development within the green gaps being permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages and, inter alia, Hartlepool.
18. The proposed dwelling would be significantly larger than the disused stable building that currently sits within the site. The partially submerged bedroom wing notwithstanding, what is proposed would have a significantly and materially greater visual impact than the existing building. The building would present a not insubstantial gable elevation towards the open access from the gated track whilst, initially at least, the long east-west axis of the building, its roof and bulky chimney stack would also be visible across the rising paddock foreground and through the proposed landscaping belt. The very presence of a substantial built-form in this location would inevitably reduce the openness this piece of land, further compounded by the inclusion of an acoustic fence in plans around the appeal site. The appellant accepts that this 'may' be urbanising and, in turn, the openness and integrity of the strategic and green gaps.
19. Although the newly built residential development to the south is particularly visible along the open A179 roadside, its development plan context differs to that of the appeal site. Housing on Tremain Close and Westwood Way is not visible from the A179 and the extensive and dense woodland belt screens it from view in its entirety. The appeal site is a continuation of this context, with the dense vegetation as a backdrop, and the site an open buffer between hedgerows along the A179 and the track behind. In both spatial and visual terms, the proposed development would be an unwelcome and uncharacteristic built, residential intrusion into the inherent openness of the strategic and green gaps.

20. Whilst not isolated in Framework terms, the site's context and surroundings are such that it would stand apart visually and contextually from existing dwellings. I have noted the appellant's reference to the Strategic Gap Assessment³ commissioned by the Council to support the designation of strategic gap boundaries⁴ and the capacity of the landscape to accommodate change. Nevertheless, the appeal site is clearly beyond development limits and within defined strategic and green gaps. The new housing opposite is set back behind a substantial area of open space and landscaping which clearly aims to maintain a strongly defined, broad green corridor alongside the A179.
21. The proposed dwelling would amount to an incursion into a similarly broad and clearly defined context and setting on the northern side of the A179, and thus its presence would be both incongruous and harmful to the character and appearance of the site and surrounding area. It may have been referred to in the Strategic Gap Assessment as 'urban fringe farmland' but I find it to be rural in its character, nature and appearance and the development of a single dwelling in this location would be an incremental incursion and haphazard erosion of the site's character beyond the development limits of Hartlepool.
22. For the reasons set out, the proposal would cause harm to the character and appearance of the surrounding area and, as such, is contrary to the aims and provisions of HLP Policies QP4, NE1, RUR1 and RUR2 and Policies GEN1, GEN2, H4 and H5 of the HRNP which, together set out the Council's approach to securing high quality design that positively enhances its location and setting.

Other Matters

23. It is noted from the Council's officer report and the content of the reasons for refusal that matters relating to residential amenity and living conditions, highway and pedestrian safety and parking, flood risk and drainage, waste management, archaeology, the effect on public rights of way, energy efficiency did not form part of the reason for refusal. Should the appeal have succeeded I am satisfied that details relating to these matters could have been adequately dealt with by way of suitably worded planning conditions, and no compelling submissions have been made that would alter my conclusion in this respect.
24. It is stated in the Council's officer report that the Teesmouth & Cleveland Coast Special Protection Area / RAMSAR (SPA) is considered to be in an unfavourable condition due to nutrient enrichment and nitrates. The Council concluded that the proposal would not result in a net increase in nitrates arising from four and surface water discharge. However, an additional dwelling has the potential to give rise to increased recreation disturbance to protected sites through, for example, increased dog walking.
25. It is the role of the decision maker to undertake an Appropriate Assessment (AA) in order to determine whether or not a proposal would adversely affect the integrity of a European site. Had I been minded to allow the appeal, it would have been necessary for me to carry out an AA but as I am dismissing the appeal for other reasons, I do not need to consider this matter further as it would not change the outcome of this appeal.

³ 2017 – commissioned by Hartlepool Borough Council – as referred to at paragraph 5.11 of the appellant's Planning Statement and paragraph 5.26 of the appellant's Statement of Case

⁴ Paragraphs 5.7 – 5.14 – Planning Statement 5 March 2024 and paragraphs 5.26 to 5.32 of the appellant's Statement of Case

Conclusion

26. I have no reason to doubt the appellant's claim that the building would be highly specified and of quality construction. It would also introduce an active use to a site that currently has an untidy, unkempt and decrepit stable block on it and redevelop a previously developed site. These are matters that weigh in support of the proposal, albeit to only a limited degree. Although anecdotal, I am also advised that there have been incidences of anti-social behaviour at the site that the introduction of a dwellinghouse would counter. However, given the unsubstantiated nature of this matter it is not a matter that I afford more than very limited weight to.
27. However, these matters are not matters to which I am able to attribute sufficient weight to overcome the harm that I have identified in terms of the proposal's location and to the effect of the proposed development on the character and appearance of the site and the surrounding area. An absence of harm in respect of residential amenity and living conditions, highways and parking, flood risk and drainage, ecology and biodiversity net-gain, trees, archaeology, contaminated land and environmental and carbon implications are neutral factors and weigh neither in support of nor against the appeal scheme.
28. Thus, for the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR