



Appeal Decision

Site visit made on 6 January 2026

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st March 2026

Appeal Ref: APP/H0738/W/25/3374219

4 Wass Way, Durham Lane Industrial Estate, Stockton-on-Tees TS16 0RG

- 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 Parker against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 25/1554/FUL.
 - The development proposed is Light Industrial Building for Storage and Distribution (Use Class B8).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal as set out on the planning application form makes reference to the proposed building being used for Use Classes B2 and B8. The evidence before me indicates that the appellant later revised the proposal in order to relate to Class B8 use only, and this change is reflected in the description of the development provided on the appeal form and on the Council's decision notice. I have therefore also used this description in determining the appeal.

Main Issue

3. The main issues are the effect of the proposal upon the living conditions of occupiers of nearby properties, with particular reference to:
 - noise and disturbance, and;
 - outlook and light.

Reasons

4. The appeal site is located within Durham Lane Industrial Estate which contains a number of light industrial and manufacturing businesses. The site fronts the road with a large warehouse and office building. Behind, to the south is a large yard area which I saw is used for the storage of containers wagons, vans, loaders and tipper lorries, and other equipment pertaining to the appellant's business operations which are related to commercial maintenance services, including road treatment during winter months.
5. To the south of the appeal site are located residential properties on Black Diamond Way, with gardens abutting the site boundary, which is formed by a significantly high concrete wall, which is stated to be noise attenuating. The southern area of the appeal site also contains a road salt bunker, the contents of which, at the time

of my visit, were being transferred to spreading vehicles by means of a wheel loader.

6. The proposal would comprise an 8-bay building with a sloping monopitch roof measuring 5.5 metres (m) at the front of the building and 4m to the rear. It would be located at the rear of the appeal site and would back on to the gardens of neighbouring properties.

Noise and disturbance

7. Houses on Black Diamond Way adjoin an established industrial estate and the appeal site itself is part of a wider operation. It will generate noise at present, as it was at the time of my visit, and although the southern boundary wall is said to be of an acoustic specification, its effectiveness has not been established.
8. The proposal would change the existing arrangements within the appeal site and wider commercial operation. It would result in the relocation of the existing salt bunker, which is currently a focus of vehicle activity, and therefore noise, during winter months. However, it would also introduce a building in Class B8 use, which itself would have activity associated with it. This could include vehicles manoeuvring, shutter doors opening and closing, noise associated with unloading and loading activities, and other general noise associated with such operations.
9. No baseline for the current level of noise generated within the appeal site has been provided, nor any assessment of its current effect on the occupiers of the nearest residential properties established. Representations from occupiers of these properties highlight the value placed upon the tranquillity of gardens, and even it is reasonable to assume that neighbouring occupiers would be at least aware of the of operations within the appeal site, there is no evidence before me to indicate that they are currently unreasonably disturbed by it.
10. Equally, no assessment of the level of noise likely to be generated by the proposal is provided, or its possible effect on the occupiers of nearby properties. As set out above, the proposal would generate noise through its daily use, however it has not been substantively established whether this would be greater or lesser than current activity within the site.
11. Moreover, even if the salt bunker was moved to elsewhere within the wider commercial site, there is no evidence before me which would indicate that the amount of activity overall would reduce; rather it would be relocated. It is likely, therefore, that any noise generated by the appeal proposal would be in addition to current activities within the wider site, rather than a replacement, albeit it may be that some noise generating activities related to the business would be situated further away.
12. In this context, and without any assessment of the likely noise environment that would exist should the proposal be built and occupied, it has not been shown that the proposal would not result in harm to the living conditions of occupiers of nearby dwellings.
13. I acknowledge that the appellant confirmed that the use of the proposal would be B8 only, however as set out above, such operation would, itself, be likely to result in noise being generated. While it may be the case that site operates as a B2/B8 use, this does not mean that the proposal would not result in an increase in noise.

Even if it were not result in an intensification of activity within an existing site in B2 and B8 use, the proposal would still represent a change to the current noise environment, and there is no substantive evidence before me to demonstrate that any change would not be harmful.

14. It is suggested that the hours of use of the proposal could be secured by condition, and while this is the case and would serve to provide a degree of control and certainty, as it has not been shown that the overall levels of noise at the site would not be unacceptably harmful during the hours of operation, such a condition would not provide sufficient surety that harm would not occur.
15. Having regard to the above, I find that the proposal would result in unacceptable harm to the living conditions of occupiers of nearby residential properties with particular reference to noise and disturbance. It would conflict Policy SD8 of the Stockton-on-Tees Borough Council Local Plan 2019 (LP) in its aims to protect the amenity of residents, insofar as it relates to this particular issue.

Outlook and light

16. The proposal would be visible, in some cases, from upper storey windows in the rear elevations of the neighbouring houses. It would also be visible from the gardens.
17. At its closest point, the building would measure 4m in height. Taking account of the height of both the existing solid concrete boundary wall at the rear of the appeal site, and the garden fences behind it which are slightly higher, the additional amount of visible built form at the closest point would not be significantly greater than the existing situation. Although the height of the building would increase towards the front elevation by around 1.5m due to the sloping roof, it would only increase height when further from the boundary.
18. Moreover, the gardens of neighbouring properties are of a reasonable size, and the upper windows of windows have an otherwise relatively open aspect and would be located some distance from the rear elevation of the proposed building. The proposal would be located almost directly to the north of these properties, so would be unlikely to affect sunlight reaching these houses, nor, given the size of the gardens and the relatively open aspect, would it be likely to affect levels of daylight or outlook within rooms.
19. I have had regard to an appeal decision¹ in relation to another proposal at the appeal site, where the issues of outlook and light were considered by another Inspector. In that case, the proposed structure was of a materially different nature and design, and, notably, considerably higher. Accordingly, given the differences between the two schemes, this decision is not determinative in my considerations.
20. Taking all of these factors into account, the proposal would not cause unacceptable harm to the living conditions of occupiers of nearby properties in relation to outlook and light. I therefore conclude that the proposal would accord with Policies SD8 and ENV7 of the LP which together, and among other matters, aim to protect the amenity of residents insofar as they relate to this particular issue.

¹ APP/H0738/W/19/3241736

Other Matters

21. The proposal would represent an investment at an existing commercial operation within a defined employment location. Although it would have economic benefits, the nature and extent of these have not been established. Accordingly, I afford weight to these matters as only moderate benefits of the proposal.
22. It is stated that by providing equipment storage the proposal would result in an aesthetic improvement to the overall wider site. This would be another, albeit minor, benefit of the proposal.
23. The proposal would also amount to the development of a brownfield site, which is supported by the National Planning Policy Framework ('the Framework'). This is a moderate benefit of the proposal.
24. I note that the appellant considers that the Council has not been positive or proactive in its approach to the development, however my decision has been reached on the basis of the planning merits of the proposal, which do not include the conduct of the Council.

Planning Balance and Conclusion

25. The proposal would lead to harm to the living conditions of occupiers of nearby properties. In doing so, it would conflict with the development plan as a whole. I afford this harm and conflict with the development plan considerable weight in the balancing exercise. Some benefits would accrue from the proposal; however these together would not outweigh the harm and conflict with the development plan that I have identified.
26. There are no material considerations, including the Framework, which would indicate taking a decision other than in accordance with the development plan. I therefore conclude that the appeal is dismissed.

C Harding

INSPECTOR