
Appeal Decision

Site visit made on 17 March 2026

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2026

Appeal Ref: APP/W0734/W/25/3373678

Land to North of Stainsby Farm House, Middlesbrough TS17 9LG

- 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 Simon and Paul Weightman against the decision of Middlesbrough Council.
 - The application Ref is 24/0535/FUL.
 - The development proposed is cabin and change of use. Single storey cabin with 2 bedrooms, gravel drive, patio and perimeter timber fence and gate.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my visit a static caravan type structure had been placed on the appeal site and fencing had been erected around it. The location of the fencing was not consistent with that indicated on the plans submitted. The location of the static caravan and the appearance of this structure also differs to that shown on the plans submitted, which instead refer to a cabin that would not be raised above the ground. For the avoidance of doubt, I have made my assessment of the appeal on the basis of the plans that are before me, but whether the proposal is for a cabin or a static caravan would in any event have no material bearing on the outcome of my assessment.

Main Issues

3. The main issues are:
 - (i) The effect of the proposed development on the character and appearance of the area;
 - (ii) Whether the proposal would be sustainably located with regard to access to services and facilities; and
 - (iii) The effect of the proposed development on nutrient neutrality.

Reasons

Character and appearance

4. Although very close to a large urban area and to significant transport infrastructure, the appeal site and its immediate surroundings retain a distinct semi-rural feel. That however is likely to change in the future, owing to the allocation of a substantial parcel of land, which includes the appeal site, for new

housing development. At the present time, there are a mixture of residential dwellings including the conversion of former farm buildings alongside what appear to be agricultural and equestrian buildings in the locality. A modern housing estate is situated close by and forms part of the character and appearance of the area.

5. The proposal would be at odds with the prevailing character and appearance of its surroundings, in particular in terms of its general form and its materials, and it would cause a moderate degree of harm in this respect. The contrast would be likely to continue even if further housing development does take place. This would not be overcome by the screen planting that has already been put in place, which would in any event take some considerable time to establish and grow to a height where any meaningful screening would be achieved. Even if this were to be supplemented, the contrast of the development with its surroundings would remain.
6. For these reasons, I conclude that the proposal would cause harm to the character and appearance of the area. Consequently, it would fail to accord with Policies DC1 and CS5 of the Core Strategy 2008 (CS) where taken together they seek to safeguard character and appearance.

Location

7. Access to the appeal site is taken via a long, unlit, single-track road which does not benefit from pavements. There is no suggestion before me that there would be anything other than a heavy, if not exclusive, reliance on motor vehicles to reach services and facilities. Whilst the appellant highlights that the new housing development would include the provision of services and facilities and that this would fundamentally change the position in terms of ease of access to those by alternative means of transport, it does not seem that these would be in place and available in the immediate future.
8. I therefore conclude that the proposal would be contrary to Policies CS4 and CS18 of the CS where collectively they set out the approach to sustainability in locational terms. Reference is made in the reason for refusal to a conflict with Policy CS19 but that refers to matters of road safety and is not relevant to my consideration of this main issue.

Nutrient neutrality

9. The appeal site is located within the catchment area of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site, which is a European Site that is vulnerable to nutrient impacts. As a residential development, the proposal has the potential to affect water quality through a net increase in population served by a wastewater system. In their consultation response Natural England (NE) refer to the requirement that a Habitats Regulations Assessment be carried out which is informed by nutrient neutrality calculations. No such calculations have been provided.
10. It has been suggested by the appellant that a Grampian condition could be imposed to address this matter. However, no wording of such a condition has been provided. Furthermore, it has not been demonstrated whether the package treatment plant with filters they refer to would be satisfactory to avoid adverse effects and/or whether the credits option they advocate is open to them to provide the mitigation that might be necessary in this instance or on which site the credits

might be provided. Whilst they state that the approach of using a condition has been accepted by NE on other schemes, no details of these have been provided. Also, as this was not addressed at the planning application stage, I do not have the benefit of the comments of NE on the current proposals relating to the package treatment plant or the credits.

11. In order to permit the proposed development and discharge my duty as the competent authority, it would be necessary for me to be able to conclude with certainty that the proposal would not have a likely significant effect either alone or in combination with other plans or projects. On the basis of the information before me I cannot do this, and I am not satisfied in the circumstances I have outlined that a condition is an appropriate mechanism to secure any mitigation that would be necessary if likely significant effects were to occur.
12. Therefore, the proposal fails to accord with Policies CS4 and DC1 of the CS where taken together they seek to protect biodiversity assets and water quality. It would also fail to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) because I am neither able to rule out likely significant effects nor has it been shown that acceptable mitigation could be put in place.

Other Considerations

13. The proposed development is to allow the tenant farmer who currently occupies a nearby farmhouse to downsize whilst still being able to tend to the farm. The permission sought would be both temporary and personal to them. This is a consideration to weigh in the planning balance.
14. The proposal would make a contribution to housing supply. However, this would be on a temporary basis and as such is a consideration which carries only limited weight in its favour. That the proposal would provide an appropriate access and parking, that it does not raise issues relating to living conditions and that it would not increase flood risk are all matters of neutral weight.

Planning Balance & Conclusion

15. In favour of the proposal is the fact that the appeal site forms part of land expected to come forward for housing and therefore the Council do not, in principle, object to what is a proposed residential use. I have found that there would be harm in terms of the impact on the character and appearance of the area and because, at the present time, the appeal site is not well connected to services and facilities. Subject to the suggested condition that the appellant sets out which would make the permission both a personal and temporary permission, the harm would be time limited, and this would strike a reasonable balance between the personal circumstances put forward and the harmful elements of the proposal arising from the first two main issues.
16. However, the matter relating to nutrient neutrality has not been adequately addressed. The proposal would fail to accord with the development plan taken as a whole and fail to meet with the requirements of the Habitats Regulations. The contribution that would be made to housing supply would not outweigh those conflicts. The granting of a temporary and personal planning permission would also not overcome this.

17. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act 1998.
18. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that water quality is safeguarded and that the requirements of the Habitats Regulations are met. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering with the human rights of the person referred to. Therefore, whilst I acknowledge the personal circumstances that have been put forward, I conclude that they do not outweigh the harm that would be caused in this respect.
19. For these reasons, the appeal should be dismissed.

Graham Wraight

INSPECTOR