



Appeal Decision

Site visit made on 11 June 2025

by **Paul Thompson DipTRP MAUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 October 2025

Appeal Ref: APP/W0734/W/25/3361392

The Orchard, Five Acres, Stainton, Middlesbrough TS8 9FD

- 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 R Woodhouse against the decision of Middlesbrough Council.
 - The application Ref is 23/0621/FUL.
 - The development proposed is dwelling and detached garage - assisted living home for son, nurses and carers.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address is taken from the Appeal Form, as it better reflects its location.
3. I have had regard to the National Planning Policy Framework, which was revised in December 2024 (the Framework). The revisions to the Framework do not alter the policies upon which this appeal turns, only the paragraph numbers have changed.
4. The main parties have referred to Policy HIST1, with the Council confirming this is in fact draft policy H12 of the Middlesbrough Publication Local Plan (March 2025), its emerging plan. As this is still being considered at Examination, having regard to paragraph 49 of the Framework, I am only able to afford the policy limited weight in my consideration of the appeal.
5. The Decision Notice only refers to the Stainton and Thornton Neighbourhood Plan (STNP), not any specific policies, but the Officer Report states conflict with policies ST3, ST4 and ST8. I have determined the appeal in relation to those policies.

Main Issues

6. The main issues are:
 - the personal circumstances, need for the proposed development, and the consequences of a dismissed appeal for the appellant's family, having regard to their living conditions;
 - whether the site would be a suitable location for the proposal, having regard to the Council's strategy for development; and

- whether the proposal would be an outstanding or innovative design which promotes high levels of sustainability, and fits in with the overall form and layout of its surroundings, having regard to the character and appearance of the area, including its effect on the significance of the Stainton and Thornton Conservation Area (CA), through development within its setting.

Reasons

Consequences of a Dismissed Appeal

The Legal Framework

7. Article 8(1) of the Human Rights Act 1998 (HRA98) provides that everyone has the right to respect for their private and family life, home and correspondence. As the term 'family life' refers to matters essential for a person to enjoy a relationship with their family, I have determined the appeal in terms of the whole of the appellant's family, not just in relation to his brother.
8. Article 8(2) of HRA98 states there shall be no interference by a public authority with the exercise of Article 8(1), except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
9. Article 19 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) provides that 'states...recognise the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:
 - (a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement.
 - (b) Persons with disabilities have access to...community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.
 - (c) Community services and facilities for the general population are equally available to persons with disabilities and are responsive to their needs.
10. The Equality Act 2010 (EA10) imposed the 'public sector equality duty' (PSED), which is that 'a public authority must, in the exercise of its functions, have due regard to' what are known as the three aims, namely the need to:
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under [EA10].
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and...do not share it.
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Consequences

11. I have carefully considered the reasons given for why the appellant has applied for planning permission for the proposed dwelling, along with information pertaining to the disability and wider health of his brother. Given the sensitive nature of the personal information provided, it would not be appropriate for me to outline specific details pertaining to the individual concerned. However, for the purposes of EA10, protected characteristics include physical impairment, so I am satisfied that the appellant's brother has a protected characteristic for the purposes of applying the PSED. I have also had regard to the rights conveyed within the HRA98.
12. The proposed dwelling is to enable the appellant's disabled adult brother to live semi-independently, without having to move to a care facility, close to his family in familiar surroundings. This includes enabling views over land associated with the family home, The Orchard. I have no reason to doubt that this would result in a betterment to what he currently experiences at The Orchard. The new dwelling would be more comfortable and accessible, which would improve the standard of living of the appellant's brother, through provision of access, space, facilities and equipment to aid his health and mobility. The access for emergency services could also be an improvement on the existing situation.
13. In addition, private bedrooms and shared living spaces would be provided for live-in carers and nurses, alongside rooms for family to stay overnight if required. The provision of the dwelling would also be for the wellbeing of all the appellant's family, not just his brother, as it would enable the family to remain, and live and work independently out of The Orchard.
14. The proposal would provide a dwelling that would be of benefit to the personal circumstances of the appellant's brother and his family, which demonstrates a clear need for the development. Moreover, the dwelling would provide modern and functional spaces that would improve the living environment of the appellant's brother and his family, including during any time that they would spend together. Furthermore, the spaces for carers and nurses would also potentially reduce the impact on local health and social care services. These are therefore personal circumstances to which I afford weight in favour of the proposal.
15. Accordingly, I conclude that the refusal of permission for the appellant's family would be detrimental to their living conditions, including their health and wellbeing as referred to in paragraph 135 of the Framework.

Suitable Location

16. The appeal site forms part of garden land associated with The Orchard, one of a linear group of homes at Five Acres, situated beyond the LtD for Stainton. The site is therefore situated within the open countryside, where MLP Saved Policies E20 and E22 apply to proposals for housing. The appeal scheme is not for any of the types of development listed in those policies and so it would be contrary to their aims to strictly control development in the countryside.

Whether the Proposal Would be an Outstanding or Innovative Design Which Promotes High Levels of Sustainability, and Fits in With the Overall Form and Layout of its Surroundings

Site and Surroundings, Setting and Significance

17. The CA encompasses the two villages of Stainton and Thornton. It generally focuses on the medieval core of each village, but also Thornton Road, which joins the villages, and the verdant countryside in the valley of Stainton Beck between them that includes gardens and agricultural land. The Conservation and Appraisal and Management Plan (February 2008) (CAMP) shows the most significant phases of development in the villages and CA have occurred since the mid-20th Century. Older buildings in the CA are generally large villas set within sizeable gardens or brick and pantile cottages built in the local vernacular tradition. However, housing after the mid-20th Century has taken many alternative forms and styles, leading to considerable architectural variance and use of materials. This is reflected in development outside of the CA elsewhere in the villages, including homes at Five Acres and the more recent development west of the site. Houses in Thornton Road are generally set back from its frontage behind mature trees and/or hedgerows. Despite growth of the villages, including homes behind the street frontages, the dominance of green open space, largely absent of development, between the villages has remained of critical importance to their layout.
18. The change in topography either side of the Beck is most dramatically evidenced by the sweeping nature of Thornton Road as it enters Stainton, and the retaining wall alongside it to the yard of the Church of St Peter and St Paul. The elevated yard area affords views out over the countryside in the valley but, when trees are in leaf, mature planting around it means those views are filtered or obscured to a varying extent, including at the time of my visit. The same must also be said of views into and out of the CA from public rights of way to the south and east, off Thornton Road and Maltby Lane, when trees in the locality and that mark the site boundaries are not in leaf. I note the Inspector for a recent appeal at Hawthorn Cottage¹ made a similar observation.
19. The significance of the CA is principally derived from the contribution made by the development within it, including the relationship of buildings to the streets, but also the open and undeveloped parcels of land to either side of Thornton Road in the Stainton Beck valley. The latter remain very distinct from built forms and separate the two villages, so are important to their historic positioning within their rural context. Together, these features make considerable contributions to the character and appearance of the CA, and its understanding and significance.
20. Land within the setting of the CA is also crucial to experiencing and understanding its significance. Moreover, the CAMP outlines the importance of open countryside in the valley, along with views into and out of the CA. The site is close to the CA's western boundary and is a component part of those views. The existing verdant and undeveloped qualities of its southwestern end also share characteristics with land in the CA either side of Thornton Road, which together limit intrusion into the space between the settlements.
21. The dwellings in Five Acres differ to those in Broad Close and to the west, having large plots more synonymous with those in Thornton Road. Furthermore, apart

¹ Appeal Reference: APP/W0734/W/24/3338963.

from a long linear parcel of land parallel to the Beck, most of the allocated housing site to the west has been developed. It is unclear if this could be accessed or would be developed in the short term, but it appears to have been purposefully left undeveloped. The existing attributes of the site therefore contribute positively to the area's character and appearance, including to the significance of the CA.

Design

22. Although the proposed dwelling would be separated from the host dwelling by its garden, it would, nevertheless, be close to it and homes within the Limit to Development (LtD) for Stainton, as defined by the Middlesbrough Local Plan 1999 (MLP). Hence, it would not be an isolated home in the countryside, as it would not be physically separated from or remote from Stainton, and paragraph 84 of the Framework would not apply to the development.
23. I have also been referred to paragraph 139b of the Framework. This states *significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings*. However, the evidence in support of the appeal does not explain how it would help to raise the standard of design more generally in the area. I cannot surmise how this could take place, but the appellant is clear in his belief that the proposal could not be seen. It has therefore not been argued that visibility of the scheme would help to raise such standards. Accordingly, my determination is confined to whether the appeal scheme would meet the remaining requirements of paragraph 139b, as set out in the main issues below.
24. The Council, though it suggests that notable weight not be accorded to the sustainability credentials of the proposal, does not challenge the claim that it would promote high levels of sustainability. In the absence of any reference to relevant policies or guidance with measurable standards, and based on the very limited information before me, I am not in a position to find other than that the proposal would promote a high level of sustainability.
25. Notwithstanding this, and the claim that the house represents exceptional design with strong elements of modern architecture, there is little to distinguish it from more conventional dwellings. While the design may respond to a complex brief, it lacks innovation or any particularly engaging spatial arrangement. Of the five bedrooms, only two would benefit from dual aspects, and two would face retaining walls, limiting their outlook. Features such as expansive glazing, folding doors, cantilevered balconies, and terraces overlooking scenic views are not unusual and, in this instance, do not offer anything notably original. Similarly, while the proposed use of zinc, cedar cladding, and powder-coated steel may differ from local materials, these are widely used today. Their application here does not evoke excitement or interest.
26. The building's form is unremarkable and its relationship to the valley lacks sensitivity. It would present as two narrow, pitched-roof volumes stacked atop a broader base, with the lower portion partially embedded into the ground. Although two-storey houses are typical in the area, the overhanging gables and especially the projecting balcony would protrude into the valley space in a manner that feels intrusive. This is not a sympathetic response to a largely undeveloped and visually sensitive, valley-side setting.

27. While the house is designed to appear single-storey in views south and would not be prominent in such views from Five Acres, including at The Orchard, its upper floor proportions in the valley-facing elevation would appear top-heavy. From within the valley, it would appear as a dominant intrusion into the natural enclosure, undermining the largely undeveloped character of the valley landscape. This impact would be particularly noticeable from nearby public land within the Conservation Area, including public rights of way to the south and east.
28. The proposed dwelling would be situated closer to Stainton Beck than neighbouring houses to the west, positioned well behind those in Five Acres, and generally set away from other properties in Stainton. This siting would conflict with the established pattern of development in the villages, which typically avoids encroachment into the open landscape of the valley of the Beck.
29. The detached garage would be positioned higher up the valley slope and displaced to the side of the house, thereby intensifying the visual prominence of the development, especially in views from the south and east. This would differ from the arrangement of the garage at The Orchard which is at the same level as that property.
30. While applications may have been determined by the Council for housing in the villages, I have not been referred to any schemes, so I am not able to determine whether any of them would be comparable with the scheme before me.

Heritage Balance and Conclusion on the Third Main Issue

31. While the site covers a small part of the Stainton Beck valley, the harm that would be caused to the significance of the CA as a designated heritage asset, through a significant incursion into the valley within its setting, would be of considerable detriment. This would amount to a high level of less than substantial harm to the significance of this asset. In such circumstances, the Framework states this harm should be weighed against the public benefits of the proposal.
32. The proposal would be sustainably located given the availability of public transport and constructed to reduce its implications for climate change but, due to the scale of the proposal, I give moderate weight to its provision regarding these matters. Furthermore, there would be short-term economic benefits brought about by employment, and use of suppliers and providers, during the construction phase; and in the longer-term by supporting jobs for carers and nurses. I also afford these benefits moderate weight in favour of the proposal.
33. The proposal would provide improved accommodation for the appellant's brother and his family. Accordingly, the responsibility for care may not shift to a specialist facility, and he could continue living near the family home, maintaining family relationships whilst doing so. This would primarily be a private benefit, but could potentially reduce public service delivery of care, which would be a moderate public benefit in social and economic terms.
34. The dwelling would also contribute to the Government's objective of significantly boosting the supply of homes, including the availability of specialist housing, in pursuit of the PSED, as outlined above. However, I have not been referred to a specific shortfall in the supply of housing, including for persons with disabilities. What is more, it has not been demonstrated that other less intrusive schemes would not provide the appellant's brother and his family with a dwelling with a

suitable standard of accommodation. Hence, other less harmful schemes could be considered. Furthermore, the harmful effects of the proposed development would endure if the appellant, his brother, and family sold and moved from the property. Consequently, for these reasons, these matters attract no more than moderate weight as a social benefit in favour of the appeal.

35. Although the proposal could make a more efficient use of the land within the site and provide housing for an identified need for the occupant, it would not maintain the area's prevailing character and setting, which the Framework advises is taken into account in determining such matters. I therefore afford this limited weight as a benefit in favour of the development.
36. The position of the dwelling, the location of its access and the likely extent of comings and goings would ensure there would not be harmful effects to the living conditions of neighbouring occupiers. The proposal would also include sufficient space for future occupants within and around the dwelling for a garden, parking and refuse storage. Additionally, there would not be harm to wildlife or regarding other environmental considerations. Nonetheless, these aspects cited in support of the proposal relate to absences of harm through policy compliance, rather than considerations that provide positive advantages, so neither weigh in favour nor against the development.
37. The proposed layout of the site indicates that trees would be removed for access and the hardstanding. While the appellant indicates no additional landscaping is proposed, to ensure the site is manageable for his family, this would not amount to a benefit of the scheme.
38. Taking the stated benefits together, there would be a high level of less than substantial harm to the significance of the CA, so I am not persuaded there would be public benefits of sufficient magnitude to outweigh the great weight to the asset's conservation and the considerable importance and weight to this harm.
39. The proposal would promote high levels of sustainability in accordance with Framework paragraph 139b) and relevant criterion in CS² Policy CS4(g) and (o), and STNP Policy ST3(4). However, I conclude that it would not amount to an outstanding or innovative design which fits in with the overall form and layout of its surroundings. Hence, it would have a harmful effect on the character and appearance of the area, including to the significance of the CA, through development within its setting.
40. Moreover, Framework paragraph 139b sets a very high bar for designs to be outstanding or innovative and my findings are that the proposal would not meet these aims or fit in with its surroundings. Accordingly, I cannot afford significant weight to the design of the development. The proposal would also fail to accord with criteria in the paragraphs 135, 203 and 210 of the Framework, which all refer to the importance of heritage, including the built environment and landscape setting of an area.
41. I am also not satisfied that the proposal would accord with the development plan, which has a lower test to demonstrate a high quality of design in terms of layout, form and contribution to character and appearance of the area as expected by CS Policy CS5, or the similar aims expressed in CS Policy DC1; or to avoid adversely

² Middlesbrough Local Development Framework Core Strategy, Adopted February 2008.

affecting the distinctive local character of the open landscapes of the parish, or reflect the character of the villages or rural area, as respectively required by STNP Policies ST3 and ST8. The proposal would also fail to accord with the heritage aims in CS Policy CS4(k) and STNP Policy ST4, including the approach to materials. Furthermore, even if the proposal was for one of the types of development listed in MLP Policies E20 and E22, given my findings in relation to the design of the proposal, it would not blend in with its surroundings or be sited in a location associated with an existing building or group of buildings, as required by the latter.

Other Matters

42. The Council's third reason for refusal refers to adverse impacts on the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site, which Natural England considers to be in an unfavourable condition due to nutrient enrichment. This is particularly from nitrates associated with, amongst other things, wastewater from development within its catchment. Hence, there is potential for the proposed development, involving new housing, to affect the integrity of these protected sites, requiring mitigation.
43. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment (AA) is only necessary where the competent authority is minded to give consent for the proposed development. Had I been minded to allow the appeal I would have carried out an AA of the effect of the proposal on the integrity of the protected sites. However, as the proposed development is unacceptable for other reasons, an AA is unnecessary as doing so would not change the outcome of the appeal.

Planning Balance and Conclusion

44. I have identified the public benefits of the appeal scheme through undertaking the heritage balance in the third main issue. Despite my findings in relation to the promotion of high levels of sustainability, the proposal would be for development that would conflict with the Council's strategy for the location of development and fail to achieve outstanding or innovative design, which would fit in with its surroundings. Moreover, it would harm the character and appearance of the area and, thereby, the significance of the CA, through development within its setting. These harms would result in the stated conflict with the development plan and Framework.
45. While the Saved MLP, CS and STNP predate the current Framework, this is clear existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework.
46. The aim of Saved MLP Policies E20 and E22 is to strictly protect the open countryside from development which does not need to be there. This does not wholly align with the more flexible and balanced approach implicit in the objectives outlined in the Framework. Nevertheless, it does not fundamentally undermine the continued relevance of such an approach, as it does not differ fundamentally from the Framework's aim to recognise the intrinsic character and beauty of the countryside. There is therefore still a clear rationale for development limits to protect the countryside while focusing growth within designated settlements. Accordingly, I have regarded the underlying objectives of these policies, as being

generally consistent with the current Framework, so I afford moderate weight to the conflict of the proposal with these policies.

47. CS Policies CS4, CS5, and DC1 include numerous aims regarding design, the environment, living conditions and sustainability. STNP Policy ST4 does not expressly refer to the concept of less than substantial harm, but it does advocate a balancing of harms with public benefits. STNP Policies ST3 and ST8 also refer to numerous aspects regarding the built and natural environments. I therefore find these policies to be consistent with various aims of Framework, including design, heritage and the natural environment, so I afford significant weight to the conflict of the proposal with them.
48. In light of the above, the appeal scheme would not accord with the development plan, when considered as a whole. Furthermore, even if the Council has a housing supply of less than five years, the outcome of the heritage balance in connection with harm to the CA, through development within its setting, would provide a strong reason for refusing the development proposed.
49. I afford significant weight to the personal circumstances, need for the proposal, requirements of the HRA98 and UNCRDP, and the aims of the PSED; and moderate weight overall to the stated benefits of the proposal detailed in the third main issue. However, these must all be considered against the harmful effect that the proposal would have on the character and appearance of the area, including the high level of less than substantial harm to the significance of the CA, through development within its setting. This harm would be of considerable importance and attract great weight. Furthermore, for reasons set out above, conflict with the Council's strategy for the location of development would attract moderate weight. In the overall planning balance, the considerations in favour of the development do not outweigh the permanent harms I have identified. Consequently, my findings in this balance and in the first main issue do not lead me away from my conclusion on the second and third main issues in this case.
50. A refusal of planning permission would therefore be a proportionate and necessary approach to the legitimate aim of protecting the significance of a designated heritage asset, along with the Council's strategy for the location of development. These are well-established principles in planning for the public interest and, therefore, cannot be achieved by means that are less interfering of the human rights of the appellant, his brother or the other occupants of the proposed dwelling.
51. Accordingly, I conclude that the proposal would conflict with the development plan and the personal circumstances, need for the development, the requirements of the HRA98 and UNCRDP, the aims of the PSED, and the stated benefits would not amount to material considerations of such significance to lead me to conclude that the appeal should be decided other than in accordance with it. For these reasons, the appeal should be dismissed.

Paul Thompson

INSPECTOR