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Branch Chair Mrs Jan Arger

**Authority:** Stockton on Tees Borough Council

**Type of consultation:** Planning Application

**Full details of application/consultation:** 25/0763/FUL -Erection of 217no dwelling houses with associated access, landscaping, SuDS and infrastructure works.

**At land at:** Land South West Of Waynesland, Low Lane, High Leven, TS15 9JT

**Type of response:** Objection

**Date of Submission:** 6<sup>th</sup> August 2025

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North and East Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy  
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## Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to provide Stockton on Tees Borough Council ('The Council') with comments in response to a revised application for the erection of 217 dwelling houses with associated access, landscape, SUDs and Infrastructure works at land south west of Waynesland, Low Lane, High Leven, Ingleby Barwick. The application was submitted by The Pegasus Group on behalf on behalf of Barratt David Wilson Homes North East ('the Applicant').

The applicant has submitted updated and amended details in relation to the scheme which have been considered by CPRENEY.

The 13.08Ha site consists of two adjoining arable field parcels which sit to the immediate south of Low Lane, Ingleby Barwick. The fields are currently in arable use with hedgerows and some trees to their boundaries. The site is bounded to the north by Low Lane (A1044) running east west, agricultural land to the east and south, and an unnamed road to the west which curves to the east around the southern edge of the site. The land rises slightly to the north-east of the Site.

The site is located within the 'Tees Lowland National Character Area', comprising flat open farmland to the south, with views across to the North York Moors National Park. The Site has good transport links into Ingleby Barwick and neighbouring settlements owing to strong connections via car or public transport and is located close to the A19 trunk road.

The site would be accessed via a new signalised access point on Low Lane, leading to a spine road between the two parcels of land dividing the western and eastern part of the site. New footpath connections are also proposed within and adjacent to the site.

The proposal consists of 217 new dwellings, 20% of which are proposed to be affordable.

The applicant proposes to meet the statutory biodiversity net gain target of 10% on site. The applicant proposes to retain a number of trees on site to be supported by a number of new trees to be planted on site to provide a landscape buffer and screening, particularly to the existing foul sewer pumping station.

Furthermore, the applicant proposes the incorporation of a number of swales to the west, east and southern boundary of the site, with a sustainable urban drainage system (SUDS) basin to the north to provide surface water attenuation.

Having considered the information submitted by the applicant throughout the course of this application, CPRENEY object to the proposed development on the following grounds:

- The site is outside the development limits and within the open countryside;
- The substantial development at this location will lead to indefensible boundaries;
- The proposals are not in conformity with local and national planning policies.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The National Planning Policy Framework ('NPPF') was updated in December 2024 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF is, therefore, a material consideration which should be taken into account when plan-making and determining applications.

The planning system should contribute to achieving sustainable development. The aims to deliver sustainable

development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - I. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - II. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

Currently, the relevant Development Plan in force for the Council consists of several adopted documents, including:

- The Stockton-on-Tees Local Plan (Adopted 2019);
- The Tees Valley Joint Minerals and Waste Core Strategy (Adopted 2011); and
- The Tees Valley Joint Minerals and Waste Policies and Sites Development Plan Documents (DPD) (Adopted 2011).

Revisions to national policy published on 12th December 2024 mean, amongst other things, that previous amendments to national planning policy in December 2023 have been reversed, including reverting to the method of calculating housing supply in place prior to December 2023; and, the Government's methodology for calculating Local Housing Need has been amended, with a significant increase now applicable to Stockton-on-Tees. As such the Council has revised its Housing Supply and Delivery Statement: Annual Position Statement ('APS') report sets out the five-year housing land supply assessment, for the period 1st April 2024 to 31st March 2029. According to the most recent APS the Council were able to demonstrate 4.33 years supply of deliverable housing sites. This means that paragraph 11 of the NPPF is triggered.

The Supreme Court Judgement in the cases of *Suffolk Coastal District Council v Hopkins Homes Ltd* and *Richborough Estate Partnership LLP v Cheshire East Borough Council* (2017) makes it clear that just because a Local Planning Authority does not have a demonstrable five-year supply and housing policies are not considered to be 'up-to-date' does *not* mean that restrictive policies are too (*my emphasis*). The weight to be given to a restrictive policy (or any other policy) was stated to be '*a question of planning judgement*'. Therefore, CPRENEY, assert that the site is currently within the 'open countryside' and outside of development limits and this should be given considerable weight in the planning balance when determining this application alongside other restrictive policies and that only policies with specific figures in should be considered out of date in line with the Supreme Court Judgement.

Policy SD3 sets out the Council's Housing Strategy for the plan period. The policy states clearly that '*should it become apparent that a five year supply of deliverable housing land cannot be identified at any point within the plan period, or delivery is consistently falling below the housing requirement, the Council will work with landowners, the development industry and relevant stakeholders and take appropriate action in seeking to address any shortfall.*' At Point 3 of the policy, the Council set out that the '*approach to housing distribution has been developed to promote development in the most sustainable way.*' – This is in accordance with the

sustainable development principles set out in the NPPF. Further, point 4 of the policy echoes paragraph 84 of the NPPF stating that new dwellings within the countryside will not be supported unless they meet the exceptional circumstances test within the policies which demonstrate an essential for farming or a rural based enterprise, represent the optimal value of a heritage asset, would re-use redundant or disused buildings leading to enhancement of immediate setting, or are of an exceptional quality or innovative design.

The proposed development of 217no. new dwellings does not meet any of the required criteria for new residential development in the countryside. Nor does the applicant promote the site as a 100% affordable housing exception site which are generally located adjacent to development limits of a settlement.

Housing Strategy Policy H1 of the Local Plan deals with the provision of housing and allocation of land throughout the district. The proposed site is not allocated for development with the 'limit' being drawn tightly around existing built development and proposed housing allocations within Ingleby Barwick. As such, the Council do not consider development outside of this boundary sustainable and/or in keeping with the character of the settlement.

CPRENEY are concerned that should development of this scale be allowed at such a location, all adjacent sites would in effect become 'ripe' for potential windfall applications leading to indefensible boundaries to the Council over a considerable area which would completely and irrevocably alter the character of the settlement.

Paragraph 5.6 of the supporting text states that any windfall housing applications that are put to the Council would need to satisfy the requirements of policies SD7 and SD8 and any other Local Plan policy. Whilst it is understood a draft legal agreement has been submitted for consideration by the Council, CPRENEY are not convinced that the applicants have truly considered sustainable design principles as part of the proposed development and instead are relying on the fact the Council cannot demonstrate a five-year housing land supply to get the proposal approved, for example, the applicant's submitted Energy and Sustainability Report states that all dwellings will benefit from roof-mounted solar arrays, yet none of the proposed elevations show this to be the case. Furthermore, the detail contained within the submitted Design and Access Statement is vague and too generalist to demonstrate that a settlement-based locational approach has been taken to the proposed development that is suitable for a rural environment in the setting of the National Park.

The Levelling Up and Regeneration Act (2023) ('LURA') places a strengthened and proactive duty on the Council in the delivery of their statutory duty to ensure that any proposals affecting the National Park 'seek to further the purposes' of the designation, defined within the LURA as relating to the purpose to 'conserve and enhance the natural beauty' of the area. Given that the proposal is sited within a generally flat landscape in the wider setting of the National Park, the Council must ensure that this proposal does indeed 'seek to further' the special qualities of the nationally protected landscape.

## **Conclusion**

CPRENEY welcomes the opportunity to provide the Council with comments regarding a proposed 217no new dwellings in the open countryside at Ingleby Barwick.

When undertaking the planning balance for this proposal, whilst the Council's inability to demonstrate a five-year housing land supply warrants due weight in favour of the proposals, it is not considered sufficient to outweigh the substantial harm which would be caused by the development of this site to the surrounding environment. The restrictive policies of the Development Plan are not considered out of date and as such the harm to the open countryside, lack of evidence in relation to sustainable building principles and potential impact on the setting of the National Park weigh heavily against the proposals in line with paragraph 11,D,ii of the NPPF.

CPRENEY reserve the right to comment further should additional information be consulted upon in support of the development in this location.