
Appeal Decision

Site visit made on 26 September 2016

by Caroline Jones BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12th October 2016

Appeal Ref: APP/X1355/W/16/3153450

Land East of Bents Farm, Cowshill, Durham DL13 1DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Emerson against the decision of Durham County Council.
 - The application Ref DM/16/00650/FPA, dated 29 February 2016, was refused by notice dated 4 May 2016.
 - The development proposed is a holiday cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am satisfied from the information before me that the appeal site is within both the Cowshill Conservation Area and the North Pennines Area of Outstanding Natural Beauty and I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - (i) the effect of the proposed development on the character and appearance of the Cowshill Conservation Area and the North Pennines Area of Outstanding Natural Beauty; and
 - (ii) whether the site would provide a sustainable location for the proposed development, having particular regard to national planning policies.

Reasons

Character and appearance

4. The appeal site is situated in the open countryside outside the settlement boundary of the small village of Cowshill in the Wear Valley. It comprises a roughly triangular parcel of agricultural land enclosed by post and wire fencing and stone walls. The site is located within the Cowshill Conservation Area (CCA) and the North Pennines Area of Outstanding Natural Beauty (AONB).
 5. Turning firstly to the impact on the CCA. I must have regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places a duty upon me to give special attention to the desirability of preserving
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or enhancing the character or appearance of the Conservation Area. Unfortunately, I have not been provided with a Conservation Area Appraisal but nevertheless I consider that the significance of the CCA is derived from a dispersed pattern of development in an open rural setting. The CCA includes a significant portion of the surrounding fields which contribute positively to the setting of the village.

6. Whilst the pattern of development is dispersed within the village, on the whole development is concentrated to the north of the Killhope Burn and in my view the proposed cottage would be quite separated from this part of the village. The fields to the south form a considerable part of the rural context of the village forming a backdrop when viewed from the north and a gateway when approaching the village from the south. The pastoral character of the appeal site is very much a part of this context contributing positively to the CCA. Thus, the introduction of a holiday cottage and the inevitable domestication of the land around it would be an incongruous feature in this agricultural landscape unacceptably altering the character and appearance of the CCA. The finding of harm to the character and appearance of a heritage asset is a consideration to which I must attach considerable importance and weight.
7. Although I have found that the proposal would fail to preserve or enhance the character and appearance of the CCA, given the scale of the proposal within the CCA as a whole. The harm to the significance of the heritage asset would be less than substantial. Thus, it is necessary to consider, in accordance with paragraph 134 of the National Planning Policy Framework (the Framework), whether there would be public benefits to the scheme sufficient to outweigh that harm. The public benefits that one holiday cottage could contribute to the rural economy are limited and insufficient to outweigh the harm identified.
8. Turning to the impact on the AONB. The Framework¹ states that great weight should be given to conserving landscape and scenic beauty within the AONB which, with the National Parks and the Broads, have the highest status of protection. Whilst immediate views of the site would be restricted in the summer months by trees, the building would be seen from further vantage points to the north and when approaching the village from the south. Given that these views are predominantly of farmland or moorland, the proposed cottage and associated domestication would materially harm the intrinsic rural character and appearance of the site detracting from the natural beauty and appearance of the AONB.
9. The use of sedum roofing and sympathetic materials could provide some softening to the building's impact, but this would not overcome the harm that I have identified above. I have also had regard to the proximity of the site in relation to the nearby converted chapel. However, I do not agree that the presence of the chapel justifies the proposed siting of the cottage given that this building would have had a historic link with the development of the village and is, in any case, screened more extensively by tree cover.
10. I therefore conclude that that proposed development would fail to preserve or enhance the CCA and would have a detrimental impact on the character and appearance of the AONB and therefore conflicts with saved Policies GD1, H25, ENV2, BE5 and BE6 of the Wear Valley District Local Plan (2007) and sections 6, 11 and 12 of the Framework. These seek, amongst other things a high

¹ Paragraph 115

standard of design which protects and contributes positively to the surrounding area, to ensure development does not adversely affect the AONB and preserves or enhances the character of conservation areas.

Sustainable location

11. The proposed development would be located within the open countryside. Although I acknowledge the proximity of the proposed holiday cottage in relation to the village, the concentration of development is to the north of the Killhope Burn from which the appeal site is clearly separated. Furthermore, paragraph 55 of the Framework states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. From my observations on site and the information before me, there are limited services in Cowshill or in nearby Wearhead and there would therefore be a strong reliance on the private car to access services further afield.
12. I therefore concur with the Council that the site, albeit occupied for holiday purposes, would not provide a sustainable location for the proposed development which would be tantamount to a new isolated dwelling in the countryside in conflict with paragraph 55 of the Framework.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR