
Appeal Decision

Site visit made on 17 October 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 08 November 2016

Appeal Ref: APP/N1350/W/16/3155888

**4 The Potteries, Hurworth Moor, Skipbridge, Darlington, Co. Durham
DL2 1QL**

- 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 and Mrs Francis Scott against the decision of Darlington Borough Council.
 - The application Ref 16/00310/FUL, dated 18 March 2016, was refused by notice dated 1 August 2016.
 - The development proposed is described as '*erection of detached dormer bungalow and detached garage with first floor storage. NB/ The accommodation to include disabled wet room, disabled bedroom and level access to all external doors and hardstanding for vehicle access*'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - Whether the proposed development would constitute a suitable site for housing having regard to the development plan and national planning policy; and
 - The effect of the proposed development on the character and appearance of the countryside.

Reasons

Suitable site for housing

3. The Borough of Darlington Local Plan November 1997 (incorporating Adopted Alterations September 2001) (Local Plan) saved Policy E2 is concerned with development limits within which most development would be located. Saved Local Plan Policy H7 sets out that in the countryside, new residential development will be permitted where it is essential for a farm or forestry worker to live at or near their place of work, it involves the conversion of an existing building, the subdivision of an existing dwelling or the extension of an existing residential building.
 4. The National Planning Policy Framework (the Framework) states in paragraph 55 that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, such
-

as where there are groups of smaller settlements, development in one village may support services in a village nearby. It also sets out that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances. Such special circumstances identified include the essential need for a rural worker to live permanently at or near their place of work, the re-use of redundant or disused buildings, or that the design of the development is of exceptional quality or innovative.

5. I saw at my site visit that the appeal site consists of a fenced open grassed area situated adjacent to 4 The Potteries. The Potteries are a small group of dwellings, situated at a former brickworks site. The appeal site also has boundaries with a leisure park and open undeveloped countryside. The Council has stated that the appeal site is situated outside of identified development limits of the nearest village and whilst the Potteries form one of several small groups of dwellings in the wider area, there is no settlement of a cohesive presence and no apparent facilities to meet day to day needs. For these reasons, the appeal proposal appears isolated in terms of paragraph 55 of the Framework.
6. In respect of special circumstances, I have considered carefully the evidence regarding the health of Mr and Mrs Scott. I have taken into consideration that Mr Scott requires 24 hour care support, which has been provided by their son who relocated home and has been a registered carer since January 2016. In this regard, I have taken into account the letter from the social worker who states that it would be beneficial for Mr and Mrs Scott's son to live next door so that he is able to continue to support them. I note the submission that the new dwelling would provide purpose built accommodation at ground floor level to provide care and sufficient space to meet the needs of the extended family. However, whilst the proposed dwelling would be clearly desirable in respect of the benefits in providing care, compelling evidence has not been put forward to demonstrate special circumstances for an isolated new home in the countryside in terms of paragraph 55 of the Framework. Particularly, it has not been demonstrated that the provision of the proposed dwelling is essential for the provision of care and that the caring needs could not otherwise be met.
7. Furthermore, the overall intention of paragraph 55 of the Framework is to ensure that development in rural areas is sustainable, and given the location of the appeal site, future occupants of the proposed dwelling are likely to be reliant upon the private car. Additionally, it has not been demonstrated that the proposal would support services in a village nearby, or make another similar contribution to rural vitality in the terms of paragraph 55.
8. To conclude on this matter, I do not consider that the proposed development would constitute a suitable site for housing having regard to the development plan and national planning policy. The proposal is contrary to saved Local Plan Policies E2 and H7 and the Framework in that there are no special circumstances demonstrated for an isolated new home in the countryside.

Character and appearance

9. The appeal proposal consists of a one and a half storey dwelling with a projecting front gable and a detached one and a half storey double garage which would be constructed within the existing open fenced area, adjacent to No 4 The Potteries.

10. Although the proposed dwelling and garage would not be particularly prominent in the landscape due to the distance from public roads and the screening effects of vegetation, the leisure park and intervening buildings, it would however give rise to an appreciable extension of the group of buildings at the Potteries. Whilst I note the comment that the proposed development would prevent future development of the existing terrace at the Potteries, the appeal proposal would erode the character of the countryside through the significant extension of the existing group of buildings. Therefore, the appeal proposal would give rise to harm the open character and appearance of the countryside and conflict with saved Local Plan Policy E2.

Other matters

11. I have considered the comments by the appellant that a similar development with almost identical plans had been approved elsewhere in the area and that a proposal for residential development on land at the Potteries was allowed on appeal previously. I have not been provided with full details of these schemes to consider and however am unable to determine whether they should provide an example of what should be followed in this case given the harm found. I have also considered the comments that the appeal proposal is not a speculative proposal and is made by a local family and that no objections were made to it. These matters have not led me however to a different conclusion.
12. The Council has highlighted its concern that the proposed development could lead to a harmful precedent for the acceptance of similar proposals without sufficient justification within the countryside. Whilst I am mindful that each application and appeal must be determined on its own individual merits, I can appreciate the Council's concern that approval of this proposal could be used in support of other such similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern regarding the proliferation of unjustified and unsustainable development within the countryside. I accept that allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that the cumulative effect would exacerbate the harm which I have described above.

Conclusion

13. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR