
Appeal Decision

Site visit made on 24 January 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 14th February 2017

Appeal Ref: APP/X1355/W/16/3162913

The Caravan, Spring Lane, Sedgefield TS21 2HS

- 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 Morrow & Hoare against the decision of Durham County Council.
 - The application Ref DM/16/02622/FPA, dated 10 August 2016, was refused by notice dated 28 September 2016.
 - The development proposed is the conversion of a redundant storage / workshop building to form a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a redundant storage / workshop building to form a single dwelling at The Caravan, Spring Lane, Sedgefield TS21 2HS in accordance with the terms of the application, Ref DM/16/02622/FPA, dated 10 August 2016, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is whether, having regard to national and local policies designed to promote sustainable development and the protection of the countryside, the appeal site is an appropriate location for the development proposed.

Reasons

3. It is not disputed that the site lies in an isolated location in the open countryside beyond Sedgefield and the A689 that skirts its southern edge. It is also common ground between the parties that the Council are not able to demonstrate a deliverable 5-year housing land supply and that the development plan¹ is either silent² or out of date³ with regard to the principle of the proposal before me. As such, relevant policies for the supply of housing should not be considered up to date, as set out at paragraph 49 of the Framework.
4. Paragraph 49 of the Framework also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the Framework states that where the

¹ Sedgefield Borough Local Plan (SBLP)

² SBLP Policies W1 and D1 were referred to in the previous appeal (APP/X1355/W/15/3140805) but the Council did not seek to rely on them in this instance

³ SBLP Policy H8

development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless the adverse effects of do so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5. However, whilst the Framework⁴ seeks to avoid isolated new homes in the open countryside, it does identify a range of special circumstances where isolated new homes may be appropriate. Development that would re-use redundant or disused buildings and which leads to an enhancement to the immediate setting is given as one such example of special circumstances, and it is this matter upon which the current appeal turns.
6. The building is disused, a matter upon which there is agreement between the parties. This was the case at the time the previous appeal ⁵ was considered and remains the case now, and I concur with the parties on this matter. Unlike the previous appeal proposal, the appellant has however submitted a Condition Report (CR) with the current proposal. The report concludes that the existing building is in a "satisfactory structural condition, readily capable of retention" and conversion in accordance with the submitted proposals.
7. Whilst the Council have expressed concern over the limitations of a visual-only survey, they have not disputed the survey findings. The conversion of the building to residential use would retain the building's existing timber frame, in addition to which existing areas of brickwork on the north and south elevations, the east elevation and part of the west elevation of the building would be retained. The existing profiled metal sheeting on the upper portion of the east elevation would be replaced with timber panelling, whilst internally, a timber frame would be constructed to provide appropriate internal divisions and insulation to the internal faces of the external walls.
8. Neither the Framework nor the Planning Practice Guidance seeks to interpret what is meant by the "re-use" of an existing building. However, the CR confirms that the building is in a satisfactory structural condition, whilst the submitted Planning Statement sets out the external and internal work associated with the proposed scheme of conversion. I am satisfied that on the basis of the evidence available the proposal represents the re-use of the existing building, and that the proposed design, materials and external treatments and finishes of the resulting building would have a rural character to them, such that they would enhance the building and its setting.
9. I accept that the site is largely screened from the roadside, and on approach from both directions along Spring Lane. However, the building and the land surrounding it is visible from the site entrance, from where the enhancements to the building and its setting would be visible, and where they would lead to an enhanced and positive contribution to the gently undulating and expansive landscape south of Sedgefield within which the appeal site lies.
10. The Council accept that the proposal would have the potential to tidy up the site and improve the appearance of the building, but argue that it would not result in a significant enhancement. That, however, is not the test set out in the Framework. I have found that the proposal would lead to an enhancement to the immediate setting of the building; whether or not that enhancement is

⁴ Paragraph 55

⁵ APP/X1355/W/15/3140805

significant is not a matter that the Framework requires me to consider. It is agreed that the building is disused, whilst I conclude on the evidence before me that the proposal would also re-use that building.

11. Thus, I conclude that the proposal would accord with one of the special circumstances set out at paragraph 55 of the Framework. I note that it is also agreed that the proposal would contribute in a limited manner to the economic and social dimensions of sustainable development. I have not been given any reason to disagree with that conclusion and, whilst those factors have not been determinative in this instance, they lend weight to my conclusions against the Framework as a whole.

Other Matters

12. Whilst the Council consider that the building could be brought back into a productive alternative use for, for example, rural enterprises, it is acknowledged that there are no development plan policies upon which to base such an approach, nor is such an approach explicitly set out in the Framework. I therefore give limited weight to such an argument.
13. I have noted the objections and concerns of local residents with regard to highways matters, with particular regard to the suitability of the access to the site, traffic volumes and the nature of Spring Lane. However, I note that the local highways authority did not object to the principle of the development and that such matters did not inform the reasons for refusal. Local residents have also objected to the proposal on other grounds, including the recent history of the site, surface and foul drainage matters and connections to local infrastructure. However, these matters did not form part of the Council's reasons for refusal and I am satisfied that, where not dealt with by appropriate conditions or other legislative regimes, these matters would not result in a level of harm that would justify dismissal of the appeal.

Conditions

14. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance and, if necessary, have amended them in the interests of precision and enforceability.
15. In addition to the commencement condition, a condition would be required, in order to provide certainty, to ensure that development would be carried out in accordance with the details shown on the approved plans (to which, for completeness, I have added reference to the existing plans and elevations). Conditions requiring the final details of the external materials to be used on the building, landscaping proposals and tree protection measures are necessary in the interests of visual amenity. In the interests of highway safety, a condition would be necessary to ensure appropriate improvements are made to the site entrance.
16. The site has been described as formerly being a haulage depot. Although the appellant has stated that a condition regarding the measures to identify and mitigate potential ground contamination is unnecessary, it has not been explained why that should be so. It seems reasonable to me however to apply such a condition as the proposal would introduce a residential use, and therefore a sensitive receptor in terms of potential for contaminated land, to a

site previously used as a haulage depot, where potential sources of contamination would not be unexpected.

Conclusion

17. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in strict accordance with the following approved plans: DM/15/002/001; DM/15/002/002; DM/15/002/003/A; DM/15/002/004 and DM/15/002/005.
- 3) No construction work shall take place, nor any site cabins, materials or machinery be brought on site until a scheme has been submitted to and agreed in writing by the local planning authority for the protection of the trees that lie to the south of the development site. The submitted scheme must accord with the requirements of British Standard BS 5837: Trees in relation to design, demolition and construction – Recommendations (or in an equivalent British Standard if replaced). No removal of limbs of trees or other tree work shall be carried out and the scheme for the protection of the retained trees shall be carried out as approved.
- 4) Notwithstanding any description of the materials in the application, no development other than preliminary site excavation and remediation works shall commence until samples or precise details of the materials to be used in the construction of any external surface and hard standing of the development hereby have been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 5) Prior to the occupation of the dwelling the existing vehicular access onto Spring Lane must be upgraded in accordance with drwg no: DM/15/002/003/A dated 25/08/2016 including the construction of the 2.4m x 66m and junction sight visibility splay to the south which shall be maintained thereafter.
- 6) Notwithstanding the submitted information no development other than preliminary site excavation and remediation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention;
Details of planting species, sizes, layout, densities, numbers;
Details of planting procedures or specification;
Seeded or turf areas, habitat creation areas and details;
The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards; and
The removal of hard standings on the site.

The approved landscaping scheme shall be implemented in the first planting season following the substantial completion of the development. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years.

- 7) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the local planning authority. The scheme shall include the following:

Pre-Commencement

(a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the local planning authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the local planning authority and the development completed in accordance with any amended specification of works and timescales.

Completion

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the local planning authority within 2 months of completion of the development.