The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 25 July 2017

Appeal Ref: APP/X1355/D/17/3176121
Bracken Cottage, Bank Foot, Shincliffe, DH1 2PD

- 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 & Mrs A Whitley against the decision of Durham County Council.
- The application Ref DM/17/00222/FPA, dated 20 January 2017, was refused by notice dated 21 March 2017.
- The development proposed is alterations to and extension of the existing ancillary building at first floor level with carport underneath, and the construction of a two-storey glazed extension to 'link' the host property and ancillary building.

Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are: whether the proposal would be inappropriate development in the Green Belt, having regard to any relevant Development Plan policies and the *National Planning Policy Framework* (the Framework); the effect on the character and appearance of the Shincliffe Conservation Area; and, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site, which is situated within the Green Belt, is an area of land that fronts onto the eastern side of the A177 between Shincliffe and High Shincliffe. The southern section of the site comprises a paddock, while the northern section contains Bracken Cottage, to the west, and a detached annexe to the east. Between those 2 two-storey buildings, there are areas of hardstanding and a planted area. To the north, the appeal site adjoins a former hotel/restaurant complex, which has been converted to 4 dwellings, Nos. 1-4 Beaumont Court. I understand that, prior to its conversion to a dwelling, Bracken Cottage was used as a holiday cottage(s) ancillary to the neighbouring former hotel.

4. The proposal involves the construction of: a first floor offshoot from the existing ancillary building with a carport beneath; and, a glazed link between

the new offshoot and the dwelling, comprising a conservatory at ground floor level and a link corridor at first floor level.

5. Policy E1 of the *City of Durham Local Plan, 2004* (LP), indicates that within the Green Belt the construction of new building is inappropriate and will not be permitted unless it is for one of a number of identified purposes. They include limited extensions or alterations to existing dwellings where this is consistent with LP Policy Q9. The meaning of 'limited' in this context is not defined by the Policy.

6. In keeping with the view expressed by my colleague who determined appeal Ref. APP/X1355/D/16/3157689, I consider that due to its proximity and ancillary function, the detached annexe can be regarded as part of the existing dwelling. Furthermore, in comparison with that existing dwelling, the footprint and volume of the proposed extension would be significantly smaller. In that particular context the proposal would constitute a limited extension of an existing dwelling.

7. As regards compliance with LP Policy Q9, with reference to my findings below regarding the likely impact on the character and appearance of the Shincliffe Conservation Area, I consider that, in terms of its design, scale and materials, the proposal would be sympathetic to the main dwellings as well as the character and appearance of the area. The proposed development would include 2 first floor windows facing the rear elevations and gardens of 3 of the Beaumont Court dwellings. However, it appears to me that the garden areas can already be overlooked by neighbouring windows and the intervening distance between facing elevations would be sufficient to ensure that the scheme would not materially harm the privacy of the residents of those neighbouring dwellings. There is no evidence before me to show that the proposal would be likely to lead to problems associated with multiple occupation. I consider that the scheme would not conflict with LP Policy Q9.

8. Having regard to the matters set out above, in my judgement, the proposal would not amount to inappropriate development under the terms of LP Policy E1. However, that is not the end of the matter. The LP is now dated and in such circumstances the Framework indicates that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Whilst the approach set out in LP Policy E1 is consistent in some respects with the Framework, I consider that it differs significantly in others. In particular, the Framework identifies that the extension or alteration of a building is regarded as inappropriate development in the Green Belt if it results in '*disproportionate additions over and above the size of the original building*'. As such, in my judgement, LP Policy E1 can be regarded as being out of date.

9. The Framework indicates that where relevant policies of the Development Plan are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or, specific policies in the Framework, such as those relating to the Green Belt, indicate that development should be restricted. I consider that the second of these tests is of particular relevance in the Green Belt case before me.

10. I turn then to the question of whether the proposal would result in *disproportionate additions over and above the size of the original building*. The Council has confirmed that the building now known as Bracken Cottage, which was originally a stable block, was converted to 2 self-contained holiday units prior to 2003. In 2003 planning permission was granted for a further change of use to a dwelling. Since that time a number of extensions have been added to the cottage, including a two-storey side extension and a front entrance lobby, and a garage has been replaced by a double garage; the structure now referred to as the detached annexe. I consider when taken together with previous extensions, the proposal would be likely to result in a substantial increase in the footprint and volume of the original building, which would amount to disproportionate additions over and above the size of the original building.

11. The appellants seek to rely on a section of the Framework which indicates that construction of new buildings is not inappropriate in the Green Belt if it constitutes '*limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*'.

12. The proposal, which would link the existing detached annexe and the main dwelling, would not extend beyond the southern building line on the previously developed portion of the site. However, the proposed two-storey development would infill the gap between the two at first floor level and partially infill it at ground floor level. Notwithstanding that the visibility of the proposed extension from public vantage points would be limited to glimpses from the footpath that passes through woodland to the east of the site and parts of the A177 to the west and southwest, I consider that the infill development would consolidate built development hereabouts and diminish the openness of the Green Belt, albeit to a limited degree.

13. In my judgement therefore, the proposal, which would result in disproportionate additions over and above the size of the original building and would harm the openness of the Green Belt, would constitute inappropriate development under the terms of the Framework.

14. I conclude that whilst the proposal would not conflict with LP Policy E1, that matter should be afforded little weight, as the Policy is inconsistent with the terms of the more recent Framework and as such I consider that it can be regarded as being out of date. I conclude overall, with reference to the terms of the Framework, that the proposal would amount to inappropriate development in the Green Belt.

The Conservation Area

15. Development within the Shincliffe Conservation Area is concentrated for the most part in the built-up area of the village, which is situated some distance to the northwest of the appeal site. Bracken Cottage and Nos. 1-4 Beaumont Court comprise a relatively isolated cluster of development, the surroundings of which, with the exception of the adjacent A177, are characterised by countryside. Nos. 1-4 consist of 4 adjoining dwellings of different sizes, which form an irregular shaped block of development up to 2 storeys high.

16. It would be possible to ensure, through the imposition of a suitable condition, that the materials used in the external surfaces of the proposal would match those of the existing dwelling. Whilst the proposal, linking the cottage and annexe, would result in a more complex, L-shaped form, it would be in keeping with the irregular form of the adjacent Beaumont Court development and would remain smaller than that neighbouring block in terms of scale and mass. Furthermore, as I have already indicated, the public vantage points from which the proposal would be visible would be limited.

17. I conclude that the proposed development would satisfactorily preserve the character and appearance of the Shincliffe Conservation Area and in this respect it would accord with the aims of LP Policy E22 and the Framework, as regards safeguarding the significance of designated heritage assets. The neutral impact of the proposed development in this regard does not weigh for or against the scheme.

Other considerations

18. Other than the matters addressed above, the appellants have not drawn any other considerations to my attention.

Conclusions

19. I conclude that whilst the proposal would not conflict with LP Policy E1, that matter should be afforded little weight, as the Policy is inconsistent with the terms of the more recent Framework and as such I consider that it can be regarded as being out of date. I conclude on balance that the proposal would amount to inappropriate development which the Framework confirms is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

20. The Framework also indicates that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Furthermore, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I attribute substantial weight to the harm associated with the inappropriate development in the Green Belt and have found that the impact of the scheme on the character and appearance of the Conservation Area does not weigh for or against it. I conclude on balance that the harm to the Green Belt by reason of inappropriateness is not clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist and the scheme does not amount to sustainable development under the terms of the Framework. Whilst the proposal would not conflict with the Development Plan, there are other material considerations which indicate that planning permission should not be granted in this case.

21. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR