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# Appeal Decision

Site visit made on 21 November 2017

**by Andrew McCormack BSc (Hons) MRTPI**

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

**Decision date: 14 December 2017**

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**Appeal Ref: APP/P2935/W/17/3181640**

**Former Cattle Building, Pithouse Fell, C268 West Minsteracres to High Acton Mill Ruins, Consett DH8 9SA**

- 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 Mrs Leisa Stephenson against the decision of Northumberland County Council.
  - The application Ref 17/01914/FUL, dated 25 May 2017, was refused by notice dated 27 July 2017.
  - The development proposed is conversion of former cattle building into a residential dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area with particular regard to the special scenic quality of the North Pennines Area of Outstanding Natural Beauty (AONB).

## Reasons

3. The appeal relates to a disused metal clad cattle shed in open countryside to the north west of Espershields Farm. The building is of a functional, agricultural appearance and is located in a prominent and visible location within the AONB. It is situated close to a public highway which demarcates the boundary of the AONB. The surrounding area is characterised as rural open countryside with open moorland to the south, east and west. To the north is the public highway beyond which there is a substantial woodland area.
4. Policy GD1 of the Tynedale Local Development Framework Core Strategy (CS) restricts development in the open countryside to the re-use of existing buildings unless there are other development plan policies which set out a modified approach. Having considered the proposal in the context of Policy GD1, I find that it generally accords with that policy.
5. Policy GD2 of the CS requires the design of a proposed scheme to be appropriate to the character of the site and its surroundings. Furthermore, Policy H6 of the CS states that, in open countryside, the change of use of an existing building to residential use will only be permitted where the building is of permanent construction and has visual or historic merit. In addition, such elements must contribute to the distinctive character of the area and justify the retention of the

- building. The change of use should not involve any extension, significant rebuilding or harm to its character. Policy NE15 of the Tynedale District Local Plan (LP) puts the protection of landscape quality and scenic beauty as a priority of development management with in the AONB.
6. The appeal building is located on the fringe of the AONB with its boundary formed by the C268 road about 25 metres to the north west. The appellant argues that due to the fringe location of the proposal with regard to the AONB, the appeal building narrowly misses out on permitted development rights. In the appellant's view, it is assumed that approval would be gained through the prior notification process were such rights available. Notwithstanding this, the appeal building lies within the AONB. As such, in addition to the relevant development plan policies, this provides the starting point for the assessment and determination of this appeal.
  7. The appeal building is agricultural in character and appearance and appears as a large cattle shed in the surrounding landscape. Whilst the appellant argues that the building has visual merit, in my view, it appears as a simple, functional agricultural shed with little notable architectural detail or historic merit. Nonetheless, the appearance of the shed is in keeping with its rural surroundings.
  8. The appellant states that the proposal would have no significant impact on the character or appearance of the building as it would use the existing structure and would not involve any significant rebuilding of the existing cattle shed. Furthermore, due to its proximity to the AONB boundary, it is argued that the proposal would have no detrimental impact on the scenic quality of the AONB at a location which is in clear view of non-designated land.
  9. Notwithstanding this, I find that the proposed alterations to the site and the change of use of the building to a dwelling would significantly alter its agricultural character and appearance and that of its immediate surroundings. The existing building does not necessarily contribute greatly to the scenic beauty of the area. Nonetheless, I find that its agricultural character and appearance would better reflect its surroundings due to its expected agricultural function, rather than the proposed dwelling and its associated vehicles, access, parking area and overall residential design.
  10. Furthermore, in terms of its proximity to the AONB boundary, I find that in the majority of instances, the appeal building would be viewed from the public highway to the north. As such, the building would mostly appear in the foreground of any likely view southwards across the AONB from the nearby road. In addition, due to the incorporation of doors and windows, I find that the residential appearance to the building in its prominent and visible position would significantly harm the special scenic quality of the AONB. Moreover, I find that the harm identified as a result of the proposal would only be exacerbated by the associated domestic paraphernalia surrounding the building such as that found in a garden area, its driveway and parking space and also by its proximity to a public road.
  11. The appellant states that Policy H6 allows for a counteraction to the perceived higher levels of travel and energy use for development in such locations through the integration of energy efficiency measures. As such, I note that the appellant is willing to incorporate renewable energy production into the design of the building and has provided quotes for such equipment. Whilst I acknowledge the appellant's intentions regarding energy efficiency and off-grid power production, such activities would not overcome the adverse impact of the scheme on its surrounding area.

12. The appellant refers to a nearby example regarding the conversion of a redundant community hut to a dwelling, approved by the local planning authority in 2015. Having had due regard to this, I note similarities with the case before me such as both properties being within the AONB and both proposals relating to the conversion of an existing building to a dwelling. Whilst I note the local planning authority's reasoning given for reaching its decision regarding the other scheme, I do not have full details of that case before me. As a result, I give only limited weight to it in determining this appeal. In any event, I must assess the appeal proposal before me on its own merits and circumstances and I confirm that I have done so.
13. Furthermore, I note that the appellant argues that the approved scheme sets a precedent for such development in similar circumstances. However, it is accepted practice that precedence cannot be considered as a justification for another proposal.
14. The proposed scheme would re-use a redundant agricultural building in the open countryside. Furthermore, it is acknowledged that the scheme would not significantly alter the existing footprint of the building. Notwithstanding this, I find that it would change the character and appearance of the building from agricultural to residential. Having had regard to its surroundings, and all relevant matters before me, I find that the proposed development, including the alterations to the character and appearance of the building and its immediate surroundings would have a significant adverse effect on the surrounding area and the special scenic qualities of the AONB. The benefits of the scheme, including energy efficient measures and renewable energy, are noted. However, I find that these, when considered individually and cumulatively, would not outweigh the significant harm I have identified.
15. Consequently, I conclude that the proposed development would have a significant adverse impact on the character and appearance of the host building and the surrounding area, particularly with regard to the special scenic quality of the North Pennines AONB. Therefore, it would be contrary to Policy H6 of the CS, Policies GD2 and NE15 of the LP and the relevant provisions of the National Planning Policy Framework. Amongst other matters, these policies and guidance seek to ensure that development is appropriate to its location and has no detrimental impact on the character and appearance of its surroundings, including the special scenic quality of the North Pennines AONB.

## **Conclusion**

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

*Andrew McCormack*

INSPECTOR