



Appeal Decision

Site Visit made on 4 May 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2021

Appeal Ref: APP/X1355/W/21/3267749

Garford Pond Cottage, Marwood DL12 8QT

- 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 Dr Jim Gordon of Heritage North against the decision of Durham County Council.
 - The application Ref DM/20/00985/FPA, dated 9 April 2020, was refused by notice dated 1 September 2020.
 - The development proposed is described as: Conversion and extension to agricultural building to form dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The County Durham Plan 2020 (the Local Plan) was adopted by the Council on Wednesday 21st October 2020. This plan supersedes the policies from the Teesdale District Local Plan set out on the Decision Notice issued by the Council. Both parties have referred to the policies in the new Local Plan within their appeal submissions and I have determined the appeal based on the most up to date policies.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). None of the revisions to the Framework are of direct relevance to the principal disputed matters in this appeal. Although the wording of part of the former Paragraph 79 (now Paragraph 80) has been slightly altered, the section of the paragraph that is relevant to this appeal is unchanged. I have determined the appeal with reference to the revised Framework.
4. The planning application form and appeal form describe the proposed development as 'change of use of agricultural building to a dwelling, including a single storey extension'. It is, however, clear from the submitted drawings and from the other evidence submitted that the proposal involves an extension that has both a single storey and a two storey element. Consequently, for the purposes of the appeal, I have taken the description of the proposal from the Council's Decision Notice as this more correctly describes the development proposed.
5. Although the Decision Notice issued by the Council and the submitted appeal form state that the date of the application was 8 July 2020, the planning application form is dated 9 April 2020 and I have, therefore, used that date for the purposes of the appeal.

Main Issues

6. The main issues in this appeal are:

- The effect of the proposed development on highway safety in the vicinity of the appeal site;
- Whether the appeal site is a suitable location for the proposed development having regard to the development plan and the availability of shops, services, and employment opportunities; and
- The effect of the proposed development on the character and appearance of the area and the surrounding landscape.

Reasons

Highway Safety

7. The appeal site would be accessed by way of an existing vehicular access from the C41 road. The evidence indicates that this access was created at the same time as the current building on the appeal site was constructed.
8. The C41 is a relatively narrow two lane carriageway that runs between the B6279 road in the north to the B6278 to the south. It is subject to a 60mph speed limit. The road has a straight alignment along its whole length and generally falls in level from north to south with some slight undulations and a noticeable crest approximately 65 metres south of the access to the appeal site. The carriageway rises steeply from north to south as it passes the appeal site before dropping away once more beyond the crest towards the junction with the B6278.
9. At the time of my site visit the road was carrying a light, but regular, two way traffic flow and the perceived vehicle speeds were relatively high. Whilst the appellant has challenged the measured 85th percentile speeds of 58.6mph southbound and 55.4mph northbound provided by the Council, no alternative figures have been provided to contradict these. When I visited the site, I drove from the junction with the B6278 to the south to beyond the appeal site and was able to achieve a speed consistent with the Council's figures without accelerating unduly or unnecessarily hard. Consequently, I have no reason not to accept the Council's figures or its assessment that the distance between this junction and the appeal site is sufficient to achieve those speeds.
10. Based on these road speeds and applying the standards set out in the Design Manual for Roads and Bridges (the DMRB), the Council are of the opinion that the access to the proposed development would require a 2.4 by 177 metre visibility splay, or a 2.4 by 127 metre visibility splay if a 10 mph reduction to the 85th percentile speeds were to be applied.
11. Whilst I accept that the DMRB standards are primarily applicable to trunk roads and motorways, no alternative set of standards has been put to me as being more appropriate to the site. The DMRB is clear that its requirements can be applied to other roads with the approval of the specific highway or local authority acting as the Overseeing Organisation and that it is for the highway authority to decide on the extent to which the requirements are appropriate in any given situation. Given that the C41 is subject to a 60mph speed limit and the measured speeds on the road are high, I consider that it is appropriate for the highway authority in this case to rely on the DMRB requirements for visibility.

12. It was apparent from the site visit that neither of these can be achieved to the south of the access due to the vertical alignment of the road, which rises to a crest approximately 65 metres south of the access.
13. It was also evident from the site visit that the drawings that have been submitted with the proposal are inaccurate as they show the existing vehicular access point significantly further away from the building than it actually is on the ground. The appeal proposal to extend the existing building to the north would result in built development immediately adjacent to the vehicular access to the site.
14. Within this context I am, nonetheless, mindful that the access to the site already exists and has been previously been accepted in connection with the agricultural use of the current building. There is, however, disagreement between the parties over whether the proposed residential use of the site would result in a more intensive use of the access than the previous agricultural use.
15. The Council have derived a projected number of between 7 and 10 daily vehicle movements through the access from the TRICS database, which is widely used for this purpose. The appellant contends that actual existing usage figures for the previous or current use are available, however, these have not been submitted with the appeal and, consequently, there is no substantiated evidence to contradict the Council's assessment that the proposed residential use would intensify the use of the access. Although the appellant states that the access is regularly used, I have no information before me that would demonstrate that the level of usage in connection with the agricultural building and adjoining land is, or was, similar to the projected level of use associated with the proposed residential use.
16. In addition to this, the current or past use of the access, has been with the building in its present configuration and not with the building extended as proposed to a position directly adjacent to the access point. Notwithstanding that the submitted drawings are inaccurate, these do not show the visibility splays that could be achieved post-development. Based on the evidence before me, I am not satisfied that the access would provide suitable visibility for the proposed use of the site and, as a result, it would have an unacceptable impact on highway safety.
17. I have had regard to the fact that there are other direct accesses to the C41 in the vicinity of the appeal site, however, I observed during the site visit that the visibility from these is less constrained by the vertical alignment of the road than the access to the appeal site.
18. I therefore conclude that the proposed development would cause harm to highway safety in the vicinity of the appeal site. It would not comply with the relevant requirements of Policy 10 q) of the Local Plan which requires that development within the countryside should not be prejudicial to highway safety and Paragraph 110 of the Framework which expects developments to provide safe and suitable access for all users.

Whether the appeal site is a suitable location

19. The appeal site is adjacent to a small group of buildings in residential use, located on the C41 road that links the B6278 in the south to the B6279 to the north at Kinninvie. It contains a single storey building, constructed in stone under a hipped roof finished in red pantiles. The appeal site lies approximately 2 kilometres to the north west of the town of Barnard Castle. It is not in dispute that the appeal site lies within an area that is considered to be countryside for the purposes of the relevant policies in the development plan.
20. Policy 10 of the Local Plan addresses development in the countryside. This policy restricts development in the countryside to certain specified exceptions. Policy 10 allows for the change of use of an existing building or structure which already makes a positive contribution to the character and appearance of the area and is capable of conversion without complete or substantial rebuilding, disproportionate extension or unsympathetic alterations, and results in an enhancement of the building's immediate setting. The policy also sets out design criteria for all development in the countryside, including amongst others that new development must not harm the intrinsic character, beauty, or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for; be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport; or be prejudicial to highway, water, or railway safety.
21. Paragraph 80 of the Framework sets out that the development of isolated homes in the countryside should be avoided unless, among other criteria, the development would re-use redundant or disused buildings and enhance its immediate setting.
22. The existing building on the appeal site is a relatively recent structure which, although the configuration of the roof is not wholly consistent with other agricultural buildings in the vicinity, makes a generally neutral contribution to the character and appearance of the area. The building is single storey and has a floor area of approximately 69m². According to the Council's calculations, which are not challenged by the appellant, the proposed extensions would increase the gross floor area to approximately 151m² and would add two a storey element to the existing relatively simple structure, which would substantially alter its massing and visual appearance.
23. I have not been made aware of any relevant policies that indicate what the Council may consider as disproportionate extension in the context of Local Plan Policy 10. In these circumstances, assessing proportionality is primarily an objective test based on size. The proposed extensions would increase the gross floor area of the building by approximately 118%. By any definition, this is a significant increase over the existing floor area. This increase in floor area, in combination with the increase in both length and height of the building that would result from the proposed extension, would in my view constitute a disproportionate addition to the existing building.
24. In addition to the inaccuracy of the drawings noted in respect of the site plan mentioned above, the drawings showing the proposed elevations also appear to be inaccurate. These show the building as extended sitting on level ground, whereas it was apparent from the site visit that the ground adjacent to the building drops away sharply and that the adjacent highway slopes down from south to north. As a result, to achieve a consistent floor level within the

extended building would require either raising the ground level to the north of the existing building, or an increase in wall heights at the north end of the extension, similar to the configuration of the existing road elevation of the building, to accommodate the level change. Neither of these are shown on the submitted drawings although I observed that a combination of both has been used for the current building. Increased wall heights to the east and north elevations would increase the perceived height of the proposed two storey element and exacerbate the effect on the proportions of the building. Due to the resulting proximity of the proposed extension to the current access, it is not clear whether localised ground level raising could be accommodated without affecting the current access point.

25. Local Plan Policy 10 also expects that proposals to convert an existing building result in an enhancement to the building's immediate setting. Presently, the appeal building has an associated area of hardstanding formed of gravel. Notwithstanding the point above regarding the accuracy of the drawings, the submitted drawings do not show any substantive changes to this and within the extent of the red line application site boundary shown on the submitted drawings there is little scope to carry out any additional landscaping works and still retain the areas that would be required for access and parking of vehicles. As a result, the proposal would not enhance the immediate setting of the building but, rather, would leave it largely unchanged.
26. The appeal building is located approximately 300-350 metres from bus stops on the B6278 road leading to Barnard Castle, which the appellant contends makes the appeal site accessible by public transport. Whilst this does provide an alternative travel option, there is no information before me regarding the frequency or operating times of the service at these bus stops and when I visited the site, I saw that there were neither bus stop flags, nor a dedicated waiting area within the grassed highway verge. At this point the B6278 has no footways or streetlighting.
27. In addition, I noted that although the bus stops are within walking distance of the appeal site, the C41 road that leads to it is also not lit, has no footways, and is subject to a 60 mph speed limit. Whilst it is not heavily trafficked, during the time I was at the site there were regular vehicle movements in both directions and the vehicle speeds were relatively high, particularly southbound due to the straight alignment of the road and the downhill slope. As such it would not be a particularly attractive walking route during inclement weather or at times of the year when daylight is restricted.
28. From the evidence that I have and from what I saw when I visited the site, I am not satisfied that the level of public transport accessibility to the site is such that public transport would be a realistic alternative for the future occupiers of the proposed dwelling to meet their day to day travel needs.
29. The appeal site is approximately 2 km from the edge of the built up area of Barnard Castle and approximately 3 km from the town centre. This is beyond reasonable walking distance and the B6278 is without footways or lighting for much of its length between the junction with the C41 and Barnard Castle. Whilst, these distances are reasonable for cycling, the nature of the roads and the change in elevation between Barnard Castle and the appeal site may deter cyclists.

30. Taken overall, from the evidence before me and my observations during the site visit, the occupiers of the proposed new dwelling would be, if not solely, predominantly dependent on use of a private vehicle to meet their day to day travel needs.
31. Local Plan Policy 21 seeks to ensure that new developments support and encourage sustainable modes of transport and that new developments clearly link to existing services and facilities. The proposed development would not achieve this. Matters relating to highway safety have been addressed above.
32. The appellant contends that in principle the current building could be converted to residential use under the permitted development rights in Part 3, Class Q of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) and that the planning practice Guidance sets out that it is not a sufficient reason for refusing prior approval if an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling. It is suggested that this is a fallback position that weighs in favour of the proposal.
33. There is no substantiated evidence that there is a greater than theoretical possibility such a that fallback position can, or would be, implemented and whilst I have noted the appellant's suggestion, I give it only little weight.
34. Policy 10 of the Local Plan is consistent with Paragraph 80 of the National Planning Policy Framework. Although the appellant suggests that the appeal site is not isolated, within the context of the Paragraph 80 isolated simply connotes a dwelling that is physically separate or remote from a settlement¹.
35. The appeal building is part of a small group of buildings comprising four dwellings, typical of other small groups of buildings in the surrounding area. From what I observed during the site visit, the group of buildings does not have the characteristics of being a settlement in its own right with the closest named settlements being Kinninvie approximately 2 km to the north and Barnard Castle a similar distance to the south east. In these circumstances, I find that the proposal can reasonably be considered to remote from and not well related to a settlement and would represent an isolated new dwelling in the countryside.
36. The evidence sets out that the building was marketed for a period of approximately 7 months from April to November 2019 before being withdrawn from the market. I have noted that an offer was made but was rejected as being too low in relation to the market value of the building. The submitted sales particulars give no indication of what was considered the market value or any guidance on what offers may be considered. I have also noted that the appellants final comments in respect of the highways matters also state that the site is regularly used. This latter point casts some doubts on the suggestion that the current building is either redundant or disused.
37. Taking all the above into account, the proposed development would conflict with the relevant requirements of Local Plan Policy 10 and Policy 21, and with the Framework.
38. I therefore conclude that appeal site is not a suitable location for the proposed development having regard to the development plan and the availability of

¹ See Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

shops, services, and employment opportunities. It would not comply with the relevant requirements of with the relevant requirements of Local Plan Policy 10 and Policy 21, and with the Framework.

Character and appearance and effect on the landscape

39. The appeal site is in the countryside where Local Plan Policy 10 l) seeks to ensure that new development does not cause unacceptable harm to, among other things, the intrinsic character and beauty of the countryside. It is also situated within an area that is identified as an Area of Higher Landscape Value (AHLV) in the Local Plan, where Local Plan Policy 39 states that development will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape.
40. Neither party has submitted any substantive evidence in respect of the character of the landscape or the special features that resulted in the designation as an AHLV. I saw when I visited the site that the appeal site is set within a gently rolling landscape with the terrain falling generally to the south towards the valley of the River Tees. To the north of the B6279 the land rises more steeply to the fringes of the North Pennines. The surrounding countryside consists of a patchwork of small to medium sized fields enclosed by a mix of dry stone walls, hedgerows and post and wire fences. Trees are a prominent feature in the landscape, both in the form of shelter belts and some larger areas of woodland, and following linear features such as field boundaries, watercourses, and former railway lines. A network of minor roads passes through the landscape and scattered along these and, through the area, are numerous small groups of buildings, most of which have agricultural origins. In the vicinity of the appeal site, buildings are generally one or two storeys with either stone or rendered walls, and slate or pantile roofs. The town of Barnard Castle lies on the lower slopes of the valley, next to the river.
41. The current building on the site has the appearance of a small agricultural building and sits adjacent to Garford Pond Cottage which is itself a converted agricultural building. The proposed extensions to the building would, in design terms, take design cues from other agricultural buildings in the area, apart from the proposed west elevation which would have a more generic appearance incorporating a large window to wall ratio that would be inconsistent with other buildings in the area. This latter elevation would, nonetheless, face away from the road and would not be widely visible from public viewpoints.
42. Although the Council state that the proposed design would be at odds with the local vernacular, this point is not expanded on in either the Planning Officer's report or the Council's Statement of Case. Nor has the Council identified any qualities or characteristics of the landscape that would be harmed by the development. During the site visit, I observed that there are buildings of differing heights in the vicinity and that agricultural buildings which are the equivalent to two storeys in height are also present.
43. As a result of the landform immediately adjacent to the appeal site, the proposed extensions would not be readily visible from the south and although they would be visible in longer range views from the north, the extensions would be seen in context with the buildings to the rear from these viewpoints.
44. Whilst I have found that, in quantitative terms, the proposed extension would represent a disproportionate addition to the existing building, the effect of the

resulting change to its appearance would be localised to the immediate vicinity of the appeal site. The establishment of a domestic curtilage adjacent to the building may result in a change to the appearance of the area. However, as set out above, the application site boundary is drawn very tightly around the existing hardstanding area, much of which is required to be retained for parking and access. Consequently, the scope for further domestication is small and given that the appeal site is located adjacent to existing residential curtilages, the extent and visual effect of further domestication would be very modest. Within this context, taken overall, the effect on the wider landscape would be neutral.

45. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area and the surrounding countryside. It would not conflict with the relevant requirements of Policy 10 I) and Policy 39 of the Local Plan.

Other Matters

46. I have noted the comments made by the occupiers of a neighbouring property in respect of utilities, although they do not lead me to a different overall conclusion.

Conclusion

47. I have found that the appeal site is not a suitable location for new development and that it has not been demonstrated that safe and suitable access to the site appropriate to the proposed use would be provided. The proposal would, therefore, not comply with relevant policies in the development plan for the area. Although I have found that the proposal would not cause harm to the character and appearance of the area or the surrounding landscape, this of itself is not sufficient to overcome the other harm that would be caused. No other material considerations have been identified that would indicate that a development which does not comply with the requirements of the development plan could be permitted.
48. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR