
Appeal Decision

Site visit made on 17 August 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2021

Appeal Ref: APP/J4525/W/21/3272430

Parkside Farm, Stoneygate, Houghton-le-Spring DH4 4NN

- 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 K Stratton-Potts & Mr N Stratton-Charlton against the decision of Sunderland City Council.
 - The application Ref 19/01765/FUL, dated 21 October 2019, was refused by notice dated 8 March 2021.
 - The development proposed is described on the application form as 'Demolition of existing outbuilding structures and erection of two single storey bungalows (Use Class C3)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published. However, as the main parties have had an opportunity to comment on this matter and I am satisfied that neither party has been prejudiced in this regard.
3. The Council have described the development as 'Demolition of existing outbuildings and erection of 1no. bungalow with associated access (amended plans received and amended description 09.11.20)'. I note that the appellants have also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.
4. The site address on the decision notice differs to that on the application form. For clarity and the avoidance of doubt I have used the address cited on the decision notice in the banner heading above.

Main Issues

5. The main issues are:
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant Development Plan policies; and
 - if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

6. The National Planning Policy Framework (the Framework) at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as set out in Paragraph 137.
7. Policy NE6 of the adopted Core Strategy and Development Plan (CSDP) states that inappropriate development in the Green Belt will not be approved except in very special circumstances and then only where they are consistent with the exception list in national policy. As a result, I consider this policy to be broadly consistent with the Framework and afford it full weight.
8. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions under paragraph 149 of the Framework. One of these exceptions includes limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would either: not have a greater impact on the openness of the Green Belt than the existing development or; not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
9. Annex 2 of the Framework defines previously developed land as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure'. This definition excludes, amongst other things, land that is or was last occupied by agricultural buildings.
10. It is not a matter of dispute that the part of the derelict structure closest to the A690 road was last used for agricultural purposes. It is a matter of dispute however as to whether the other part this structure was formerly in agricultural or residential use. It is the appellants' view that this other part was the previous old farmhouse. However, apart from a hand-annotated map not substantive evidence, such as a historic land registry map clearly showing the curtilage of this dwelling has been submitted to support this.
11. The photograph from circa 1952 is also not conclusive and shows a row of terraced dwellings that appear to be closer to the pumping station than the appeal site is. Furthermore, the handwritten letters describing the old farmhouse are also somewhat vague and anecdotal thereby not providing clear and convincing evidence that they were directly related to the structure subject to this appeal.
12. Moreover, even though it represents but a snapshot in time, from what I observed of the derelict structure on my site visit there was nothing, such as a clear difference in building materials, to suggest that the portion referred to as the old farmhouse by the appellants was a distinct dwelling or that it was

clearly separated from the rest of the structure which both parties agree was last in agricultural use.

13. Accordingly, I have no convincing evidence before me to suggest that any part of the derelict structure on the site was last used for residential purposes. I am therefore not satisfied that the land upon which the structure sits would meet the definition of PDL as set out in Annex 2 of the Framework.
14. In any event, even if part of the land upon which the derelict structure sits was classed as PDL given the dilapidated nature of the remnants of the outbuilding including the fact that in places it has no exterior walls and that it is completely without a roof, I consider it not to be a building of permanent and substantial construction. In addition to this as the existing structure would be demolished the proposal would also not constitute the re-use of a building.
15. Additionally, for similar reasons I consider that based on the submitted plans, excluding the part of the existing derelict structure that both parties agree was last used for agriculture, the proposed dwelling would be likely to have a potentially greater volume than it even though its footprint would likely be smaller. Consequently, I also consider that the proposal would have a greater spatial impact on the openness of the Green Belt than the existing development.
16. In terms of its visual impact on openness, given the proposed dwelling's design, materials, and location a good distance from the A690, the fact that the derelict structure which is currently closer to the road would be removed, and the visual backdrop of the belt of high mature trees on the site boundary, I consider that the proposal's visual impact on the openness of the Green Belt would be limited.
17. As a result, the proposal would not preserve the openness of the Green Belt either spatially or visually in conflict with paragraph 137 of the Framework.
18. Consequently, I find that the proposal would fall outside the exceptions set out in paragraphs 149 g) and 150 d) of the Framework. I therefore conclude that the proposal would be inappropriate development in the Green Belt in conflict with the aims of the Framework. As a result, it would also conflict with policy NE6 of the CSDP.

Other considerations

19. In their statement, the appellants have highlighted the fact that the proposed dwelling would be used for a relative with a disability. However, no substantive evidence has been submitted to support this. Furthermore, whilst I have given the appellants' personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after any current personal circumstances cease to be relevant. As a result, I afford this consideration little weight.

¹ Paragraph: 008 Reference ID: 21b-008-20140306

Planning Balance and Conclusion

20. Paragraphs 147 and 149 of the Framework indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework also sets out that any harm to the Green Belt should be afforded substantial weight.
21. In this context, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. I have given little weight to the other considerations cited in favour of the development. In my view, these would not clearly outweigh the substantial harm to the Green Belt caused by the proposal's inappropriateness. The very special circumstances necessary to justify the development do not therefore exist.
22. For these reasons and having regard to all relevant matters I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR