



Appeal Decision

Site visit made on 6 July 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2021

Appeal Ref: APP/X1355/W/21/3271529

Stotgate Farm, Crossgate Moor, Durham DH1 4TJ

- 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 Tom Smith against the decision of Durham County Council.
 - The application Ref DM/20/02779/FPA, dated 14 September 2020, was refused by notice dated 3 December 2020.
 - The development proposed is partial demolition of agricultural building and conversion to holiday cottage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issues

4. Both parties agree that the site is located within the Durham City Green Belt and its location is viewed as being outside of an established settlement. Therefore, the main issues are:
 - Whether the development would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;

- the effect on the openness of the Green Belt and the purposes of including land within it;
- Whether the appeal site represents a suitable location for new development having regard to its position within the countryside and proximity to local services and amenities; and
- If the development is inappropriate, if the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations which amount to the very special circumstances required to justify the development.

Reasons for the Recommendation

Whether the Proposal Would Amount to Inappropriate Development

5. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. The appellant contends that the proposal would fall under exceptions (b), (c) and (d) which state:

'b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.'

6. In considering the relevance of the proposal against the exceptions set out within the Framework, it is quite clear that exception (b) would not be applicable as the construction of a holiday cottage would not accord with the specific provision of an appropriate facility for outdoor sport or recreation.
7. In addressing exception (c), I note that the glossary to the Framework does not set out any definition of 'extension or alteration.' The construction of a holiday cottage in place of the existing agricultural building cannot be considered an extension or alteration, as the building would have to be substantially retained in order to be extended or altered. Though the proposal is described as partial demolition, it would be significantly more substantial as it would only retain a section of the east facing wall of the existing agricultural building. On this basis I do not regard the proposed development as according with the requirements for exception (c).
8. For these reasons, the proposed cottage can be considered as a replacement of the existing agricultural building. However, whilst it would not be materially larger than the existing building as it would result in a reduction in scale and height, it would not fully meet the requirements for exception (c) as it would not be of the same use as the existing building.
9. It follows that the development would not meet the exception listed at paragraphs 149 (b), (c) and (d) of the Framework, or any other of the listed exceptions, and would therefore amount to inappropriate development within

the Green Belt. Accordingly, it would conflict with the objectives of the NPPF and Policy 20 of County Durham Plan (2020) (the 'LP') which seek to protect the Green Belt.

Effect on openness

10. Paragraph 137 of the Framework identifies that openness and permanence are the two essential characteristics of Green Belts. Openness has both a visual and spatial quality. The appellant contends that the effect on openness would be limited due to the fact that the proposal would not be materially larger than the existing building and would result in a reduction in scale and height.
11. However, given the nature of proposed development, future occupants of the holiday cottage are likely to require an outdoor area for residential use in connection with the cottage. The proposed 2-bedroom cottage would increase domesticity and spread of paraphernalia such as washing line, waste containers, outdoor furniture, and the parking of additional vehicles within the site. Taken together these factors would have limited spatial and visual effect on openness. I find the proposed development would therefore be materially harmful to openness and would conflict with Policy 20 of the LP and the Framework.

Suitability of the site

12. The NPPF states that to promote sustainable development, planning policies and decisions should avoid the development of isolated homes in the countryside. The aims of the Framework are reflected in the locational strategy in policies 10 and 21 of the LP which seeks to focus new housing in the countryside at sustainable locations which encourage sustainable modes of transport such as walking, cycling, bus and rail transport.
13. The appeal site itself is not isolated from other development in that it is located close to other dwellings and their curtilages. Nevertheless, access to the site from the A691 is over a narrow dirt road traversing undulating terrain.
14. The nearest public transport link is the Sniperley Park and Ride which is approximately one kilometre away. The distance, undulating terrain, and lack of a reasonable pedestrian environment are likely to discourage the use of sustainable modes of transport for everyday needs especially in carrying large bags of shopping. Given the rural and dispersed nature of the surrounding area and the limited availability of a wide range of local facilities and services, to meet their day-to-day needs future occupiers of the proposed holiday cottage there would be an inevitable reliance on the private car to access facilities and services.
15. The appeal site would thus not be in a suitable location for new development having regard to its position within the countryside and proximity to local services and amenities.
16. Having regard to all of the above, the proposal would conflict with the NPPF, Policies 8, 10 and 21 of the LP which amongst other things seek to restrict new development in the countryside to those which are essential and would enhance or maintain the vitality of rural communities and encourage sustainable modes of transport.

Balance: Is the Harm by Way of Inappropriateness, and any other harm, clearly outweighed by other considerations and, if so, whether the very special circumstances needed to justify the development exist

17. Paragraph 147 of the Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be attached to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
18. In this case, the proposed development would constitute inappropriate development within the Green Belt and would also have a limited harmful effect on the openness of the Green Belt, to which is attached substantial weight. The development would involve the replacement of an existing agricultural building to provide residential holiday accommodation and whilst this would appear to support rural diversification and provide an additional residential unit, this is a matter that attracts only limited weight in favour of the proposal due to the quantum of the development as proposed. Furthermore, the policies of the development plan that are most relevant for determining the application suggest that the location is not suitable for residential development, having regard to its lack of proximity to services and facilities and location within the Green Belt.
19. No other considerations have been put forward that would clearly outweigh the harm to the Green Belt and the harm that would arise from locating a new dwelling in an unsuitable location. It follows that the very special circumstances needed to justify the development do not exist.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall dismiss the appeal.

Martin Seaton

INSPECTOR