
Appeal Decision

Site visit made on 20 January 2022

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28th February 2022

Appeal Ref: APP/X1355/W/21/3286233

Garden adjoining 2 Lime Cottages, Waldrige, Chester-le-Street, Durham DH2 3RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Colton against the decision of Durham County Council.
 - The application Ref DM/21/00400/OUT, dated 2 February 2021, was refused by notice dated 13 October 2021.
 - The development proposed is described as a pair of semi-detached houses built in garden curtilage of 2 Lime Cottages, Waldrige. Stone random rubble with pitched slate roofs to match existing cottage construction.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a slight difference in the spelling of the appellant's surname between that on the application form and Appeal Form. The alternative spelling used in the above heading is taken from the Appeal Form which, being more recent and also containing other references with that spelling, I have assumed to be correct.
3. The application was made in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating any details of reserved matters shown on the plans or mentioned in the description of development as being indicative. That being said, it is clear from the description and supporting information that the appellant's intention is to build a pair of houses of similar scale and appearance to that of the existing ones.

Main Issues

4. The main issues raised by this appeal are:
 - i) whether or not the proposal would be inappropriate development in the Green Belt, including the proposal's effect on the openness of the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) whether or not the proposal would be in a suitable location for development having regard to any relevant development plan policies;
 - iii) the effect the development would have on the character and appearance of the area, and;
 - iv) if it is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by

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

Reasons

Whether inappropriate development

5. The Framework regards the construction of new buildings within Green Belt as inappropriate albeit with some exceptions. Those exceptions include limited infilling within villages and limited infilling or the partial or complete redevelopment of previously developed land, itself subject to limitations.

Limited infilling in villages

6. The site is adjacent to a pair of semi-detached houses and comprises an area of hardstanding to the front with a range of single storey sheds behind. Beyond these outside the site are a collection of more single storey sheds with flat corrugated roofs. This group of buildings is physically and visually separate from the tightly knit terraces of houses which largely make up the village of Waldrige from which it is divorced by a distinct, undeveloped gap.
7. The existing semi-detached houses and a former public house at the end of the lane appear more as isolated buildings in the wider rural vicinity of Waldrige rather than part of a contiguous built-up village. The appellant refers to an intervening grassed area as a 'village green'. However, this area of undeveloped space is not surrounded by buildings and does not have the effect of incorporating the appeal site and neighbouring buildings into what could reasonably be considered as part of the built-up part of the village.
8. The appellant refers to the site being within the 'village envelope' however there is no indication that this is a formal designation nor that there is a Neighbourhood Plan which has designated a settlement boundary that includes the appeal site. An historic map shows the presence of workings between the collection of terraced streets and the appeal site. Little remains visible of the former mine and associated workings in the vicinity of the site and even on the map the appeal site appears separate from the village.
9. All this leads me to conclude that, irrespective of whether the proposal could be considered as infilling, that the site is not within a village for the purposes of the Framework and in this respect the proposal would be inappropriate development.

Infilling or redevelopment of previously developed land

10. It is not a matter of dispute that the site comprises previously developed land in the Framework's terms. The Framework considers that development of such land would not be inappropriate if it would not have a greater impact on the openness of the Green Belt than the existing development.
11. Although matters such as scale, layout and appearance are reserved, the appellant's parameters give some indication of the likely effects the proposal would have on openness. The existing sheds are single storey and the appellant calculates their footprint as being considerably greater than the Council's figure. Based on the Council's figures (themselves drawing on indicative plans), the proposed footprint of the houses would occupy less area than the appellant's figure of existing buildings' combined footprint. However,

in considering the comparative effect on openness it is necessary to consider the nature of the existing buildings and the likely scale of their replacement considered within its context.

12. The existing configuration of the site, whilst partly occupied by buildings, maintains a degree of openness as a result of the undeveloped parts of the site, including the frontage, and the relatively low height of the single storey buildings. By contrast the intentions for the development are for a pair of two storey dwellings of a height and width to match the existing ones. This would have a marked effect on openness in terms of the vertical extent and overall bulk and scale of the development, including an overall floorspace which, based on the Council's estimate, would be greater than the extent to which existing buildings cover the site, even allowing for the appellant's higher floorspace figures.
13. Taking these likely visual effects of the proposed development into account, in all likelihood the development would have a considerably greater impact on the openness of the Green Belt than the existing development on the site does at present. Based on the evidence before me there would appear to be no prospect of a scheme coming forward at reserved matters stage which would avoid a similar effect. This effect would not only be greater but would have a harmful effect on openness and this harm would be considerable.
14. Although the appellant makes a passing reference to the development providing affordable housing, the application form states that two market homes are proposed, albeit the appellant's intention is for family members to occupy the houses. There is no evidence that the development would provide anything other than that, nor in any event has any mechanism to secure the delivery of affordable homes been put forward. The proposal could not, therefore, meet the Framework's other concession for development of previously developed land irrespective of the extent of harm to openness.
15. Therefore, although it would partially redevelop previously developed land, in this respect the development would be inappropriate development.

Location

16. The physical circumstances and situation of the appeal site relative to Waldrige which led me to consider that the site did not lie within a village in Green Belt terms are also pertinent to considering the site's suitability for development in locational terms. The distinct gap between the site and the built-up part of the village means that it cannot be considered as falling within the main body of existing built development. Other than the single storey sheds on the site and adjacent, other more substantial buildings in the wider vicinity are all situated at a distance from one another and have both the spatial and visual characteristics of dispersed buildings in the countryside rather than forming part of a built-up part of a settlement.
17. There is no evidence that the site lies within a settlement boundary defined in a Neighbourhood Plan. This means that it falls outside the County Durham Plan 2020's (Local Plan) definition of a built-up area and is consequently in a location the Local Plan regards as countryside. As the proposal would not be necessary to support economic or infrastructure development in the specific circumstances set out, it would be contrary to Local Plan Policy 10 which restricts development in the countryside except in those circumstances.

Character and appearance

18. This site lies within an Area of Higher Landscape Value (AHLV) which is characterised in the vicinity of the site by a largely open heathland landscape including the dramatic spaces of Walldridge Fell and its surroundings. The existing site has an unremarkable character. Whilst the sheds have a utilitarian appearance their low height renders them relatively discreet in the wider landscape. This feature means that from certain aspects the dramatic rise of the Fell behind the site can be readily appreciated whereas the existing semi-detached houses form a more prominent foreground in certain views. The introduction of a substantial pair of houses of similar height, and in close proximity, to their neighbours would harmfully intrude into the landscape, eroding its character and value as well as negatively affecting some views within it.
19. Based on the limited indicative information provided, the intent to match the scale and appearance of the existing pair of houses would be unlikely to create built development whose appearance considered by itself would harmfully contrast with its established built context of the adjacent houses. The development would be an opportunity to remove the utilitarian sheds on the site. Therefore, insofar as it is possible on the evidence before me, it would appear that a scheme is capable of being devised at reserved matters stage that would be satisfactory in respect of the development's effect on the character, identity and distinctiveness of the built environment.
20. However, the avoidance of harm in that particular respect would not change the harmful effect the development would have on the character and appearance of the landscape which is recognised for its value. The development would conflict with Local Plan Policies 29 and 39 which together, and amongst other criteria, seek to avoid development that would cause unacceptable harm to the character, quality or distinctiveness of the landscape, and requires development to contribute positively to landscape features.
21. The appellant points to the Environmental Impact Assessment (EIA) screening direction¹. However, its conclusion that the development would not be of a scale and nature likely to result in "significant environmental impact" needs to be considered in respect of establishing whether the proposal required an EIA considered in the scope of the statutory requirements². That it did not does not mean that the proposal's effects would be acceptable in other respects, as indeed in this case I have found that they would not be.

Other considerations

22. The appellant has mentioned other properties nearby including the conversion of a village hall to houses and other properties on Walldridge Lane that he states are within the Green Belt. Apart from these references I have no information about these properties. Other than noting that any conversion of an existing building may well have been considered differently under the Framework's Green Belt Policies, there is no evidence that the circumstances which led to these buildings are similar to that of the appeal proposal. In any event I have determined the appeal on its own merits.

¹ Secretary of State Screening Direction, 7 December 2021.

² Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

23. I note that the appellant's intention is that both houses would remain in the family to provide accommodation for elderly parents or children. I can appreciate that this would be convenient and ensure ease of supervision in the case of the former. However, such benefits would be largely private ones to the existing and proposed occupiers and can only attract very limited weight. The Government's objective, set out in the Framework, is to significantly boost the supply of housing, but the small scale of the proposal and the council's housing supply position which has not been disputed, mean that this can only carry very limited weight in this respect.
24. Although a high standard of insulation and low carbon design features are anticipated there is no substantive evidence that such an approach would do any more than satisfy the sustainable design requirements of Local Plan Policy 29. This would therefore be a neutral consideration.
25. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development would considerably harm the openness of the Green Belt. There would also be harm by way of new housing development in a countryside location and from the adverse effect on the character and appearance of the AHLV.
26. The Framework requires that substantial weight is given to Green Belt harm. I have found that other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As a result, the development would conflict with Local Plan Policy 20 which requires proposals in Green Belt to be determined in accordance with national policy.

Conclusion

27. For the above reasons the proposal would be in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR