



Appeal Decision

Site visit made on 14 April 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2022

Appeal Ref: APP/X1355/W/22/3293638

Land to the east of Saanen Lodge, Lane to Paddock Hall, Haswell, DH6 2EE

- 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 Alan Gray against the decision of Durham County Council.
 - The application Ref DM/21/03233/FPA, dated 16 September 2021, was refused by notice dated 24 January 2022.
 - The development proposed is the demolition of existing garage and erection of a dormer bungalow, garage and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether or not the appeal site is a suitable location for residential development having regard to development plan policy and 2) the effect of the proposed development on the character and appearance of the area.

Reasons

Location of development

3. The appeal site is an area of land to the east of Saanen Lodge. It comprises a detached single storey garage/workshop building which is located to the west of the site, and a triangular shaped wooded area that is bound by the access track and open paddock. It is located amongst a small cluster of dwellings.
4. The appeal site sits between the settlements of Haswell and Haswell Plough. It is accessed from the road that runs between these two settlements via a tarmacked track that splits to form a gravelled track that leads to Saanen Lodge and the appeal site.
5. Although it is set amongst other dwellings, these are sporadically sited, and the site has a distinct rural character. I have not been provided with a settlement boundary for either village, however the rural and open characteristics of the site and its surroundings would lead me to conclude it is located outside the settlement in open countryside. The council suggest that the logical settlement boundary would be formed by Windsor Terrace and I agree that this provides a clear visual separation between the built up area and the more rural and open area beyond.

6. Policy 10 of the County Durham Plan (2020) is applicable for development in the countryside. It sets out that development in the countryside will not be permitted unless allowed for by specific policies in the Plan or where the proposal relates to one or more of the exceptions cited. The proposal, constituting the construction of a new dwellinghouse would not comply with the exceptions contained in the policy.
7. One of the 'specific policies' that is referred to in Policy 10 is Policy 6, that being development on unallocated sites. It sets out the circumstances where development sites which are not allocated in the Plan or in a Neighbourhood Plan which are outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies.
8. The policy requires that development sites are 'well-related' to a settlement although it does not define what constitutes 'well-related'. The supporting text sets out that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
9. In visual terms the appeal site sits within an area that is markedly different from the make-up of the nearby settlement. The appeal site, displaying notable open and rural characteristics is not visually well-related to the nearby settlement that displays the characteristics of a more densely built-up environment comprising planned streets and services. The appeal site is also outside the settlement limit identified above and is not physically well-related to the settlement.
10. Although pedestrian and cycle access to the appeal site from the settlement is possible, this involves the use of a long section of unlit track with no footpath provision. This would provide a far from harmonious route for pedestrians and thus representing a functional disconnection and further detachment from the settlement.
11. I acknowledge that the appeal site is not a substantial distance from the settlement. Whether a site is well-related to a settlement is not however solely a consideration of distance. A site that is further from the settlement may be more well-related to the settlement than one which is closer. Distance is but one of several factors to take into account.
12. I therefore conclude that the proposed development would, by reason of its location, not be well related to a settlement, and would lead to an unsustainable form of development. It would therefore be contrary to Policies 6 and 10 of the County Durham Plan (2020) which requires that development in the countryside will not be permitted unless, amongst other things, it is well related to a settlement.

Character and appearance

13. The appeal site currently comprises a detached garage/workshop building with the remainder of the site largely comprising a small wooded area and grass.
14. The proposed development comprises a dwelling and detached garage that are considerably greater in scale and mass than the existing building on site. Whereas the existing garage building displays the appearance of an ancillary

building serving Saanen Lodge, the proposed development would divorce this arrangement, appearing unashamedly of its own and introduce further ancillary buildings of its own in the form of a substantial one and half storey detached garage building.

15. Collectively, the result would be that, due to its size, scale and siting, the proposed development would appear highly prominent in the landscape that is otherwise largely open, particularly when viewed from the roadside. It would be notably greater in scale than the adjacent dwelling and the garage it would replace. There are a number of existing and proposed landscape features that would contribute to softening the impact of the development. I therefore find that the harm to the intrinsic character and beauty of the countryside would be moderate and not severe.
16. The proposed development would therefore cause moderate harm to the character and appearance of the area. It would be contrary to Policies 6 and 10 of the County Durham Plan (2020) which require, amongst other things, that development does not; give rise to unacceptable harm to the intrinsic character and beauty of the countryside; result in the loss of open land that contributes to the character of the locality which cannot be adequately mitigated or compensated for; and is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.

Other Matters

17. The appellant has referred to an extant planning consent¹ that allows for the conversion of the existing garage to a dwelling plus an extension as a fallback. Although the fallback is capable of being a material consideration of significant weight, the fallback in this instance is one which accords with the development plan policy for development in the countryside which allows, amongst other things, for the reuse of existing buildings.
18. The proposed development is fundamentally different, involving the demolition of the existing building and creation of a new dwelling. It represents a direct conflict with the council's policy allowing for the reuse of buildings and is in any event significantly larger than the appeal proposal. The use of the site for residential purposes, established by virtue of the extant planning consent, is predicated by the reuse of the existing building. The extant consent is therefore not a reason to allow development that would conflict with the development plan which would undermine the council's sustainable approach to housing delivery.
19. I am referred to an appeal decision² where the same development plan policies were pertinent. In that appeal however, it was found that the site, owing to its roadside location adjacent to an existing terrace of properties and having a bus stop directly in front of the site, was well-related to the nearby settlement. It was also found that, due to the existing terrace of properties, and the landscape features surrounding the site, the proposed development in that case would not cause harm to the character and appearance of the area. Accordingly, the circumstances in that appeal are not directly comparable with those which apply in this appeal. I have, in any case, determined the current

¹ DM/21/00237/FPA

² APP/X1355/W/20/3260650

appeal on its own individual planning merits, on the basis of the evidence before me.

20. The appellant has referred to design and amenity benefits in the current proposal above the consented scheme. As these matters would have been considered in the assessment of the consented scheme, and found to be acceptable, they do not attain such significant weight that would outweigh the harm I have identified. The appellant also outlines that the proposed development would create a more energy efficient building than the conversion scheme. I am not presented with any substantive evidence on the comparative energy efficiencies of either the proposed development or the extant scheme to give this significant weight in the appeal.
21. The appellant has referred to the fact that on a previous scheme, members of the planning committee voted narrowly to refuse planning permission. This previous scheme is not however before me in the appeal. I give this limited weight in the appeal. The appellant has also referred to the lack of objection that was received to the proposed development. This is, however, a neutral factor in the balance.

Planning Balance and Conclusion

22. The Government's objective as set out in the National Planning Policy Framework is to support housing growth. Although the proposed development would result in only a slight increase in the Council's overall housing number, this is nevertheless a factor of significant weight in favour of the proposed development.
23. However, the location of the proposed development outside a settlement would undermine the council's plan-led approach in seeking that development should be sustainably located. When combined with the moderate harm I have identified would be caused to the character and appearance of the area, collectively, these matters attract significant weight that outweighs the benefits associated with the proposed development.
24. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
25. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR