



Appeal Decision

Site visit made on 23 June 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2022

Appeal Ref: APP/X1355/W/22/3297345

Fernhill, Newcastle Road, Crossgate Moor, Durham DH1 4JZ

- 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 Paul Bracewell against the decision of Durham County Council.
 - The application Ref DM/21/02896/FPA, dated 12 August 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as the "Redevelopment of Stables to Provide 1no 4 Bed Dwelling."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - ii. Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate development unless it falls within one of the exceptions listed.
4. Exception g) to paragraph 149 states that the redevelopment of previously developed land, is not inappropriate development provided it would "not have a greater impact on the openness of the Green Belt than the existing development."
5. The parties agree that the existing structure on the appeal site constitutes previously developed land and based on the evidence before me I find no substantive reason to conclude otherwise.

6. The relevant assessment in this instance is therefore whether the appeal proposal would have a greater impact on the openness of the Green Belt compared to the existing development.
7. The impact on openness has a spatial as well as a visual aspect. In spatial terms, the Statement of Common Ground (SoCG) details that the "Upper floor footprint of 89sqm and a lower floor footprint of 115sqm compared to the approximately 100.7sqm footprint of existing stable building." On this basis, the appeal scheme is substantially larger than the existing building and despite being partially subterranean, would therefore introduce a significant amount of additional built development on to the site.
8. Turning to the visual aspect of openness, it is agreed between the parties that views of the site from the public domain are limited and I note that the ridge line of the proposed dwelling is very similar to the existing stables. However, when viewed from the south, the appeal scheme is shown on the submitted plans as being a substantial two storey dwelling. Other proposed elevational drawings show an increase in built form. It is my planning judgment that based on the evidence before me and my observations on site, the visible massing of the appeal scheme is greater than the existing built form.
9. While I note that the appeal scheme would result in the removal of the paddock area and further landscaping, the submitted plans also show an additional access road, car parking and boundary treatments.
10. In that the appeal scheme would result in additional built development both visually and spatially, the proposal would consequently reduce the openness of the Green Belt to a greater extent than the existing development and while the loss of openness would be minimal in the context of the overall size of the Green Belt, the Framework nonetheless indicates that substantial weight should be given to any harm to the Green Belt.
11. Thus, I find that the appeal scheme would harm the openness of the Green Belt contrary to guidance set out in the Framework.

Other considerations

12. The Appellant has not put forward, in the context of paragraph 147 of the Framework, any substantive considerations to demonstrate 'very special circumstances' that would outweigh the harmful impact of inappropriate development on the Green Belt.
13. I note that the appeal scheme has been carefully designed to use the topography of the site and would, amongst other matters, provide an additional dwelling.

Conclusions

14. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a minimal loss of openness.
15. On the other hand, the appeal scheme has been carefully designed to use the topography of the site to minimise the effect of the dwelling and would provide an additional dwelling. However, this other consideration does not clearly

outweigh the totality of harm which is the test that they have to meet. Consequently, very special circumstances do not exist.

16. For the reasons given the overall conclusion is therefore that the appeal should fail.

Mr M Brooker

INSPECTOR