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## Appeal Decision

Site visit made on 29 November 2022

**by F Harrison BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 January 2023**

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**Appeal Ref: APP/X1355/W/22/3304895**

**Edmondsley Grange, Black House Lane, Edmondsley, DH7 6FG**

- 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 Stuart and Morven Smith against the decision of Durham County Council.
  - The application Ref DM/21/02870/FPA, dated 26 July 2021, was refused by notice dated 15 February 2022.
  - The development proposed is change of use, conversion and extension of redundant stables building to create 1no. residential dwelling.
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### Decision

1. The appeal is dismissed.

### Background and Main Issues

2. There are four reasons for refusal. These relate to the character and appearance of the appeal property; the effect of the proposal on the Area of High Landscape Value (AHLV); whether or not the site is in an accessible location and the effect of the proposal on a protected species. However, since the application was refused, an ecological appraisal has been submitted and the Council have confirmed they are agreeable to the imposition of a condition to secure the proposed mitigation measures. I am content that in this regard, the proposal would accord with Policy 43 of the County Durham Plan (CDP) (2020). As such, the main issues are:
  - whether the proposal would provide a suitable location for housing, having regard to the accessibility of services and facilities;
  - the effect of the proposal on the character and appearance of the area, including the appeal property; and
  - the effect of the proposal on the AHLV.

### Reasons

#### *Location*

3. Policy 10 p) of the CDP (2020) sets out that development must not be solely reliant upon unsustainable modes of transport. The supporting text clarifies that the general principles, which includes 10 p), apply to all development.
4. The appeal site is located on the B6532. The footpath to Edmondsley, the nearest settlement, is not especially wide, is unlit and, combined with its distance, I do not consider it to be a particularly attractive route to take for

pedestrians. Moreover, Edmondsley is a relatively small settlement with limited facilities and services.

5. Nevertheless, there is a footpath available for those who would choose to walk, and there are also bus connections within a short walking distance from the appeal site to other larger settlements, which I understand to have a frequent service. As such, there would be direct routes for walking and convenient access to bus services. Accordingly, future occupiers would not be solely reliant on private vehicles.
6. Consequently, the proposal would provide a suitable location for housing, having regard to the accessibility of services and facilities, in accordance with policies 10 p) and 21 of the CDP (2020) which amongst other things, sets out that development should not be solely reliant on unsustainable modes of transport and should clearly link to existing services and facilities together with existing routes for the convenience of all users.

### *Character and Appearance*

7. The CDP (2020) seeks to direct new development to sites within the built-up area, well-related to a settlement or those specially allocated for development. It is not disputed that the appeal site lies in the open countryside. In recognition that rural communities need to be supported by appropriate development Policy 10 sets out the circumstances where development would be acceptable in the countryside. This includes, amongst other things, development necessary to support the change of use of an existing building or structure which already makes a positive contribution to the character and appearance of the area and is capable of conversion without complete or substantial building, disproportionate extension or unsympathetic alterations and result in an enhancement of the buildings immediate setting.
8. The appeal site comprises an existing stable building, located within the open countryside and a predominantly agricultural landscape. Adjacent to the stables is a farmhouse. Having regard to the High Court judgement<sup>1</sup> regarding paragraph 80 of the National Planning Policy Framework (the Framework) (2021), this physical location would not result in a new isolated home in the countryside that the Framework seeks to avoid.
9. The original stable building is 'L' shaped and owing to its size, form and height is read as an ancillary farm building, subservient in character to the adjacent farmhouse. The stables have a simple appearance, with limited fenestration, and as part of the farm steading contribute positively to the character and appearance of the area.
10. Policy 10 h) at statement 1 requires any proposed extension to be proportionate and respect the scale, form and character of the building. The proposal would increase the massing of the built form of the appeal premises through significant extension, to the extent that the original 'L' shape of the stables would no longer be read as such. I acknowledge that the roofline would be lowered, that the extensions have been designed to step in from the existing elevations and that no extensions are proposed to the elevation nearest the farmhouse, thereby maintaining the separation between the buildings.

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<sup>1</sup> Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

11. However, owing to the increased scale and change in form, the proposed extensions are not modest, as the appellants allege, and would not appear as subservient additions to the original building. While 'proportionate' is not defined in Policy 10 and noting the varied ways in which the materiality of any size increase can be interpreted, I do not find the proposal to be balanced, in scale or form to the existing building.
12. Moreover, owing to the significant extensions, the proposal would not respect the character of the original stable building. In this regard, the building would no longer be subservient in character to the adjacent farmhouse. It may well be common for a farmstead to feature more than one dwelling. However, in this location, the proposal would not enhance the building's immediate setting as part of the well-established farmstead, which is characterised by a farmhouse and ancillary stables.
13. A number of alterations to the appearance of the stables are proposed which the appellants state are required to ensure an acceptable standard of living accommodation and natural light. The supporting text to Policy 10 states that any proposals requiring alterations to enable the conversion must be accompanied by a structural survey to demonstrate that this can be done without significant rebuilding or alteration. No such survey appears to have been submitted. Nevertheless, it is clear from the evidence that significant alterations would be required, not least the lowering of the roofline, the introduction of two chimneys and a second gable end, extensions to two elevations and extensive changes in fenestration.
14. It may well be that the proposal would introduce high quality architecture with a contemporary take on the agricultural origins of the site, and the proposed dwelling would be capable of adaptation in the future to meet the needs of the appellants. I also note that there is support in the Framework (2021) for conversion of redundant and disused buildings. However, the alterations proposed would not be sympathetic to the original stable building or enhance its character and appearance, as required by the development plan.
15. Overall, the proposal would harm the character and appearance of the area, including the appeal property, in conflict with Policy 10 h) of the CDP (2020). This policy, amongst other things, requires the sympathetic conversion of existing buildings without significant rebuilding or alteration that enhances the building's immediate setting.

### *Landscape*

16. The proposal is located within an AHLV which is not disputed. The landscape character of the area surrounding the appeal site is of agricultural use with associated domestic farmhouses. It is a local landscape with such valued attributes that it should benefit from additional protection.
17. As set out in the appellants' submissions, there are views of the appeal site from the B6532. From this road, views from the north are limited, owing to the topography of the fields in front of the farmstead largely obscuring the built form. Even though the roof is proposed to be lowered through the scheme, the proposal would also introduce two chimneys into the roofline. This feature is not typical of a stable building or agricultural building. Moreover, in projecting above the ridgeline, this domestic feature would be seen from views from the B6532 from the north and other views along the B6532 on approach from the

- northeast and northwest. The views would be experienced from those in cars driving past, and pedestrians on the adjacent footpath.
18. The addition of a second gable end to the west elevation would be readily visible when viewed from the northwest and west. Even if the gable elevations retain an agricultural style of design, this feature obscures the original L shape of the stable building, and the additional bulk would result in the appeal property no longer appearing subservient in character to the main dwelling in the farmstead. The more extensive glazing on this elevation, not typical of an agricultural building would also be visible from these views.
19. While the farmhouse would still remain the most visually dominant building when viewed in the sites wider landscape setting, there would be a change in character of the stable building, from a subservient ancillary building to a building in its own right, owing to its scale, form and appearance. This change would be noticeable from public views, on approach to the site along the B6532, to the detriment of the special qualities of the AHLV.
20. Policy 39 of the CDP (2020) sets out that development affecting AHLV will only be permitted where it conserves and where appropriate enhances the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm. The Council have identified a number of benefits but concluded in the officer report that these are not sufficient to outweigh the harm to the AHLV. The appellants have identified two main benefits of the scheme in their appeal submissions.
21. While the proposal is said to secure a viable use for the building and ensure its retention and future maintenance which is a benefit, it is only of limited weight as it has not been shown that this is the only way of achieving this. I also note that the scheme would provide accommodation for a family member to remain on the farm and is said to provide future accommodation for the appellants owing to it being single storey. While benefits of the scheme, they would be largely private and therefore of limited weight. As such, the benefits of the development would not outweigh the harm I have identified.
22. Accordingly, the proposal would harm the AHLV, in conflict with policies 10 I) and 39 of the CDP (2020). These policies seek to protect the intrinsic character and beauty of the countryside and prevent unacceptable harm to the distinctiveness of the landscape, including areas of high landscape value.

## **Conclusion**

23. While the proposal would provide a suitable location for housing having regard to the accessibility of services and facilities, my above findings in relation to character and appearance and landscape bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

*F Harrison*

INSPECTOR