



Appeal Decision

Site visit made on 20 December 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 09 February 2023

Appeal Ref: APP/X1355/W/22/3309292

Woodside, Sleetburn Lane, Langley Moor, Durham DH7 8LQ

- 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 Liam Timmins against the decision of Durham County Council.
 - The application Ref DM/22/02365/FPA, dated 11 August 2022, was refused by notice dated 11 October 2022.
 - The development proposed is redevelopment of existing stables to form one 2-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made against Durham County Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Whilst the description on the application form is as it appears in the heading, the appeal form, and decision notice describe the development as 'demolition of existing stable and erection of dwelling'. The appeal statement refers to works to implement a permission¹ to convert the building to a holiday let which resulted in the building collapsing and the Council advising the appellant to seek a new consent. At the time of the site visit the stable had been replaced by a new blockwork building which appeared to be up to eaves level. Therefore, I have determined the appeal on that basis.

Main Issues

4. The main issues are:
 - i) Whether the proposal is inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and the effect on the openness of the Green Belt;
 - ii) whether the proposal would satisfy the requirements for development in the countryside;
 - iii) the effect on the living conditions of the neighbouring property and the proposal site with particular regard to outlook and privacy; and

¹ DM/21/02439/FPA

iv) would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

5. Paragraph 149 of the Framework whilst stating that the construction of new buildings is inappropriate in the Green Belt, provides a number of exceptions to this which includes at paragraph 149 g) 'the partial or complete redevelopment of previously developed land'. Whilst there is no dispute that the proposal accords with paragraph 149 g) in respect of it being the redevelopment of previously developed land, to not amount to inappropriate development, it must also 'not have a greater impact on the openness of the Green Belt than the existing development'.
6. In this case, the original building has been demolished and has been replaced with another building which is being constructed. This has therefore resulted in built development where, following the demolition of the previous building, there was previously none. Therefore, in order to satisfy the exception, the new building must not have a greater impact on openness.
7. The new building is the same size and dimensions as the previous one and is located on the site of the original building. Therefore, spatially, it would relate to the existing development on the site.
8. Changing the use of the building to a dwelling, would, however, result in a more intensive form of development. This would result from domestic paraphernalia around the building, and cars parked on a more permanent basis at the front of the site. The windows and the front door facing the adjoining road, that replaces the current blank wall, would mean that lights, and the comings and goings of those occupying the building would be more visible. Furthermore, the site now has a high, wooden, vertical fence around it. This enclosure of the site adversely affects the character of the site and reduces openness. Therefore, collectively, the creation of a permanent residential use, would have an effect on the openness of the Green Belt in this location, in visual terms.

Countryside location

9. The site is within the open countryside as it is located outside the boundary and the defined settlement of the village of Langley Moor. Policy 10 of the CDP states that development in the open countryside will not be permitted unless allowed for by specific policies in the CDP, or where the proposal relates to one or more exceptions. The specific policies are not relevant in this case. In terms of the exceptions, the proposal would not satisfy the requirements of economic development, infrastructure development or the development of existing buildings.
10. In any case, although the appellant has highlighted that permission was previously granted for the conversion of the building, Policy 10 specifically requires the change of use of an existing building or structure to be capable of conversion without complete or substantial rebuilding. As the original structure has gone, and a new building is being constructed, it is not possible for it to

satisfy this part of the policy. The proposal would therefore not satisfy Policy 10 in this regard.

Living conditions

11. The building is being constructed at 90° and close to the corner of the host bungalow. As both buildings would be single storey, there would be no direct overlooking from habitable room windows. However, the bungalow has a recent rear extension, and the position of this, parallel to the proposed new dwelling, results in a degree of enclosure to the rear of both these buildings which could feel oppressive and overbearing. Furthermore, the subdivision of this rear area, which could result in a narrow strip of land between the bungalow and the boundary, would result in a limited outlook from the rear of the bungalow.
12. The proximity of the bungalow, both to the proposed dwelling and its private amenity space to the rear, could affect the privacy of both dwellings. This is because of the atypical subdivision of the rear area whereby users of the garden of the appeal site would be very close to the rear windows and doors and the limited rear garden space for the bungalow. This would harm the living conditions of both the host property and the proposal in regard to privacy.
13. The appellant considers that there would be no harm to living conditions as the buildings are in the same position and have the same distance between them as the proposal to convert the building to a holiday let. However, a holiday let is unlikely to be continuously occupied, and it would be tied to the host dwelling who would have a degree of control over the comings and goings and how the buildings were used. As a separate dwelling, in different ownership, that would not be possible. This is likely to lead to an unacceptable level of harm to the living conditions of both parties in terms of outlook and privacy.
14. The proposal would therefore not accord with Policies 29 and 31 of the CDP which seeks to provide high standards of amenity and privacy for both future and current occupiers of adjacent properties. This I give significant weight to.

Other considerations

15. Although the appellant contends that the previous permission for the site has established a 'pseudo-residential use' of the building, which provides 'substantive weight', the building has since been removed, changing the development from a conversion to the construction of a new house. The appellant also believes that a holiday let would have resulted in a much more intensive use of the site than a new house, and it would be more sustainable, including that there would be less reliance on a private car. I give this matter little weight because I consider that a new dwelling would result in a more intensive use and would harm the living conditions of occupants, including increased visitor, servicing and delivery vehicles.

Planning balance and conclusion

16. The Government attaches great importance to Green Belts. Substantial weight should be given to any harm to the Green Belt and in this case, I have found that the proposal is inappropriate, having a greater impact on openness and causing moderate harm to the openness of the Green Belt. This is as well as the other harms that I have identified in terms of the building being located in the open countryside where new dwellings are not permitted unless they comply with policy and subject to specific exceptions, and the effect on the

living conditions of occupiers of both the buildings. Despite the previous permission for the conversion of the original building, and the other considerations that the appellant has identified, these do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development therefore do not exist.

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.

18. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR