



Appeal Decision

Site visit made on 19 September 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Appeal Ref: APP/X1355/W/23/3324172

**Site of the former St Peters School, Main Road, Gainford, County Durham
DL2 3BQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Ruttle Plant Holdings Ltd against the decision of Durham County Council.
- The application Ref DM/21/01210/FPA, dated 6 April 2021, was approved on 4 May 2023 and planning permission granted subject to conditions.
- The development permitted is the demolition of fire-damaged building.
- The condition in dispute is No.4 which states that: *"Notwithstanding the requirements of condition 3, within 5 months of the commencement of the demolition works hereby approved, a 1.4m high brick boundary wall shall be erected along the entire northern boundary of the site. The wall shall be constructed out of reclaimed and cleaned bricks from the demolished building. Within the first planting season following the substantial completion of the wall, a wildflower meadow shall be created on the remainder of the site and subsequently manged in accordance with the creation and management principles set out in the Forest Research Best Practice Guidance for Land Regeneration Note 15 (https://cdn.forestresearch.gov.uk/2022/02/bpg_15.pdf). The wildflower meadow shall be maintained until such time an approved redevelopment of the site has been implemented"*.
- The reason given for the condition is: *"To ensure the tidy appearance of the site following demolition works, and to ensure that the public benefits of improving the appearance of the site and to safeguard against vandalism and anti-social behaviour are realised to outweigh the less than substantial harm to the character and appearance of the Gainford Conservation Area are achieved in accordance with Policies 10, 29, 39 and 44 of the County Durham Plan and Parts 12 and 16 of the NPPF"*.

Decision

1. The appeal is allowed and the planning permission Ref DM/21/01210/FPA for demolition of fire-damaged building at the site of the former St Peters School, Main Road, Gainford, County Durham DL2 3BQ granted on 4 May 2023 by Durham County Council, is varied by deleting condition No.4

Preliminary Matters

2. Whilst I have had regard to the planning history of the site, this appeal relates to a disputed condition attached to the grant of planning permission for the demolition of the existing building only. I have therefore considered the appeal on this basis.

Background and Main Issue

3. Planning permission was granted for the demolition of the former St Peter's School subject to conditions. The appellant is seeking the removal of condition 4 of the permission as set out in the banner heading.

4. The condition was imposed to secure the tidy appearance of the site and to ensure that the public benefits of improving the appearance of the site and safeguarding the site against vandalism and anti-social behaviour outweighed the less than substantial harm to the character and appearance of the Gainford Conservation Area (GCA).
5. The significance of the GCA as a whole lies in its location on the banks of the River Tees and in its attractive historic core of buildings which mostly date from the 18th and 19th centuries. The architecture of Gainford although varied in style and form, is unified by its scale, height, quality, and use of local building materials, which creates a unique local identity and strong sense of place.
6. The Conservation Area Appraisal identifies the appeal site as being one of two notable unlisted buildings within the GCA. The significance of the conservation area in so far as it relates to the appeal site is in the architectural and social value of the building.
7. There is a statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 193 of the National Planning Policy Framework ('the Framework') makes it clear that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
8. From my own assessment I agree that the removal of the building would be harmful to the significance of the GCA in the terms of the Framework would result in less than substantial harm to it.

Main Issue

9. Therefore, the main issues are (i) whether the condition is reasonable and necessary to improve the appearance of the site and safeguard against vandalism and anti-social behaviour and (ii) if not, whether in its absence the less than substantial harm to the significance of the GCA would be outweighed by the public benefits.

Reasons

10. The appeal site comprises a three-storey brick building and surrounding land which formed part of the former St Peter's School. The remaining building dates from the late 19th or early 20th century.
11. Located adjacent to the A67 on the edge of Gainford, the appeal site is surrounded by open fields and dispersed buildings and is part of an area of sporadic development on the edge of the settlement. The area has an open, spacious, rural character with a high proportion of hedgerows and trees forming boundaries. Where other boundary treatments do exist, these tend to be traditional stone walls or fences, often situated behind dense areas of planting. In relation to the appeal site, there is currently no boundary treatment to the north of the building, nor any evidence before me that one has previously existed in this location. The wall proposed by the condition, following demolition of the building would result in an isolated section of wall which would, by virtue of its position and materials, introduce an incongruous feature into the rural landscape, which would fail to reflect the surrounding character of this part of the village and the GCA.

12. Whilst I accept that this would enable the retention of some of the materials used in the construction of the original building, any significance deriving from the building, which lies in its architectural appearance and social value would still be lost. Furthermore, a single section of wall, which would be adjacent to a Leylandii Hedgerow on the western boundary with, the eastern and southern boundaries left open, would not create an effective means of enclosure to prevent access to the site.
13. Condition No.3 requires the removal of all waste materials from the site, and provision of a soil surface. Its implementation would greatly improve the site's appearance, and better reflect the character of the immediate surrounding area. Additionally, once the building and associated waste material are removed and a soil surface provided opportunities for anti-social behaviour to occur would be limited and similar to any other adjacent open land. Therefore, I can see no need to specifically require the planting of a wildflower meadow in replacement for the building.
14. Nevertheless, I agree with the Council that the use of earth bunds, as advanced by the appellant would not be appropriate. These are not a typical feature of the surrounding area and the introduction of one to the appeal site frontage, in such a prominent position would appear inconsistent with the surrounding land levels and incongruous with the open, rural surroundings, thereby causing harm to the character and appearance of the GCA and surrounding area.
15. As I have established above, the demolition of the building would result in less than substantial harm to the significance of the GCA. Paragraph 202 of the Framework states that where this harm would be less than substantial harm, this should be weighed against the public benefits of the scheme. I see no reason to disagree with the Council that there would be public benefits arising from the removal of the building and the improvement to the visual appearance of the site and immediate surrounding area, as well as reducing opportunities for vandalism and anti-social behaviour which has previously taken place at the site. For the reasons I have set out the imposition of condition 3 would secure the visual benefits and provide the necessary improvements to the site to deter vandalism. Therefore, even without condition 4, the less than substantial harm to the GCA would be outweighed by the public benefits.
16. Overall, I conclude that condition 4 is not reasonable or necessary to improve the appearance of site and to safeguard against vandalism and anti-social behaviour and in its absence I am satisfied that the less than substantial harm to the significance of the GCA would be outweighed by the public benefits. The development would therefore accord with the Framework and comply with Policies 10, 39 and 44 of the County Durham Plan 2020 (CDP), which seek to avoid unacceptable harm to the heritage character of the countryside and quality or distinctiveness of the landscape, and requires all development to contribute positively to the area's character, identity, and heritage significance. It would also comply with Policy 29 of the CDP, which seeks, amongst other things, to provide high standards of amenity and create safe places where crime and disorder, and the fear of crime, does not undermine the quality of life.

Conclusion

17. For the reasons given above, I conclude that the planning permission should be varied as set out in the formal decision.

K Lancaster

INSPECTOR