



Appeal Decision

Site visit made on 4 July 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/X1355/W/24/3340335

Mill Byre, Road Leading To The Mill, Ingleton, Durham DL2 3HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Richard & Kate Hodgson against the decision of Durham County Council.
 - The application Ref is DM/23/03298/FPA.
 - The development proposed is change of use of an existing holiday to residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of an existing holiday to residential dwelling, at Mill Byre, Road Leading To The Mill, Ingleton, Durham DL2 3HH, in accordance with the terms of the application, Ref DM/23/03298/FPA, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – Mill Byre, Ingleton, Darlington DL2 3HH

Applications for Costs

2. An application for costs has been made by Mr & Mrs Richard & Kate Hodgson against Durham County Council and is the subject of a separate decision.

Main Issue

3. The main issue is whether the proposal comprises suitable development in the countryside.

Reasons

4. The appeal site is a single-storey stone former barn building with consent for use as holiday accommodation. It is situated within its own grounds at the end of a paved track several hundred metres to the south of the B6279, from which it is accessed. The appeal site sits alone and surrounded by agricultural fields with no immediate neighbouring properties, although there is a cluster of residential properties to the northwest, some of which are understood to have formerly provided holiday accommodation.

5. Both parties agree that the site is within the countryside. Policy 10 of the County Durham Plan – Adopted 2020 (the CDP) seeks to resist development in the countryside unless allowed by specific policies in the CDP, an adopted neighbourhood plan or where the proposal fits specific exceptions.
6. Policy 10 allows the development of existing buildings under certain criteria. Criterion h. allows development necessary to support the change of use of an existing building or structure, subject to compliance with 4 specific criteria.
7. The building has been sympathetically converted from its former agricultural purpose using high quality materials appropriate to its rural setting. It positively contributes to its surroundings and no physical modifications are required to use the building as a dwelling. The proposal would not result in the loss of a community service or facility and would not affect any heritage assets. Thus, the proposal would comply with criteria h.1, h.3 and h.4, which summarily seek these objectives.
8. Criterion h.2 supports proposals where the change of use of the building or structure would result in an enhancement of the building's immediate setting. The Council argues that converting the building to permanent residential use could result in domestic clutter and associated paraphernalia such as garden items that would appear as unduly discordant structures within the landscape.
9. Although the property was unoccupied at the time of my visit, I noted outdoor furniture and children's play equipment in the garden that appeared typical of a conventional residential use. Notwithstanding the policy objective to enhance the building's setting, I am not persuaded that the proposal would have an adverse effect in this regard.
10. I agree with the appellant that the transient nature of holiday let occupiers differs from those of a conventional dwelling. Holiday lets are likely to host larger groups more focused on leisure, leading to potentially more noise and disturbance. In contrast, although the building would be more continuously occupied as a dwelling, to my mind this would be a quieter and less intensive use.
11. Policy 10 does not specify ways in which the building's setting could or should be enhanced. However, based on the considerations above and the available evidence, I consider that a minor enhancement of its setting would occur through the nature of the proposed change of use.
12. Policy 10 criterion p. requires that development is not solely reliant upon, or in the case of an existing use, does not significantly intensify accessibility by unsustainable modes of transport. Policy 21 of the CDP requires the transport implications of development to be addressed as part of any planning application.
13. Although the site's countryside location is not especially well served by public transport, there are bus stops on the B6279 adjacent to the access to the appeal site, providing several services per day to Darlington and Barnard Castle. There is also a footpath link to Ingleton via the B6279, which can be reached in less than half a mile from the junction. Pedestrians would need to walk along the narrow access track between the property and the B6279, and although this may be less desirable at night or in bad weather, it is a quiet route that poses no significant risk to pedestrian safety.

14. While car use is likely to remain the dominant transport mode for occupiers, other options are available to access local services. The reliance on private car would likely be similar to the current holiday let use, and I find no substantive evidence that the proposal would significantly intensify unsustainable transport use.
15. The Council contends that the proposal fails to address the second part of criterion p., which requires new development in countryside locations not well served by public transport to exploit any opportunities to make a location more sustainable. Given the development's small scale and negligible transport impacts, I find no substantive evidence of such opportunities that would be proportionate to this scheme. Prospective occupiers have opportunities to use more sustainable forms of transport, but their use remains a choice, as is currently the case. I therefore find the proposal to accord with Policies 10 and 21 in respect of transport implications.
16. For the reasons given above, the proposal for the development of the existing building would be acceptable in the countryside. It would therefore accord with Policies 10 and 21 of the CDP, the aims of which have previously been set out, and the provisions of the National Planning Policy Framework, which have similar aims.

Other Matters

17. The Council argues that the appeal site's 'isolated' location weighs against the proposal. Notwithstanding the conclusions reached by my colleague in determining the recent nearby appeal at Mill Granary, the previously referenced policies of the development plan do not require a view to be taken on whether or not the site is isolated. Accordingly, this matter is not determinative to the appeal.

Conditions and Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed subject to conditions relating to the statutory time limit and a list of approved plans, which are necessary in the interests of certainty.

P Storey

INSPECTOR