



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: 30 July 2024

Appeal Ref: APP/X1355/W/24/3338346

Banklands Barn, Bail Hill Road, Mickleton, Durham DL12 0JB

- 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 Jack Nethercott of Julius Bahn against the decision of Durham County Council.
 - The application Ref is DM/23/03168/FPA.
 - The development proposed is erection of oak framed garage, with first floor home office and art studio space (inclusive of change of use of land to residential use).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site lies within the North Pennines National Landscape (the NL), known at the time the application was determined as the North Pennines Area of Outstanding Natural Beauty (the AONB). All references in the submitted evidence to the AONB have been referred to in this decision as the NL. The provisions of the development plan and the Framework in respect of this issue have not materially changed in the intervening period.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having regard to the effect on the NL.

Reasons

4. The appeal site consists of a detached dwelling and associated outbuildings in open countryside. It occupies an exposed and highly prominent position with limited screening from public vantage points. The surrounding area is largely unspoilt, except for a few sporadic nearby buildings.
5. The proposed development involves constructing a two-storey oak-framed building with a pitched roof. The ground floor would serve as a garage, while the first floor would house a home office and art studio within the roof space.
6. Policy 10 of the County Durham Plan – Adopted 2020 (the CDP) stipulates that development in the countryside will not be permitted unless allowed for by specific policies in the CDP, an adopted neighbourhood plan, or if it meets specific criteria. Both parties agree that the proposal aligns with criterion k, which pertains to extending an existing dwelling or other householder development, including home working facilities.

7. Policy 10 also outlines general design principles for countryside development. Criterion I. requires that development does not give rise to unacceptable harm to the intrinsic character, beauty or tranquillity of the countryside which cannot be adequately mitigated or compensated for.
8. Policy 29 of the CDP mandates that extensions and alterations to residential properties must be sympathetic to existing buildings and the area's character and appearance.
9. Policy 38 of the CDP emphasises that great weight will be given to conserving the landscape and scenic beauty of the NL. Development will only be permitted where it is not, individually or cumulatively, harmful to the NL's special qualities or statutory purposes. In this regard, the National Planning Policy Framework (the Framework) advises that great weight should be given to conserving and enhancing landscape and scenic beauty in designated areas including NLs, which have the highest status of protection in relation to these issues. The scale and extent of development within these areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
10. Policy 39 of the CDP asserts that new development will only be permitted where it would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views.
11. The site of the proposed development is most visible from public vantage points to the east on Bail Hill Road and from the north on the Tees Railway Path. Although the existing dwelling would partially screen the new building from the north, it would still be clearly visible from many public viewpoints. While the building would be lower than the main dwelling, its footprint would extend beyond the front building line of the existing dwelling, increasing the visual massing of development on the site and appearing unduly dominant.
12. The proposed development would sit close to the main dwelling and several existing buildings on the site, creating a concentration of structures. However, the varied scale, materials, and designs of these buildings would result in a cluttered and incongruous arrangement, clearly visible from surrounding public viewpoints. This would harm the character of the countryside and landscape and would fail to conserve or enhance the scenic beauty of the NL.
13. Despite the use of high-quality materials and an inherently rural design, the proposed building would result in an uncomfortable accumulation of buildings and structures in an exposed location that would fail to assimilate with its countryside surroundings.
14. The absence of a consultation response to the planning application from the NL body is a neutral factor that does not alter my previous findings in respect of the harm to the NL. Furthermore, compliance with other aspects of the development plan does not overcome the issues for which harm has been identified.
15. Accordingly, by virtue of its location, scale and design, the proposed development would harm the character and appearance of the area and would fail to conserve or enhance the landscape and scenic beauty of the NL. It would therefore conflict with Policies 10, 29, 38 and 39 of the CDP, and the provisions of the Framework, the aims of which have previously been set out.

Other Matters

16. The appellant emphasises the sustainability credentials of the scheme, noting that the current property operates entirely 'off-grid' using on-site solar and wind power. The proposal would include additional capacity for solar generation, and the appellant states that the proposed home office would reduce the occupants' need to travel to work. The environmental sustainability credentials of the scheme are not disputed, and they would deliver some benefits in this regard. However, such benefits are minor and would not overcome the previously identified harm arising from the conflict with the development plan.
17. The appellant refers to the proposal's compliance with other development plan policies, such as those for development of unallocated sites, ecology, heritage and health. However, compliance with these policies would be expected for any good quality development. Accordingly, they are neutral factors that do not weigh in favour of the proposal.

Conclusion

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

P Storey

INSPECTOR