



Appeal Decision

Site visit made on 27 March 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2025

Appeal Ref: APP/X1355/W/24/3355571

Land to the Rear of Johnsons Buildings, Iveston Lane, Iveston, Durham DH8 7TH

- 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 Darran Green against the decision of Durham County Council.
 - The application Ref is DM/24/01098/FPA.
 - The development proposed is Demolition of Kennels and Erection of 1no Dormer Bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal would be in an appropriate location, having regard to the Council's spatial and development strategy; and
 - the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Location

3. The appeal site is a parcel of land which is set back from the rear of the Johnsons Buildings, a row of residential properties which splay away from the A691 on its western side. On the other side of the A691 is Iveston, a broadly linear village extending to the east either side of Iveston Lane.
4. Policy 6 of the County Durham Plan (2020) (CDP) recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional development, and it sets out when this may be acceptable. Iveston does not have an identified settlement boundary. In these circumstances, the development of sites outside of the built-up area but well-related to a settlement will be permitted subject to several criteria. The supporting text to this policy (at paragraph 4.110 of the CDP) establishes that the physical and visual relationship of the site to the existing built-up area will be a key consideration when assessing whether a site is well-related to a settlement.
5. The appeal site lies outside of the built-up area of the village, and this is not in dispute between the parties. It is also, however, physically divorced from it. The Johnsons Buildings, and adjacent Parkers Buildings, are two rows of terrace

cottages which, although fronting the A691, are separated from it by an access lane, wide pavement and grass verge. The A691 itself is a busy main road between Lanchester and Leadgate, which is subject to the national speed limit, and there is therefore a clear physical separation between the village on its east side and the Johnsons Buildings on its west.

6. Beyond the rear gardens of the Johnsons Buildings is an enclosed paddock which accommodates a large stable building, orientated with its gable toward the A691, and a much smaller kennel structure. It is proposed to construct a single dormer bungalow in the location of the kennels, adjacent the gable of the stables. Although the appeal site includes access to the A691, the proposed bungalow would be sited a reasonable distance from it, and well behind the Johnsons Buildings
7. Iveston is signposted on Iveston Lane close to the A691 corner and on this corner is a large restaurant which is set back behind a grass verge and car park, facing the road. This restaurant, however, turns its back on the village, which naturally starts toward the brow of the hill of Iveston Lane where the speed limit reduces (to 30mph) and the first houses are apparent. The proposed bungalow would be a significant distance from this point and consequently would have a very limited physical relationship with it, particularly given the A691 acts as a clear and defined barrier between the two.
8. From Iveston Lane (including from the brow of the hill) both the gable of the large stable building adjacent the appeal site and the northern end of the Johnsons Buildings are visible. There are also wide, open views of farmland to the west which extend up to the outskirts of Consett, where new housing development on its edge is just visible. Similarly, looking back from the appeal site toward the village, the first houses fronting Iveston Lane can be seen, as well as the gable of a large portal framed farm building set back from the A691 behind a stone wall and fields. Whilst I accept that there is a visual relationship with the village, the intervisibility between the two is distant and the appeal site is viewed predominantly in the context of the surrounding open countryside.
9. In my judgement, the appeal site has characteristics of the open countryside, it is physically disconnected from Iveston and is not well-related to a settlement. It is not therefore a situation where an opportunity arises for additional development to be supported by CDP Policy 6. Consequently, I find CDP Policy 10 to be determinative in this case, which allows development in the countryside only in certain exceptions, in the case of new buildings, relating to economic or infrastructure development. I have no evidence before me that any of the exceptions set out in this policy are met. Therefore, I conclude that the proposal would not be an appropriate location, having regard to the Council's spatial and development strategy. Specifically, for the above reasons, the proposal would conflict with policies 6 and 10 of the CDP.

Character and appearance

10. The Johnsons Buildings form part of a linear pattern of residential development comprising a discreet cluster of two terraced rows of traditional two-storey stone cottages either side of a recently constructed semi-detached pair of dwellings. At the northern end is a separate, existing vehicular access to a paddock which wraps around the rear of the residential development. This access would be

shared with the proposed bungalow which would be sited adjacent to the gable of a large existing stable building, a reasonable distance from the A691, set well back behind the rear gardens of the closest cottages. Notwithstanding this separate access, because of the set back and the orientation of the new bungalow, principally away from the A691, it would not have a road frontage. It would comprise backland development which would appear a discordant form of development within the immediate context, characterised by linear housing facing the lane within a wide, open countryside setting.

11. The proposed bungalow has been designed with a pitched roof and low eaves, with dormer windows to the front elevation, orientated broadly north-south so that its flank gable would face east toward the road. The bungalow would have similarities in design to the new semi-detached pair of dwellings between the Johnsons and Parkers Buildings, particularly with regard the proposed use of red brick and simple, large window openings. However, this pair has been set back behind the front building line of the adjacent terraces and consequently the proposed bungalow would be viewed predominantly alongside the Johnsons Buildings.
12. From the corner of the A691 and Iveston Lane opposite, although sited to the front of the larger stable building, the wide gable of the proposed bungalow would appear unduly prominent and would be out of keeping with the vertical proportions of the Johnsons Buildings cottages. The proposed red brick would also appear discordant alongside the traditional natural stone. Further, although in a low-lying position relative to the A691, the low eaves of the proposed bungalow means that a large expanse of roof, proposed to be finished in an artificial slate, would be highly visible when viewed from the south. It would appear incongruous alongside the part stone, part rendered gable and natural slate roof of the end cottage of the Johnsons Buildings. The landscaping shown on the Proposed Site Plan alongside the driveway on the north-east boundary would not be effective in softening the appearance of the bungalow in these views.
13. I therefore conclude that the proposed dwelling would cause significant harm to the character and appearance of the area. It would conflict with DCP Policy 29 which requires, amongst other things, all development proposals to achieve well designed buildings and contribute positively to an area's character, identity and townscape, helping to reinforce locally distinctive communities. For the reasons given under the first main issue, I do not find DCP Policy 6 to be determinative in this case.

Other Matters

14. My attention has been drawn by the appellant to a planning permission granted in 2017¹ for 2no. dwellings which have now been built between the Johnsons and Parkers Buildings, and to which I have referred under the Main Issues above ('the 2017 development'). I accept that consistency in decision-making in the planning system is important and the courts have established that like cases should be decided in a like manner. However, every case must be assessed on its merits with regard to the development plan and other considerations in effect at the time of each decision.

¹ DM/17/03243/FPA

15. I acknowledge that the location of the Johnsons Buildings relative to the village of Iveston has not changed, but the decision in respect of the 2017 development pre-dates the adoption of the CDP. I have not been provided with full details of this development, the text of those planning policies against which it was assessed, nor do I have any evidence regarding the Council's housing land supply at that time. However, it is clear from the extract from the Officer Report provided in the appellant's evidence, that the site at that time was assessed as within the countryside, albeit not in an isolated location.
16. The Council agree that the current appeal site is not isolated, but rather they have assessed the proposal against the new requirements of CDP Policy 6, which is whether the site is physically and visually well related to a settlement. Assessed against this policy context, for the reasons given above, I have concluded that the appeal site is not well related to Iveston. There is, therefore, good reason to take a contrary view to the one taken in respect of the 2017 development.
17. The appellant has also referred to further approvals to the west of Iveston, including 2no. new dwellings adjacent to barns to the west of Townhead Farm which are considered to create further coalescence with the Johnsons Buildings. However, I have been provided with insufficient information in respect of these approvals, including their location, to establish whether they would lend any support to the appeal proposal before me.
18. Iveston has very few services and facilities, but I recognise that a range of shops, education and health facilities would be available in Leadgate which is located to the north-west of the appeal site, within a reasonable walking distance. There is a bus stop on the A691 (in either direction) close to the Johnsons Buildings with services, albeit relatively infrequent, to Leadgate and the larger settlement of Consett. Whilst I accept that the opportunities for sustainable travel patterns would be limited, future occupiers of the proposed bungalow would not be solely reliant on private vehicles. I also recognise that, although on a larger footprint, the proposed bungalow would replace an existing kennel structure and therefore it may be appropriate to describe at least part of the site as brownfield. Although these are matters which clearly weigh in favour of the appeal proposal, they are not sufficient to overcome the harm that I have otherwise found.
19. Finally, I acknowledge the appellant's criticisms over the Council's handling of the application, including the time taken for the decision to be reached. However, this is not a matter which has a bearing on the appeal, and I have determined the case solely on its planning merits.

Conclusion

20. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Gravett

INSPECTOR