



Appeal Decision

Site visit made on 8 April 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/X1355/W/25/3358937

Mill House Farm, Browney Bank, Satley, Durham DL13 4HX

- 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 Thomas Sewell against the decision of Durham County Council.
 - The application Ref is DM/24/00441/FPA.
 - The development proposed is the partial removal of boundary wall and creation of vehicular access and hardstanding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the existing boundary wall and the host property, and whether the proposal would preserve or enhance the character or appearance of the Satley Conservation Area.

Reasons

3. The appeal property is a two storey dwelling constructed from stone and slate located within the Satley Conservation Area. It occupies a prominent position fronting the main road that runs through the village. The stone boundary wall to its frontage is a notable and attractive feature alongside the property at this part of the Conservation Area. This is a largely continuous wall that also forms the boundary of the adjoining property to the south, broken only by the stone piers and pedestrian gate serving Mill House Farm. The wall extends beyond the appeal property to the adjacent relatively modern bungalow to its northern side, which is set further back from the highway and has an opening for a vehicular access. I viewed land in the appellant's ownership located to the rear of the appeal site and the access to this from a public highway. The land included a substantial building that is currently used by the appellant for the parking of vehicles and storage.
4. I have not been provided with a character appraisal for the Conservation Area, although the appellant's evidence includes an extract for the Satley Conservation Area from a "Schedule of Conservation Areas". This highlights the linear form of the village, the traditional farm groupings and two storey stone and slate terraces within its northern half, which includes the appeal site. From my assessment of the evidence and observations on site, the significance of the Conservation Area is largely derived from the age and traditional form of buildings and the linear layout.

5. The appeal property is located in an area that is predominantly characterised by more traditional buildings. Mill House Farm and the adjoining property to the south, along with the front boundary wall, positively contribute to the character and appearance of the Conservation Area due to their age, historic interest and visual appearance reflecting the traditional local vernacular. I observed that stone walls are prevalent throughout the Conservation Area, including to plot frontages and to both sides of the highway, as well as extending out from the built form at both ends of the village. The existing wall at the appeal site accentuates the linear form of development at this part of the Conservation Area and the enclosure to the property.
6. The development would result in a much larger gap within the wall compared to the existing modest gate, with space to facilitate the parking of a vehicle within the garden area directly to the front of the property. Whilst the existing gate would be blocked up and a traditional form of gate is proposed, the loss of a section of the wall and the parking of a vehicle in this area would diminish the strong form of enclosure at this point, cumulatively resulting in a discordant and visually intrusive form of development in a prominent location. This would have a detrimental impact on the character and appearance of the wall and the host property, and the contribution that they make to the significance of the Conservation Area would be eroded by the proposal. The development would therefore fail to preserve or enhance the character or appearance of the Conservation Area, and it would harm its significance.
7. Based on the information before me and my observations at the site visit, as the proposed change is localised in terms of the Conservation Area as a whole, I agree with the parties that the harm to the significance of the Conservation Area would be less than substantial. Regardless of the level of harm, the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
8. The parties are unable to reach agreement on whether the appeal property is a non-designated heritage asset, and I note the Council suggests the appellant's evidence has not been consistent on that point. Nevertheless, whether or not the property qualifies as a non-designated heritage asset is not determinative to the outcome of the appeal. The Satley Conservation Area is the most important consideration, and in my judgement the property contributes positively to the character and appearance of this designated heritage asset as established above. Indeed, it is common ground that the development would result in less than substantial harm to the significance of the Conservation Area. The question for me to consider is whether there are public benefits to outweigh this harm.
9. The appellant sets out what they term a small number of limited public benefits proportionate to the level of harm, including the ability to use an electric car charge point, removing parking on the path and highway, enhancing the ability for the building to continue to be run on biomass renewable energy, and creating a building for the future aiding accessibility and future proofing the home. It would be reasonable to treat measures to support the use of electric vehicles, as well as improving the sustainability and accessibility of the property, as public benefits inasmuch that this would contribute towards sustainable transport, environmental

sustainability objectives and improving the housing stock, and Policy 29 of the County Durham Plan (2020) (the CDP) offers some support in this respect. However, it is likely that the extent of the contribution to these objectives would be at a small scale, and I give limited weight to these as public benefits.

10. In terms of highway safety, the appellant's evidence cites information to suggest that no access or egress has caused an accident in the last 24 years. I have nothing before me to demonstrate that there is a specific highway safety concern that justifies an access and parking space in this location, albeit this would make provision for one vehicle to the front. During my visit, which was only for a limited time of the day, I did not observe on-street parking in the area of the appeal site or any adverse effects arising through traffic flow and parking elsewhere in the village. Based on my observations, and in the absence of other evidence, I give very limited weight to this element as a public benefit.
11. The stated public benefits would therefore be limited, individually and cumulatively, and would not be sufficient to outweigh the harm to the Conservation Area in this instance. Whilst noting the appellant's comments on the suitability of an access to the rear, I am also mindful that it has not been clearly demonstrated that the proposed development is the only means of securing parking provision for the property and achieving the appellant's overall objectives.
12. Other examples of existing and proposed vehicular accesses and gates that I have been directed to by the appellant are not directly comparable to the appeal proposal. I observed properties with accesses and gates largely to the side of buildings, as well as accesses associated with farming operations, which appeared to be more historic and established features. In those cases, the accesses do not appear to comprise of works to existing boundary walls to the same extent as the appeal proposal and that also result in the parking of a vehicle directly to the front of more traditional and historic properties in a similar form to that proposed. I do not know the full circumstances under which other works were undertaken or their status regarding planning permission. Therefore, while recognising the need for consistent decision making, I cannot draw any direct comparison from these with the development that would weigh in its favour.
13. Accordingly, I conclude that the proposed development would have a harmful impact on the character and appearance of the wall and the host property, and it fails to preserve or enhance the character or appearance of the Satley Conservation Area. The proposal would conflict with Policies 29 and 44 of the CDP. Amongst other things, these seek to achieve well designed buildings and places, that development contributes positively to an area's character, identity and heritage significance, sustains the significance of designated heritage assets, and contributes positively to the built and historic environment.
14. The proposal would also conflict with the Framework where it seeks to ensure that development is sympathetic to local character and history, where it requires consideration to be given to the impact of a proposal on the significance of a designated heritage asset, and great weight to be given to the asset's conservation.

Other Matters

15. Where the proposal has been found to be acceptable in other respects, for example in terms of highway safety, living conditions and ecological impacts, these are neutral matters and do not weigh in favour of the development.

Conclusion

16. 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.

N Armstrong

INSPECTOR