

## Appeal Decision

Site visit made on 23 January 2014

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2014

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**Appeal Ref: APP/N1350/A/13/2202495**

**Land to the rear of 49-57a Teesway, Neasham, Darlington DL2 1QT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Brian Paxton against the decision of Darlington Borough Council.
  - The application Ref 13/00210/FUL, dated 22 March 2013, was refused by notice dated 4 June 2013.
  - The development proposed is the redevelopment of site to provide two detached houses with integral garages.
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### Decision

1. The appeal is dismissed.

### Main issues

2. The main issues are the effect of the proposed development on the character, appearance and development pattern of the local area and whether or not the proposal would be a sustainable form of development.

### Reasons

#### *Character, appearance and development pattern*

3. The proposal is to erect two detached 2-storey dwellings, each with an integral garage, on land that lies, for the most part, just outside the development limits of Neasham and thus within the countryside as it is defined in The Borough of Darlington Local Plan (LP). This would follow demolition and removal of dilapidated and underused brick buildings that partly occupy the site. Access to the proposed houses would extend from New Lane, just to the west.
  4. LP Policy E2 notes that most new development will be located within the defined development limits, which is primarily to safeguard the character and appearance of the countryside. This policy and LP Policy H7 set out the forms of development that would be acceptable outside the defined development limits, none of which would apply in this case. Consequently, the proposal would conflict with these policies, which were adopted some time ago and form part of a Local Plan that has an end date that has now expired. Nevertheless, I find no obvious inconsistency between them and the National Planning Policy Framework (the Framework) to the extent that the weight to be attached to these policies should be significantly reduced, as the appellant suggests. In this
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- regard, I also note the appellant's comments regarding housing land supply in the Borough, which is a matter to which I shall return later.
5. Housing in the village varies considerably in its style, age, type and size. The overall development pattern is, however, more consistent which is predominantly linear in form along Teesway. There is a looser arrangement of properties towards the eastern end of the village, notably at Dibdale Road and The Close and properties along New Lane, to the west of the site, are set back from Teesway. Even so, the New Lane properties generally have highway frontages and so the predominant layout and character of the village is essentially maintained. The four detached houses under construction at the rear of 31 Teesway similarly face New Lane and so reinforce this distinctive pattern of frontage development. This particular site falls entirely within the defined development limits of the village and so differs to the appeal property.
  6. Because the site lies at the rear of properties that face Teesway and has no highway frontage, it occupies a backland location. It is not part of the street scene along Teesway although part of the site is visible from the end of New Lane. While I saw some variations in the character and layout of the existing built form, backland development in the form proposed is not a strong characteristic of the local area.
  7. The new dwellings would stand side by side towards the northern part of the site, broadly aligning with, although some distance from, the position of the property opposite 16 New Lane. In this location, there would be sizeable gaps between the new additions and existing dwellings, with an open aspect to the north that would be towards the glasshouses of the adjacent horticultural nursery and the open land beyond. Even though different forms of built development are to each side of the site, due to the generous separation distances involved, the new houses would be seen as separate distinct entities and so relate poorly to nearby dwellings and the pattern of development.
  8. Although the new additions would not be prominent in the local street scene, they would not be hidden from the public domain. The proposed houses would be seen from New Lane and from the rears of some of the properties that front Teesway. From these vantage points, the appeal scheme would appear as a relatively isolated and uncharacteristic intrusion into partly undeveloped land that would not visually read as part of the main built up area. In that context, the proposal would appear as an untypical incursion of development into the backland and an unwelcome encroachment of development into the countryside that surrounds the village.
  9. In reaching this conclusion, I have taken into account the glass houses to the north of the site, which would be less substantial in built form to the proposal and are typically found in fringe locations like this. I also consider the proposal, in itself, to be well designed with the new houses of traditional built form and standing comfortably within generous plots with space for good-sized gardens and adequate off street parking arrangements. External materials including rendered walls and pantiles, detailing such as brick quoin corner features and fenestration would all be appropriate. As such, the proposal would achieve the high quality of design sought by Policy CS2 of the Darlington Local Development Framework Core Strategy (CS) and the Council's Supplementary Planning Document, *Design of New Development*.

10. Nevertheless, for these reasons given, I conclude that the proposed development, although modest in scale, would seriously harm the character, appearance and the pattern of development of the local area, contrary to CS Policy CS14. This policy aims to safeguard the distinctive character of the built, natural and environmental townscape and the countryside.

### *Sustainability*

11. The site is available for development and the proposal would make efficient use of land. The proposal would recycle, in part, previously developed land and contribute to the choice and supply of housing. The construction phase would support the local economy and create or safeguard jobs and future occupiers would be likely to financially contribute towards and thus support local facilities and services. The appeal scheme would be constructed of energy efficient materials with an aim to achieve Level 4 of the Code for Sustainable Homes.
12. With regard to accessibility, the Framework and development plan policies aim to direct new development to locations where residents would have access to services and sustainable modes of transport. As both houses would be suitable for families, access to schools, shops, places of employment, health, leisure and other services need to be considered in this case. Neasham is a small village with limited facilities. There is a public house close to the site and bus stopping places along Teesway providing infrequent services on Monday, Wednesday and Friday to Hurworth, Darlington and other villages. To my mind, the proposed dwellings would not be located where they could be effectively and conveniently accessed by public transport.
13. Hurworth is a larger village nearby although it would still be some distance from the site. It cannot be reasonably assumed that future occupiers of and visitors to the proposed dwellings would regularly walk or cycle to this village with its shops, church, schools, public houses and community centre especially in inclement weather or after dark. Consequently, future occupiers of the appeal scheme would be largely dependent on the private car as the predominant means of travel. This arrangement would be contrary to an underlying aim of the Framework and development plan policies, which is to guide development to locations that make the fullest use of public transport, walking and cycling.
14. Nevertheless, the appellant states that many residents of the village tend to commute to destinations elsewhere and I doubt that the addition of two dwellings would make a significant difference to the overall number and length of car borne journeys. Furthermore, the limited facilities and services in the village did not deter the Council from granting planning permission for the four houses currently under construction on New Lane. Consequently, even though future occupiers of the appeal scheme would be largely reliant on the private car, this would not in itself justify withholding planning permission.
15. On balance, I consider that the proposal would not significantly conflict with the development plan policies and national guidance to which the Council refers insofar as the issue of sustainability is concerned. Nonetheless, this favourable finding on this issue does not outweigh the harm that I have identified in relation to the effect of the proposed development on the character, appearance and development pattern of the local area.

*Other matters*

16. The proposal would improve the unkempt appearance of the site and secure removal of the existing buildings, which contribute little positively to the character of the local area. However, in my judgement, these benefits could be achieved in other, less harmful ways than in the manner proposed.
17. The appellant states that the Council is unable to demonstrate a 5-year supply of deliverable sites for housing, as required by the Framework. The Council contests this opinion and refers to the recent Strategic Housing Land Availability Assessment (SHLAA) Update 4, which it states shows a surplus in relation to the 5-year requirement taking into account a 5% buffer. As a result, the Council states that there is no need to deviate from development plan policies. In the absence of details regarding housing land supply and full copies of the supporting documents to which both main parties refer, there is insufficient evidence before me to conclude on this particular matter, one way or the other.
18. Paragraph 49 of the Framework states that if a local planning authority is unable to demonstrate a 5-year supply of housing, relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the Framework says that where relevant development plan policies are out of date, the presumption in favour of sustainable development means that unless material considerations indicate otherwise permission should be granted. That is unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
19. In this case, the special emphasis in the presumption in favour of granting permission does not necessarily apply because there are specific policies in the Framework which indicate that new housing development in the countryside should be restricted. Furthermore, I have found that the proposal would cause serious harm to the character, appearance and development pattern of the local area, in conflict with development plan policies and national guidance. To my mind, the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits of the development sought.
20. Interested parties raise several additional objections including its effect on the public right of way, drainage, outlook, privacy, precedent, nature conservation and pedestrian access. These are all important matters and I have taken into account all of the evidence before me. However, given my findings in relation to the first main issue, these are not matters on which my decision has turned.

**Conclusion**

21. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR