



## Appeal Decision

Site visit made on 30 September 2008

by **Wenda Fabian** BA Dip Arch RIBA IHBC

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
9 October 2008

**Appeal Ref: APP/N1350/A/08/2077969**

**Low Middleton House, Middleton St George, Darlington, County Durham  
DL2 1AX**

- 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 Thompson against the decision of Darlington Borough Council.
- The application Ref 08/00240/CU, dated 18 March 2008, was refused by notice dated 27 May 2008.
- The development proposed is conversion of existing garage building to form holiday accommodation incorporating internal and external alterations.

### Decision

1. I allow the appeal in the terms set out below.

### Main issues

2. The main issues are the effect of the proposal on the character and appearance of the surrounding open countryside and on national policy objectives intended to secure sustainable development.

### Reasons

3. The appeal building is a new single storey brick building with a pantile roof. It is attached as one wing of a building recently converted to residential accommodation, alongside an existing farmhouse. The farmhouse is listed, Grade II\*. This part of the building complex surrounds three sides of an outer courtyard next to the former farmyard and adjoins a further building behind the farmhouse. The wing subject to this appeal was built following the grant of planning permission in 2006 for a range of three garages. It is proposed to convert the building to a small residential unit for use as holiday accommodation.
4. The buildings are located in an area of open countryside, which PPS7<sup>1</sup> aims to protect for the benefit of all. It sets out that new development should be strictly controlled, but supports both countryside based enterprises which contribute to rural economies and the conversion of suitable existing rural buildings to provide tourist accommodation.
5. The preamble to policy TO5 of the *Borough of Darlington Local Plan, 1997*, (LP) sets out the need for additional tourist accommodation in the area; consequently, the policy allows for the conversion of existing buildings in the

<sup>1</sup> Planning Policy Statement 7: Sustainable Development in Rural Areas

countryside for this purpose. In relation to current need, I note the letter in support of the proposal from the Council's Principal Tourism & Heritage Officer. This records that the proposed accommodation would meet five out of six objectives from the Council's Tourism Strategy, which aims to promote Darlington as a contemporary visitor destination. Whilst notes to policy TO5 refer to the desirability of retaining historic buildings in the countryside, it also acknowledges that other buildings may be suitable for conversion to visitor accommodation. The Council has objected on the basis that the building is in use and not redundant. However, I have seen no defined policy requirement that buildings should be redundant prior to conversion and none has been drawn to my attention. Similarly whilst the policy guidance refers to the desirability of retaining historic buildings, it also records that other buildings may be suitable for conversion to visitor accommodation. I find no conflict with policy TO5 on either of these grounds.

6. The government's *Good Practice Guide on Planning for Tourism* recognises the need for holiday accommodation in locations where permanent housing would not be permitted and suggests the use of an occupancy condition to ensure its use for the intended purpose. The Council's objection that the building could be used as permanent residential accommodation without further alteration is not, therefore, a justification for refusal in this case.
7. Turning to whether the location would meet policy objectives to reduce private car use, the Guide (referred to above) sets out that tourism developments should be located where they can be accessed other than just by private car, but also acknowledges that there will be occasions where this objective is difficult to meet. The guide adds that for small scale schemes the traffic generated is likely to be fairly limited and additional traffic movements are unlikely to be a reason for refusal for an otherwise suitable tourism development, which would contribute to tourism in the locality.
8. I conclude that the proposal would neither harm the character and appearance of the surrounding open countryside or national policy objectives intended to secure sustainable development. Consequently, it would comply with national and local policy.
9. The appeal site is located within a Flood Zone 2 but, in view of the small scale of the proposal, the Environment Agency has not objected to it and I see no reason to resist it on this basis. I note the Council's concerns arising from previous planning status of the building but have reached my decision on the basis of its current authorised use.

#### **Conditions**

10. For precision, I shall re-word the occupancy condition referred to above. The submission of further details of the materials and other building components to be used in the conversion is necessary to ensure continuity with the surrounding buildings. In the context of the adjacent listed building and in view of the proximity of the building to other dwellings, although Circular 11/95: *The Use of Conditions in Planning Permissions* sets out a presumption against restriction of permitted development rights, any future alteration or enlargement of it should be subject to further approval to safeguard the appearance of the group. Any permission relates only to the approved

drawings and if necessary the Council could take action against any significant departure from them.

**Formal Decision**

11. I allow the appeal and grant planning permission for conversion of existing garage building to form holiday accommodation incorporating internal and external alterations at Low Middleton House, Middleton St George, Darlington, County Durham DL2 1AX in accordance with the terms of the application, Ref 08/00240/CU, dated 18 March 2008, and the plans submitted with it, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until samples or details of the materials to be used in the construction of the external surfaces of the building hereby permitted, including full construction details of the doors and windows, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Schedule 2, Part 1, Classes A to H and Part 2 Classes A to C shall take place, other than as expressly authorised by this permission, without the prior written permission of the local planning authority.
  - 4) The holiday accommodation hereby approved shall be used only for the purposes of temporary holiday lettings and for no other residential purpose.

*Wenda Fabian*

Inspector