



Appeal Decision

Site visit made on 17 December 2012

by **Matthew Birkinshaw BA(Hons) MSc MRTPI**

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

Decision date: 17 January 2013

Appeal Ref: APP/N1350/A/12/2180605

High Linhams, 20 Bridge Street, Blackwell, Darlington, DL3 8TJ

- 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 Peter Foster against the decision of Darlington Borough Council.
 - The application Ref 11/00684/FUL, dated 10 October 2011, was refused by notice dated 10 May 2012.
 - The development proposed is described as the erection of gates and 3 bedroom gatehouse as staff accommodation for High Linhams. Application includes ground source heat pumps and solar thermal panels to south (rear) roof slope to achieve Code Level 4 (CSH).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the estate justifies the residential accommodation proposed, having regard to the aims of national and local planning policies and guidance which seek to restrict new development in the countryside.

Reasons

3. The High Linhams estate is located on the outskirts of Darlington to the south-west. The main house and associated outbuildings are set back from the A66 and residential properties opposite by a long, sweeping driveway. At the time of my site visit extensive refurbishment works were ongoing, including the conversion and rebuilding of outbuildings to provide staff accommodation.
4. Situated on the southern side of the A66 the proposal would be outside the settlement boundary and within the open countryside. Although other residential properties are located on the same side of the road within close proximity to appeal site, the proposal would nonetheless be outside the defined limits of the main urban area which follows the line of the main road.
5. *Darlington Local Development Framework Core Strategy* Policy CS1 restricts new development outside the settlement boundary unless a local need is justified.
6. In this case the dwelling proposed would house security staff providing 24-hour support in emergency situations. I recognise that an estate of this size would require some form of security control to be in place, with management of

comings and goings desirable, especially if the appellant is periodically away from the property.

7. However, based on the evidence presented I share the Council's view that the essential need for a permanent residence has not been fully substantiated. Written evidence submitted refers to a previous planning permission for grounds maintenance staff accommodation located adjacent to the main house. However, no information is presented to demonstrate why these areas cannot also house security staff, or be adapted to suit the needs of the estate.
8. Likewise, no detailed information has been presented on the specific requirement for a member of security staff to reside on site, as opposed to operating shift patterns or exploring other ways of providing a similar level of permanent security. I note the appellant's comments that shift patterns would be unsustainable, however, written evidence in support of the proposal also acknowledges the close proximity of the site to residential areas, bus stops and other local amenities.
9. Consequently, given the location of the appeal site, and based on the evidence before me, I am not convinced that sufficient justification has been presented to substantiate new residential development in the countryside of the scale and type proposed. The proposal therefore conflicts with Core Strategy Policy CS1 and the local need for a new dwelling has not been justified in this instance. The proposal also conflicts with saved *Darlington Local Plan* Policies E2 and H7 which seek to contain development within the defined boundaries unless an operational or functional need is justified. These policies are consistent with the National Planning Policy Framework ('the Framework') which requires plans to identify land where development would be inappropriate.

Other Matters

10. I have noted the appellant's comments regarding the proximity of the site to the settlement boundary on the opposite side of the A66, the general accessibility of the site, and environmentally sustainable construction methods proposed. I have also noted that no statutory consultees or local residents object to the proposal, and the presumption in favour of sustainable development set out in the Framework.
11. In coming to my conclusion on the issue raised I have taken account of these considerations which I have balanced against the provisions of the adopted development plan. However, the conflict with both local and national planning policy, without a clearly substantiated need for the development, outweighs these considerations in this case. By failing to substantiate a local need for new residential development in the open countryside the proposal does not satisfy the requirements of sustainable development defined by the Framework.
12. Finally, I have also noted comments regarding the need for flexibility and other similar planning applications allowed by the Local Planning Authority elsewhere. However, Core Strategy Policy CS1 does permit development outside of main urban areas where this provides for an identified, and substantiated local need. With regard to other schemes on similar estates I have not been provided with any details on the site specific similarities to afford these other developments any significant weight.

Conclusion

13. For the reasons given above and having considered all other matters raised, I conclude that the appeal should therefore be dismissed.

Matthew Birkinshaw

INSPECTOR

