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## Appeal Decision

Site visit made on 14 June 2016

by **Anne Jordan BA (Hons) MRTPI**

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

Decision date: 28 June 2016

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**Appeal Ref: APP/N1350/W/16/3145334**

**Land Adjacent to Mill Lane, High Coniscliffe, Darlington, Co Durham,  
DL2 2LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr C Taylor against the decision of Darlington Borough Council.
  - The application Ref 15/00984, dated 6 October 2016, was refused by notice dated 27 November 2015.
  - The development proposed is erection of four dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application is accompanied by illustrative plans and images intended to demonstrate how development could take place on the site. The application is made in outline form with all matters reserved. The submitted plans are therefore illustrative only.

### Main Issues

3. The main issues for the appeal are:
  - The effect of the proposal on the character and appearance of the surrounding area, including the High Coniscliffe Conservation Area;
  - Whether the proposal would preserve the setting of the nearby property known as Mill House, a Grade II listed building.

### Reasons

#### *Background*

4. The site lies within the High Coniscliffe Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The site also lies to the rear of the Grade II listed building known as Mill House. S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
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5. Policy CS14 of the *Darlington Local Development Framework Core Strategy* (CS) seeks to protect the distinctive natural and historic characteristics that positively contribute to the character of the local area. This reflects the statutory duties defined in the act.
6. The Council have indicated that it cannot currently demonstrate a 5 year supply of housing land. Whilst I note that the site lies outside the settlement boundary and within an area of housing restraint, and is considered by the Council to be contrary to policies E2 and H7 of the *Borough of Darlington Local Plan* (LP), these are policies for the supply for housing. The Framework indicates that policies for the supply of housing should not be considered up-to-date where a 5 year supply of housing land cannot be demonstrated, and this diminishes the weight which I can attach to them. I have nonetheless considered the proposal against the policies in the Framework taken as a whole, including the guidance relating to designated heritage assets.

#### *Character and Appearance*

7. High Coniscliffe lies along the A67. Although some limited development lies behind the road frontage, the village follows a predominantly linear pattern of development, with simple stone dwellings of traditional design fronting the road. The conservation area extends to include both the settlement, and its rural setting. Mill Lane runs at right angles to the A67 and the appeal site is an enclosed area of overgrown land which lies along it, between a short terrace of modern housing and the extended rear garden of Mill House. Mill House has a long formal garden, with an orchard at the bottom. The side boundary of both is bounded by a high stone wall constructed of cobbled stone which extends the length of Mill Lane and includes the side boundary to the appeal site. I am advised that the appeal site originally formed part of the orchard to Mill House.
8. Mill House is a grade II listed building. The building was formerly a water mill and comprises a tall former mill and a lower mill house and wheel house. The building is recorded as having a number of features including arches with tooled voussoirs. The significance of the asset is therefore largely derived from its historic function, and from the features which contribute to its attractiveness as a rural building and which are indicative of its former use. Nevertheless, although it sits outside the village, its extended gardens provide a visual link to the settlement and contribute to its attractive rural setting.
9. The Council consider that the development of the site would encroach upon the open setting of the village, and that this would adversely affect the character of the conservation area. I noted on site that other examples of backland development were evident in the village, and that these did not diminish appreciation of the linear form of the conservation area. This includes the dwellings immediately adjacent on Mill Lane. I also note that although the site extended beyond the nominal building line formed by the rear gardens of St Edwins Close, it was nonetheless relatively self-contained, and that established planting on the site would be likely to screen development on the site in views from open countryside to the rear.
10. However, in views along Mill Lane the visual effect of the development would be more marked. It currently forms an overgrown but nonetheless undeveloped area which is perceived as lying outside the built confines of the village. Due to its' enclosure by the stone boundary which extends the length of Mill Lane it has a close association with Mill House. As the proposal is in

outline form with all matters reserved, the submitted plans are indicative only. Nevertheless, insofar as they seek to demonstrate that development of the site would be acceptable in principle, and could be implemented in a way which would not harm heritage assets, I must rely on the details within them. The plans show 4 modest two storey dwellings aligned to face the road. The narrow nature of the site dictates that these would sit close to both the front and rear boundary of the site. Relatively little space would be available around the dwellings to offset the increase in built form on the site and this would lead to a loss of openness, extending built form for some distance along Mill Lane in a suburban pattern of development which would erode the rural character of the settlement.

11. Furthermore, redevelopment of the site would require the loss of a significant portion of the stone wall which fronts the site. This forms an attractive feature which contributes to the character of this part of the conservation area. Although it is not specifically referred to in the listing, it provides a visual link with the listed building, and its extended length indicates the extent of the original setting to the Mill. In this regard, a loss of parts of the wall would erode part of the historic character of this part of the conservation area, and notwithstanding the relative distance of the site from the listed building, this would have a minor adverse effect on the setting of the listed asset. Together this would amount to less than substantial harm. The *National Planning Policy Framework* (the Framework) directs that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. I therefore attribute considerable importance and weight to this harm, which the Framework also indicates should be weighed against the public benefits of the scheme.
12. The proposal would provide 4 dwellings in a village with some community services. Having regard to current housing land supply in the Borough, and the impetus for growth implicit in the Framework, this is a matter which must carry substantial weight. Nevertheless heritage assets are an irreplaceable resource. The Framework advises that any harm or loss requires clear and convincing justification and that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.
13. Consequently I conclude that the small contribution the proposal would make to housing supply would be insufficient to outweigh the harm the proposal would cause to the character and appearance of the conservation area and to the setting of the listed building, and their significance as heritage assets. I therefore conclude the proposal would fail to comply with national policy outlined in the Framework. It would also conflict with Policy CS14 of the Core Strategy which seeks development which protects and enhances designated nationally significant built heritage and features of importance in conservation areas.
14. Finally, I take into account the concerns of local residents in relation to the effects of the proposal on highway safety on Mill Lane, which I understand is also a public bridleway. I note that the Council's highways officer has not objected to the proposal but has advised that taking into account the narrow width of the road, a turning facility should be provided within the confines of the site to cater for emergency and delivery vehicles. Although details of access and layout are reserved matters, taking into account the size of the site

and the number of dwellings proposed, I cannot be assured that such a facility could be appropriately provided. Nevertheless, as I consider the other matters outlined above to be decisive in this case, this matter does not alter my reasoning.

15. Therefore, for the reasons outlined above, and having regard to all other matters raised, I conclude that the appeal be dismissed.

*A Jordan*

INSPECTOR