



Appeal Decision

Site visit made on 22 February 2018

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 14 March 2018

Appeal Ref: APP/N1350/W/17/3184191

Oaklands Meadows, Middleton St George DL2 1EY

- 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 J King and N Thompson against the decision of Darlington Borough Council.
 - The application Ref 17/00444/FUL, dated 18 May 2017, was refused by notice dated 13 July 2017.
 - The development proposed is replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling at Oaklands Meadows, Middleton St George DL2 1EY in accordance with the terms of the application Ref 17/00444/FUL dated 18 May 2017, subject to the conditions set out in the schedule to this decision letter.

Main Issues

2. The main issues are:
 - The effect of the proposal on patterns of sustainable travel in the area, and;
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Effect on sustainable travel

3. There is no dispute between the main parties that the appeal site lies in the open countryside, outside of any development limits. Policy E2 of the Borough of Darlington Local Plan (LP) seeks to control development in the open countryside, stating that limited uses, including small scale development beneficial to the rural economy or to the needs of rural communities will be permitted providing that unacceptable harm to the character and appearance of the rural area is avoided.
4. Paragraph 55 of the National Planning Policy Framework (NPPF) states that local authorities should avoid new isolated homes in the countryside. In this particular instance, the proposed new dwelling would be close to the cluster of buildings at Oaklands Farm, and would therefore not be 'isolated' in the sense of being remote from other development. Paragraph 55 further states that housing should be located where it will enhance or maintain the vitality of rural

communities, particularly where development in one location would support nearby services. In this case, the site is otherwise surrounded by open fields, and is physically separate from the nearest settlements.

5. In terms of services, there is a bus stop within walking distance of the site. However, although the walk would be relatively short, there is no footpath to the bus stop, and the road is unlit. Therefore, whilst the bus service might offer an occasional alternative to the use of the private car, it would be a less attractive option during bad weather, or after dark. Although there are footpaths which could be accessed from the site, these are across fields, and again would only be suitable for occasional use. I am therefore not convinced that occupants would regularly use sustainable modes of transport to access local facilities. Instead, it is highly likely that they would be reliant on the use of the private car to satisfy the majority of day-to-day needs.
6. However, I have had regard to the certificate of lawfulness (Ref 14/01302/LU) that was granted for the existing static caravan on the appeal site in 2015. As a result, the site is already in residential use, and I give considerable weight to this circumstance. The Council's Highway Engineer has commented that the proposed development would be unlikely to generate a significant increase in traffic, and I agree with that position.
7. The proposal would not create an additional residential unit, but would maintain an existing one, albeit in a different physical form. Therefore, the mode and frequency of journeys from the appeal site to access services would be likely to remain broadly as existing. In the absence of compelling evidence to the contrary, I find that the overall effect of the proposal on patterns of sustainable travel in the area would be neutral, and therefore no material harm would arise. I therefore find no conflict with Policy CS2 of the Darlington Local Development Framework Core Strategy (CS), which seeks to achieve high quality, sustainable development, or with CS Policy E2.

Character and appearance

8. The existing caravan is located to the west of the site, away from the road, and is unobtrusive from vantage points in the wider area. The proposed new dwelling would be located in a similar position, and would be closely associated with the buildings at Oaklands Farm, as is the case with the caravan.
9. It is inevitable that the development would have some greater visual impact than the caravan, due to its larger dimensions. However, visibility does not inevitably equate to harm. I note the Council's concern that the presence of domestic paraphernalia would be damaging to the countryside. On my visit, however, I observed that the site associated with the caravan is already domestic in appearance. The character of the site is therefore already differentiated from the character of the adjacent open countryside, and the development would not change this.
10. The pleasant agricultural character of the surrounding area would remain, and there would be no significant encroachment into the countryside as a result of the development. Whilst the site adjoins the road, the new dwelling would be set back so that it would not be overly prominent or intrusive in public views. The proposed additional planting would help assimilate the new dwelling within its setting.

11. I agree that the proposal would not meet any of the exceptions set out in paragraph 55 of the NPPF, including innovative design. However, I noted that a number of modern dwellings are visible in the vicinity of the appeal site. To that extent, the development would not be out of keeping with the general character of the area.
12. I am mindful that a larger caravan could be installed without any further permission, although it would be required to occupy the same position as the existing caravan. However, I consider that a caravan of up to the permitted size limits would be likely to be more detrimental in visual terms, as caravans do not appear to be a characteristic feature of the area. I have no reason to suppose that the appellant would not install a larger caravan, and so I give this fallback position significant weight.
13. Drawing these factors together, I do not consider that the development would constitute a visual intrusion that would unacceptably harm the character or appearance of the surrounding area. As a result, I find no conflict with CS Policy CS14, which seeks to promote local character and distinctiveness, and to protect the Darlington, Middleton St George strategic A66/A67 corridor to Stockton. Furthermore, there would be no conflict with the NPPF, which seeks to recognise the intrinsic character and beauty of the countryside

Conditions

14. The Council has suggested a number of planning conditions which I have considered against the relevant advice in the PPG. As a result, I have amended some of them for clarity and brevity.
15. For certainty, it is necessary that the development is carried out in accordance with the approved plans. Conditions relating to materials, landscaping, means of enclosure and the removal of permitted development rights are appropriate in the interests of character and appearance. A condition relating to access details is necessary to ensure highway safety. A condition restricting hours of construction and deliveries is required in the interests of neighbour amenity. A condition relating to contaminated land is necessary to ensure the safety of the site. It is essential that the requirements of Conditions 3, 4, 8 and 9 are agreed prior to the development commencing to ensure that the development is acceptable in respect of the matters they address.

Conclusion

16. For the reasons above, I conclude that the appeal should be allowed.

Elaine Gray

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans as detailed: 160301 01 B (Site location plan); 160301

03 B (Proposed elevations, plans & site plan); 160301 02 C (Proposed site plan).

- 3) Notwithstanding the submitted details, no development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) No development shall commence until a scheme to show the proposed access details has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - (i) The widening of the existing access to a minimum of 3.7 metres over its entire length and the first 6 metres of the access from the adopted highway constructed in a sealed surface to prevent loose materials being carried onto the highway, and;
 - (ii) The set back of any gates to be provided to a minimum of 6 metres from the adopted highway to allow vehicles to pull off the highway.

The details shall be implemented as approved and thereafter maintained.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the local planning authority, to whom a planning application must be made.
- 6) If, during the course of construction, any contamination is found which has not been identified previously, no further work shall take place until that contamination has been removed or rendered harmless, in accordance with remediation measures to be submitted to and approved in writing by the local planning authority
- 7) Construction work, including the delivery of materials to the site and the removal of waste, shall take place only between 08.00 – 18.00 on Mondays to Fridays, 08.00 - 13.00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 8) No development shall commence until details of any walls, fencing or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved means of enclosure shall be erected prior to the first occupation of the dwelling hereby permitted and shall be maintained thereafter.
- 9) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall be fully implemented concurrently with the carrying out of the development, or within a period agreed in writing with the local planning authority. Thereafter, any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.