

**DARLINGTON BOROUGH COUNCIL**

**APPEAL AGAINST REFUSAL OF PLANNING PERMISSION**

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<b>REF. NO:</b>	24/00132/FUL
<b>APPEAL REF. NO:</b>	APP/N1350/W/25/3359953
<b>LOCATION:</b>	Land At Mole End Neasham Road Hurworth Darlington DL2 2AZ
<b>DESCRIPTION:</b>	Erection of 1 no. three bed dwelling with a detached garage/store, hard standing, landscaping and provision of a new vehicular access with entrance gates and wall
<b>APPELLANT:</b>	MR MIKE BAILEY

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**BRIEF SUMMARY:**

The key issues are; the location of the development, outside of the development limits with no sufficient justification put forward that would outweigh this policy conflict; and the effect of the proposal on the Teesmouth and Cleveland Coast Special Protection Area, with regard to nutrient neutrality.

**KEY POINTS TO NOTE:**

The appeal site is located on Neasham Road to the east of Hurworth village. It consists of land associated with the application property (Mole End) in which the appellant currently resides. This property was a conversion granted in 2015 (15/01089/FUL). Following this the applicant applied for permission for a new dwelling in 2016 (16/00274/FUL) and this was refused.

The river Tees is located to the south of the site, agricultural land to the north and east and a residential property to the west. Planning permission was sought for the erection of a three-bed dwelling with a detached garage/store, hard standing, landscaping and provision of a new vehicular access with entrance gates and wall.

**REASON(S) FOR REFUSAL:**

*By reason of its location outside of the development limits, the proposal is contrary to policies H3 (Development Limits), H7 (Residential Development in the Countryside) and SH1 (Settlement Hierarchy) of the Darlington Local Plan 2016-2036 and no material planning considerations have been put forward that would be sufficient to outweigh this policy conflict.*

*Insufficient information has been provided to allow the consideration of the proposal in terms of flood risk and the proposal therefore conflicts with the requirements of Policy DC2 of the Darlington Local Plan 2016-2036*

It should be noted that the issue for the second reason for refusal (flood risk) was resolved prior to the appeal, and it was agreed through the appeal process that this was no longer an issue. The remaining reason for refusal was still valid, along with the issue of nutrient neutrality, which the inspector was to consider as part of the appeal process.

#### **APPEAL DISMISSED:**

Although disagreeing with the Council that the site is remote and would result in an isolated dwelling in the countryside, the inspector agreed that the proposal does not comply with policy SH1 (which sets out that areas that are not within a development limit are regarded as the countryside) and that there is no substantive evidence that the appeal scheme would constitute a form of development that meets any of the exemptions for housing in the countryside set out in Policy H7, and that accordingly, overall, in this location the proposed dwelling would not accord with the development plan's spatial strategy and there would be an 'in principle' policy harm resulting from the location of the proposal.

In terms of other material considerations that may outweigh the harm identified, the inspector noted that the proposal would contribute to the local housing mix, including for an ageing population, through the addition of an adaptable home in an accessible location that the appellant indicates can be delivered quickly. The inspector also noted the appellants view that the proposal would contribute towards the need for self-build houses in the borough, however, could not give substantial weight to this due to the difficulty in ensuring that the proposal would be constructed in line with the definition of self-build as set out in the Act (a condition would not meet the tests).

Other benefits identified were in relation to the lack of harm of the proposal to the living conditions of neighbouring residents and future occupiers, its incorporation of lower embodied carbon design and construction and that the development would deliver biodiversity net gains. However, the inspector noted that these matters, and any other policy compliance including land contamination, tree protection and highway safety are neutral factors which weigh neither for nor against the scheme.

The Inspector noted that although the appellant had provided a nitrate assessment, no mitigation for the impact on the Teesmouth and Cleveland Coast Special Protection Area, had been put forward as part of the appeal. The inspector therefore considered that the proposal also failed on this basis.

Overall, the inspector considered that the proposal would result in benefits, but it would also cause harm and that in this case, the benefits of the proposal are insufficient to outweigh the identified conflict with the development plan, and the appeal should therefore be dismissed.