



## Appeal Decision

Site visit made on 13 May 2019

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 June 2019**

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**Appeal Ref: APP/N1350/W/19/3223783**

**Land Adjacent to Mill Lane, High Coniscliffe, Darlington 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 Taylor against the decision of Darlington Borough Council.
  - The application Ref 18/00742/OUT, dated 15 August 2018, was refused by notice dated 27 November 2018.
  - The development proposed is erection of one dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. However, I note that the appellant and the Council state that all matters were reserved except for access. I have proceeded to determine this appeal on that basis.

### Main Issues

3. The main issues in this appeal are whether the site would be a suitable location for residential development with regards to:
  - Local and national planning policy; and
  - The character and appearance of the area, with due regard to designated heritage assets.

### Reasons

#### *Planning Policy*

4. The appeal site is located outside of the limits of development as defined by the Council's Local Plan 1997 (LP). The appellant has questioned the weight to be given to the development limits, for reasons including the granting of planning permissions for residential development elsewhere beyond development limits in order to ensure a 5 year Housing Land Supply (HLS). However, development limits remain a valid approach to directing development to suitable locations whilst controlling the outer spread of settlements, even if they have had to be relaxed in some cases.

5. The appellant has also questioned the status of the Council's HLS. Whilst he acknowledges that the Council is able to demonstrate a 5-year HLS in accordance with paragraph 11 of the National Planning Policy Framework (the Framework), he questions the identified supply and in particular whether some of the sites which contribute to the supply are deliverable. Whilst the onus may be on the Council to provide clear evidence in respect of identified sites, I also note that the appellant has not provided substantive evidence to contradict the Council's evidence in relation to the HLS.
6. On the basis that I have found that the underlying objectives of the development limit are still valid and in the light of the HLS, the development limits should be given at least moderate weight in my consideration of this appeal. I am also mindful of the results of the Government's Housing Delivery Test published in February 2019 which indicates that the total number of homes delivered has been above the total requirement for the last three years, resulting in no change to the housing position for the Council.
7. Policy CS1 of the Core Strategy 2011 (CS) requires that outside the limits to development, development will be limited to that required to meet identified rural needs. Policy E2 of the LP sets out the types of development which will be accepted beyond development limits, and refers to small scale development beneficial to the needs of rural communities, including some forms of housing. These policies broadly reflect the aims of the Framework with regards to the location of housing where it will enhance or maintain the vitality of rural communities.
8. I acknowledge that future residents of the proposal would support services in High Coniscliffe and nearby villages, however the level of support from a single dwelling would be limited. Due to its location adjacent to the village the proposed dwelling would not be isolated and may also provide good access to services in the village and wider area. That said, these matters would apply to many sites on the edge of this village and do not represent an overriding justification for the construction of the proposal beyond the defined development limits.
9. I therefore conclude that due to its location beyond the limits of development as defined by the LP, the proposed development would be contrary to Saved Policy E2 of the LP and Policy CS1 of the CS. These Policies are broadly consistent with the Framework in respect of achieving sustainable development whilst delivering a sufficient supply of homes.

#### *Character and Appearance*

10. High Coniscliffe has a generally linear pattern extending along the A67. Whilst there are some examples of backland development behind the road frontage within the village, including along Mill Lane, these do not detract from the compact and generally linear form of the settlement.
11. The appeal site is located adjacent to Mill Lane, which runs from the main road leading through the village and into the countryside beyond. The lane leads to Mill House, which is an attractive building with an extensive garden. Whilst a wall leading along the lane provides a visual connection between Mill House and the village, I saw that this building has a freestanding character beyond the built extent of the settlement.

12. The appeal site consists of an overgrown but undeveloped plot of land. Although there are houses adjacent to the length of Mill Lane leading to the appeal site, these reflect the built extent of the wider settlement. Within this context, the proposal would appear as the encroachment of built development beyond the village boundary and into the surrounding countryside. This harm would be exacerbated by the proposed entrance to the site, which would disrupt the stone boundary wall leading to Mill House and emphasise the extent of built development along the lane. The development would be apparent in views along Mill Lane as well as from the car park of the nearby public house.
13. Mill House is a Grade II listed building. The significance of this property is summarised by the list description and its significance is derived from its historic function as well as the detached rural character of this attractive building from the built up area of the village. The stone boundary wall is not included within the listing description, but I saw it plays an important role in visually linking Mill House to the settlement. Whilst the stone boundary wall and extensive garden of Mill House provide a visual link to the village, they do not negate the distinctly detached nature of the building. For the reasons stated previously, the encroachment of development along the lane would diminish this detached character and would therefore harm the setting of the listed building.
14. The site is located within the High Coniscliffe Conservation Area (CA), which includes much of the settlement and its rural setting. Based on what I have seen and read, the inclusion of large domestic gardens and fields to the north of the settlement makes an important contribution to the character and appearance of the CA and the appreciation of the development of the village and its relationship with the surrounding countryside. The proposal would result in the projection of built development beyond the prevailing extent of development along the northern edge of the settlement, thereby harming the appreciation of the built form of the settlement and its rural setting, with consequent harm to the character and appearance of the CA.
15. I acknowledge that the application has been submitted in outline. The appellant contends that the materials, appearance and the design of the dwelling and access could be determined as reserved matters. However, whilst that may be the case, I am not persuaded that these would address my concerns in respect of the encroachment of built development beyond the village and the effect on designated heritage assets. The Council also considers that insufficient information has been submitted to enable the assessment of the impact on designated heritage assets. However, based on what I have seen and read, I conclude that sufficient information has been provided to determine that the proposal would be harmful in that regard.
16. Reference has been made to the overgrown nature of the site and that there is no visual connection between the site and the listed building. However, I saw that the extent of vegetation on the site emphasises its undeveloped character, which would be negated by the introduction of built development. I have had regard to the Rossett Green Lane Appeal Decision<sup>1</sup> provided by the appellant, although I note this refers to "...an already evident urban form..." which would not apply to the appeal proposal which is clearly outside of the built envelope of the village. In any event, I have not been provided with full details of the

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<sup>1</sup> Appeal ref APP/E2734/W/17/3177793

Rossett Green Lane proposal and so cannot be certain that the circumstances are the same as the appeal before me, which I have determined on its particular merits.

17. Whilst the harm to the Listed Building and the CA would be less than substantial, I attach great weight to the conservation of these designated heritage assets in accordance with the Framework. I am mindful of the public benefits of the proposal, including the contribution to the supply and mix of housing in the area and the support of services. However, the benefits arising from a single dwelling would be limited and would not outweigh the great weight to be given to the harm to designated heritage assets.
18. Drawing the above together, I conclude that the proposal would be harmful to the character and appearance of the area and to designated heritage assets. The proposal would therefore conflict with Policies CS2 and CS14 of the CS which seek to secure high quality design and promote local character and distinctiveness, including protecting built heritage. The proposal would also be contrary to the Framework with regards to achieving well-design places and conserving and enhancing the historic environment.

### **Conclusion**

19. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR