
Appeal Decision

Site visit made on 24 July 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/N1350/W/19/3228048

Rowan House, Middleton Road, Sadberge, Darlington DL2 1RR

- 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 Dr & Dr I. Rehman against the decision of Darlington Borough Council.
 - The application Ref 18/00807/FUL, dated 30 August 2018, was refused by notice dated 6 March 2019.
 - The development proposed is described as the erection of a detached Oak framed dwelling.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issues are:
 - i. Whether the appeal site is in a suitable location for new residential development with regard to local and national planning policy for the delivery of housing, and
 - ii. the effect of the proposed development on the character and appearance of the area including the Sadberge Conservation Area (SCA).

Reasons

Suitability of the site for residential development

3. The appeal site is in an elevated and prominent position, albeit set back from Middleton Road, on the outskirts of Sadberge. The site is accessed via a narrow lane that also serves a number of other residential properties and consists of a grassed garden area situated to the east of the host property and is bound by established tall hedges. To the south there are a number of buildings including the residential property, High Meadows. At my site visit I observed that to the east there is an agricultural field that separates the older part of Sadberge from a more modern housing estate and to the north, construction is underway of a small residential scheme, details of which have been provided by the appellant.
4. Saved Policy E2 of the Borough of Darlington Local Plan November 1997 (incorporating Adopted Alterations September 2001) (the Local Plan) and Policy CS1 of the Darlington Local Development Framework Core Strategy (CS) seek to concentrate new development within the development limits, but they do not

- entirely prohibit development outside of them. The policy explains that for sites outside the limits to development of the main urban area and villages, development will be limited to that required to meet identified rural needs.
5. The proposal is not for agricultural or forestry operations, having regard to saved Local Plan Policy E2 and while the appeal scheme is small-scale I have no substantive evidence before me that it would be beneficial to the needs of rural communities. As such, the proposed development does not meet the exceptions allowed by Local Plan saved Policy E2 or CS Policy CS1.
 6. There is a dispute between the parties over the weight to be attached to Local Plan Policy E2. The appellant has referred to numerous developments outside of the development limits that have been granted consent. Nonetheless the policy is broadly consistent with the Framework in so far as it seeks sustainable development in rural areas.
 7. The appellant has questioned the status of the Council's housing land supply (HLS), in particular whether some of the sites which would 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. On balance, I therefore find that on the basis of the evidence before me, I conclude that the Council can demonstrate a HLS of at least 5 years.
 8. On the basis that I have found that the underlying objectives of the development limits are still valid and in the light of my conclusion regarding the HLS, I conclude that the development limits should be given moderate weight in my consideration of this appeal.
 9. The Council's decision notice also refers to saved policy H7 of the Local Plan which restricts development outside of the development limits with certain exceptions, but the policy is not consistent with the Framework as it is more restrictive than Framework paragraph 79, which requires consideration of whether the development of a dwelling in the countryside would or would not be isolated. The term 'isolated' is not defined by the Framework, or used by policies in the Local Plan or the CS. Its ordinary meaning is 'far away from other places, buildings or people; remote'. Thus, I attach limited weight to saved Local Plan Policy H7.
 10. I observed at my site visit that the appeal site forms part of the garden area of the host dwelling and relates well to the existing dwellings, and development currently underway, on neighbouring sites. As such, the proposed dwelling would not be isolated and I observed at my site visit that the site of the proposed development appears as part of the village when viewed from the surrounding roads.
 11. Furthermore, I acknowledge that in accordance with paragraph 78 of the Framework, future residents of the proposed dwelling would support both the limited services in Sadberge and services in nearby settlements. However, because the proposed development relates to a single dwelling this benefit would be very limited and I afford this consideration only limited weight.
 12. The appeal site is outside the development limits for Sadberge. On this basis, I conclude that the proposal would conflict with saved Local Plan Policy E2, it

would also be contrary to saved Local Plan Policy H7 and CS Policy CS1 in so far as they relate to the location of development.

Character and appearance

13. The SCA includes, and its significance lies in, the historic core of the village set around a village green and road junction on a notable ridge above surrounding farmland.
14. I observed at my site visit that the site of the proposed development, while in a prominent position, appears as part of the village when viewed from the surrounding roads.
15. The village as a whole and the immediate surroundings of the appeal site include a variety of dwelling types, styles and sizes. While, the appellant states that the proposed dwelling is of a bespoke design, I have little substantive evidence before me to show that the dwelling has been designed with any reference to the surrounding dwellings and materials found elsewhere in the SCA.
16. The proposed dwelling is of a considerable size and scale, detailed by the Council officer as being approximately 7.37 metres high and of a significant width. While the site is bound by tall mature hedges the proposed building would be considerably taller and as such will be visible to the wider area as a appear as a prominent and incongruous feature.
17. I am statutorily required¹ to pay special attention to the desirability of preserving or enhancing the character or appearance of the SCA. The Framework advises that where a proposal would cause less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal². Any harm should require clear and convincing justification³.
18. The proposed development would cause less than substantial harm to the significance of the SCA as a whole as it relates to a single property within the wider SCA.
19. Therefore, by virtue of the considerable size and scale of the proposed dwelling it would appear as a prominent and incongruous feature on the edge of the village and would result in significant harm to the character and appearance of the area.

Other Matters

20. I acknowledge the appellant's frustration after receiving positive pre-application advice from the Council prior to submitting the proposals. Whilst this is unfortunate, pre-application advice is not binding.
21. As detailed previously, the access road to the site is narrow and serves a number of other properties. Objectors to the proposed development have raised concerns that the access road is not suitable for the additional property. However, the Local Highway Authority has not objected to the proposal and while the access road is narrow it appears to be adequate for the number of

¹ Section 72(1) - Planning (Listed Buildings and Conservation Areas) Act 1990

² Paragraph 196 – National Planning Policy Framework

³ Paragraph 193 – National Planning Policy Framework

dwellings that it would serve. Therefore, on the basis of the evidence before me I agree.

Planning Balance and Conclusions

22. I have found significant harm to the character and appearance of the surrounding area, less than significant harm to the SCA and a conflict with the Development Plan with regards the location of the site outside of the development limits. There are positive factors in the planning balance in respect of the relationship of the site to Sadberge with associated support for the local services and facilities of that and nearby settlements. The proposed development would also contribute to the housing supply, albeit to a very limited extent.
23. However, having weighed all those matters in the balance I conclude that the adverse impacts, that in respect of the Conservation Area I am required to give great weight to, of the proposed development would significantly and demonstrably outweigh the benefits such that the proposal does not represent sustainable development. Thus, I conclude that the development would fail to accord with the Framework as well as the Development Plan.
24. For the reasons set out above the appeal is dismissed.

Mark Brooker

INSPECTOR