



Appeal Decision

Site visit made on 18 November 2008

by **J D S Gillis BA(Hons) MRTPI**

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

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Decision date:
26 November 2008

Appeal Ref: APP/G1305/A/08/2079692

Junction of Witton Road and Valley View, Sacriston, County Durham, DH7 6NX

- 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 Mr P Blaydon against the decision of Chester-le-Street District Council.
- The application Ref 08/00089/FUL, dated 25 February 2008, was refused by notice dated 24 April 2008.
- The development proposed is a new detached bungalow.

Decision

1. I dismiss the appeal.

Main issues

2. From the representations received and my inspection of the site and surrounding area I consider that the main issues in this case are whether the proposal would result in harm to the achievement of the development plan priorities for housing development and the effect of the proposal on the character and appearance of the area.

Reasoning

3. The appeal site comprises an area of attractive open land at the entrance to a modern housing development on the edge of Sacriston. While it is suggested that the site was at one time used in association with the construction of the adjacent housing estate it is clear that there were no permanent structures and the site is now landscaped, providing a buffer between the housing and Witton Road somewhat similar to the land to the north-east fronting the dwellings at 1 – 6 Valley View. Hence the site does not fall within the definition of previously developed land set out in Annex B of Planning Policy Statement 3, *Housing* [PPS3].
4. Saved policy HP6 of the Chester-le-Street Local Plan, adopted in 2003, states that residential development within settlement boundaries must be on previously developed land. This accords with the recently adopted North East England Regional Spatial Strategy [RSS] and national policy guidance in PPS1, *Delivering Sustainable Development*, and PPS3, which give priority to the use of previously developed land in urban areas. The evidence before me indicates that there are sufficient available sites on previously developed land to provide for the identified housing needs of the area for some years to come.

5. Accordingly the development of the site does not accord with adopted development policies or national guidance nor is it needed in order to achieve the housing targets for the area. While the proposal relates to only a single dwelling the site is large enough to accommodate more than one dwelling. I consider that even the development of one dwelling would be contrary to development plan policy and harm the achievement of the housing objectives of the plan.
6. In relation to the effect on the character and appearance of the area it has been argued that the site does not function as an open amenity area as it is in private ownership. Additionally, with the proposed development most of the site would remain free from built development, and thus any impact would be limited.
7. Planning Policy Guidance 17, *Planning for Open Space, Sport and Recreation* [PPG17] makes it clear that open space can include land in private ownership. It also indicates that an open space can be important visually even if no public access is available. Hence saved policy RL3 of the adopted Local Plan is relevant. From my inspection of the area I have no doubt that the site forms an important visual amenity open space not only for occupiers of nearby properties but as an attractive part of the setting of the settlement of Sacriston. It provides an important transition from the built area into the open countryside as well as a buffer between Witton Road and the Valley View housing.
8. While it is stated that the proposed dwelling would occupy only some 20% of the site area the associated change in use [including domestication of the land and the potential erection of associated ancillary structures] would result in a fundamental change to its character and appearance. Currently the site forms an attractive, well-maintained open space. The proposal before me would remove these characteristics to the significant detriment of the local environment.
9. It has been argued that the site is not allocated as open space in the adopted development plan and therefore has no status as such. However it is quite usual for Proposals Maps to include only sites above a specific size threshold [often 0.4 ha.]. Thus I do not consider that the lack of an open space notation on the site indicates that it is not of importance to the amenities of the area. Similarly the representation of the site as "white land" does not imply that it is appropriate for residential development, even though within the defined settlement limit. Indeed the traditional planning meaning of "white land" is land on which no change of use is expected. Therefore it could be argued that the development plan intends the site to remain in open use.
10. I do not accept that the site is vacant. It has an open amenity space use. In any event not all vacant land is suitable for development, as made clear in national policy guidance. I am not aware that the term "gash land" has a specific meaning in planning but I do not consider that the site was simply "left over" when the adjacent residential development was designed. It appears to me that the site, together with the open land to the north-east, was consciously intended to provide a landscape setting for the housing development, taking account of the changing ground levels and the proximity of Witton Road.

11. It is argued that the proposal would make effective and efficient use of land within the settlement boundary, in accordance with national policy guidance. I have already indicated that national policy does not anticipate that all land is suitable for development [even if the site was vacant and unused]. Moreover, such guidance requires that development should have regard to its surroundings and that high quality design is required from all involved in the development process.
12. It is claimed that the proposed dwelling would enhance the area and that its design draws on local distinctiveness. I consider that the size, scale, mass, form, design and appearance of the proposed dwelling would be incongruous in this location. While innovative design may not be unacceptable paragraph 34 of PPS1 makes it clear that design that is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way in which it functions, should not be accepted. I consider that the proposed development would be contrary to such requirements and also conflict with saved policy HP9 of the adopted Local Plan.
13. I have had regard to all other matters raised but none of them is sufficient to outweigh those that have led to my decision. I conclude that the proposed development would result in harm to the achievement of the housing objectives of the adopted development plan, and would significantly harm the character and appearance of the area by the loss of an important open amenity space and by the size, scale, mass, form, design and appearance of the proposed dwelling.
14. Thus the proposal would conflict with saved policies RL3, HP6 and HP9 of the adopted Local Plan, the sequential development policies of the recently adopted RSS [and national guidance on this matter] and fail to reflect national policy guidance in relation to the importance of high quality design. Accordingly the proposal is unacceptable and the appeal is dismissed.

JDS Gillis

Inspector