



## Planning Services

# COMMITTEE REPORT

### **AGENDA ITEM NUMBER:**

---

#### APPEAL UPDATE REPORT

#### APPEALS DETERMINED

#### **Appeal against the refusal of planning permission for the erection of a general purpose agricultural building at land to the rear of 5 Front Street, Burnhope (DM/17/03957/FPA).**

An appeal against the refusal of permission for the above development was received on 12<sup>th</sup> May 2018. The application was refused under delegated powers for the following reason:

*'The applicant has failed to demonstrate that the proposed building is required for the operational needs of an existing agricultural unit, in conflict with criterion (a) of Policy AG3 of the Derwentside District Local Plan.'*

The appeal was dealt with by way of written representations.

The Inspector considered the main issue to be whether the proposed building would be required for the operational needs of an existing agricultural unit.

The Inspector noted the planning history of the site, including a previous refusal and dismissed appeal for the same development, and considered the additional information submitted by the appellant as evidence demonstrating the operational need for the agricultural development.

On the basis of the evidence provided, the Inspector concluded that the proposal would be required for the operational needs of an existing agricultural unit, in accordance with Policy AG3 of the Derwentside District Local Plan, and the aims of the NPPF in supporting a prosperous rural economy.

The appeal was allowed. There was no application for costs.

**Appeal against the refusal of planning permission for the material change of use of a residential annex to a dwelling at Woodlea Manor, Browney Bank, Lanchester (DM/18/00036/FPA).**

An appeal against the refusal of permission for the above development was received on 9<sup>th</sup> July 2018. The application was refused under delegated powers for the following reason:

*'The proposal would result in the creation of a separate single dwelling in an unsustainable location that would not contribute to the three roles of sustainability: environmental, economic or social. As a result, in terms of Paragraph 14 of the NPPF it is considered the adverse impacts of the proposal in terms of sustainability, as set out within Paragraphs 7 and 8 of the NPPF, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.'*

The appeal was dealt with by way of written representations.

The Inspector considered the main issue to be whether the proposal would result in undue reliance on private motor transport.

The Inspector noted that both parties agreed that the site cannot be regarded as isolated given its relationship with existing development including nearby cottages, but recognised that this did not constitute a settlement, and the site was physically separated from Lanchester and Satley, neither of which have services at risk which are required to be supported to remain viable.

The reliance on private motor transport was noted and the Inspector felt that the additional travel to access services would have a negative impact on the environment as a result of additional private vehicle journeys. The Inspector concluded that the proposal would conflict with development plan policies and the rural housing policies as set out within the NPPF. Despite the Council being unable to demonstrate a five year housing land supply, the Inspector felt that the proposed additional one unit would make little difference to the overall supply of housing and that there would be very modest social and economic benefits.

The appeal was dismissed.

A separate application for an award of costs against the Council was also submitted alongside the above appeal with the appellant contending the Council failed to properly consider the determination of a High Court judgement relating to the definition of an 'isolated home' when assessing the proposal.

The Inspector considered the Council had proper regard to the High Court judgement and accordingly that the Council had not behaved unreasonably or caused unnecessary or wasted expense to the appellant.

The application for an award of costs was refused.

Report prepared by Nick Graham, Planning Officer.