

COMMITTEE REPORT

APPEAL UPDATE REPORT

APPEALS DETERMINED

An appeal has been received and determined by the Planning Inspectorate under their Fast Track Appeal procedure following the refusal of 'Retention of a timber fence' at 4 Brantwood, Chester-le-Street (Ref: DM/18/03400/FPA)

The application was refused on the following grounds –

- 1. In reducing visibility for vehicles emerging from the driveway of 2 Brantwood, the fence as erected compromises pedestrian and vehicular safety, and creates a road safety hazard contrary to Policy T15 (ii) of the Chester-le-Street District Local Plan, and paragraph 109 of the NPPF.*
- 2. The perception of reduced pedestrian safety on the footway when approaching the blind corners that the fence creates represents poor design and a retrograde step from the original approved layout of the estate. This is considered contrary to the requirements of Policy HP9 (i), (ii) and Part 12 of the NPPF.*

The Inspector concurred with both refusal reasons:

In compromising visibility for cars using the driveway of an adjacent dwelling the fence was concurred to represent an unacceptable risk to pedestrians.

Noting that despite the presence of fences elsewhere on the estate considered comparable by the appellant, the fence, which had already been erected, was detrimental to the planned open and spacious appearance of the estate, contrary to Local Plan policy and advice on achieving well designed places in the NPPF.

The appeal was dismissed.

Report prepared by Steve France, Senior Planning Officer.

An appeal has been received and determined by the Planning Inspectorate under the Hearing Procedure following the refusal of 'Erection of an equestrian worker's dwelling, garages, tack room, riding arena, and extension to stable building' at land west of Peters Bank Cottage, Peters Bank, Harperley, DH9 9TY (Ref: DM/18/00988/FPA)

The application was refused on the following grounds –

- 1. The site is an isolated countryside location and the applicant has failed to demonstrate that there is an essential need for a rural worker to live permanently on the site contrary to Paragraph 79 of the NPPF. Additionally, the site is considered an unsustainable location, not well related to existing settlement patterns and is encroachment into the countryside contrary to Policy EN2 of the Derwentside District Local Plan.*
- 2. The scale of the proposed dwelling is considered inappropriate to the size and requirements of the equestrian enterprise and is considered to be out of keeping with the character and appearance of the surrounding area. The proposals are considered to be contrary to Part (a) of Policy GDP1 of the Derwentside District Local Plan*

The Inspector issued a split decision. The proposed stables extension and riding arena were approved subject to conditions. The proposed equestrian workers dwelling was refused. The Inspector concurred with both reasons for refusal.

It was concluded that it has not been adequately demonstrated there is an essential need for a rural worker to live permanently at the appeal site. As such, the proposed dwelling would be contrary to the countryside protection aims of Framework paragraph 79 and Policies EN1 and EN2 of the Derwentside District Local Plan.

In view of this the Inspector did not find it necessary to consider whether the scale of the proposed development would be appropriate having regard to the requirements of the enterprise and the character and appearance of the area.

Report prepared by Sarah Seabury, Planning Officer.