



## Planning Services

# COMMITTEE REPORT

## APPEALS UPDATE REPORT

### APPEALS DETERMINED

**APPEAL REF. NO. APP/X1355/A/10/2137253**

**LPA REF. NO. 7/2009/0426/DM**

**APPEAL BY BDW TRADING LTD. AGAINST THE NON-DETERMINATION OF A DETAILED PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 105 DWELLINGS WITH PUBLIC SPACE AND ASSOCIATED INFRASTRUCTURE ON LAND OFF HIGH ROAD, BISHOP MIDDLEHAM.**

This appeal relates to a detailed planning application for residential development of land to the north-west of Bishop Middleham. The originally submitted application proposed the erection of 133 dwellings, but this was subsequently amended to 105 dwellings in August 2010. The applicant then appealed against non-determination of the amended application in September 2010.

The appeal meant that the Local Planning Authority could no longer make a formal decision on the proposal. However, in order to properly defend the appeal, South West Area Planning Committee considered a report on the matter on 28<sup>th</sup> October 2010, and resolved that it would have been minded to refuse the application for the following reasons:

- 1. The application site is located outside the settlement boundary of Bishop Middleham, as defined in Policy H8 of the Sedgefield Borough Local Plan. The proposed development of this greenfield site adjacent to a village which has a limited range of community facilities would be unsustainable, it would fail to achieve high quality housing which would not be an efficient use of land. As such, the proposal is considered to be contrary to PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPS7 (Sustainable Development in Rural Areas).*
- 2. The development of this prominent elevated site at a gateway to Bishop Middleham would introduce an urban style of development that would be out of context with the overwhelmingly rural character of its surroundings. The proposed layout is dominated by the road network, and its pedestrian links to the existing village are poor. The relationship between dwellings and open spaces would not provide passive surveillance and would not create pleasant and safe spaces to use. As such, the proposal is considered to be contrary to Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.*

The appeal was heard at an informal hearing held at the Spennymoor Area Office on 1<sup>st</sup> February 2011; the decision was published on 30<sup>th</sup> March.

The Planning Inspector **dismissed** the appeal. In arriving at this decision, the Inspector considered the main issue to be *“whether the site should be regarded as being suitable for housing development, having regard to the effect of the proposal on the character and appearance of the village and its surroundings and to other local and national planning policies concerned with the provision of housing land.”*

In the Inspector’s deliberations the following key points were made.

- The proposal would appear as a significant intrusion in the open countryside and would fail to take the opportunities available to integrate with the existing village. As a result, it would have a substantial adverse effect on the character and appearance of the village and its surroundings. It would also fail to satisfy Local Plan Policy D1 which sets out broad principles for design and layout including helping to create a sense of place.
- Future residents would be likely to place significant reliance on the car in order to access jobs and other services on a daily basis. Consequently, in this respect, the location does not accord with the general approach to development set out in PPS 1.
- Development of this site would cause substantial harm to the character and appearance of Bishop Middleham and its surroundings. Also, it would be located within a settlement which does not offer a good range of community facilities and where residents are likely to be highly reliant on the car as they go about their daily lives. Local and national policy attaches great importance to matters of design quality and achieving sustainable patterns of development so that they carry considerable weight. On the other hand, the appeal proposal would provide highly marketable land in an area where new housing has not been delivered in the required numbers. Whilst this is also given a high degree of priority, it is not of sufficient weight in this instance, to overcome the harm in terms of design and sustainability. On that basis, it is concluded that the site should not be regarded as suitable for housing.
- In lying beyond the settlement framework, the proposal would not accord with the spatial strategy as set out in the Local Plan. Whilst the site would assist in meeting the housing requirements of Regional Strategy policy 28, it has not been shown that Bishop Middleham should be regarded as a suitable settlement for this scale of development within the terms of the locational strategy in Regional Strategy policy 6. On balance therefore, it is concluded that the proposal is not in accordance with the development plan. In addition, although the absence of a five year supply of deliverable sites means that this proposal should be considered favourably, this has not been sufficient to outweigh the harm it would cause in terms of its visual impact and poor level of sustainability.

No costs were awarded to either the appellant or the local planning authority. Copies of the Inspector's decision letter are available at the Spennymoor Area Office and can also be viewed online at the Planning Inspectorate's website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) quoting case reference 2137253.

*Report prepared by Steve Teasdale, Planning Officer.*

