
Appeal Decision

Site visit made on 18 July 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 15th August 2016

Appeal Ref: APP/X1355/W/16/3148943

Cobweb Cottage, Southside, Butterknowle, Co. Durham DL13 5JY

- 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 Ms Josie Bell against the decision of Durham County Council.
 - The application Ref DM/15/03005/FPA, dated 25 September 2015, was refused by notice dated 19 January 2016.
 - The development proposed is a self build house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would provide a suitable site for housing, having regard to the proximity of services and facilities in order to meet daily living needs.

Reasons

3. Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to promote sustainable development in rural areas and indicates that housing should be located where it will enhance, or maintain, the vitality of rural communities. However, isolated homes in the countryside should be avoided unless there are special circumstances.
 4. The Council state that the site is some 100m from the village edge, but I noted that the heart of the village is considerably further away, some 10 minutes' walk and although there is a narrow footway, only part of it is lit. I also note that a letter of support for the proposal was received from Councillor Smith and accept that the proposal would be sited within a small cluster of existing dwellings. However, a distinct physical separation from South Side was evident and therefore I do not concur with the view that the proposal would form an integral part of South Side.
 5. The proposal is beyond the built up limits of Butterknowle and is therefore outside of the settlement boundary as identified within the Teesdale Local Plan 2002 (the LP). I therefore consider that the proposal would be located within the countryside. I acknowledge that within the Council's delegated report they advise that the housing policies of the LP are considered out of date and carry no weight. On that basis, the Council determined the application in line with the Framework and did not identify any specific Development Plan policies on
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the decision notice relating to this proposal. I shall therefore also determine this appeal in accordance with the Framework.

6. From my site visit it is clear that Butterknowle has some basic services. Whilst it would be possible to walk to these services from the appeal site, Butterknowle is a very small settlement. As such, I consider that the occupiers of the proposed dwelling would have to rely heavily on the facilities and services of other larger settlements to fully meet their daily living needs.
7. There is no suggestion that public transport from the village would be adequate to allow a family's daily needs for access to be met. This therefore leads me to the conclusion that the occupiers would inevitably rely on the private motor vehicle, which is the least sustainable mode of transport. Whilst the proposal might not generate a large number of traffic movements, allowing the development in an isolated location would, nonetheless, increase the number of unsustainable journeys.
8. I acknowledge that the proposal would not be isolated in the sense of being a stand-alone building. It would however be located some distance from larger settlements that provide a full range of local services, employment and facilities and would therefore be an isolated dwelling in the context of paragraph 55 of the Framework.
9. In seeking to promote sustainable development in rural areas, paragraph 55 of the Framework states that housing should be located where it will enhance or maintain rural communities. It gives, as an example, that where there are groups of smaller settlements, development in one village may support services in a village nearby. I have no doubt that future occupiers of the dwelling would make use of the services within the village, thereby supporting the facilities and assisting in maintaining the vitality of the community. However, paragraph 55 further states that new isolated homes in the countryside should be avoided, unless there are special circumstances such as, inter alia, the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In this instance I have not been made aware of any other special circumstances that would justify an exception to the principle set out in Paragraph 55 and therefore the proposal would be a form of development which the Framework seeks to avoid.

Planning balance

10. The Framework sets out three dimensions to sustainable development, being economic, social and environmental which should be jointly and simultaneously sought. The appellant states that she is intending to carry out much of the build herself. Nevertheless, the build would contribute to the local economy both through its construction and once occupied, albeit to a very limited extent.
11. The social dimension seeks to support strong, vibrant and healthy communities. As the appeal proposal is for a three bedroom house it could in the future accommodate a family and thereby could create additional demands for various local services. However, regardless of the level of occupancy the level of contribution in support of local services by the occupants of one dwelling would be limited.
12. The appellant states that not only is the design of the proposal a low-energy timber dwelling, but she will also aim to live in a sustainable manner and hopes

to improve the poor biodiversity of the locality. However, there is no guarantee that future occupants of the house, which would be a family-size dwelling, would seek to maintain a similar lifestyle. In addition, the appellant has also experienced the difficulty of sustaining services such as school transport in isolated locations like Butterknowle. Furthermore, I note that the appellant accepts that she would rely on private car travel for work, at least for some time. In these circumstances, I have found that future occupiers of the proposal would be heavily reliant upon the private motor vehicle and the limited benefits of the proposal do not outweigh the harm I have identified. Accordingly, the proposal would therefore be contrary to the environmental dimension of sustainable development in terms of requiring development to mitigate and adapt to climate change by moving to a low carbon economy.

13. Given the current status of the housing policies, the fourth bullet point of paragraph 14 of the Framework comes into force. This makes it clear that where the development plan is out-of-date, permission should be granted unless the adverse impacts of doing so would outweigh the benefits, when assessed against the policies in the Framework as a whole.
14. Against this background, to my mind, the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework taken as a whole.

Other Matters

15. The appellant has drawn my attention to an appeal decision within Cornwall. I have limited information relating to the particular circumstances of this development. However, I note that the Inspector concluded that the proposed house would be seen as within the village, which would not be the case here. As such, a comparison is of limited relevance in this instance. Accordingly, I have considered the appeal before me on its individual planning merits.
16. Reference has also been made to a housing scheme within West View and some weight has been given to this. However, I have little information relating to the particular circumstances of this development, although note that it is considered that the location of this scheme is similar to that of the proposal before me. As such, I can understand why this is being presented to support the appellants' case. Nevertheless, the circumstances surrounding the grant of planning permission is not fully known to me and the presence of this scheme does not alter my view that the proposal is inappropriate to its context.

Conclusion

17. The Framework creates a presumption in favour of sustainable development. I have found that the proposal would be in direct conflict with the requirements of the Framework on the basis of being in an unsustainable location. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR