



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 6

APPEAL UPDATE REPORT

APPEALS DETERMINED

Appeal against the refusal of planning permission for outline planning permission for residential development (C3) (all matters reserved except access) including the demolition of No. 7 The Paddock at the Paddock, Lanchester, Durham, County Durham, DH7 0HW (DM/16/00871/OUT).

Reported to Committee in June 2016, this application was refused by Members for the following reason:

The proposal encroaches into the open countryside causing harm to the environment and protected trees contrary to policies EN1, EN2, and EN11 of the Derwentside Local Plan 1997.

The Inspector confirmed the main issue to be whether the proposal would have an adverse effect on the character and appearance of the area, having regard to its location within the countryside, and an adverse impact on protected trees.

The site was acknowledged as in open countryside, and that the existing evergreen tree belt screened The Paddock in views approaching Lanchester. It was accepted that the proposal would result in a permanent and adverse change to the character and appearance of the appeal site itself, and the development would therefore, to some extent, run contrary to The NPPF's core planning principle of recognising the intrinsic character and beauty of the countryside. Local Plan Policy EN6 and the Area of High Landscape Value designation which set out the need to protect and enhance valued landscapes were noted, *'However, although the land is pleasant, on the basis of the limited evidence from the Council and my observations of the site, there are no overall specific characteristics of the appeal site which have been drawn to my attention which would warrant its full protection over and above any other area of countryside'*.

The applicant's proposed landscape buffer was considered a 'reasonable approach' to mitigate the visual impact of the proposals, and it was concluded the *'development of the appeal site would, with appropriate detailing of planting and visual mitigation, be acceptable in the context of the wider overall character of the rural landscape. I accept that the development would amount to a change to the existing disposition of land use and an intrusion into the countryside immediately to the south of Lanchester, but not that the resultant effect would be the loss of the semi-rural character of the southern approach or an overall adverse effect on the AHLV'*.

As regards the effect of the new access through the TPO'ed tree belt, the Inspector concluded, *'I am satisfied that any loss would be limited in its scope compared to the overall visual contribution of the remaining mature tree belt'*.

Considering other possible harms, the Inspector noted he had not been provided with any conclusive evidence that existing schools, doctors' surgeries or retail would be adversely affected by the proposed development, or that there would be insufficient capacity to be able to accommodate the increased demand. The site was considered accessible to local services and facilities. That the Highways Authority was satisfied with the proposal and no technical evidence had been submitted to support concerns relating to highway safety led to the conclusion that this element of the proposals was acceptable. Likewise, whilst regard had been given to resident's testimony on matters of drainage and flooding, he had, *'not been provided with any compelling evidence why issues or matters related to the drainage of the appeal site could not be appropriately addressed and mitigated, as set out in the submitted Flood Risk Assessment and Surface Water Management Plan'*.

There was no reason found as to why issues of design, scale and layout, and effects on residential amenity and loss of view could not be addressed successfully at the reserved matters stage. The development was not expressly described for or restricted to self-build. There was no violation of the resident of 8 The Paddock's human rights.

The Council's lack of a formal 5 year housing land supply was acknowledged along with the assessment that, *'any shortfall is unlikely to be significant'*. That the development would provide up to 14 dwellings towards housing delivery would count in, *'moderate weight in support of the proposals'*. It was acknowledged that economic benefits would accrue from the proposals.

Working through the planning balance and conclusion, the site was considered in an accessible and sustainable location and make a positive social contribution to the local housing market, bringing associated economic benefits. There would be an adverse impact on the site, but the overall impact on the landscape character of the area would not result in an unacceptable overall impact. There would be limited visual harm to the protected trees on the site. *'Nevertheless, being mindful of paragraph 14 of the Framework, I am satisfied that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the development. As a consequence, the scheme does represent sustainable development'*.

The appeal was allowed on this basis. No application for costs was made.

Report prepared by Steve France, Senior Planning Officer.