



## Planning Services

# COMMITTEE REPORT

### AGENDA ITEM NUMBER: 6

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#### APPEAL UPDATE REPORT

#### APPEALS DETERMINED

**Appeal against the refusal of planning permission for a partly retrospective general purpose agricultural building at 5 Front Street, Burnhope (DM/16/02733/FPA).**

The application was refused under delegated powers on 9th March 2017 on the following grounds –

*'The principle of agricultural development on the application site is considered to be contrary to criterion (a) of Policy AG3 and Policy EN1 of the Derwentside District Local Plan as the applicant's agricultural enterprise has not yet been demonstrated and the proposal would not be of benefit to the rural economy.'*

*'The location of the building, in terms of its effects on the landscape, would conflict with criterion (b) of Policy AG3, and Policy EN1 of the Derwentside District Local Plan as it is considered the building would have an intrusive effect and would not maintain or enhance the landscape character of the site.'*

The appeal was dealt with under the written representations procedure. The Inspector in determining the appeal considered that the two main issues were the agricultural need for the proposal, and the character and appearance of the proposal.

The Inspector noted that the appellant was the owner of 35 ewes, and had a landholding measuring almost 5 hectares, however the proposal was not supported by any farm accounts, movement records, or a business plan that would clarify the operation of a unit as a commercial enterprise. It was also noted there was no guarantee an expansion of the business would take place.

Whilst the Inspector recognised there is some agricultural use of the land, and the appellant had the skills, knowledge, experience, and investment in

farming, the Inspector agreed that the evidence did not demonstrate the holding is being operated as an agricultural unit. Therefore the Inspector concurred with the Council's first refusal reason as the proposal conflicted with Policies AG3 and EN1 of the Derwentside District Local Plan as no rural business had been demonstrated, and as a consequence would not be of benefit to the rural economy.

In regards to the character and appearance of the proposal, the Inspector noted that although the building would sit close to domestic properties and their gardens, the building would be read in the visual context of the existing built environment. It was also noted the land to the rear of the Front Street is varied, with some building of an agricultural or commercial nature.

On this basis, the Inspector did not consider the proposal would have a harmful effect on the character and appearance of the area, as the proposal would accord with Policies AG3 and EN1 of the Derwentside District Local Plan as it would be sited and designed to be in scale with, and not form an intrusive element within, the landscape, and would maintain or enhance the landscape character of the site.

The Inspector noted the significant correspondence between the appellant and the Council during the application in an attempt to resolve the issues, and acknowledged the appellant's compliance in respect of the retrospective nature of the proposal, however such matters would not outweigh the harm identified in relation to the main issues listed above. The Inspector dismissed the appeal.

Report prepared by Nick Graham, Planning Officer