



## Planning Services

# COMMITTEE REPORT

### AGENDA ITEM NUMBER: 6

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#### APPEAL UPDATE REPORT

#### APPEALS DETERMINED

**Appeal against the refusal of outline planning permission for the erection of one dwelling (DM/16/04069/FPA) at Old County View, Hett Hills, Pelton Fell, Chester-le-Street.**

An appeal against the refusal of Planning Permission for the above development was received on 18<sup>th</sup> July 2017. The application was refused under delegated powers for the following reasons:

*'The principle of residential development on the application site is considered to be contrary to Paragraph 55 of the NPPF and Policy HP6 of the Chester-le-Street District Local Plan by virtue of the site's unsustainable location in the countryside outside of any settlement boundary, not well related to existing settlement patterns, and with no special circumstances for the proposal demonstrated.*

*The proposal to remove one Yew Tree protected by a Tree Preservation Order has not been justified within the context of Policy NE11 of the Chester-le-Street District Local Plan, in that the tree is not considered to pose a threat to other trees, nor has it been shown that it is causing structural damage with no remedial action possible and no evidence shown to say that the tree is a threat to life or limb. Additionally, the applicant has failed to demonstrate that the development would not adversely affect the habitat of a protected species, namely bats, contrary to Part 11 of the NPPF.'*

The appeal was dealt with by way of written representations and an unaccompanied site visit.

Following the submission of a revised Arboricultural Impact Assessment Officers considered that the second reason for refusal was no longer applicable and the Inspector agreed with this stance.

The Inspector considered the main issue for consideration in the determination of the appeal to be whether the site is in a suitable location having regard to the accessibility of services and facilities.

It was noted that the site lies within the garden of Old County View within a cluster of development approximately 400m to the west of Pelton Fell which contains a limited range of services and facilities. In addition it was noted that the site lies within the open countryside although not considered to constitute an isolated dwelling in the countryside as defined by paragraph 55 of the Framework.

The Inspector felt that it was not an unreasonable walking distance (400m) along a lit footpath to Pelton Fell and that a range of services and facilities are within 1.8 km from the site. She noted that while some people would find the distance involved undesirable this would not make the site inherently unsustainable and that she saw no reason why the option to walk or cycle to the site would not be taken up by people that are so minded. Consideration was also given to the proximity of an hourly bus service allowing access to a wider range of services.

Applying the tilted balance it was concluded that there are no adverse harms that would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole and the Inspector therefore allowed the appeal.

No application for costs was made.

Report prepared by Fiona Clarke, Principal Planning Officer.