



## Planning Services

# COMMITTEE REPORT

### AGENDA ITEM NUMBER:

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#### APPEAL UPDATE REPORT

#### APPEALS DETERMINED

**Appeal against the refusal of permission for the demolition of 2 hay storage barns and removal of containers, converted lorry-backs and redundant chicken coop structures and the erection of a single storey detached dwelling part on existing hardstanding and part on site of one of the structures on land and buildings west of Parkers Farm, Pontop Pike Lane (DM/17/02360/FPA).**

An appeal against the refusal of permission for the above development was received on 23<sup>rd</sup> January 2018. The application was refused under delegated powers for the following reasons:

*'The application has failed to demonstrate that there is a permanent need for a second dwelling based on current operations and business viability therefore the proposal would be contrary to paragraph 55 of the NPPF and Local Plan Policy EN1.*

*This would be an unsustainable site for a new dwelling and an unjustified encroachment into the countryside, as such the proposal would be contrary to the NPPF and Derwentside Local Plan Policy EN1.'*

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

The Inspector considered the two main issues in the determination of the appeal to be whether there is an essential need for a permanent dwelling to accommodate a rural worker and whether the site would be a sustainable location for the proposed new dwelling.

The Inspector felt that given the nature and scale of the enterprise described and the details provided as to the way it currently operates, that there was no

compelling evidence to demonstrate that the demands of the business are such that a worker needs to be physically available at the site at most times throughout the year, on hand day and night, outside of normal working hours. It was therefore considered that the proposal would be contrary to Local Plan Policy EN1, and would fail to accord with paragraph 55 of the NPPF.

In terms of sustainability the Inspector accepted that future residents may not be entirely reliant on the private car to access services given the use of the internet and availability of deliveries. However, given that to walk to nearest services would involve a 10-15 minute walk along a narrow road with no footpath or lighting the Inspector considered it highly likely that the car would be used by future occupants for a substantial number of trips to meet day to day needs. The Inspector therefore concluded that the appeal site would not be a sustainable location, and the proposal would thus conflict with LP Policy EN1, and with the aims of the NPPF.

Whilst the Inspector recognised that the area has an undersupply of housing sites, she concluded, with regard to paragraph 14 of the NPPF, that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

The Inspector gave little weight to the potential replacement of the structures on site as she considered that they reinforce the rural and agricultural character of this group of buildings and that they are not out of keeping in this particular context. Conversely, the Inspector considered that the proposal would fundamentally change the character of the appeal site from being part of an operational farm in the open countryside to a residential development. This impact would be further exacerbated by the parking of cars, storage of bins and other domestic paraphernalia within the curtilage and would reduce the openness of the site when viewed from the road. The Inspector was unable to conclude that the proposal would represent a net visual amenity benefit to the surrounding area.

Little weight was also given to another case in Northumberland as it was not deemed comparable. Little weight was also given to the potential residential conversion of existing agricultural buildings as no details were provided.

The Inspector concluded that the proposal conflicts with the development plan overall and the appeal was dismissed.

## APPEALS RECEIVED

**An appeal has been received against the refusal of planning permission for the erection of an agricultural barn (amended footprint reduced to 6m x 6m) on land to the North of 13 Dunelm Close, Leadgate (DM/17/02609/FPA).**

The application was refused by the Planning Committee on 26th October 2017 on the following grounds –

*‘The proposed building by virtue of its appearance, design and materials would be detrimental to the visual amenity, residential amenity and character and appearance of this predominantly residential/urban fringe area contrary to Derwentside Local Plan Policy GDP1,AG3 and EN26 and parts 7 and 11 of the NPPF.’*

The appeal will be dealt with under the written representations procedure and Members will be updated with regard to the decision in due course.

**An appeal has been received against the imposition of a condition on a planning approval for a single storey extension to the rear (retrospective) of Jarola House, 21A Glencoe Avenue, Chester-le-Street, DH2 2JJ**

The application was approved on the 29<sup>th</sup> January 2018 under delegated powers, with the following condition imposed:-

*‘Within 3 months of the date of this permission the glass in the 3 No. side windows on the West elevation of the extension hereby approved shall be obscure glazed to level 3 or higher of the Pilkington scale of privacy (as shown on the amended proposed plans received on the 18/01/2018). The obscure glazing shall remain in place in perpetuity.’*

The appeal will be dealt with under the written representations procedure and Members will be updated with regard to the decision in due course.

Reports prepared by Louisa Ollivere (Planning Officer) and Jayne Pallas (Assistant Planning Officer).