

Appeal Decision

Site visit made on 13 September 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 11th October 2016

Appeal Ref: APP/X1355/W/16/3150601

Land off the A689, High Grange, Co. Durham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Atelier 26 Architecture against the decision of Durham County Council.
 - The application Ref DM/15/02372/OUT, dated 30 July 2015, was refused by notice dated 25 November 2015
 - The development proposed is outline application for residential development for up to 15 executive dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. Plans were submitted with the application which shows a site layout, landscaping and access arrangements for indicative purposes only. I have determined the appeal on that basis.

Main Issues

3. The main issues are whether the proposal would constitute sustainable development as defined in the National Planning Policy Framework (the Framework), having particular regard to:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway and pedestrian safety;
 - whether the appeal site would be a suitable location for housing having regard to reliance on private car.

Reasons

Planning Policy Context

4. The appeal site lies within the open countryside and outside of any defined settlement boundary. Saved Policy ENV1 of the Wear Valley Local Plan 1997 (LP) states that development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. It is proposed to erect 15 detached dwellings on the site. The proposal would, therefore, conflict with Policy ENV1.
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5. Nevertheless, the parties agree that, having regard to Paragraph 215 of the Framework, Policy ENV1 is 'out-of-date' and therefore limited weight can be afforded to it. I have no reason to disagree.
6. To that end, due consideration is to be given to the proposal in the context of the presumption of sustainable development as set out in paragraph 14 of the Framework. This presumption states that development should be approved unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

Character and Appearance

7. The appeal site lies within a landscape which is designated in the LP as an Area of Landscape Value (ALV). Saved Policy ENV3 of the LP states that development which affects the special landscape character and appearance of an ALV will not be permitted. Saved Policy GD1 also requires new development to be in keeping with the character and appearance of the area. Paragraph 56 of the Framework states that the Government places great importance on the design of the built environment. Paragraph 58 states that planning decisions should ensure developments respond to local character and reflect the identity of local surroundings. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes.
8. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). I am satisfied that Policies ENV3 and GD1 are consistent with the aims of the Framework and accordingly afford them due weight.
9. The appeal site forms around 2.3ha of grazing land adjacent to the A689 and the settlement of High Grange. Whilst well delineated, the site is distinctly open, bound by low, mature hedgerows and fencing. The topography of the land rises considerably. As a result, the appeal site is prominent in views along the A689 and from within High Grange.
10. The surrounding landscape is characterised by open and undulating agricultural fields, interspersed with isolated farm houses and agricultural buildings. High Grange is a tightly knit pocket of simple, terraced housing with origins in the mining heritage of the area. It sits somewhat contained within the landscape, in distinct contrast to the prevailing open, rural character of the area. The appeal site forms a prominent transition from the built form of High Grange to the surrounding rural landscape. To that end, it makes a positive contribution to the landscape character of the area.
11. The appellant considers that the appeal site is similarly contained by the surrounding landscape and would be located within a constrained visual envelope. I have considered the evidence of the appellant and observed the site from the key views provided. I note that planting beyond the site screens it in certain long distance views. However, the extent of the key views provided is somewhat limited. Whilst I recognise they represent views within the Theoretical Zone of Visual Influence (TZVI) which are accessible, I have not been provided with any substantive evidence as to why these specific key views are considered relevant or indeed whether any other key view points

- exist. Indeed, it seems to me that there is the potential for the appeal site to be visible in other views within the wider landscape, particularly as the TZVI extends to the urban fringe of Crook and Bishop Auckland.
12. Moreover, views would be obtainable for pedestrians and those in vehicles from several vantage points along the A689, as well as from a nearby Public Right of Way and from the dwellings of High Grange itself. Furthermore, the prominence of the appeal site would be magnified in my view due to the rising topography which exposes the majority of the site.
 13. Although submitted in outline, the indicative proposals show the development would comprise a low density scheme of fifteen large, detached dwellings. Whilst I note the dwellings would not be greater in height than those of High Grange, the size and layout of the properties would be in stark contrast to the modest, uniform pattern and character of the existing terraces. There are larger, detached dwellings within the area. However, these appear as isolated properties in keeping with the rural character and do not reflect the cohesive grouping of detached dwellings proposed here, the extent of which would in itself be larger than the whole of High Grange. As a result, I do not agree that the proposed housing would have a more compact and contained appearance than the existing dwellings in the area.
 14. The appellant considers that any effects could be offset with landscaping. Proposed features would include extensive specimen and massed native tree planting, native hedgerow replacement and regeneration, shrub planting and amenity grassland. However, further landscaping to screen and soften the proposal would only serve to reduce the open nature of the site. Indeed the presence of built form would be made apparent by the introduction of a prominent landscape buffer. This would be in contrast to the open and unfettered character of the appeal site and wider area.
 15. I note that the appellant has indicated that the large sycamore tree at the corner of the site and a large proportion of the hedgerow on Pipe Row would be retained due to the revised access arrangements. The retention of those features would ensure that they continue to make a positive contribution to the character and appearance of the ALV.
 16. Nevertheless, the proposal would not be in keeping with the scale and pattern of surrounding buildings and would not appear as a natural extension to the existing settlement. Rather it would result in a significant intrusion of built form within the landscape. Furthermore, it would result in the loss of the open and expansive qualities of the appeal site which make a positive contribution to the surrounding area. As a result, the adverse landscape and visual impacts upon the ALV would be significant.
 17. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area. Thus it would conflict with saved Policies ENV3 and GD1 of the LP and paragraphs 56, 58 and 109 of the Framework.

Highway and Pedestrian Safety

18. The A689 is a single carriageway, principal road which links Bishop Auckland with Howden-le-Wear and Crook. It is subject to a 60mph speed limit at the point of the appeal site. Opposite the appeal site is the junction with Grange Bank. Between the appeal site and the properties of High Grange is a narrow

back lane known as Pipe Row. To the north on the A689 there is a junction with Green Lane. The properties of High Grange are served by two priority junctions onto Green Lane.

19. Access is a reserved matter, though the planning application subject to this appeal showed an indicative access point off Pipe Row. The appellant has since provided a revised indicative access arrangement with this appeal (Drawing No. 114470/1002). It is that indicative access which I have considered.
20. The access to the site would be taken from the A689. The Pipe Row junction would be closed and access to Pipe Row would be taken from a link road within the appeal site. The access would provide a staggered junction with Grange Bank opposite, with a right turning lane on the A689 for the site and Grange Bank. The existing south-east bound bus lay-by would be moved opposite the junction of Grange Bank to facilitate the new site access.
21. The appellant indicates that traffic generation from the appeal proposal would amount to around 9 trips during the AM peak and 7 trips in the PM peak. To that end, I note the proposal would not result in a significant increase in vehicles using the A689. However, given the low number of dwellings in High Grange and the low associated traffic movements, the proposal would result a significant material increase in the number of vehicles entering and exiting the carriageway at this point.
22. The A689 carries a regular flow of traffic. Surveys carried out by the appellant in 2014 show that the 85th percentile wet weather speeds are 44mph eastbound and 47mph westbound. The appellant's Transport Statement indicates that subsequent surveys undertaken by the Council showed slightly higher vehicle speeds, though I have not been provided with the details of those surveys.
23. Nevertheless, the parties agree that visibility splays of 141m to the west of the junction and 165m to the east would appropriate in line with the guidance in Manual for Street 2007 (MfS). I see no reason to come to an alternative conclusion.
24. The amended access arrangements show the recommend splays. However, the splay to the west immediately abuts the large, mature sycamore tree on the corner of the site and Pipe Row. The appellant has indicated this tree would remain. The Arboricultural Impact Assessment indicates that the tree lies within the highway verge and that epicormic growth would restrict visibility. The removal of epicormic growth would therefore be required on a regular basis. There is no evidence to suggest that the appellant has control over its removal or that agreement for removal of the growth would likely be achieved.
25. Moreover, there are trees upon the raised, grassed verge between the A689 and the properties of High Grange. The appellant has indicated that the trees would be removed. Again, however, I have been presented with no substantive evidence to suggest that the appellant would have any control over such works. In any event, there is also an area of hardstanding adjacent to the verge which, at the time of my site visit, appears to be used for car parking. This would have the potential to restrict visibility of oncoming vehicles, as would the height of the grass verge.
26. There is an existing bus stop on the A689 where the proposed access point would be located. The appellant indicates that this would be moved eastwards

and the shelter relocated behind the required visibility splay. Nevertheless, the splay would project across land which is considerably higher than the ground level of the junction. Whilst I accept the appellant would have some degree of control over the earthworks that would be required within the site, significant works would also likely be required to the highway verge which lies outside the appellant's control.

27. Moreover, the access would require the removal and replacement of signage which exists on the verge, as well as a lighting column. There is no evidence before me that the Council would be agreeable to such works. As a result, I am not satisfied that it has been suitably demonstrated that adequate visibility splays in either direction of the indicative access would be achieved.
28. Accident data provided by the parties indicates that this part of the A689 has been subject to several accidents in recent years, some of which have been categorised as serious. The data shows that a serious accident occurred in 2015 involving a pedestrian crossing the A689 from High Grange. The proposed development would, in my view, result in a material increase in the number of pedestrians seeking to cross the carriageway in order to reach the north-west bound bus stop on the opposite side. Given the high speed nature of the road and the traffic flows it carries, I consider the proposal would likely result in an increase in the risk of collision between crossing pedestrians and vehicles.
29. Two of the accidents involved rear shunts with vehicles turning right into Green Lane. Other accidents took place at the junction with Grange Bank. I agree with the Council that the increase in right turning movements into the appeal site would increase the potential for rear end shunts, particularly given the existing problems of road user confusion due to the proximity of the Green Lane junction and Pipe Row. However, the proposed staggered junction would benefit existing right turning traffic into Grange Bank and into the appeal site itself. It would in my view suitably mitigate the potential for collisions between cars travelling on the carriageway and cars waiting to turn right into the appeal site and into Grange Bank.
30. The Council has also raised concerns that traffic from the appeal site would use Pipe Row in order to access Green Lane, rather than turning onto the A689 and then into Green Lane. I agree that drivers would be tempted to do so as it is a more direct route and would avoid any potential delay in entering and exiting the A689. Pipe Row is an unmade route which is narrow. I agree that intensification of this route would not be particularly desirable given its condition and its proximity to existing dwellings. However, I have not been provided with any compelling evidence regarding the anticipated movements from the appeal site that would use Pipe Row. Nor I have been provided with any evidence that such movements would have a particular effect on the safety of existing highway users on Pipe Row or within High Grange.
31. Nevertheless, given the failure to demonstrate adequate visibility from the proposed junction and the increase in pedestrians crossing the A689, I consider that the proposal would result in a significant risk of collision between vehicles and pedestrians exiting the appeal site with vehicles on the A689.
32. I conclude, therefore, that the proposed access arrangements would have a severe adverse effect on highway and pedestrian safety, in conflict with Policies GD1 and T1 of the LP which state that all developments which generate additional traffic should provide safe and adequate access to the site. It would

also conflict with paragraph 32 of the Framework which states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Location

33. Paragraph 55 of the Framework states that new isolated homes in the countryside should be avoided unless there are special circumstances. It is a matter of dispute between the parties whether or not the appeal site would be isolated. The term is not defined by the Framework. Having regard to the wider sustainability aims of the Framework, in my view, the question of isolation is one concerning both the site's physical relationship to surrounding settlements and its practical connectivity to services and facilities.
34. As set out previously, I consider the appeal site would not be in keeping with the scale and pattern of surrounding buildings and would result in a significant intrusion of built form within the landscape. However, the appeal site would be in reasonable proximity to existing homes and a principal road. To that end, the appeal site could not reasonably be considered to be physically isolated.
35. There are very few services or facilities within High Grange itself. The site lies around 4km from Crook and Bishop Auckland both of which have a range of shops, services and facilities. The closest primary school is in excess of 2km away. Given the distances to the closest facilities and services, and the nature of the surrounding road network, I consider that future residents would be unlikely to travel to the closest facilities on foot.
36. Nevertheless, bus stops are located close to the site on the A689 and would be easily accessible to residents of the appeal site. These stops offer regular services to employment and service centres such as Bishop Auckland, Crook and Tow Law. Services also include links to Darlington town centre which has a wide range of jobs and services, as well as national and local rail connections. Moreover, there is also an identified cycle route along Green Lane which joins the A689 and is linked with Bishop Auckland and other local settlements.
37. I note that the closest school would not be suitable to access on foot and the provision of a bus service for students would need to be funded by the Council. However, there is no evidence before to suggest that the cost would be such that a service would be unviable.
38. As a result, I am satisfied that future residents of the appeal proposal would have satisfactory opportunities to access the nearest services and facilities by public transport and cycling.
39. Taking all these matters into account, I consider the proposal would not result in isolated dwellings in the open countryside. I conclude, therefore, that the appeal site would be a suitable location for housing having regard to reliance on private car. The proposal would not conflict with Paragraph 55 of the Framework. It would also comply with paragraph 34 of the Framework which states that developments are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Sustainable Development

40. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. Paragraph 7 sets out that this concept has three dimensions which are mutually dependent – economic, social and environmental.
41. The construction phase of the development would bring some economic benefits to the area through employment. The County Durham Strategic Housing Market Assessment (SHMA) recognises that the lack for executive housing in the area is a barrier to economic growth as such homes can attract and retain highly skilled and entrepreneurial households. The provision of executive dwellings in this location would, therefore, have a positive impact on the economy of the area. However, the appeal site is located a considerable distance from the major urban conurbations of the region or indeed the strategic employment centres of the region. Its economic benefits in terms of would therefore be limited to an extent
42. From a social perspective, the proposal would also boost the supply of housing in the area, in line with the Framework. Moreover, the proposal would contribute towards meeting the shortage of executive homes in County Durham identified in the SHMA and to meet demand for self-build houses in the area. The new homes would also assist in sustaining the social aims of the active community amongst residents of High Grange.
43. However, as set out previously, I consider there would be a significant disparity between the scale and type of housing proposed and the existing properties of High Grange. To that end, I agree with the Council that such significant inequality in housing would be unlikely to help foster a sense of inclusivity within the community.
44. In environmental terms, I also note the lack of harm in respect of ecology, archaeology and flood risk, though the lack of harm in those respects is a neutral aspect and would not necessarily count as a benefit in favour of the proposal. I have also concluded that the appeal site would be a suitable location for housing having regard to reliance on private car.
45. However, I consider the proposal would have a significant adverse effect on the character and appearance of the area and would have a severe effect on highway and pedestrian safety.
46. These adverse impacts would, in my view, significantly and demonstrably outweigh the benefits of the proposal. I conclude, therefore, in the context of the presumption in favour of sustainable development set out in Paragraph 14 of the Framework that the proposed development would not constitute sustainable development having regard to the policies of the Framework taken as a whole.

Conclusion

47. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR