
Appeal Decision

Site visit made on 3 July 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/X1355/W/17/3173164

Land south-east of North Bitchburn, North Bitchburn DL15 8FD

- 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 Mr Jon Tweddell against the decision of Durham County Council.
 - The application Ref DM/16/03590/OUT, dated 10 November 2016, was refused by notice dated 20 January 2017.
 - The development proposed is described on the application form as “change of use from agriculture to residential (C3 use)”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of the development set out above, which is taken from the application form, it is clear from the planning application and accompanying details that the development comprises of “outline residential development all matters reserved for 14 dwellings” as set out on the Council’s decision. The Council dealt with the proposal on that basis and so shall I.
3. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the proposed sketch site plan and street scene as indicative.

Main Issues

4. The main issues in this appeal are:
 - The effect on the character and appearance of the area;
 - Highway safety; and
 - The provision of open space.

Reasons

Character and Appearance

5. The appeal site is part of an extensive agricultural field to the south east of the settlement of North Bitchburn, adjacent to one of the main entrance roads to the hamlet. I saw that the site is part of the open countryside around the settlement and I note that the County Landscape Character Appraisal defines it as being within the Durham Coalfield landscape character area.

6. Based on the site boundary and my observations, it is apparent that the proposal would have a distinctly separate and unsympathetic character from the main body of the settlement. Whilst it would continue the linear form of frontage development to the north of the road, it would be separated from the nearest terrace by an undeveloped plot of land. The development would also face onto an open field on the opposite side of the road. The proposal would therefore represent an unsympathetic linear form of development projecting into the countryside which would be readily visible on entering or leaving North Bitchburn.
7. Although the existing hedge provides a degree of screening from the highway, I saw that there are views of the site from the surrounding area and that the site is prominent due to its elevated position on a ridge. In any event, the proposal is likely to affect the agricultural character of the field boundary adjacent to the road due to the need to provide access and visibility splays, which would further detract from the countryside character of the area.
8. Whilst the site is on the edge of an established settlement, it would represent an intrusive proposal projecting into the countryside around that settlement. Whilst I note that the site is not within the Green Belt and does not have a statutory landscape or heritage designation, this does not overcome the harm that the proposal would have on the inherent character of the countryside.
9. Taking the above matters into consideration, I conclude that the appeal proposal would cause substantial harm to the countryside setting of North Bitchburn and the character and appearance of the area. The proposal would therefore be contrary to policies ENV1 and GD1 of the Wear Valley Local Plan 1997 (LP) which, amongst other things, seek to protect and enhance the countryside and ensure that development does not have a detrimental impact on landscape quality. These policies are broadly consistent with the National Planning Policy Framework (the Framework) in relation to recognising the intrinsic character and beauty of the countryside.

Highway Safety

10. Although the application has been submitted in outline with all matters reserved, the Council has expressed concern that the proposal does not demonstrate that safe and suitable access to the development can be achieved. I saw that the site extends beyond the 30 mph speed limit zone of North Bitchburn and that traffic speeds on the road to the front of the site were relatively high on the approach to the settlement.
11. Subsequent to the Council's decision, the appellant has submitted further details which show visibility splays. I note that the Highways Authority does not object to the proposal on the basis of the amended plans, subject to conditions addressing matters such as visibility and the extent of speed restrictions. I therefore conclude, on the basis of the evidence before me, that a safe access can be provided for the proposal in a manner that would not be detrimental to highway safety. Subject to appropriate conditions, the proposal would therefore not be harmful to highway safety and would therefore not conflict with Policies GD1 and T1 of the LP which require the provision of safe and adequate access. The proposal would also not conflict with the provisions of the Framework with regards to providing a safe access.

12. However, I note that the provision of visibility splays and footways would impact on the hedge along the highway boundary, which adds to my concerns relating to character and appearance stated above.

Open Space

13. The Council state that the proposal would not make adequate provision for open space either on site or through an off-site contribution. Subsequent to the Council's decision, the appellant has confirmed that he is prepared to lodge a unilateral undertaking (UU) which would make a contribution towards the provision of off-site open space. I have therefore had due regard to the heads of terms of the UU on that basis.
14. On the basis of the evidence provided to me, and subject to the provision of an appropriate UU, I conclude that the proposal would make a suitable contribution towards open space and would therefore not conflict with Policy H22 of the LP in relation to the provision of community benefits or with the Framework with regards to promoting healthy communities. However, the UU is required to mitigate the impact of the development rather than being a benefit of the scheme and as such has a neutral effect on the planning balance.

Overall Planning Balance and Conclusion

15. The Council accepts that it does not have an identified and deliverable 5 year supply of housing land. Paragraph 49 of the Framework states that in these circumstances relevant policies for the supply of housing should not be considered up to date. The appeal proposal should therefore be considered on the basis of paragraph 14 of the Framework which states that where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
16. The proposal would provide the moderate benefit of adding 14 dwellings to the mix and supply of housing, in an area where the Council cannot demonstrate a five-year supply of deliverable housing sites. The dwellings would also be within easy reach of the limited services in the hamlet of North Bitchburn as well as transport links to services in the wider area.
17. The appellant would provide a UU towards the provision of off-site open space, although for the reasons stated above this matter does not weigh in favour of the proposal.
18. However, notwithstanding my conclusions in relation to highway safety and open space, I have concluded that the proposal would introduce an inappropriate form of development into the countryside and would cause substantial harm to the character and appearance of the area. I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The material considerations considered above do not justify making a decision other than in accordance with the development plan. When assessed against the development plan and the Framework considered as a whole, on balance, the overriding consideration is that the scheme would fail to contribute to the environmental role of sustainable development in relation to protecting and enhancing the natural and built environment.

19. I have had regard to the comments raised locally in relation to the proposal. I note the objections on matters including access to services, conflict with policy, housing need, and recent planning decisions in the area. I also note the comment supporting the proposal subject to consideration of access and the effect on an adjacent site. However, consideration of these matters has not led me to a different conclusion on this appeal.
20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR