
Appeal Decision

Site visit made on 18 July 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/N1350/W/17/3173002

Field at OSGR E430313 N512191, land off Roundhill Road, Hurworth, Darlington DL2

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Westfield Weddings Ltd against the decision of Darlington Borough Council.
 - The application Ref: 16/01210/FUL, dated 18 November 2016, was refused by notice dated 17 February 2017.
 - The development proposed is the demolition of agricultural shed and erection of wedding/function venue, security lodge, siting of 30 no. caravans with 3 no. amenity blocks, provision of access from Roundhill Road and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site is located approximately 3.5 miles southeast of Darlington town centre and is currently pasture land, with a barn sited close to the existing access to the site. The site is outside of the development limits for Darlington and is bounded on the northern and western boundary with Roundhill Road by a native hedgerow which has been maintained at approximately 1.5 metres.
4. A small number of residential dwellings and modest agricultural buildings are located near Roundhill Road and Neasham Road, with The Tawny Owl Public House also adjoining land to the south eastern boundary of the site. Views of the Darlington Mowden Park Rugby Football Club are also possible from the site. Nonetheless, despite the presence of these buildings, it is concluded that as the appeal site is outside the development limits, it is therefore located within the countryside.
5. Following the refusal of planning permission, the appellant commissioned chartered Landscape Architects to review the reasons for refusal and to execute a high level assessment of the landscape and visual resources¹. The

¹ Assessment of Landscape and Visual effects – TPM Landscape

- assessment, amongst other things, identified that as the landscape is relatively well contained with no key views, the site has reduced sensitivity.
6. Nevertheless, the introduction of 5 new buildings, 30 non-static accommodation units, car parking hard standing for approximately 116 vehicles, new vehicular access and internal roads would be noticeably out of context with the immediate locality. Furthermore, the cumulative scale and mass of the proposal would represent a significant increase in the degree of built form on the site. In particular, given the scale of the proposed car parking provision, a substantial level of hardstanding would be necessary. Whilst the appellant contends that the use of macadam surfacing has been limited, the Landscape Strategy Plan² indicates that the main access road and turning circle will be constructed from macadam. This would represent a high percentage of proposed hardstanding on the site.
 7. The assessment of landscape and visual effects also identified that the existing hedgerows are important landscape features, both as a characteristic of the landscape and as an ecological resource. The assessment also contends that it is intended to retain as much of the existing trees and hedgerow as possible. Nonetheless, the removal of approximately 160 metres of the existing 1.5 metre hedgerow on Roundhill Road, land clearing and levelling will be necessary for the required access visibility splays.
 8. It is proposed to plant a new reinstatement hedgerow in the first season following the grant of planning permission and to retain the existing section of hedgerow which is required to be removed until the development becomes operational. It is however noted that it may also be necessary to remove sections of the existing hedgerow during the construction phase to enable site access. No confirmation regarding the amount of hedgerow to be removed for access or timings have been supplied.
 9. It is acknowledged that the early planting of the replacement hedgerow will enable it to be approaching maturity by the time the majority of the existing hedgerow is removed. However, the Landscape Strategy Plan confirms that the height of the replacement hedgerow will be approximately 0.9 to 1.1 metres high, a reduction of some 0.4 to 0.6 metres than the existing hedgerow. Such a reduction in height will allow increased views of the site from users of the surrounding road network.
 10. A wildflower meadow is also proposed in the space created between the new hedgerow and Roundhill Road. Whilst the aim of the meadow is to avoid the appearance of an urban frontage, this would be an incongruous feature as surrounding verges are predominately grass.
 11. Further landscaping is also proposed on the western boundary. As this is proposed to be of a low-height, only a proportion of the amenity blocks, accommodation units and the car parking hardstanding will be screened from views on this section of Roundhill Road.
 12. With the exception of the views from the existing access gate, short range views of the site from Roundhill Road are currently primarily restricted to the uppermost section of the barn. Medium and longer range views of the site consist of some sections of pasture land and uppermost sections of the existing

² Drawing Number: 2755-102 Rev C

trees on site. However, due to the required visibility splay, the new access will point will result in views of the site from this location being significantly opened up. The reduced height of the new hedgerow will also allow for sections of the accommodation units, amenity blocks and car parking hardstanding to be visible to users of this surrounding road network. Accordingly, despite the proposed landscape mitigation scheme, the proposal would result in the urbanisation of the currently relatively open rural site. This would result in an unacceptable level of harm to the character and appearance of the area, resulting in the formation of a semi-urban environment, in what is largely open countryside.

13. It is recognised that there would be some benefits generated by the scheme, including economic benefits associated with the construction phase of the development; the use of local taxi firms and accommodation; the generation of 3 full time jobs and up to 12 part time jobs. A modest biodiversity gain would also be experienced due to the proposed landscaping. In addition, in relation to the location of the main function building, it would be sited in a less prominent position than the existing barn. To a modest degree, this would be beneficial to the occupiers of Holdforth Grange as the existing barn sits directly in the line of view of the dwelling.
14. However the combined benefits of the scheme do not outweigh the identified harm in regard to character and appearance. Accordingly, the proposal would therefore be contrary to Policy CS14 of the Darlington Local Development Framework 2011 (the LDF) and Policy E2 of The Borough of Darlington Local Plan 1997 (the LP). Policy CS14 of the LDF, amongst other things, aims to protect the distinctive qualities of openness between settlements. Policy E2 of the LP limits most new development to within defined development limits. Some development, including agriculture, forestry operations, small scale development which is of benefit to the rural economy or communities, utilities and countryside related sports or recreation may be permitted as long as unacceptable harm to the character and appearance of the countryside does not result.
15. The appellant contends that Policy E2 of the LP is out of date due to its advanced age. It is acknowledged that a recent Public Inquiry found the housing elements of Policy H2 to be out of date. Nevertheless, the remainder of the policy is valid as it is broadly consistent with guidance contained within the National Planning Policy Framework (the Framework) and is therefore relevant to the consideration of matters of character and appearance. Furthermore, paragraph 211 of the Framework confirms that policies in development plans should not be considered out of date simply because they were adopted prior to the publication of the Framework.
16. The development plan is therefore neither absent nor silent on matters regarding character and appearance and Policy E2 of the LP not out of date. As such, the presumption in favour of sustainable development contained in paragraph 14 of the Framework is not engaged. The appeal proposal therefore falls to be determined in accordance with the relevant saved policies of the development plan, unless material considerations indicate otherwise.
17. Accordingly, it is therefore found that given the proposed scheme, the location outside the development limits and the harm identified in regard of character

and appearance, the proposal conflicts with Policy CS14 of the LDF and Policy E2 of the LP.

Conclusion

18. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR