



Appeal Decision

Site visit made on 31 July 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 22 August 2017

Appeal Ref: APP/X1355/W/17/3174509

Land near to Hargill Road and Railway Street, Howden-Le-Wear, County Durham

- 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 Mr Colin Twyman against the decision of Durham County Council.
 - The application Ref. DM/16/00526/FPA, dated 19 February 2016, was refused by notice dated 1 November 2016.
 - The development proposed was originally described as "Hybrid Application - Mixed use development comprising Phase 1 - 57 bed care home, a community Hub/centre, 5 retail units, 20 affordable bungalows, 19 Self build residential plots. New access roads and footways and extended play area for existing school. Phase 2 - 42 Residential Units with Access and Footways."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. After the submission of the appeal, the Supreme Court issued a judgment¹ concerning the interpretation of paragraph 49 of the National Planning Policy Framework (the Framework) and its relationship with paragraph 14. The Council and the appellant were invited to make submissions in the light of that judgment and I have taken account of the responses received.
3. The description of development in the heading above has been taken from the planning application form. This description is also stated on Part E of the appeal form where it is confirmed that the description of development has not changed. Nevertheless, the appellant requested as part of the planning application process that mention of the provision of a field (and parking) for the school should be disregarded and this is reflected on the amendments to the submitted plans. Accordingly, I have considered the appeal on that basis.
4. The proposal is a hybrid application consisting of 2 phases as follows:
 - Phase 1 - 57 bed care home, a community Hub/centre, 5 retail units, 20 affordable bungalows, 19 Self build residential plots. New access roads and footways. The proposed new school playing fields and parking were replaced with public open space. The proposed self build plots are submitted in

¹ Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

outline with all matters reserved for future consideration, and I have treated the layout of this element as shown on the plans as being indicative. Full planning permission is sought for all other elements of this Phase.

- Phase 2 - 42 Residential Units with Access and Footways. This phase has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the layout for this phase as shown on the block plan as being indicative.
5. The Council's reason for refusal and Statement of Case refer to Policy GDP1 of the Wear Valley District Local Plan 1997 (WVLP). However, based on the evidence presented to me, this would not appear to be a policy of the WVLP. I have therefore not referred to Policy GDP1 in my consideration of this proposal.

Main Issues

6. The main issues in this appeal are:
- The effect of the proposal on the character and appearance of the landscape and village;
 - Whether the development would be in a sustainable location; and,
 - Other issues relevant to the planning balance.

Reasons

Character and Appearance

7. Howden-le-Wear is a large village which contains a mixture of residential and other development arranged around a village centre which serves the village and traffic passing along the A689. The sites which make up the appeal proposal are on the edge of the village and are not subject to any formal landscape designation.
8. The site of **Phase 1** consists of a number of grazing fields interspersed with pockets of established trees. I saw that there is a distinct topography to the site, with a small plateau to the west, bordered by a copse of mature trees to the east with the land falling to the east beyond that. Whilst not visible from the core of the village, the site is readily visible in views from the developed area to the north of the site, footpaths and highways running through the area and in longer distance views from the surrounding area. Howden Beck runs along part of the northern boundary of the site and forms a clearly defined edge to the built area of the village. The prevailing character is of an attractive, mature rural landscape which contributes to the setting of the village.
9. The development of Phase 1 would cause substantial harm to this area of countryside. It would remove the mature rural character of the landscape and would appear as an insensitive and incongruous form of suburban development projecting into the countryside. Furthermore, the extension of development beyond Howden Beck would erode this natural boundary of the village. Whilst I consider that all elements of Phase 1 would be detrimental to the character of the landscape, the self-build plots and associated bungalows to the south would be particularly intrusive as they would project into an open agricultural field which has minimal screening.

10. The design and layout of the elements of this Phase which have been submitted in full are also a matter of concern. The care home would be a building of substantial bulk and a squat appearance set in an area of landscaping and which would make little or no reference to the character of the village or the proposed development around it. Similarly the community hub would appear to be a building of a significant size and massing set within an open area consisting of landscaping, roads and car parking. The relationship with the topography of the site is also unclear; particularly the arrangement of the care home, access road and a number of bungalows in relation to a treed slope within the site. Although the bungalows would be of a relatively innocuous appearance, they do not add to the design quality of the scheme.
11. The location of the community hub and retail units would also be separated from the core of the village and would be accessed via a no-through road. This would detract from the core of the village and I also consider that the Council's concerns about the lack of surveillance and antisocial behaviour are well-founded.
12. The site of **Phase 2** consists of a grazing field located adjacent to one of the main entrances to the village. Based on the site boundary and my observations, it is apparent that the proposal would have a distinctly separate and unsympathetic character from the adjacent built area of the settlement. Whilst it would continue the built frontage of development to the north of the road, it would be separated from the housing to the north east by the landscaped setting of Garden House and would also face onto the open fields on the opposite side of the road. This site also projects a significant distance beyond the clearly defined boundary established by the adjacent housing estates.
13. Although the existing hedge provides a degree of screening from the highway, 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.
14. There is a public footpath which passes through the site of phase 2. Whilst the route of this path would be retained through the development, the experience of people walking along this path would be significantly affected as the path currently leads through open fields before skirting the edge of the settlement. The proposal would result in walkers passing through an area of built development, which would be harmful to the enjoyment of this route which has a pleasant countryside character.
15. Details of the design of the footpath leading between Phases 1 and 2 have not been provided. However, the specified route would extend through the countryside between the phases and would enclose the plots of land to the south of Hargill Farm. It would therefore be likely to appear as an urbanising feature projecting into the countryside further harming the rural landscape.
16. The development would retain established trees within and around the sites which would provide a degree of screening and soften views of the development. The appellant emphasises that there is the opportunity for further landscaping, boundary treatment and screening which could be secured by planning conditions. However, due to the scale and the impacts arising from the development I do not consider that existing and potential landscaping would be able to ameliorate the harm arising from the proposal. Similarly, I do

not consider that conditions in relation to the design of the buildings and use of materials would overcome the harm arising in that respect.

17. Taken as a whole, the proposal would appear as a number of disparate and incongruous developments which would not integrate well with the village and which would lead to unsympathetic development projecting into the surrounding area of countryside. I conclude that the appeal proposal would cause substantial harm to the character and appearance of Howden-le-Wear and the surrounding countryside.
18. The proposal would therefore conflict with Policy ENV1 of the WVLP which seeks to protect and enhance the countryside. The proposal would also conflict with Policy H3 of the WVLP which, although it states development will be allowed in Howden-le-Wear, is subject to Policy GD1 and the proposal would conflict with the criteria of that latter policy in relation to design, setting and landscape impact. These policies are broadly consistent with the Framework in relation to taking opportunities to improve the character and quality of an area and the way it functions as well as recognising the intrinsic character and beauty of the countryside. However, I acknowledge that the Council considers that reduced weight should be given to Policies ENV1 and H3 as they are only partially compliant with the Framework with regards to, respectively, the range of development types in the countryside and site selection.

Sustainable Location

19. The Council state that Howden-le-Wear is classed as a "Medium-size Village" in the Country Durham Settlement Study, in that it has a relatively minimal set of services and limited employment opportunities.
20. I saw that there was a range of services in the village including two convenience stores, a butcher, primary school, petrol station, church, village hall and at least one public house. I acknowledge that longer journeys would be required to access secondary education and major retail facilities. Nevertheless, I consider that the village contains more than a minimal set of services and would meet many of the everyday needs of the residents of the proposal, which in turn would reduce the need to travel. Although the appeal sites are located some distance from these services, I saw that they could be accessed via dedicated and well-lit footpaths leading through the village which would further reduce reliance on the private car.
21. However, the Council state that the village contains very few employment opportunities. Residents of the development are therefore likely to have to travel some distance to access employment.
22. I note that there are bus services which pass through the core of the village, although they do not pass along the highways adjacent to the appeal sites. Whilst these bus routes serve settlements including Crook, Bishop Auckland and Darlington, I note that a direct service is not provided to Durham. I do not consider that the available bus services will provide a significant alternative to a reliance on the private car for accessing employment and major services due to the nature of the routes and the relative convenience of these modes of transport. Furthermore, I am not persuaded that the measures such as car sharing and a Travel Information Pack as proposed in the Travel Plan submitted by the appellant would significantly reduce car journeys due to the issue of convenience and the varied nature of likely destinations.

23. Therefore, whilst I consider the proposal would be in a moderately sustainable location in relation to key facilities such as primary schools and local shops; residents would have to travel some distance to access employment and major services, and in all likelihood by car. The number of car journeys would be significant due to the scale of the development and location in relation to employment and major services. I conclude that this weighs against the sustainability of the location of the proposal and that overall the development would be contrary to Policy H3 of the WVLP which seeks to direct development to those settlements best able to support it. In this regard, this policy is broadly consistent with the Framework which aims to balance land uses within an area so that people can be encouraged to minimise journey lengths for, amongst other things, employment. However, I acknowledge that the Council considers that reduced weight should be given to this policy as the Framework takes a more flexible approach in relation to site selection.

Other Issues

24. 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.
25. Nevertheless, The Council state that they are able to demonstrate a housing land supply of between 4.20 to 4.91 years, depending on various scenarios in the County Durham Issues and Options Report (June, 2016). The Council considers that this is a relatively healthy land supply position and that less weight should be afforded to the delivery of new housing. They also contend that the benefits of delivering 81 dwellings would be a very limited boost to housing supply.
26. However, I consider that the provision of 81 dwellings would make a significant contribution to the supply of housing. Furthermore, the appellant highlights that the proposal would also provide self-build plots as well as homes and accommodation suitable for older people which are forms of housing that the Government has sought to encourage. The provision of 20 affordable dwellings (which would exceed the Council's minimum requirement) also weighs significantly in favour of the proposal. Therefore, notwithstanding the Council's comments in relation to a relatively healthy housing land supply, I consider that the amount and mix of housing proposed would be a substantial benefit of the scheme.
27. The care home would provide employment, although this would be to a limited degree. The construction of the proposal would also lead to employment and investment, although this would be to a moderate degree and over a limited period of time. Residents would add to the support of services in the area, although in comparison to the overall size of Howden-le-Wear, this benefit would be comparatively minor.
28. The appellant contends that the proposed retail units would provide employment. I also recognise that both the new retail units and community hub may improve the level of service provision within the village. However, no

substantive evidence has been provided to me in relation to the demand or support for these new facilities. I am also mindful that they may detract from the existing (and better located) retail and community facilities in the village and the employment they provide. On balance, I do not consider the retail and community hub elements of the scheme to be of benefit.

29. The proposal would provide public open space to the north of Phase 1. However, no substantive evidence has been provided to me in relation to whether there is a need for this open space or how it would be maintained. I therefore give this benefit very limited weight in support of the proposal.

Other Matters

30. The appellant has suggested that a 'split decision' could be issued if either of the Phases of development is considered to be acceptable. However, for the reasons stated above I consider that both phases would individually lead to unacceptable development and a split decision would not therefore overcome this.

Planning Balance and Conclusion

31. Drawing the above issues together, I have concluded that the proposal would lead to substantial harm to the character and appearance of the countryside and the village of Howden-le-Wear. The proposed housing would also be remote from places of employment and would lead to a significant number of car journeys to access employment.
32. I am mindful that the proposal would have the substantial benefit of adding to the supply and mix of housing in an area of under-supply and would also be in a moderately sustainable location in relation to everyday services. There are also limited or moderate benefits in relation to employment, investment, open space and support for facilities.
33. However, 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, even allowing for the reduced weight to be given to specified policies. When assessed against the development plan and the Framework considered as a whole, on balance, the overriding considerations are 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; the social role of creating a high quality built environment; and the economic role of ensuring that sufficient land of the right type is available in the right places.
34. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR