



Appeal Decision

Site visit made on 3 May 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/X1355/W/19/3222187

Land at Holme Farm, Toft Hill, Bishop Auckland DL14 0QQ

- 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 Toft Hill Ltd against the decision of Durham County Council.
 - The application ref DM/17/04028/OUT, dated 14 December 2017, was refused by notice dated 18 October 2018.
 - The development proposed is for a residential development (up to a maximum of 22 dwellings), including access, with all other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal seeks outline planning permission, with all matters reserved other than access. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.
3. Since submission of this appeal the National Planning Policy Framework¹ (The Framework) has been revised. As the changes are minor in relation to the issues within this appeal, I have had regard to the revised Framework in my decision and I am satisfied this has not prejudiced either party.

Background

4. There was an earlier outline planning application for this site for up to 100 dwellings which was refused. This was followed by an appeal² of the decision which was dismissed. The appeal before me relates to an application which was initially for "a maximum of 50 dwellings". However, during determination of the application, this was amended to 22 dwellings. The main parties have agreed an amended description and the banner heading above reflects this change. I have therefore determined the appeal on this basis.
5. The Council are currently adopting the County Durham Plan however, this is in the early stages of adoption and the policies carry little weight. Both main parties agree that the land allocation Policy H3 of the Teesdale Local Plan 2002 (Local Plan) which is most relevant to this proposal is out of date and inconsistent with the Framework. There is therefore a presumption in favour of sustainable development as set out in paragraph 11d of the Framework. I shall consider this proposal within these parameters.

¹ The National Planning Policy Framework, February 2019.

² APP/X1355/W/17/3190248.

6. Paragraph 213 of the Framework is clear that due weight should be given to local plan policies which are consistent with the Framework. Policies GD1 and H12 of the Local Plan, together and amongst other matters, seek high standards of design which have a positive impact upon the local environment with respect to character and appearance. Notwithstanding the lack of accordance of the spatial policies with the Framework, these policies are consistent and carry full weight.

Main Issues

7. The main issues are the effect of the proposals on:
- the highway with respect to safety and the living conditions of neighbouring occupiers, and
 - the character and appearance of the area.

Reasons

Highway issues

8. The access for the proposed development would be formed at the eastern end of a layby which sits adjacent to the busy A68. It would require removal of parking spaces opposite existing residential properties with their replacement further to the west. Other than the layby, there is no alternative off-street parking for these dwellings and there is current demand for additional parking. This was confirmed during my site visit by the presence of cars parked on the pavement outside the dwellings and on the grass verge to the west of the layby. Although only a snapshot in time, there were cars parked within the layby for the duration of my site visit.
9. To allow retention of the roadside trees, shown as T1 and T2 within the arboricultural method statement (AMS), the replacement of the parking spaces lost to accommodate the development access road would need to be further west along the A68. Various options for the highway scheme have been submitted and the most recent is shown in plan Ref NE1828-10-10 Rev F. The highway authority has accepted this proposal and although they consider it is not the optimal solution, no longer object on highway safety grounds.
10. Although replacement parking spaces to the west would benefit those residents opposite, the proposed access road would lead to the loss of five spaces which would disadvantage more easterly properties. To mitigate this it has been suggested that an additional six parking spaces could be provided along the access road into the development. This however, would create additional traffic movements and require a turning manoeuvre within the development site, potentially near the access point which would harm highway safety. This option would conflict with Policy GD1(Q) which seeks that proposals provide safe and efficient operation of the site. Should this option be omitted, the more easterly properties would lose nearby parking which would impact their living conditions.
11. In conclusion, the inconvenience caused to existing occupiers of properties opposite the proposed site access due to relocation of five spaces would conflict with Policy GD1(E). This policy seeks that development does not unreasonably harm the amenity of occupants of adjoining sites. The potential for creating additional spaces along the access road would, in itself, harm highway safety

and conflict with Policy H12 which requires high standards of design with respect to layout.

Character and appearance

12. The appeal site is within National Character Area 16 (Durham Coalfield Pennine Fringe) and the broad landscape type of the West Durham Coalfields. The appeal site is situated within a field to the north of the A68 within Toft Hill which generally consists of small-scale ribbon development which closely follow the local highway. The development to the east of the appeal site, which includes Chestnut Close, is an exception to this distribution and is separated from the appeal site by Bridleway 51.
13. The appeal site is bounded by Bridleway 51 to the east, the small development of Castlefields to the south and Footpath 43 to the north. The layby on the A68 sits to the south of the field and there are three mature trees in the area, two of which are within the layby, and one further west. Other small trees and shrubs sit either side of the stone wall which runs along the A68. The street trees have a high visual amenity value and are an important feature within the landscape.
14. I have no certainty that the arboricultural implications of the revised parking arrangement, dated December 2018, have been assessed as the AMS completed on 24 September 2018 relates to an earlier highway layout. The proposals within revision F would potentially affect trees T1 and T2 as it would involve an altered alignment of the footpath and wall. In particular, T1 appears to have displaced the vertical alignment of the adjacent wall which would suggest that roots have bridged the wall foundations. Alteration of the wall at this point as suggested in the AMS may therefore not be feasible. Additionally, the AMS only considers two of the three trees present with the most westerly tree not included within the assessment despite the proposals extending the parking in this direction. As the trees have high visual amenity value, a view supported within the previous appeal for the site, this uncertainty weighs against the feasibility of the parking proposals.
15. The submitted Landscape and Visual Impact Assessment³ (LVIA) relates to the initial planning application which was for 50 dwellings. Although landscaping details would be secured as part of reserved matters, the LVIA is accompanied by a Landscape Strategy Statement⁴ which reflects the 22 proposed dwellings. The landscape scheme has been much reduced in order to retain open views when compared with the initial proposals. This is to reflect the conclusions of an appeal⁵ decision for outline permission for up to 100 houses on this site.
16. The LVIA categorised the proposals as having a negligible effect when viewed from distant, medium distance and viewpoint 4. From my observations during my site visit I concur with this view. Notwithstanding this, views experienced from viewpoints 1 and 3 which are on the adjacent bridleway, would be substantially altered. When travelling north along this route, the proposal would block views towards the west which currently reveal a copse of trees in the near distance and hills further away. These views would still be possible from further north along the bridleway but delayed and constrained due to the

³ November 2017.

⁴ January 2018.

⁵ APP/X1355/W/17/3190248.

- proposal. When travelling south, the built-up area would be closer. It would in effect, visually and spatially extend the built form of Castlefields northwards and Chestnut Court west which would alter the rural character of the area as seen from this recreational route and from nearby residential areas.
17. Footpath 43 which currently crosses an open field, would sit directly on the northern boundary of the proposed development. The LVIA states that the effect of the development on this footpath would be substantial and I concur with this opinion. It currently has a very open rural character which would be altered and diminished as it would look directly into a residential setting. There is opportunity to mitigate this impact as the route could be incorporated into a proposed open space with potential tree planting within private gardens. However, despite this, the harm to the visual and spatial character of the footpath would still be substantial.
 18. Views from the south by pedestrians and vehicles travelling along the A68 are currently open. There is some screening of the site due to the presence of a significant belt of small trees and shrubs which are growing along the layby verge and within the field adjacent to the wall. These would mitigate the visual impact of the development. However, the proposed alterations to the layby shown in drawing NE1828-10-10 Rev F potentially requires realignment of the stone wall and removal of associated vegetation. This would have a negative visual impact which would make the development more visible from the southern aspect when looking north east by extending the current adjacent building lines into what is currently an open area. The proposed access road, and any vehicular parking along its verge, would further extend the built-up boundary west. The effect of the access road would harm views from the south despite its setting which would be against the existing fenced boundary of Castlefields. The visual impact of this change would increase on approach towards Castlefields along the A68.
 19. I am mindful of the fact that the proposal before me is for up to 22 dwellings and the LVIA has not been updated to reflect this. The LVIA concludes that the impact of the development would be slightly beneficial. This is based upon potential mitigation through tree planting and placement of the overhead power lines beneath ground. However, the woodland planting detailed within the earlier landscape strategy has been omitted from the recent landscape plans and mitigation provided in this way therefore carries less weight. The assessment also includes for the possibility that the land may not be adequately managed into the future however, this assertion is not substantiated. I do consider removal of the power lines beneficial however, this does not outweigh the harm to local views. Landscaping which could mitigate the proposal would have an undesirable effect upon the open views across the site.
 20. In conclusion, the proposals would have an urbanising effect within this semi-rural area by extending the adjacent residential developments into an open field in a more rural part of the settlement. This would be seen from public rights of way, the highway and local residential areas. The current scheme would repeat the extension of ribbon development into the countryside which the previous Inspector found to result in harm to the character and appearance of the area. This would conflict with Policies GD1 and H12 of the Local Plan with Policy GD1B(I) making specific reference to harm to the landscape.

Other Matters

21. A unilateral undertaking with respect to affordable housing, public open space and education has been submitted. As I am dismissing the appeal on other grounds, I am not assessing the Unilateral Undertaking against any of the tests in the Framework.

Planning Balance and Conclusion

22. It is not in dispute that the policies in the Local Plan relating to allocation of land for housing are out of date. National policy set out in the Framework does not preclude development of sites such as this one and the key consideration is the ability of the site to accommodate development of the scale and quantity proposed without compromising the quality of the local environment, highway safety or the living conditions of neighbouring occupiers.
23. The government is seeking to significantly boost the supply of housing and I acknowledge that the proposal would deliver up to 22 dwellings. This would include a proportion of affordable homes however, the Council have indicated that they would not seek such a contribution. This would be a moderate benefit only. There would also be a potential contribution towards education provision, however, this would mitigate the additional need the development would generate and therefore has neutral weight within my decision. The addition of short term construction jobs and an ongoing contribution socially and economically within the settlement and some ecological benefit through habitat creation, when taken together, also attract moderate weight.
24. I am not satisfied however, that the proposal would be acceptable in terms of its effect upon the character and appearance of the area and I afford this substantial weight within my decision. The reduction in parking for some of the existing residents is also a factor against the proposal to which I afford moderate weight. Additionally, it is not clear whether the proposed highway scheme is feasible whilst retaining the trees to the south of the site. Similarly, the provision of additional open space, although potentially beneficial, would be at the expense of lost openness from existing recreational routes. These factors add further doubt to the acceptability of the proposal.
25. In conclusion, having regard to Paragraph 11(d)(i), the adverse impacts of the proposal upon the character and appearance of the area and the highway impacts on the living conditions of occupiers of neighbouring properties and highway safety, in addition to the other factors detailed above, significantly and demonstrably outweighs the benefits derived from 22 dwellings on this particular site. The proposal conflicts with the development plan and the Framework when considered as a whole.
26. For the reasons stated above the appeal is dismissed.

E Symmons

INSPECTOR