
Appeal Decision

Site visit made on 15 January 2020

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/X1355/W/19/3239580

Land Near Hesleden Hall Farm, Monk Hesleden TS27 4QB

- 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 Matthew Burnett against the decision of Durham County Council.
 - The application Ref DM/19/01763/FPA, dated 26 May 2019, was refused by notice dated 4th October 2019.
 - The development proposed is Erection Eco House with Small Holding.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application to which the appeal relates has been made in outline. Access, layout, appearance, scale and landscaping are reserved matters. Indicative site layout and plans have been submitted to illustrate how the site could be developed.

Main Issues

3. The site is located a short distance from Hesleden Hall Farm, a Grade II Listed Building. The Council does not consider that the proposal would affect the setting of this designated heritage asset and I see no reason to take a different approach.
4. In light of the above, the main issues are:
 - Whether the proposed dwelling would be in a suitable location for housing regarding access to shops, services, schools and employment opportunities; and
 - the effect of the development on the character and appearance of the area.

Reasons

The suitability of the location

5. The site occupies part of an approximately triangular shaped field close to Hesleden Hall Farm. Access is gained via a road leading from High Hesleden, around 1.6 km from the site and a single track lane from Monk Hesleden.

6. There are limited services available in High Hesleden, where there is a public house but no shop. There is a convenience store at Blackhall Rocks, approximately 3km from the site. A settlement study produced in 2012 identified High Hesleden as a 'Tier 6 settlement', denoting it as having very few facilities. There is a bus stop in High Hesleden with around 8 buses a day to Peterlee to Hutton Henry and vice versa. It would be possible to walk from the site to the bus stop in around 15 minutes, although some of this walk would be along a narrow unlit country lane with no footpath. The journey could also be undertaken more quickly by bike. Taking these matters into account, the site would not benefit from convenient access to local services.
7. The Framework is clear that new housing in rural areas should be located where it will enhance or maintain the vitality of rural communities¹. As a single dwelling, the proposal would make a small contribution towards supporting the local services in nearby villages, even if access to those services would be likely to be via the private car. In this respect the proposal would be in conformity with the Framework.
8. However, the Framework is also clear that when considering development proposals, account should be taken of the opportunities to promote sustainable transport, having regard to the type of development and its location². Whilst sustainable transport solutions in rural areas can be different to urban areas³, given the lack of accessibility to the site via modes other than the private car, there is also conflict with the Framework. Even in the context of the rural area within which the site is located the dwelling would be poorly served by public transport and residents would be faced with lengthy journeys to the closest large settlements for a full range of shops and services. The vast majority of those visits are likely to be by car.
9. The appellant contends that the proposal would not be in an isolated location in the sense that the term is used in the Framework⁴, which seeks to avoid isolated new homes except in specific circumstances. Reference is made to the well known Braintree Court of Appeal ruling⁵ and also to a number of planning decisions in the local area in support of the point. However, the site is not within a village or hamlet, and there are no other buildings in close proximity, the nearest buildings being at Hesleden Hall, approximately 270m from the site.
10. There is an extant permission for 3 dwellings on land to the west of High Hesleden Hall and therefore closer to the site. I have scant information on this development, or the circumstances under which planning permission was granted. However, even assuming that this development proceeds, it would not result in the appeal site falling within a group of buildings and therefore, in the sense use in Braintree, the site should still be considered to be isolated.
11. My attention has been drawn to an appeal decision at Stobillee Farm⁶. The site is located at Langley Park, within an area covered in a different adopted local plan to the District of Easington Local Plan⁷ (DoELP). However, broadly similar

¹ National Planning Policy Framework February 2019 paragraph 78

² Ibid paragraph 108

³ Ibid paragraph 103

⁴ Ibid paragraph 79

⁵ Braintree DC v SSCLG, Greyread Ltd, Granville Developments Ltd (2018)

⁶ Appeal reference APP/X1355/W/18/3207318 dated 9 April 2019

⁷ Adopted 2001

policies applied. The site was outside the settlement, and at a distance of around 600m to the nearest shop and 454m to the nearest bus stop. The first section of the route between the site and the settlement was via an unlit and unmade up public right of way. The Inspector concluded that these distances would not necessarily deter access by foot or bike, and that accessibility to local services and facilities would not be wholly dependent on the private car. However, the distances to High Hesleden and the very limited services there, and the bus stop, would be significantly greater than were the case at Stobillee Farm. Therefore, I am not persuaded that there would be a similar propensity for the householder to use modes of transport other than the private car.

12. On its part, the Council draws my attention to a case⁸ relating to a proposal for 3 dwellings on a site at High Farm, High Hesleden. The Inspector noted that the local plan was of some age and concluded that the location of the site within the settlement boundary did not outweigh the lack of sustainable access to services. The appeal was dismissed.
13. Since the time of the High Farm appeal decision the Council has granted planning permission for 2 dwellings adjacent to the settlement⁹. However, the merits of High Hesleden as a suitable location for housing is not at issue in this appeal and I attach limited weight to these planning decisions. The circumstances in the case of the proposal are very different, given the significant distance that the site is located from High Hesleden.
14. The appellant's planning statement referred to a number of other appeal decisions where planning permission has been granted. One of these appeal decisions relates to another site within the area covered by the DoELP. I do not have full details of it before me of these other cases and therefore I give only limited weight to them. In any event, I must assess the proposal before me on its own merits.
15. The appellant acknowledges that the site would be used as a smallholding and it is not suggested that there is an essential need for a rural worker to reside on the site to supervise a farm business.
16. It is inherent in the Council's reason for refusal that it considers the development plan policies in the DoELP to be out of date, notwithstanding that the Council is able to demonstrate that it has in excess of 5 years supply of housing land. However, the local plan policies remain part of the adopted development plan and the weight to be attached to them should be considered depending on their consistency with the Framework.
17. The Council's view is that although the Framework presumption in favour of sustainable development, also known as the tilted balance, is engaged, planning permission should not be granted because the adverse impacts of so doing outweigh the benefits¹⁰.
18. I therefore conclude that the site is not a suitable location for new housing with regard to access to facilities and services and would not comply with Policies 1 and 3 of the DoELP which, amongst other things, require that proposals should accord the principles of sustainable development and be located within settlement boundaries and not in the countryside, unless allowed for under

⁸ High Farm, High Hesleden, APP/x1355/W/18/3211244 dated 13 December 2018

⁹ Local Planning Authority References DM/19/00846/OUT and DM/17/02275/OUT

¹⁰ National Planning Policy Framework February 2019 paragraph 11 d) ii

other policies in the plan; and the Framework which requires that isolated homes in the countryside should not be permitted other than where specified circumstances apply; and Policy 36 of the DoELP and the aims of the Framework to promote sustainable transport and encourage alternative means of travel to the private car.

Character and appearance

19. The proposed dwelling would be of modest size with timber clad walls and a pitched roof finished in shingles. Architecturally, it would be of no especial merit but it would not be visually unpleasing. Given the location at the west end of the field it would be a noticeable feature to anyone travelling along the lane from Monk Hesleden towards Hesleden Hall. From the north and the areas around Monk Hesleden it would be well screened by the dense planting along the Haswell to Hart walkway, from where views of the site are very limited due to the path being in a cutting. There is a hedgerow containing trees along the lane. I am not directed by the parties to any other location where the proposal would be present in longer distance views.
20. The site is within an Area of High Landscape Value, which has been subject to review, and is likely to be included as an Area of Higher Landscape Value in the emerging County Durham Local Plan. In this context the addition of a new building, in open pasture and separate from any existing group of buildings requires careful consideration.
21. However, given the context of the site, and modest scale and design of the dwelling, I am not persuaded that the proposal would have a transformative effect on the landscape setting, or even one that is significantly adverse. It would have some effect since the site is currently an open pasture which contributes to the overall countryside character of the area. The proposal would therefore lead to a degree of urbanisation of the site.
22. Policy 7 of the DoELP requires that development likely to adversely affect the character, quality or appearance of the AHLV should only be permitted where there is a need for the development which outweighs the harm, and no alternative location. Although an out of date Policy, it is not wholly inconsistent with the Framework which seeks to protect valued landscapes and recognises the intrinsic character and beauty of the countryside. However, in the case of non-statutory protected landscapes, the level of protection should be commensurate with the identified quality in the development plan¹¹. Based on the limited evidence which has been presented to me, I am not persuaded that Policy 7 is fully consistent with the Framework, and that the impact of the proposal on the character, quality or appearance of the AHLV would be of a magnitude that I should attach significant weight to the conflict with this policy.
23. The Council's reason for refusal refers to paragraph 175 of the Framework. Since this relates to habitats and biodiversity, on which it is apparent that the Council has no issues, I attach limited weight to this matter. The appellant contends that the proposal would lead to net biodiversity gain.
24. I therefore conclude that the proposal would not cause significant harm to the character and appearance of the area. Whilst it would not be in compliance with Policy 7 of the DoELP, the policy is out of date and not wholly consistent

¹¹ National Planning Policy Framework February paragraph 170

with the Framework. The proposal would conform to the aims of the Framework to protect valued landscapes in a manner commensurate to their identified quality.

Overall Planning Balance

25. It is not in dispute that the policies in the DoELP relating to the location of new housing in the countryside are out of date but they still form part of the development plan and must have some weight accorded to them, although limited.
26. Policies 1 and 3 of the DoELP alone require that a proposal not within settlement limits should be supported by a justification that the development should be allowed due to other policies in the plan. Whilst these policies are not fully consistent with the Framework, paragraph 79 applies to situations where isolated homes in the countryside are proposed, and the thrust of both the local plan policies and the Framework remain the same. No evidence has been brought forward by the appellant to support an argument that there is an essential need for an agricultural worker to be housed in the proposal. Nor is it suggested that any of the other circumstances listed in the Framework are applicable to the proposal.
27. Some economic benefits would be generated. In addition to construction work, some of which would be self-build, the occupiers of the dwelling would contribute spend on goods and services in nearby villages. I therefore agree that there would be some modest benefit to the rural economy. There would be some environmental benefits. The proposal is described as an eco-home and it is suggested that the energy need of the dwelling could be met by renewable means on site. In addition, the implementation of the proposed habitat plan has the potential to deliver some biodiversity gain. It is also suggested that some improvement of the access Hesleden Hall Farm could be effected although no details are provided. In terms of social benefits, the provision of 1 dwelling would make only a limited contribution to the supply of housing.
28. Whilst I have found that the harm to the character and appearance of the area would be limited and not significant in terms of the effect on AHLV, this is neutral factor in the planning balance.
29. These matters do not amount to reasons to allow the appeal in clear conflict with the development plan and Framework.

Conclusion

30. I have found that the proposal would provide poor access to facilities and services, as a result of which it would not promote sustainable transport. The adverse effects of the development would significantly and demonstrably outweigh the benefits. It would conflict with policies in the development plan, and the Framework as a whole.
31. Therefore, for the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Tim Wheeler

INSPECTOR