



Appeal Decision

Site Visit made on 14 September 2021

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/X1355/W/21/3278818

Land opposite Rivendell, St Aidans Terrace, Trimdon, TS29 6BT

- 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 David Goodrum against the decision of Durham County Council.
 - The application Ref DM/21/00475/FPA, dated 12 February 2021, was refused by notice dated 9 July 2021.
 - The development proposed is Proposed agricultural building required for storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposed building is necessary to support the establishment of a new agricultural enterprise; and
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Agricultural use

3. The appellant lives opposite the entrance to the appeal site and a short distance from the appeal building's proposed location. Approximately 2 acres of grassed grazing pasture, also owned by the appellant, extends broadly north-eastwards from the appeal site.
4. Although the application was initially accompanied by a statement setting out the appellant's 'hobby farming' intentions, a subsequent 'Business Plan' sets out a second phase of operation. Although still referred to as 'hobby farming' with the appellant working full-time elsewhere, the business plan sets out an intention to rent a further 3½ acres of adjoining land and to purchase 40 ewes.
5. County Durham Plan (CDP) policy 10 sets out the Council's approach to development in the countryside and adopts a restrictive approach to new development unless the proposal relates to one or more exceptions. In respect of economic development proposals, development necessary to support the establishment of new agricultural or rural land bases enterprises¹, and the

¹ CDP policy 10(c)

undertaking of non-commercial agricultural activity located within or directly adjoining the applicant's existing residential curtilage² are two such exceptions. Both are subject to a number of caveats. In both instances, the resulting development must be of a scale, construction and design suitable for and commensurate to, the intended use.

6. The application was initially set out as a 'hobby farming' undertaking, with both the appellant and his partner described as intending to continue working full-time in their existing jobs. The intention of the hobby farm is to provide a source of sustainable food for the appellant's family as well as a resource for exercise and recreation for family members; the building to provide storage for equipment and feed and for the housing of animals and poultry, some of which are on the land already and some which may be acquired in due course.
7. However, the building would be some distance from the appellant's property, Rivendell, which is located on the opposite side of St Aidans Terrace to the appeal site. The entrance to the site access is directly opposite, but the location of the proposed building would be neither within, nor directly adjoining, the appellant's existing residential curtilage. Moreover, as a 'hobby farm' of the nature initially described, the proposed building would be of an excessive scale for the level of activities, stock and poultry indicated. I am not therefore persuaded that the appellant has adequately or robustly demonstrated that the proposal would benefit from the exception provided by CDP policy 10(d) to development in the countryside.
8. The appeal proposal was instead accompanied by a business plan setting out the appellant's vision and values for the farm, describing existing and proposed operations and setting out justification for the scale of the proposed building. At present, the land associated with the proposed building amounts to approximately 2 acres, with the intention of renting a further 3.5 acres of adjoining land. It is also the appellant's intention to purchase approximately 40 ewes as a herd to breed lambs from. I have no evidence before me at this stage to indicate that either the additional land, or the ewes, have been acquired or whether they remain aspirational.
9. The building's scale is predicated on the number of ewes the appellant intends to purchase and the space that each sheep would require, based upon Defra space requirements per sheep, on the basis that the whole herd would need to be housed within the building at any one time. It is unlikely that the entire herd would need to be housed within the building for the whole year, sheep being animals that would be expected to be outdoors for the majority of the year. For such periods, the building would be of an excessive scale for the limited amount of livestock and poultry currently and anticipated to make up the holding, whilst the building's apparent absence of meaningful ventilation and light, typically provided by being partially open-sided, suggests that it would not be entirely suitable for extended occupation by livestock.
10. The submitted business plan suggests an income from the sale of lambs equivalent to just under £8000 per annum (p.a.) over the first 6 years, with a predicted first year profit in the region of £3000 and an average over the first six years of approximately £5000p.a. These figures indicate a very modest undertaking but, given the presently embryonic stage of the agricultural

² CDP policy 10(d)

enterprise and the uncertainty and varying justification for the proposal, there is no certainty that the levels of stocking would come to be.

11. CDP policy 10 is broadly supportive of new rural enterprises, but this support is caveated in a number of ways. For the reasons I have set out, it has not been robustly or compellingly justified that the proposed building is of a scale or nature suitable for the intended use. Nor has it been demonstrated that the proposal would benefit from the support provided by CDP policy 10 (c) or (d).

Character and appearance

12. The proposed building's blockwork base walls and metal profiled panels to the upper walls and roof would not be dissimilar to many agricultural buildings typically found in open countryside locations. However, although located some distance from the road at St Aiden's Terrace to the south, the building would nevertheless be starkly visible against the skyline along a considerable length of road and pavement to the south.
13. Despite the presence of the industrial building adjacent to the site entrance and the houses on the opposite side of the road, the proposed building would nevertheless stand apart from existing structures and buildings, and from the nearby settlement. Within an expansive and largely open rural setting, with steadily rising land between the road and the appeal site, the building would appear unduly prominent with little in the way of mitigation or context for it to be seen against. As a consequence, it would be poorly and incongruously sited and have a stark presence in a prominent position within the landscape.
14. As such, the proposed building would fail to achieve the goals set by CDP policies 29 or 31 of securing well-designed buildings which contribute positively to an area's character and landscape features. CDP policy 10 is also reflective of the Council's general approach to design matters in seeking to ensure that proposals do not cause unacceptable harm to, amongst other matters, the intrinsic character, beauty or quality of the surrounding countryside. The proposal's stark appearance and incongruous siting are such that the proposed development is contrary to CDP policies 10, 29 and 31 in this respect.

Other Matters

15. Whilst I have some sympathy with the appellant's experiences in making a planning application this is not a material consideration to which I can give any significant weight. I have noted the appellant's comments with regard to the Council's suggested conditions, but the imposition of conditions, with or without modification, would not in this instance make the proposed development acceptable in planning terms. My consideration of this matter has been made on the basis of the evidence before me and the other matters alluded to by the appellant have not been material considerations to which I have given any significant weight.

Conclusion

16. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR