



Appeal Decision

Site Visit made on 9 November 2021

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/X1355/W/21/3278584

Land north of Crookhall Farm, Crookhall Lane, Adjacent A692, Leadgate, Consett, DH8 7LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Miss Shirley Ridley against Durham County Council.
 - The application Ref DM/21/00885/FPA, is dated 8 March 2021.
 - The development proposed is erection of agricultural building and use to include agriculture and equestrian.
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Decision

1. The appeal is dismissed, and planning permission is refused for the erection of an agricultural building and use to include agriculture and equestrian.

Preliminary Matters

2. The Council did not decide the planning application within the statutory time period. The Council has provided a statement of case which sets out the reasons why it would have granted planning permission subject to conditions.
3. This scheme follows an appeal dismissed in January 2021¹ for the erection of a new barn for equestrian and agricultural use at the appeal site. Concerns about the design of the building resulted in the appeal being dismissed. The appeal also considered the means of vehicle access to the site and whether the field was an adequate size for its purpose.
4. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 and I have considered it in reaching my decision.

Main Issue

5. Having regard to the above and the evidence before me, the main issue is whether the means of vehicular access to the proposed development would be satisfactory.

Reasons

6. The appeal site is an area of land immediately adjacent to the A692 near Leadgate. Access to the proposed building and equestrian and agricultural use is proposed through a farm gate adjacent to Crookhall Lane, Public Byway No 38, via a circuitous route from Second Street to the south west. The appeal

¹ Appeal ref App/X1355/W/20/3249710

details indicate a parking area of 15 metres by 16 metres adjacent to the building within the appeal site.

7. The appellant confirms that the proposed building would be used for stabling horses and storing feed and equipment for their care. The land is well placed for off-road horse-riding routes, but I observed at my site visit that whilst the first section of the byway from Second Street is in reasonable condition, beyond the farmstead the proposed vehicle access is narrow, and the ground is uneven and unmade. Part of the route is grassed and close to a fence line and sections of the access closer to the appeal site are particularly boggy. Currently, therefore, part of the access is unsuitable for delivery of equipment and feed, or for general access to the proposed development by vehicle.
8. My observations are consistent with the findings of the previous Inspector, who noted that motorised vehicles are permitted along most of Crookhall Lane, and that access to the appeal site has been possible by 4 x 4, but by most forms of motorised vehicle, access would be practically impossible. In accepting that the access was satisfactory the Inspector acknowledged the appellant's offer to clear the byway at the appellant's own expense and maintain it to a standard that would permit motorised access. However, the issue of securing necessary access improvements did not arise because of the Inspector's appeal dismissal.
9. Although the Council is not objecting to the proposed development, a planning condition is suggested to prevent development commencing until the byway has been upgraded to a standard suitable for regular use by vehicles in accordance with a scheme that will first be submitted to the Local Planning Authority for approval. The Council suggests that upgrading works are likely to be filling holes, clearing vegetation, removing obstructions, re-grading the surface and drainage maintenance. In response to the Council's proposed condition the appellant has confirmed a willingness to undertake some works but not to the extent suggested by the Council.
10. Paragraph 56 of the Framework is relevant to the imposition of conditions, it states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
11. I agree that upgrading the surface of the lane would be necessary to serve the development. However, there is no survey before me that confirms the construction of Crookhall Lane, no agreement about which sections of the access route would need improvement or the extent of the works that would be required for the vehicle access to be suitable for regular use. In the absence of this detail and, due to the length of Crookhall Lane that appears to require upgrading and the likely costs of doing so, I am not satisfied that the Council's suggested condition is sufficiently precise, or that I can apply an alternative more precisely worded condition, that would be reasonable and enforceable.
12. Therefore, without a mechanism to ensure that Crookhall Lane can be suitably improved to serve the development, I conclude that the means of vehicular access to the proposed development would not be satisfactory, and the development would conflict with Policy 21 of the County Durham Plan (CDP) adopted 2020 which seeks to ensure that vehicular traffic generated by new development can be safely accommodated on the local highway network. It would also conflict with the Framework where it seeks safe and suitable access to sites for all users.

Other Matters

13. The evidence before me confirms that previous concerns about the building's design have been overcome by the introduction of additional ventilation within the structure. The Council does not object to the amended design and in this respect the development is considered to accord with the CDP and the Framework.

Conclusion

14. Overall, for the reasons given above the proposal would conflict with the development plan and there are no material considerations, including the imposition of conditions, that would overcome that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR