



Appeal Decision

Site visit made on 7 June 2022

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/X1355/W/22/3296008

Kelloe Hall Farm, C22, Town Kelloe DH6 4PR

- 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 Ms Helen Frampton against the decision of Durham County Council.
 - The application Ref DM/21/03314/FPA, dated 22 September 2021, was refused by notice dated 18 November 2021.
 - The development proposed is horse arena to Kelloe Hall Farm.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the setting of the Grade II listed Kelloe Hall and adjacent non-designated heritage assets;
 - The effect of the proposal on the character and appearance of the Area of Higher Landscape Value.

Reasons

Effect on the setting of Kelloe Hall

3. The appeal site is a parcel of grassed land situated to the east of Kelloe Hall Farm, an isolated historic farm group. Kelloe Hall, a grade II listed building dating from early mid-18th Century forms the most significant building of the group. It is three storeys, rendered with a Welsh slate, double span roof with 12 pane sliding sash windows. The building is a fine example of an early mid-18th Century Hall, situated within an open pasture, semi-parkland setting reflecting the historical status of the Hall. These factors all contribute to the significance of the listed building.
4. Kelloe Hall Farm adjoins Kelloe Hall to the south with a stable block and yard beyond. These buildings have significance as non-designated heritage assets by virtue of their historic relationship to Kelloe Hall reflecting historic agricultural practices in the area.
5. The setting of a heritage asset is defined in the National Planning Policy Framework (the Framework) as the surroundings in which the heritage asset is experienced. Elements of the setting may make a positive or negative

contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.

6. Kelloe Hall is orientated north to south with the front elevation overlooking open pasture and parkland to the east. The appeal site is situated in the foreground to the Hall and farmhouse forming part of the wider rural landscape. Views of the Hall are available through the intermittent mature trees situated in the field beyond the appeal site when approaching from the east. The Hall has a clear historic association with the appeal site and wider landscape which creates a sense of space for the Hall to be appreciated. The appeal site, therefore, makes a positive contribution to the experience of the heritage asset as a whole.
7. The appeal site is currently grassed and used as a riding arena with chippings having been laid giving the site a brown appearance. It is proposed to create a horse arena of around 25m wide by 40m in length within an enclosed paddock in front of Kelloe Hall Farm. The works would involve the provision of drainage comprising of 100mm perforated land drainage, 40mm clean aggregate surround, wrapped with geo-membrane material. A trench would also be provided as part of the drainage system. The surface of the arena would be finished in a mixture of silica sand and fibre with wooden edging. A new 1.25m high post and rail fence is proposed to be installed along the southern boundary of the site inside the existing hedgerow. I note fencing had been erected around the perimeter at the time of my site visit.
8. The proposal would result in a significant change to the character and appearance of the site from grassed pastureland to a surface material of silica sand and fibre including a timber edged drainage trench. The artificial surface would be seen in the immediate foreground to the Hall and farmhouse and would be at odds with the traditional character and appearance of the historic assets. Any associated ancillary clutter would add to the incongruous nature of the proposal. Furthermore, the arena would be visible from the road on the approach from the east in views through the mature trees and in gaps in the low hedgerow. Whilst the hedgerow is to be retained, figures 4 and 7 of the appellant's Heritage statement clearly show that the arena would be visible, particularly as any new planting would take some time to establish.
9. The appellant contends that the proposal would be very similar to the existing chippings in colour; however, the sand would be likely to have a lighter colour and be more visibly prominent. The appellant has suggested a condition to ensure that the proposed surface would be the same colour as the wood chippings. However, in contrast to the wood chippings, the proposal would create a hard surface and involve a permanent and irreversible change to the land. Moreover, the site gently falls to the south and it is likely that some re-grading of the land surface would be required to create a flat surface; however, no details of these works are provided. Overall, I consider that the proposal would cause harm to the setting of the Grade II listed building of Kelloe Hall and the adjacent non-designated heritage assets. This harm would be less than substantial.
10. Accordingly, conflict arises with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) act 1990, which must be given considerable importance and weight and with the Framework. Paragraph

132 of the Framework confirms that significance can be harmed or lost through development within the setting of a heritage asset.

11. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 202 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
12. The proposal would provide an all-weather surface as an alternative to riding horses on the road which the appellant considers would be beneficial to the safety of horse riders and road users, particularly in Winter months when the roads are wet or icy. Attention is drawn to British Horse Society Statistics (November 2021) which indicate recent accident statistics and data from County Durham Police relating to accidents involving horses over the past 10 years. However, none of these accidents have occurred in Kelloe and so it has not been demonstrated that there is a highway safety issue in the area which limits the weight which I can attach to the statistics in my Decision. Consequently, I do not consider that there are public benefits which would outweigh the harm which I have identified.
13. For the reasons stated, the proposal would harm the setting of Kelloe Hall and adjacent non-designated heritage assets. It would, therefore, be contrary to Policy 44 of the County Durham Plan (CDP) which expects development to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Conflict also arises with Policy 13 of the CDP which, amongst other things, requires equestrian development to not unacceptably affect the character, heritage or nature conservation value of the locality. Furthermore, conflict arises with paragraph 130c of the Framework which requires developments to be sympathetic to local character and history.

Character and appearance of the Area of Higher Landscape Value.

14. The appeal site lies within an Area of Higher Landscape Value as designated in the CDP. Policy 39 of the CDP states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views; and will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value defined on Map H, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
15. The appeal site has an open pasture/semi parkland character with the surrounding landscape providing a wider scenic rural setting. The site occupies a prominent position in the foreground of Kelloe Hall and is visible on the approach from the east. The proposal would result in a significant change to the appearance of the appeal site from grass to a hard surfaced arena of silica sand in stark contrast to the surrounding pastureland. Associated ancillary

clutter would add to the incongruous nature of the proposal. Furthermore, there is likely to be the need to regrade the land to create a flat surface, although there are no details of this in the application.

16. I noted on my site visit that there are gaps in the hedgerow on the southern boundary abutting the road and the site is clearly visible from the road on the eastern approach to the site. Any new planting on the eastern boundary would take a significant time to establish.
17. Consequently, the proposal would be an incongruous addition which would detract from the character and appearance of the AHLV. The proposal would, therefore, be contrary to Policy 29 which seeks to secure well designed buildings and places which, amongst other things, responds to existing features of landscape interest and respect attractive views of and from the site. In addition, there is conflict with Policy 39 and Policy 13. Conflict also arises with paragraph 174 of the Framework which requires planning policies and decisions to enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.

Planning balance and conclusion

18. I have concluded that the proposal would harm the setting of designated and non-designated heritage assets and the character and appearance of the AHLV. The proposal would have some benefits for the appellant as outlined at paragraph 12 above; however, these would not outweigh the harm which I have identified.
19. The proposal would, therefore, be contrary to the development plan as a whole. There are no material considerations which would indicate a decision other than in accordance with the development plan.
20. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector