
Appeal Decision

Site visit made on 1 August 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 3 October 2022

Appeal Ref: APP/X1355/W/22/3298356

Land to the South of Woodside Grove, Tantobie, Co Durham DH9 9PR

- 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 Kelly Bainbridge against the decision of Durham County Council.
 - The application Ref DM/21/04247/FPA, dated 17 December 2021, was refused by notice dated 2 March 2022.
 - The development proposed is described as proposed Storage Containers (x6) and 4 CCTV steel poles, concrete pad (retrospective) and concrete pad with mobile field shelter in field.
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Decision

1. The appeal is allowed, and planning permission is granted for proposed storage containers (x6) and 4 CCTV steel poles, concrete pad and concrete pad with mobile field shelter in field at land to the south of Woodside Grove, Tantobie, Co Durham DH9 9PR in accordance with the terms of the application, Ref DM/21/04247/FPA, dated 17 December 2021, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Kelly Bainbridge against Durham County Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development, reflected in my heading, indicates that some works have already been carried out and others not. That said, I have removed the word 'retrospective' from my formal decision as it is not an act of development. Moreover, at my site visit, I noted that the storage containers, CCTV steel poles and concrete pads are already in place. A concrete pad, perhaps for the mobile field shelter, has also now been constructed, but it did not appear to be correctly located on the plans. I also noted further development on the site that is not covered by the application subject to this appeal. Those matters are not before me. For the avoidance of doubt, I have determined the appeal on the basis of the development described in the application and as shown on the submitted plans.
4. I understand that the appeal site has planning permission for the change of use of land to an equestrian use, a 'Monarch Barn' and associated structures. The access road, fencing and 'Monarch Barn' have been constructed and hedge planting at the front of the site has taken place. At the time of the site visit, there were horses in the barn.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site relates to land used for equestrian purposes within fields between Woodside Grove and Tanfield Lea Road, Tantobie. The site is in a semi-rural location on the fringes of various settlements, with a number of small industrial estates in the locality.
7. The site slopes downwards towards the north-east corner of the site where the 'Monarch barn' and containers are located. An earthen bund has been constructed parallel to the rear of the stables. The containers have been positioned on site.
8. The Council has stated that the site has been subject to landscape character assessment and is ascribed as being within the West Durham Coalfield County Character Area which forms part of the Durham Coalfield Pennine Fringe National Character Area (NCA 16). The Council has stated that the site lies within an area identified in the County Durham Landscape Strategy, 2008, as a Landscape Improvement Priority Area with a strategy to restore or enhance.
9. The Council's officer report indicated that, at that time, the 'Monarch Barn' had not been constructed and the landscape mitigation had not been carried out. Now that it has, it is clear that the containers and the 'Monarch Barn' are located together and are set well down into the corner of the site.
10. Although I viewed the appeal site in high summer, when the surrounding hedges and trees were in full leaf, I saw, from the majority of publicly accessible locations that the containers are not visible; in others they are barely perceptible. It is only on the road outside the site, and from Hedge Row House opposite the site, that the buildings can be identified, although given the orientation of windows in that house, its occupiers would not have clear views of it. The only structure that would be clearly visible would be the mobile field shelter. However, as the land has existing permission for an equestrian use, the siting of a mobile field shelter would not be a structure that would be out of context in this location.
11. I appreciate the Council's concerns regarding the industrial character of the proposed structures, and that these and the hard standing increase the development on the site which could lead to further intensification of the use of the land. However, these structures are, apart from the mobile field shelter, concentrated in the lowest corner of the site adjacent to the permitted 'Monarch Barn'.
12. Given their siting, the visual impact is, minimal. With the addition of the earthen bund that has already been constructed, and appropriate landscaping and planting, the development would be largely hidden. While the Council's officers felt that landscaping matters should be resolved prior to permission being given, there is no particular reason why further landscaping details could not be sought by condition. For these reasons, the proposal would not result in substantial harm to the local landscape with significant and adverse landscape effects.

13. Therefore, the proposal would not harm the character and appearance of the local area and would be in accordance with policies 10, 13, 29 and 39 of the County Durham Plan, adopted 2020, that collectively seek to ensure that development in the countryside, including equestrian proposals, do not harm the character of the countryside and that appropriate landscaping is undertaken.

Other Matters

14. I note that there have been objections in relation to noise and disruption from the site. However, there is no particular evidence that this relates to the development that I am considering in this appeal. Moreover, I note that the Council's Nuisance Action Team has assessed the proposal and that it complies with the necessary thresholds; and that it is considered unlikely to cause a statutory nuisance. Therefore, these matters are of limited weight.

Conditions

15. As works have commenced on site there is no need for the standard implementation condition. However, a condition listing the plans is needed to provide certainty over what has been approved. To ensure the character and appearance of the area is protected, a condition is required to secure the submission and implementation of a landscaping scheme. In order that the containers are only used in connection with the approved use of the land, it is considered a condition in this respect is necessary.

Conclusion

16. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

M J Francis

INSPECTOR

Schedule of conditions

1) The development hereby approved shall be carried out in strict accordance with the approved plans: 'Location Plan', 'Proposed Site Layout Plan', 'CCTV Pole Mounted Camera Information', 'Proposed Storage Containers and CCTV Poles' 'Proposed Mobile Field Shelter'.

2) Notwithstanding the submitted information, within six months of the date of this approval, a detailed landscaping scheme shall be submitted and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:

Any trees, hedges and shrubs scheduled for retention, including method of protection.

- Details soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures and/or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- The timeframe for implementation of the landscaping scheme.
- The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.

The approved landscaping scheme shall thereafter be implemented and maintained in accordance with the approved details and timeframes.

3) The storage containers shall be used for personal storage in association with the personal equestrian use related to the keeping and grazing of horses only.