



Appeal Decision

Site visit made on 25 October 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/X1355/W/22/3298656

Land at Scholar Chase Farm, Three Lane Ends, Escomb DL14 7SP

- 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 Ms Sharon O'Neill against the decision of Durham County Council.
 - The application Ref DM/22/00251/OUT, dated 7 December 2021, was refused by notice dated 18 March 2022.
 - The development proposed is outline consent (with all matters reserved) for up to four residential dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved. A revised indicative plan has been provided by the appellant at the appeal stage, which shows an amended access arrangement. The plans do not alter the proposal seeking outline planning permission with all matters reserved and the Council and third parties have had the opportunity to comment. I am satisfied that no prejudice would occur to any party as a result of my consideration of its content as illustrative only. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for housing, with particular regard to the local housing strategy; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location of Housing

4. The appeal site comprises part of a large field between The Cottage and Scholar Chase Farm. The immediate area includes a cluster of buildings formed around the junction of Three Lane Ends and Hellimond Road. It encompasses a row of semi-detached houses along Hallimond Road, riding stables, a small glamping site and associated dwellings. Escomb Primary School is located opposite the site.

5. Given the close proximity of the appeal site to existing properties, it is not in an isolated location. However, the appeal site is not located within a built-up area and no information has been provided to me to indicate that the site is located within a settlement boundary. The appeal site is therefore located in the countryside.
6. Policy 10 of the County Durham Plan 2020 (CDP) states that development in the countryside will not be permitted unless allowed for by specific policies or where it relates to one or more of a number of exceptions. Policy 6 of the CDP is one of a number of specific policies referred to. Policy 6 allows for the development of unallocated sites within or outside the built-up area where they are well-related to a settlement (except where a settlement boundary has been defined in a neighbourhood plan), provided all relevant development plan policies are met. Although not referred to in the reason for refusal, this policy is referenced by both main parties and is relevant to consideration of the case before me.
7. A key consideration in making an assessment of whether a site is well-related to a settlement, as set out in the main parties' submissions, is the physical and visual relationship of the site to the existing built-up area of the settlement.
8. The closest built-up areas to the appeal site are Escomb and Etherley Moor. The main built-up area of Escomb is located close to the valley bottom and extends in linear form up the steep hillside towards the appeal site. Although there is a footway and bus service between the appeal site and Escomb, given the steep topography and intervening open fields and cemetery woodland, there is limited visual connection between the site and the built-up area of Escomb. Therefore, whilst the appeal site is not isolated, the above factors create a visual and physical separation to the built-up area of Escomb and as a consequence, the site is clearly detached and separate from it. I recognise that Escomb Primary School is located opposite the appeal site nonetheless this also has limited visual relationship to Escomb.
9. On my site visit, I saw a large residential development under construction close to the appeal site known as Etherley Meadows¹ which lies in Etherley Moor on the edge of the built-up area of Bishop Auckland.
10. I have been provided with a plan of the development and although a landscaped buffer would be created between the new housing and Escomb Lane Ends, due to the sloping topography of the area, the substantial scale of the residential development would be evident in views along Escomb Lane Ends from the cluster of buildings at Three Lane Ends and from the appeal site. As a result of this new housing, the edge of the built-up area of Etherley Moor would extend towards the appeal site with only the primary school lying in between, highlighting the visual relationship.
11. Furthermore, there would be a clear pedestrian link from the development to Escomb Lane Ends. This, together with existing footway along Escomb Lane Ends and the hard surface public footpath to the rear of the school, form a physical connection between the appeal site and Etherley Moor. Consequently, unlike the relationship with Escomb, I find the appeal site would be well-related to Etherley Moor because there would be clear and obtainable views to the Etherley Meadows development from the site, the school and other properties

¹ LPA Ref: DM/21/01072/RM

along Escomb Lane Ends as well as footpaths. There would therefore be a visual and physical relationship to the built-up area of Etherley Moor. I conclude that the appeal site is well-related to a settlement and is suitable for housing in locational terms, in accordance with the initial requirement of Policy 6 of the CDP.

Character and Appearance

12. Notwithstanding the above, Policy 6 also requires that development accords with all development plan policies and a number of other criteria. The rectangular shape of the site parallel to the road would extend the linear pattern of development on the west side of Escomb Lane Ends, from The Cottage towards open land opposite the primary school. Although layout is not to be considered at this stage, it is likely that any development on the site would result in a linear form of ribbon development on this side of Escomb Lane Ends, contrary to criterion b. of Policy 6. The proposal would not constitute infill development as Scholar House Farm is set back from Escomb Lane Ends and a significant area of open land would remain between the appeal site and Escomb Villas.
13. Furthermore, the cluster of buildings at Three Lane Ends has a rural, interspersed and evolved character compared to the more densely knit suburban housing at Etherley Moor. On the ground, Escomb Lane Ends provides a delineation of the transition from the built-up area of Etherley Moor to open countryside rising towards the west. Scholar House Farm is set back from Escomb Lane Ends and has the characteristic appearance of farm buildings served off a farm track, typical of rural areas. The open gaps between Escomb Villas, Scholar House Farm and The Cottage provide a pleasing rural appearance and clear view of the open countryside, rural buildings and clusters of dwellings on the hillside which contributes to the character of the locality. The proposal would result in the loss of this open land and would therefore conflict with criterion c. of Policy 6.
14. Therefore, although the appeal site is not isolated and is well-related to Etherley Moor, the proposal would conflict with Policy 6 when read as a whole. Consequently, the proposal would not be allowed by the specific Policy 6 exemption set out in Policy 10.
15. Policy 10 sets out, amongst other things, general design principles for development in the countryside, some of which repeat those set out in Policy 6. In addition, 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.
16. I have limited details of the Area of High Landscape Value (AHLV) referred to by the parties, although from the information submitted to me, the appeal site is not within an AHLV. Regardless, while a large residential development is currently being constructed on land to the south-east of the appeal site, the overriding character of land to the west is that of open countryside on the urban fringe. There is a clear distinction on the ground at the road junction on the rise of the hill at Escomb Lane Ends and Etherley Moor between the built-up area to the east and open countryside to the west. This is augmented by the topography of the area and the appeal site is seen in the context of a sloping hillside with scattered farm buildings and intermittent groups of dwellings amongst open fields, typical of a rural area.

17. Notwithstanding matters of access, appearance, landscaping, layout and scale are reserved, the proposal would result in the introduction of buildings, vehicles, domestic structures and hardstanding in what is an undeveloped parcel of land which would erode the sense of open countryside. The proposed development would be visually conspicuous and at odds with the rural character to the west of Etherley Moor. The proposal would therefore conflict with criteria l. and n. of Policy 10 and with Policy 39.
18. I conclude that, although the appeal site is well-related to Etherley Moor in locational terms, the harm that would be caused to the character and appearance of the countryside is a significant and overriding consideration.
19. Consequently, the proposed development would not be a suitable location for housing with particular regard to the local housing strategy when read as a whole. The proposal would significantly harm the character and appearance of the area and would be contrary to the general design, landscape protection and location strategy elements of Policies 6, 10 and 39 of the CDP. The proposal would also be contrary to the provisions of the Framework in relation to conserving and enhancing the natural environment by protecting landscapes and recognising the intrinsic character of the countryside.

Other Matters

20. My attention has been drawn to recent appeal decisions at Haswell² and Esh Winning³. However, in the Haswell case, the Inspector concluded the appeal site was not well-related to a settlement. Haswell is located within a different area of the county with different surrounding characteristics. At Esh Winning, the main issue was whether the site was a suitable location for housing with particular regard to accessibility, rather than whether the site was well-related to a settlement. Consequently, neither decision is directly comparable to the appeal before me, which I have dealt with on its own merits.
21. I acknowledge the appellant's aim to minimise the effect of the proposed development through landscaping and increased biodiversity on the site as matters that would be considered at reserved matters stage. The appellant suggests biodiversity net gain would be policy compliant. However, the harm I have identified to the character and appearance of the area would be unlikely to be mitigated by landscaping, having regard to the size of the site.

Conclusion

22. The proposal conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR

² APP/X1355/W/22/3293638

³ APP/X1355/W/20/3260650