



Appeal Decision

Site visit made on 22 March 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/X1355/W/23/3314836

**1 Sycamore Court, Road Leading To Rowley Farm, Durham, Rowley
DH8 9AD**

- 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 Ryan Cole against the decision of Durham County Council.
 - The application Ref DM/22/01518/FPA, dated 20 May 2022, was refused by notice dated 21 October 2022.
 - The development proposed is the construction of a 60ft x 40ft general agricultural building to be used for the storage of agricultural machinery and a workshop.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would comprise appropriate development having regard to its location in the countryside.
 - The effect of the proposed development on the character and appearance of the surrounding Area of Higher Landscape Value.

Reasons

Appropriateness of development

3. The appeal site lies in the open countryside. Policy 10 of the County Durham Plan (Adopted 2020) (the CDP) seeks to resist development in the countryside other than in specific circumstances, which include economic development. The appellant submits that the proposed development would comply with two of the policy criteria relating to economic development in the countryside, and accordingly the policy requirement would be addressed.
4. The appellant considers the development would comply with criterion 'a.' because the development is necessary to support the second-hand farm machinery business operating on site, which comprises an existing rural land-based enterprise. It appears from the submitted evidence that the primary use of the proposed building would be in connection with the existing business. Although the proposal seeks to expand an existing business operating at the site, I have been provided with no substantive evidence to demonstrate why development of this scale is needed to support the existing business.

5. It is also submitted that part of the development would be used for housing poultry for non-commercial purposes, and sheep in connection with the adjacent farm. However, I am provided with limited evidence of the functional link between the businesses and the extent to which the proposal would support the farm. Accordingly, I do not find the proposed development would meet criterion 'a.'.
6. The appellant also considers that criterion 'b.' would be met, which requires development necessary to support the expansion of an existing business falling beyond the scope of a rural land-based enterprise to demonstrate that it is, or has the prospect of being, financially sound and will remain so. Because the proposed development would allow the expansion of the existing business, the appellant submits that this demonstrates its financial soundness. However, I am provided with no substantive evidence such as company accounts or business plans to validate this. I therefore do not find sufficient evidence to demonstrate compliance with criterion 'b.'.
7. For the above reasons, the proposal fails to demonstrate that it would comprise appropriate development having regard to its location in the countryside, and accordingly conflicts with Policy 10 of the CDP, as set out above.

Character and appearance

8. The appeal site comprises part of a yard and a field, and is currently occupied by several sheds, buildings, wagon bodies and containers in varying states of repair and permanence. It sits adjacent to a small cluster of residential properties and their associated outbuildings.
9. The site lies in an Area of Higher Landscape Value (AHLV), as defined by Policy 39 of the CDP. Policy 39 sets out that development affecting AHLVs 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.
10. The site lies in a prominent position at the brow of a hill, and it is particularly exposed when viewed from the west. The proposed development would remove some of the existing dilapidated buildings on site, and this would be of some benefit in visual terms. However, the limited height of these buildings means their existing visual effects are limited largely to their immediate surroundings. Conversely, whilst the proposed development would provide a similar floorspace to that existing, it would be significantly larger than the existing buildings in terms of height and overall massing. Accordingly, its effects would be felt much further afield, including in views from southbound traffic on the adjacent A68 and vehicles and pedestrians on Drover Road. When viewed in the context of the surrounding landscape and the adjacent small cluster of buildings, the proposed development would appear disproportionate and incongruous.
11. I note the materials and colours proposed for the development seek to assimilate with the surroundings, and existing mature trees to the east and southeast would provide an element of screening. However, these factors would do little to detract from the overall effects of the siting, design and size of the development, particularly when viewed from the west.

12. Whilst developments of similar scale and design do exist in the surrounding countryside, I have not been provided with full details of any relevant developments and their associated planning decisions, and so I am not able to directly compare the proposed development.
13. For the above reasons, whilst the removal of the existing dilapidated buildings would provide some benefit, this would be outweighed by the overall harm to the character and appearance of the surrounding AHLV. Accordingly, the proposed development would conflict with Policies 10, 29 and 39 of the CDP and Parts 12 and 15 of the National Planning Policy Framework, which together seek, among other objectives, that development affecting AHLVs is only permitted where it conserves or enhances the special qualities of the landscape unless the benefits of development clearly outweigh harm, that development in the countryside is only permitted where specific criteria apply, that development proposals achieve well designed buildings and places, and that developments should contribute to and enhance the natural and local environment.

Other Matters

14. There appears to be agreement between the parties that matters relating to ecology and coal mining could be satisfactorily addressed. However, the absence of harm relating to these matters is a neutral factor that would not outweigh my previous findings.

Conclusion

15. For the above reasons, I conclude that the proposed development fails to accord with the development plan as a whole and therefore the appeal should be dismissed.

P Storey

INSPECTOR