



Appeal Decision

Site visit made on 29 November 2022

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/X1355/W/22/3297702

North Leazes Small Holding, Low Greenfields, St Helen Auckland DL14 0LJ

- 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 David Stephenson against the decision of Durham County Council.
- The application Ref: DM/21/01647/FPA, dated 6 May 2021, was refused by notice dated 8 April 2022.
- The development proposed is described as: Change of use of land for the keeping of horses and erection of stables together with the erection of a domestic storage building.

Decision

1. The appeal is allowed, and planning permission is granted for the change of use of land for the keeping of horses and erection of stables together with the erection of a domestic storage building at North Leazes Small Holding, Low Greenfields, St Helen Auckland DL14 0LJ in accordance with the terms of the application, Ref: DM/21/01647/FPA, dated 6 May 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The address of the appeal site used on the appeal form, although similar in some respects, does not match that used on the planning application form and the decision notice issued by the Council. The latter accurately identifies the site's location and I have, therefore, used that for the purposes of the appeal.
3. The planning application form described the proposed development as 'Erection of Domestic Outbuilding for Storage and Erection of Re-purposed Dog Kennels to be used as 6 Stables'. However, it is clear from the evidence that the proposal was amended during the consideration of the application. The description of the proposal on the decision notice accurately sets out the proposal as it was when the Council determined the planning application, and I note that the appellant has adopted this description on the appeal form. I have, therefore, used the description from the decision notice for the purposes of the appeal.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and openness of the landscape with particular regard to the effect on the setting of the nearby Scheduled Ancient Monument (Stockton to Darlington Railway).

Reasons

5. The appeal site is an area of land associated with a dwelling at North Leazes Small Holding. At present the site contains a bungalow type dwelling with an associated detached garage. To the rear of the dwelling is a formal garden area, beyond which are other areas of land used for paddocks/grazing. At the time of my site visit a metal, relocatable, store and a truck body were sited a short distance to the rear of the detached garage.
6. The appeal scheme proposes the erection of a storage building constructed in blockwork walls, with vertical timber boarding above, and corrugated green roofing. This would be sited approximately 13 metres north of the existing dwelling, 4.5 metres from the eastern boundary of the site. This would be sited in the same general area currently occupied by the metal store and truck body. The building would measure approximately 13 metres in length by approximately 6 metres in width and would have a pitched roof with a ridge height of approximately 4.25 metres.
7. The proposed stable block would be located approximately 30 metres to the north of the existing dwelling, along the western boundary of the site, within an area currently used for grazing. The building would consist of a rectangular block measuring 13.7 metres in length by 3.95 metres in width, with a pitched roof at a maximum height of 3.45m. The building would be constructed and clad in timber, with a pitched, felted, roof and would contain three loose boxes and a tack room.
8. Policy 10 of the County Durham Plan 2020 (the CDP), relating to development in the countryside, is supportive of development within the curtilage of a dwelling house for purposes incidental to the enjoyment of the dwelling. Policy 29 seeks to ensure that new buildings contribute positively to an area's character and identity, heritage significance, and landscape features and CDP Policy 39 expects new development not to cause unacceptable harm to the character and quality of the landscape. Policy 44 requires consideration to be given to the sustainable management of scheduled monuments and their settings, and should be read together with CDP Policy 46 which specifically addresses the Stockton and Darlington Railway. Amongst other matters, Policy 46 expects new development to safeguard and enhance access to, and alongside, the route and associated structures; to not encroach on the original historic route or prejudice the significance of the heritage asset; and not prejudice the development of the railway as a visitor attraction.
9. The appeal site is located outside of any settlements within an area of open countryside south east of High Etherley and north of West Auckland. The landscape comprises a mosaic of medium to large fields with hedgerow boundaries containing established trees. In the vicinity of the appeal site two small groups of two storey dwellings front onto Greenfields Road and a number of small groups of farm buildings are scattered amongst the agricultural fields.
10. The landform slopes generally to the south east towards West Auckland. Although largely open and agricultural in character, the most prominent landscape feature is the remains of the Etherley Incline. This formed part of the Stockton and Darlington Railway which ran from Witton Park Colliery, to the north of Low Etherley, to Stockton on Tees. The Etherley Incline survives as a series of earthworks forming embankments and cuttings running generally north west to south east following the slope of the landform. The route of the

incline is heavily wooded, and a public footpath runs along the former track bed from Greenfields Road to Low Etherley. Adjacent to the appeal site the Etherley Incline is in the form of an embankment and to the south side of Greenfields Road it forms a cutting. Etherley Incline, along with the associated Brusselton Incline further to the south east, is a Scheduled Monument.

11. Trains using the Stockton and Darlington Railway were hauled by locomotives as far as Shildon after which, due to the terrain and gradients unsuitable for the locomotives of the time, they were horse drawn. Wagons were hauled up the Brusselton and Etherley inclines by static steam engines.
12. From the evidence, the significance of the Scheduled Monument, in so far as it is relevant to this appeal, is derived from its historic interest as forming part of the world's first publicly owned commercial railway which carried not only freight, but also paying passengers. It also has an evidential value shown in the surviving engineered features, including the embankments and cuttings formed to allow the track to functionally traverse the sloping terrain.
13. The proposed new buildings would be relatively small in scale and constructed from materials that are typically used in rural and agricultural buildings. The proposed storage building would be located approximately 5 metres from the boundary with the embankment and although it would be seen in context with it by walkers using the footpath along the embankment top, there is no substantive evidence before me which would indicate that the building would damage any archaeological features or engineered remains associated with the former railway or disturb the structural integrity of the embankment. Nor would it interfere with the rural character of the monument's setting.
14. The proposed stables building would be well separated from the embankment and although this building would also be visible from the public footpath, due to its position and the degree of separation, it would not interfere with or detract from the understanding of the heritage asset. I also note that Historic England were consulted on the proposal and did not raise any objection to it. Consequently, I find that the proposed development would have a neutral effect on the setting of the scheduled monument and would thus preserve its significance.
15. In terms of the effect of the proposal on the wider landscape, the proposed new buildings would be screened in views from the east by the embankment of the Etherley Incline. From Greenfields Road, the bungalow and domestic garage present on the site would largely occlude views of the proposed new buildings from the south, and roadside hedging to the west would also filter closer range views.
16. There would be some longer range views from further west on Greenfields Road and from a public right of way footpath which runs parallel to the Etherley Incline approximately 400 metres to the west. However, due to the relatively small scale of the buildings and the proposed materials, from these locations the appeal site would appear essentially similar to the small groups of farm buildings present in the surrounding countryside.
17. There would be close range views of the proposed buildings from the footpath along the Etherley Incline. However, the views would be filtered by the trees on the embankment and the proposed buildings would be seen in context with the dwelling house and its domestic garden areas rather than with the more

open countryside. Overall, although the proposed development would result in a slight change to the appearance of the area, this would not be to such an extent that it would be detrimental to the countryside setting.

18. I therefore conclude that the proposed development would not cause harm to the character and openness of the landscape with particular regard to the effect on the setting of the Stockton to Darlington Railway Scheduled Ancient Monument. The proposal would comply with the relevant requirements of Policies 10, 29, 39, 44 and 46 of the CDP, and with the relevant requirements of the National Planning Policy Framework which seek to ensure that new development conserves heritage assets and prevents any loss of their significance without clear justification, and to preserve the intrinsic character and beauty of the countryside.

Other Matters

19. The Council has not raised any objection in principle to the use of the land for the keeping of horses. From what I have read and from what I saw on the site visit, I have no reason to find otherwise as such a use is common in, and appropriate to, a rural location such as this.
20. The Parish Council have pointed out that a condition was imposed on an earlier planning permission for the conversion of redundant agricultural buildings to the dwelling now present on the site which removed the permitted development rights to erect outbuildings within the curtilage. Such a condition does not preclude the construction of outbuildings but rather requires that a planning application is submitted for any proposed outbuildings in order that any effects may be properly considered.
21. I have had regard to the representations made by interested parties in connection with the original planning application and the appeal. Some of the matters raised have been covered above. However, none of the other matters raised would lead me to a different conclusion on the proposal.

Conditions

22. I have had regard to the list of conditions suggested by the Council. To provide certainty regarding what has been granted planning permission, I have imposed a condition specifying the approved drawings. The Council's list of plans includes a drawing titled 'Tree Plan' which I have not been provided with. However, from the other submitted drawings, the evidence provided, and from what I saw when I visited the site, the proposed development would not have any significant effect on any existing trees, and I have not been made aware that there are any tree preservation orders affecting the site. I have therefore not included that drawing.
23. The Council have also suggested conditions which restrict the use of the storage building to purposes ancillary to the residential use of the site and the stables to private, recreational, use. These conditions are necessary to ensure that the proposal complies with relevant development plan policies in respect of development in the countryside, and to prevent unsuitable uses from being introduced in this rural location. I have amended the wording of the conditions slightly to make it clear that these buildings can only be used for ancillary, domestic, purposes.

Conclusion

24. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 21P/NL/001 Revision C - Existing Plans; 21P/NL/002 Revision D - Proposed Plans; 21P/NL/003 Revision C- Domestic Outbuilding Plan and Elevations; and 21P/NL/004 Revision B - Stables Plan and Elevations;
- 3) The storage building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as North Leazes Smallholding. No trade or business shall be carried out from the site.
- 4) The stable block hereby approved shall be used for private, recreational, purposes ancillary to the residential use of the dwelling known as North Leazes Smallholding. No trade or business shall be carried out from the site.