



Appeal Decision

Site visit made on 4 September 2023

by Graham Wright BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2023

Appeal Ref: APP/X1355/W/23/3323086

Land north west of Beamish Hall Hotel, Beamish DH9 0YB

- 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 Peter Conroy against the decision of Durham County Council.
 - The application Ref DM/21/01633/FPA, dated 30 April 2021, was refused by notice dated 28 November 2022.
 - The development proposed is the construction of 24no. Luxury Holiday Lodges, Reception Building and Associated Landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Peter Conroy against Durham County Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal site does not have a postal address and is referred to as Land at Peacock Wood on the planning application form but as Land North West of Beamish Hall Hotel on the appeal form. The latter is given on the decision notice and appears to be the address used throughout the planning application determination period, including during consultations with interested parties. In the interests of consistency, I have used that address in the banner header above.
4. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Beamish Burn Conservation Area.
5. Amended plans have been received with the appeal which reinstate a link from the appeal site to the public footpath to the north and revise the intended landscaping that would take place. The footpath link was shown on an earlier iteration of the plans, and these were subject to consultation with interested parties. The amended landscape proposals supplement what has previously been proposed by adding semi-mature trees and interested parties have had the opportunity to make comment on this during the appeal process. As a result, there would be no prejudice to their interests in my referring to the amended plans in the determination of this appeal.
6. The appellant also submitted a Market Demand & Supply Assessment (MDSA) at final comments stage, and the Council were afforded a period of time to

make comments on this. Interested parties have not however had the opportunity to make representations on the MDSA, and in that respect I am conscious of there being a potential prejudice to their interests in not having been able to do so. That said, I have referred to the MDSA where relevant to points that form the basis of the cases put forward by the appellant and the Council.

Main Issues

7. The main issues are:

- (i) The need for new visitor accommodation
- (ii) Whether visitors to the proposed development would have reasonable access to services and facilities by means other than by car
- (iii) The effect of the proposed development on the special qualities of the Area of Higher Landscape Value (AHLV)
- (iv) The effect of the proposed development on the character and appearance of the Beamish Burn Conservation Area (CA)

Reasons

Need for new visitor accommodation

- 8. Policy 8 of the County Durham Plan 2020 (CDP) seeks to support new visitor accommodation, providing that a number of criteria are met. Those criteria relating to character and to locational sustainability will be addressed elsewhere in this decision. However, criterion 2(c) of Policy 8 requires that such accommodation is necessary to meet identified visitor needs.
- 9. There is support for the proposed development from Visit County Durham (VCD), who state that the county generally has an undersupply of visitor accommodation to meet market demand, which is holding it back in competing with neighbouring destinations who have a large visitor accommodation offer. They further note that the appeal site is ideally placed in pleasant surroundings as an overnight visitor base for County Durham and the wider region. The Durham Tourism Management Plan 2016-2020 sets out priorities and actions to ensure that Durham fulfils its potential as one of England's leading destinations and to grow its visitor economy. Support is also offered by a national operator of visitor accommodation.
- 10. There is no doubt that additional accommodation is necessary in County Durham to meet identified visitor needs. Indeed, the Council accept in their Statement of Case that the proposals would ultimately respond to an identified need at a county-wide level. On a straightforward reading of the requirements of criterion 2(c) of Policy 8, the proposed development would meet the test of being necessary to meet identified visitor needs. It would also provide luxury accommodation for families and larger groups, and provide accessible, environmentally sustainable and pet friendly accommodation which the MDSA suggests is in short supply in County Durham. These considerations offer further weight in its favour.
- 11. There is a supplementary argument put forward by the appellant which stems from the test of need. This is that not only is the proposal needed to meet demand with respect to County Durham as a whole, but there is a need for

accommodation specifically in the area in which the appeal site is located. This is primarily because the site is close to Beamish Museum, which is the North East's largest tourist attraction and which has a national appeal. The appellant considers that the most appropriate solution to meeting need is to site proposed new visitor accommodation adjacent to the greatest demand in terms of visitor numbers.

12. The comments of VCD are again offered forward in support of there being an identified need in the area in which the appeal site is located. However, I interpret the comments of VCD as stating that the appeal site merely has the benefit of being geographically close to Beamish Museum. It does not follow, and indeed there is no evidence to demonstrate, that if accommodation was provided elsewhere in the county, then visitors would choose either not to visit the museum at all or to stay overnight, or both. Indeed, the MDSA states that based upon operational experience, guests are willing to consider accommodation that is located 15 to 30 minutes from the main attraction and that this would still be considered as staying local to it. This range of travel it is said would cover over half of County Durham, meaning that the need for accommodation for visitors to Beamish Museum, including the provision of new accommodation, could be met within a much wider area.
13. The MDSA suggests that there is a shortage of accommodation in the vicinity of the appeal site, but its search is predicated against the narrow parameters of only those properties that are pet friendly, accessible, environmentally sustainable and deemed to be of a luxury standard. It is evident that there is existing accommodation close to Beamish Museum that may not satisfy all of those parameters, but which nonetheless could meet the needs of people who have travelled to visit that particular attraction. Furthermore, for those visitors staying for more than one night, it is likely they would wish to seek out other attractions, to many of which the appeal site may not be locationally preferable. Whilst the possibility is raised that new accommodation to serve the identified need could end up being provided in another local authority area, in particular as Beamish Museum is close to administrative boundaries, this in itself does not provide a specific justification for such development to take place on the appeal site or close to it.
14. For these reasons, I am not persuaded that there is an overriding need for visitor accommodation to be located specifically in the area in which the appeal site is found. My consideration of this main issue and the weight it offers in support of the proposal is therefore confined to the context of the need to provide new accommodation in County Durham. Nonetheless, the proposal would meet criterion 2(c) of Policy 8 of the CDP, as it would meet identified visitor needs.

Access to services and facilities

15. The lodges would be of 2, 3 and 4 bedrooms in size and the proposal includes an on-site play area. These factors in addition to the nearby location of Beamish Museum mean it is highly likely that a notable proportion of those staying at the proposed holiday lodges would be families. The Byway Open to All Traffic (the byway) which passes the appeal site is an unlit narrow country road which has no pavement, with only limited or no grass verges on parts of it. The topography of the road rises and falls which impairs visibility along parts of its sections and there is a tight 90-degree bend with no pedestrian visibility

on the route towards the museum. Although the appellant refers to the byway as being a shared space for all users, it is not one that is attractive to users other than those in vehicles.

16. It would for these reasons not be a safe route for pedestrians to walk along, especially for families with children. It would also not be suitable for families with children to cycle along. Whilst the appellant draws attention to the link to the footpath to the north of the site which would provide access towards the Black Horse public house, this footpath passes through fields and also has topography that would be challenging for children and indeed for many adults. The nearest access to Beamish Hall was closed at the time of my visit, meaning that a pedestrian would need to walk to the main entrance of the hall, which means navigating a longer section of the byway and the aforementioned bend in the road.
17. Beamish Museum is further away by foot and would require walking along a much longer section of road. This leaves only the nearby riding stables that could reasonably be expected to be accessed safely on foot. Whilst cycling may be an option for some adults visiting the site and the proximity to the Beamish Loop and National Cycle Route 7 are highlighted, it would not be advisable during hours of darkness. There is no suggestion that the appeal site is served well by public transport, with the nearest bus stops located some considerable distances away.
18. The Transport Statement sets out that peak movements from the proposed development would be outside of traditional commuter peak periods and that there would be low vehicle speeds and volumes. There have been no clusters of personal injury collisions despite the local road network currently being used by walkers, cyclists and equestrians, including during periods when Beamish Wild was open and traffic volumes on the byway might have been higher. However, it is not evidenced to what extent such users use the byway, and with respect to those on foot whether they travel distances similar to those that would be needed to reach Beamish Museum. It is also the case that visitors to the appeal proposal would be unlikely to be familiar with the characteristics of local roads, adding a further inherent danger.
19. I have considered the matters that the appellant puts forward in mitigation against the location of the site and lack of alternative transport options that would be realistically available. This includes a suggestion that the Beamish Museum could be entered other than by its main entrance, and it could in effect form a shortcut to bus stops close to that main entrance and allow access to the cafes, restaurants and shops on that site. As the purchase of what would be a discounted ticket to the museum allows for unlimited re-entry during the following year, it is possible that visitors to the proposed development might revisit the museum. However, it is not certain that access is possible at the point identified, but even if it was it could not occur when the museum is shut, and it would still require walking along a significant section of road to get to the access in question.
20. The appellant further suggests it is likely visitors would utilise travel by car whether public transport is available or not. There is however no evidence that this would be the case and having alternative modes of transport available would offer the option to not use a car and thus promote travel by a range of different modes, in accordance with the thrust of local and national planning

policies on sustainable travel. I acknowledge that the Highway Authority considers that there would be a low number of movements generated by the proposal and that no harm would be caused to the surrounding highway network. However, this does not overcome the other significant limitations of the appeal site that I have identified.

21. The absence of the ability to be able to walk to Beamish Museum or realistically travel by any other form of transport other than a car severely denigrates the benefit of the relatively close geographical proximity of the site to the museum. The appellant considers that the appeal site is sustainable in that it reduces the distance required to travel by private car to attractions such as Beamish Museum, Causey Arch and Tanfield Railway. However, it is likely that those people staying at the proposed accommodation would not be from the local area and would have travelled from further afield. They are also likely to visit other attractions in the area that are further from the appeal site but closer to other areas in which accommodation could be found or might be located. Again, there is no substantive evidence to show that locating visitor accommodation on the appeal site would result in a material reduction of overall miles travelled per visitor as compared to any other site.
22. Although the proposal would improve pedestrian accessibility, this is in the context of the site currently not requiring any access being provided. It would not provide any improvements in a wider sense, beyond access to the appeal site being made accessible. Likewise, although the access point onto the byway would be improved, there is nothing before me to suggest that the use of the existing access in conjunction with the existing use of the land causes harm in highway safety terms. These are therefore neutral considerations.
23. I therefore conclude that the appeal site would provide a poor level of travel options other than by car. It would consequently fail to accord with Policies 8 (f) and 21 (b) of the CDP, which require visitor accommodation to demonstrate clear opportunities to make its location more sustainable and to provide appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
24. I have paid regard to paragraph 83 of the National Planning Policy Framework (the Framework) which sets out that planning decisions should recognise and address the specific locational requirements of different sectors and paragraph 85 which states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, neither paragraph justifies the permitting of a development that would be poorly located in terms of providing options for travel other than by car, and in the context that I have found that a localised need for the accommodation has not been demonstrated.

Area of Higher Landscape Value

25. The site is located within an AHLV as defined by the CDP. Policy 39 of the CDP states that development affecting AHLV 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.

26. The appellant submitted a Landscape Appraisal (LA) with the planning application, and a Landscape Evidence document (LE) and view verified photomontages (PM) with the appeal. The LA notes that the AHLV scores as moderate-high in terms of condition, scenic quality, rarity, representiveness, and conservation interest both natural and historic, high in recreation value and moderate in terms of perceptual aspects. The LA, LE and PM consider the impact of the proposed development upon the landscape, upon the AHLV and in terms of its visual impact, with four viewpoints selected to aid the consideration of this.
27. The LA and the LE acknowledge that the proposal would result in a change in the landscape character on the site itself, primarily affecting the current pasture element of the landscape but with limited impact on the topography and no impact on the existing adjacent ancient woodland. The proposed planting would be in keeping with the wider landscape character and augment the screening of a site already well screened by planting and topography. They conclude that the perception of the site and its change in use will have limited impact on the wider character area. When considered against the value profile for the AHLV, the LA and the LE set out that the proposals would have limited impacts on the special qualities of the AHLV.
28. From viewpoints 1 and 2 the impact would be limited by the presence of existing and proposed vegetation and because, in particular with regard to viewpoint 2, the byway is narrow and is notably lower than the appeal site. However, the impact would be more apparent from viewpoints 3 and 4, where vision is currently possible of the appeal site through existing trees and vegetation and because of the elevation of parts of the appeal site. Although these are to some extent glimpsed views, they are nonetheless views through which the proposed development would be clearly seen.
29. Whilst it is proposed to plant a great number of trees to screen the proposal, at present the appeal site is open land which is characteristic of the surrounding landscape. Although there are woodlands present within the landscape, including to both side boundaries of the appeal site, what is proposed is screen planting and not woodland planting. In conjunction with the established trees that are already present the new planting may be effective in screening the proposed development when in leaf, but it is less clear how effective it would be during the autumn and winter months.
30. But in any event, it would not overcome the transformational effect that the proposed development would have upon the landscape by the way of the loss of an open area of the rural landscape, typical of the area, which would instead be relatively densely developed with 24 lodges and the reception building. Although the material palette for the new lodges would be dark cladding and roof materials, this would lessen but not overcome the visual impact that would result.
31. The LA and the LE find that the impacts on the special qualities of the AHLV and the wider landscape area would be limited. Based on what is before me and my own observations during my site visit, I have no reason to take a different view that the quantum of harm caused to the AHLV and to the wider landscape character would be at the lower end of the scale. But nonetheless, as there would be harm the proposal would not conserve nor enhance the special qualities of the landscape and in that respect, it would fail to accord with Policy

39 of the CDP. Policy 39 does however allow for development that neither conserves nor enhances if the benefits clearly outweigh the harm. I shall return to that assessment when I consider the planning balance.

Conservation Area

32. The Heritage Statement (HS) draws attention to the description of the CA at the time it was first designated in 1994. This refers to the 'bowl effect' landscape within the CA and to there being a few sporadic buildings that intrude into the landscape, but that these are fairly well screened by existing landscape features. This it is noted results in a very open landscape with a number of high quality woodland areas. Beamish Hall, located to the immediate south of the appeal site, is contained within its own very attractive extensive grounds and is a grade II* listed building of special architectural and historic importance.
33. Map regression shows that Beamish Hall previously owned the appeal site and much of the land which adjoins it. At the present time however, despite its close proximity, it has no functional link or other association with the hall. There is a historic wall on the opposite side of the byway which defines the extent of the hall at that point, and this together with the intervening vegetation and the positioning of the hall itself and its stables (listed at grade II) mean that there would not be harm to the listed buildings and no long views in which the proposed development would appear with the hall. Although the historic interest of the appeal site is low and architectural interest negligible, its landscape value contributes positively to, and is part of, the significance of the CA.
34. The proposed development has been designed to aid assimilation by using bespoke designed lodges, landscaping and through its layout. However, it would cause harm to the character and appearance of the CA, by virtue of the building of the lodges, reception building and the access roads on an area of land which is currently open and is typical of the wider landscape of the CA. There would also be a change to the existing access point and resultant urbanisation of this section of the road. Although the appellant considers that the proposed access would be similar to other existing accesses, those closest which serve Coppy Lane and the side entrance to Beamish Hall are less engineered than what is proposed.
35. Given the nature of the proposed development and that the harm would be localised, I consider that less than substantial harm to the CA would be caused. This being the case, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the CA, in accordance with Paragraph 202 of the Framework. In this regard, public benefits have been outlined which relate to the economy in terms of boosting visitor numbers, inward investment into Stanley, Beamish and County Durham and job creation during both construction and operational development.
36. Social benefits it is said would come in the form of an increase in access to educational facilities on offer at Beamish Museum, an enhancement of the character of the locality through quality design, the provision of lodges suitable for accessibility requirements, a contribution to County Durham's social and cultural footprint and the introduction of new accommodation for public enjoyment. Environmental benefits would include enhanced accessibility into countryside locations, effective use of under-utilised land within a countryside

location, additional landscape planting, an ancient woodland buffer zone which ensures protection of the asset for now and future generations and the delivery of biodiversity net gain of 14.7%.

37. Some of these benefits are specific to the local area in which the appeal site is located, but many could be achieved on alternative sites. As a whole, they carry moderate weight in favour of the proposal. However, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA and the harm that I have found would arise to the designated area is a matter which carries considerable importance and weight. Therefore, whilst there would be some public benefit from the proposal, this does not outweigh the harm to the CA that would arise.
38. For these reasons, I conclude that the proposed development would cause harm to the character and appearance of the CA and would consequently fail to accord with Policy 44 of the CDP, where it seeks to conserve designated heritage assets. There would also be a conflict with the Framework, because the harm to the CA would not be outweighed by public benefits.

Other Considerations

39. There were a substantial number of representations made in support of the proposed development, which I have paid regard to in my determination of the appeal. Aside from matters which I have already addressed above, these representations set out that the proposed development would be well-designed and would not cause harm with respect to traffic levels, noise, existing footpaths, wildlife or trees. These are however neutral considerations weighing neither for nor against the proposal. There would also be increased surveillance in the area as more people would be present in comparison to the current use of the appeal site. However, as a benefit, this offers very limited weight in support of the proposed development.

Planning Balance & Conclusion

40. I have found that it has been demonstrated that there is a need for new visitor accommodation in County Durham and that the proposed development would help to meet this need. However, I am not persuaded that a case has successfully been made that there is a locational justification to meet this need on the appeal site. Nonetheless, that the proposal would help meet the county-wide need for new, high specification, visitor accommodation is a matter that carries significant weight in favour of the proposal. There would also be the social, economic and environmental benefits which I have considered and afforded moderate weight to, alongside a potential increase in surveillance which is of very limited weight.
41. The fact that Beamish Museum itself and other destinations can only reasonably be accessed from the appeal site by car, and that this is also the case in terms of accessing other services and facilities such as shops, means that the site has very poor transport sustainability credentials. This weighs significantly against the appeal site as a good location on which to address the undersupply of tourist accommodation in County Durham. There would be harm to the AHLV and to the CA from the proposed development, meaning that it would not be sensitive to its surroundings and would not respect the character of the countryside, and these considerations also weigh significantly against the proposal.

42. Taking all of these considerations together, the harm I have found that would result from the poor locational sustainability of the appeal site and the harm to the AHLV and the CA would not be outweighed by the benefits. The proposed development would therefore fail to accord with Policies 8, 21, 39 and 44 of the CDP, and consequently with the development plan taken as a whole. Furthermore, there are no material considerations, including the Framework, which indicate that a decision should be made at variance with the development plan.
43. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR