



Appeal Decision

Site visit made on 15 September 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/X1355/W/23/3325314

Land south of The Rowans, Pittington Road, Rainton Gate DH5 9RG

- 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 Mr John Haswell against the decision of Durham County Council.
 - The application Ref. DM/23/00892/OUT, dated 27 March 2023, was refused by notice dated 25 May 2023.
 - The development proposed is Outline Planning Application with all matters reserved for the construction of 2no. dwellings (Use Class C3), with associated landscaping and ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form provided grid co-ordinates but did not provide an address for the proposed development site. However, the appellant has used the site address given in the Council's decision notice in the appeal form, and I have used the same site address in the banner heading above.

Main Issues

3. The main issues in this appeal are:
 - whether the development amounts to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area; and
 - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development in the Green Belt

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

5. The Framework also establishes that the construction of buildings in the Green Belt should be regarded as inappropriate development, apart from those exceptions listed in paragraphs 149 and 150. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where there are very special circumstances that justify it. Policy 20 of the County Durham Plan (2020) (the CDP) requires development proposals to be determined in accordance with national Green Belt policy and is therefore entirely consistent with the Framework.
6. Pittington Road leads south-eastwards from its junction with the A690 into open countryside. A handful of relatively large, detached dwellings front onto both sides of Pittington Road up to the appeal site. These dwellings are positioned generally towards the front of their plots and, while the front boundaries to the properties are interspersed with hedging and trees of various sizes and species, the overriding feature of the frontages is the almost continuous stretches of walls and fences which are generally broken only by entrances to drives serving the dwellings. This results in a largely urbanised feeling to this section of Pittington Road.
7. Notwithstanding the location of The Brindles and Pitfield House, two dwellings opposite the appeal site and the Homer Hill Farm steading, the character of Pittington Road changes markedly and abruptly on its western side after The Rowans. From the boundary of the appeal site adjacent to The Rowans the land becomes noticeably more open, and the appeal site appears as part of the wider rolling agricultural landscape.
8. Both main parties refer to an appeal decision¹ concerning nearby land to support their respective cases on whether the grouping of dwellings along this part of Pittington Road constitute a village for the purposes of interpreting Green Belt policy. I have read that decision and had regard to the comments of that Planning Inspector, and I have noted the relevant excerpts from that decision presented by both parties to support their differing stances.
9. The appellant also refers to an earlier appeal decision² at a nearby site where comments were made by the Inspector about Rainton Gate being a 'settlement'. That appeal did not involve land in the Green Belt, and therefore has a somewhat different planning policy context, and I have little further information about that proposal. Nevertheless, I have had regard to this decision when considering whether the properties along Pittington Road constitute a village for the purposes of applying Green Belt policies.
10. It seems to me that, albeit somewhat reluctantly, the Council accepts the grouping of dwellings alongside Pittington Road is a village for the purposes of interpreting Green Belt policy. I have taken this to be a matter on which the main parties are in general agreement, and I see no reason to disagree with the conclusion reached by my colleague on this specific point. Accordingly, I need not consider further the status of the grouping of dwellings alongside Pittington Road which I accept comprise a village. Nevertheless, there remains a dispute between the main parties on whether the appeal site is in a village.
11. I recognise that contradictory advice has been given by Planning Officers during the pre-application assessment process on whether the appeal site lies

¹ Appeal Ref: APP/X1355/W/20/3264212

² Appeal Ref: APP/X1355/W/18/3215186

within a 'village'. However, that advice was given without prejudice to any future decision taken by the Council in respect of the proposal and must be viewed in this context. The Council's position as set out in the Delegated Report is clear in that it states, *'The Council considers the site to fall outside of any village for the purposes of...paragraph 149(e) of the NPPF.'*

12. The appeal site, with its wide frontage and boundary hedging typical of that found alongside country lanes locally, represents a definite visual break, marking the point where the character of the short, urbanised stretch of Pittington Road changes from village to countryside. The appeal site is close to the land that was judged as comprising part of the village in the previous appeal decision³ referred to above. However, this does not mean that the appeal site must also be in the village.
13. The appellant has drawn my attention to a dictionary definition of a village to which reference was made in another appeal decision⁴, and I have had regard to this information. In my judgement, based on my observations, I would consider that Homer Hill Farm and the Homer Hill Farm Shop buildings and land are firmly rooted in a countryside location.
14. Notwithstanding the dwellings on the opposite side of Pittington Road to the appeal site, the farm steading, farm shop and associated buildings are visually separated by a considerable distance from The Rowans, which ends the stretch of housing development along this side of Pittington Road. I do not consider the farm and farm shop complex are within the otherwise compact form of the village due to the extent of this separation and the open appearance of the appeal site and the open land beyond to the west, which together contribute significantly to the impression of visual separation.
15. The appeal site comprises a large portion of a substantial area of land which, while I note the appellant's reference to it being 'amenity grassland', at the time of my visit, appeared to be in use as a grazing paddock. The site has visual characteristics associated with open uses of land in the countryside and appears to be more closely visually related to the Homer Hill Farm complex than with the dwellings that comprise the adjacent village. Notwithstanding its proximity to the built-up edge of the village, I would not describe the appeal site as being in a village. Accordingly, whilst I acknowledge the case presented by the appellant which draws on various appeal decisions⁵ that seek to interpret the meaning of 'limited infilling' in a Green Belt context, this is not a matter on which I need to reach a conclusion given that I find the proposal would not be in a village.
16. The proposal would not meet any of the exceptions set out in the Framework and would therefore be inappropriate development in the Green Belt which is, by definition, harmful. Accordingly, it would conflict with Policy 20 of the CDP and the associated policies of the Framework.

Openness

17. Openness has both spatial and visual qualities. The appeal site is part of an open field devoid of development. While the proposal is a bare outline with all

³ Appeal Ref: APP/X1355/W/20/3264212

⁴ Appeal Ref: APP/B3438/W/18/3211000.

⁵ Appeal Refs: APP/D2320/W/22/3293422; APP/T0355/W/22/3304595; and APP/J1915/W/22/3297661.

matters reserved for subsequent approval, plans show an indicative layout of two dwellings situated towards the front of the site, both taking access from Pittington Road. Whatever layouts were proposed for the two dwellings, which the appellant indicates would each have a footprint of around 125 sq.m., given the generally flat and open appearance of the site, the proposal would significantly reduce the openness of the Green Belt in spatial terms.

18. No details are provided regarding the height or appearance of dwellings that could be built on the site were the appeal to be allowed. However, the appellant indicates that the proposed dwellings would be set back from the highway to reflect the position and building line of existing houses on Pittington Road. Even if the proposed dwellings were single storey buildings, the open nature of the site and the need to create vehicular accesses would inevitably result in both dwellings being visually prominent in public views from the highway. Additionally, the proposed development would be readily visible from other locations nearby, including the farm shop complex to which the public have access, and from dwellings and their gardens opposite and adjacent to the site. In visual terms, the proposal would significantly reduce the openness of the Green Belt.
19. Having regard to the scale of development proposed and the public and private views that could be gained from locations beyond the site, in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation. This impact would be substantial and permanent. The proposal would not preserve the openness of the Green Belt and the consequent harmful loss of openness weighs significantly against it.

Character and appearance

20. The appeal site comprises open land of substantial width and area. When taken with views of the countryside beyond, together with the extent of the hedgerow to the front of the site, this space contributes positively to the rural character and appearance of the area. The site provides an immediate visual change from the urbanised linear group of generally modern detached housing along this side of Pittington Road, which ends at The Rowans, and the more typically agricultural appearance and feeling associated with the farm buildings and land at Homer Hill Farm and the Farm Shop.
21. I have had regard to the appeal decision referred to by the appellant which seeks to assist in providing a definition of ribbon development⁶. In my view, the housing development stretching southwards from the A690 along both sides of Pittington Road could reasonably be judged to be either ribbon development or, alternatively, it comprises parts of a short linear village. In either case there are obvious endings to the extent of built development on both sides of the road which, in respect of the western side of Pittington Road, ends noticeably at The Rowans. In these terms, the proposal would extend housing development on this side of Pittington Road further into the countryside.
22. Such built development on the appeal site close to the public highway would largely interrupt extensive panoramic public and private views westwards over the established agricultural and wooded countryside landscape. The extent of the space at the appeal site, the use of the land within it, and its open rural

⁶ APP/N2535/W/17/3192633

appearance make an important positive contribution to the visual setting to Rainton Gate and help in establishing the context in which the entrance to the village is experienced. The significant interruption that would occur through the introduction of built development on the appeal site would harm the otherwise generally open and undeveloped character and appearance of this approach into and point of departure from the village.

23. As a result, the proposed development would cause unacceptable harm to the character and appearance of the area. Accordingly, there would be conflict with the relevant provisions of Policies 6, 10 and 29 of the CDP which, in summary, amongst other things, seek to prevent development that is not appropriate in terms of location to the character form and setting of the settlement, would result in the loss of open land which contributes to the character of the locality, would impact adversely on the setting of a settlement, and that which would not contribute positively to an area's character. The development would also conflict with Chapter 12 of the Framework which supports achieving well-designed places.

Other considerations

24. A representation from the County Councillor for the area supports the proposal citing the importance of the employment opportunities provided locally by the family run farm shop and cafe, its value to the local and wider community in providing quality facilities and produce, and the importance of the business being sustainable into the future. This representation states that the proposal is *'...tied to the running of the business and growing family that need to run it...'*.
25. However, I have seen nothing in the information provided by the main parties to suggest or claim that the proposal is directly linked with or necessary for the continued operation of a business on or close to the appeal site. I have considered the appeal on the basis of the information submitted by the main parties in this respect. While I recognise the value of the employment opportunities and facilities provided at the Farm Shop, having regard to the main issues in this appeal, and given that there is no direct link claimed by the appellant between any need for the proposal and that facility, these are not benefits that are relevant to my consideration of the appeal and do not weigh in favour of the proposal.
26. The appellant contends that the proposal would make effective use of the land in accordance with national planning requirements. However, while the Framework expects decisions to promote an effective use of land in meeting the need for homes and other uses, this must be done while safeguarding and improving the environment. I am not persuaded that the outcome required by the Framework in respect of the effective use of land would be achieved.
27. The lack of constraints associated with the appeal site or the proposal in respect of flood risk, designated heritage assets, public rights of way, trees, including protected trees, and the proximity of statutory ecological designations are not matters in dispute and are neutral considerations in my assessment of the appeal. The lack of objection from the Council's advisors in respect of each of these matters, and in respect of highway safety, subject to the imposition of various planning conditions, does not weigh in favour of the proposal. I am satisfied that all matters raised in these respects could be addressed through appropriately worded conditions were the appeal to be allowed.

28. The appeal site is relatively close to services and facilities, including those in West Rainton, and is within walking distance of bus stops providing public transport links to surrounding larger settlements. However, there is no dispute about the merits of the location in these respects and accordingly I consider this to be a neutral matter in this appeal.

Green Belt balance and conclusions

29. The proposal would be inappropriate development in the Green Belt and this, by definition, would be harmful. It would result in a significant loss of openness, and this would harm the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal would also harm the character and appearance of the area. Very special circumstances that justify the proposal will not exist unless the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations.
30. In considering the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the limited benefits, the harm that would arise from the proposal is not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist. Consequently, the proposal conflicts with the Green Belt protection aims of the Framework and with Policy 20 of the CDP.
31. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

David English

INSPECTOR