



Appeal Decision

Site visit made on 3 January 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2024

Appeal Ref: APP/X1355/W/23/3324117

Land south of Sharon Avenue, Kelloe, Durham DH6 4NE

- 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 John Platts against the decision of Durham County Council.
 - The application Ref DM/22/03740/FPA, dated 16 December 2022, was refused by notice dated 13 April 2023.
 - The development proposed is described as 7 no. holiday chalets, with cafe, seating area, new access, parking, landscaping and ancillary infrastructure.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr John Platts against Durham County Council and is the subject of a separate decision.

Preliminary Matters

3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. In the interests of natural justice, and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework, and this has informed my determination of the appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the landscape and surrounding area.

Reasons

5. The appeal site comprises part of an agricultural field located to the edge of the village of Kelloe. It is bordered by an existing hedgerow along the road frontage. The site slopes steeply away from the road, down towards the stream, Coxhoe Beck. The area immediately surrounding the appeal site is a mix of residential and stables and paddocks. The site, which is predominantly grassland, forms part of the more rural character found at the edge of the settlement. There are two footpaths within the appeal site, one on the western edge and the other on the eastern edge, these are both designated as a Public Right of Way (PRoW), Nos 42 and 43. They also connect to other PRoWs, which together provide access to local nature reserves, woodlands, and trails.

6. The village of Kelloe has a small number of services including a shop, primary school, pub, working men's club and a church. It also has a bus route with services to either Durham or Hartlepool. Kelloe is approximately 7 miles from Durham.
7. The proposed development would involve the change of use of part of the field to provide six chalets for holiday accommodation, a site manager's chalet, a detached building to be used as a café and hardstanding for parking areas. The access would be taken from Sharon Avenue. The chalets would be single storey, each with a decked outside area and dedicated parking space. The proposed café building would be a multi hipped roof building, finished in cladding with a red pan-tiled roof and solar panels.
8. The proposals also include a landscaping scheme, which includes additional tree, hedgerow and shrub planting that would be introduced to the site. The Landscape Sketch Plan also shows the provision of an orchard towards the front of the site. The majority of the tree planting would take place in the eastern corner of the site providing screening between the proposed development and a PRoW, No 42. Within the site shrub planting and trees would provide landscaping between the lodges.
9. Policy 8 County Durham Plan adopted 2020 (CDP) states that proposals for visitor accommodation, including new sites for chalets, camping and caravanning, will be supported where they are not unduly prominent in the landscape from either long- or short-range views by ensuring adequate year-round screening through existing topography, vegetation or other features which are compatible with the landscape. It states that where new or additional screening is required this must be suitably established before development can take place. Policy 8 also requires that the layout should not adversely affect the character of the area.
10. The site is not within an area covered by a national or local landscape designation. However, it is located on the edge of the settlement and in its present form the site makes a positive contribution to rural character of the immediate and wider area.
11. The appeal site lies within National Character Area (NCA) 15, Durham Magnesium Limestone Plateau. The key characteristics of NCA 15 include an open, agricultural landscape with sharply defined boundaries in the form of a steep limestone escarpment to the west and a dramatic coast of limestone cliffs, headlands and bays to the east. The appeal site contributes to the key characteristics because it is an open, agricultural landscape. Although the appeal site is located adjacent to the built edge of the settlement, the site comprises mostly unmanaged pasture, which has a distinctly rural feel. The appeal site makes a positive contribution to the rural character of the area, particularly as you leave the village of Kelloe.
12. The introduction of a development of this type and layout would significantly alter this landscape to the detriment of the rural character of the site and surrounding area. The introduction of an array of buildings, an access road and hardstanding for parking, would introduce types of development which are at odds with the more rural setting in which the appeal site is found. The proposed development would therefore harm this characteristic. In addition, the proposed development, by virtue of its layout would not form a continuation of the linear pattern of the existing development found in this part

of Sharon Avenue. Instead, the proposal would provide a curved pattern of chalets, encroaching beyond the settlement and into the open countryside.

13. The proposed development would be prominent from several public vantage points, including from Sharon Avenue and from the PROWs, Nos 42 and 43, which cross the site. The development would be 'tucked' into the landform, utilising the slope. However, some cut and fill would be required to accommodate the proposed development. This change in the landform would be particularly apparent when viewed from the PROWs and at bottom of the field, where the two PROWs meet, close to Coxhoe Beck, where open views up towards Sharon Avenue are possible.
14. The proposed landscaping scheme, once established, would minimise views of the development from Sharon Avenue (Viewpoint 1¹). However, the proposed development would remain highly visible from Coxhoe Beck (Viewpoint 2), situated on a plateau, towards the highest part of the site. The proposed landscaping is designed to provide privacy between the chalets and to screen the car park but would do little to minimise views from this part of the site and the wider PROW network.
15. Therefore, I conclude that the proposed development would by virtue of its siting, scale and design cause unacceptable harm to the character and appearance of the landscape and surrounding area. It would therefore be contrary to Policy 8 of the CDP, as set out above. It would also be contrary to Policies 10 and 39 of the CDP which state, amongst other things, that new development should not result in unacceptable harm to the intrinsic character and beauty of the countryside, which cannot be adequately mitigated.
16. The existing hedgerow along the front of the site would be largely retained save for the section that needs to be removed to provide access to the site. The retention of the majority of the existing hedgerow would be acceptable and could be secured by imposing a condition, including requiring its retention and ongoing management. On this basis, I find that the proposed development would comply with the requirements of Policy 40 of the CDP, which resists the loss of hedges of high landscape, heritage, amenity, or biodiversity value.

Other Matters

17. Paragraph 85 of the Framework states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. However, this support is not unconditional. In rural areas, Paragraphs 85 and 89 of Framework support sustainable rural tourism and leisure developments which respect the character of the countryside.
18. The CDP also highlights the role that tourism accommodation in rural areas can have in boosting the local economy, including some social benefits. In particular, it recognises the need to encourage overnight stays and increase visitor number and expenditure. I have also had regard to the proximity of the appeal site to nearby heritage assets and to the Northern Saints Trail. Although Visit County Durham did not provide comments on the current proposal, they expressed support for the previous application.

¹ The appeal is supported by a Landscape and Visual Impact Appraisal (LVIA), which has been prepared using the principles contained within the Guidelines for Landscape and Visual Assessment (Third Edition).

19. Therefore, I have had regard to the contribution that the proposed development would make towards meeting the aims of the CDP in respect of boosting tourism in the area, by providing six additional units of holiday accommodation and associated café facility, which would also benefit the local community. I place significant positive weight on this factor. There would also be associated economic and social benefits in terms of job creation within the local area, including during construction. I place moderate positive weight on these factors.
20. I have also had regard to the existing use of the land as an agricultural field, and the potential for approval to be sought for future agricultural related development within the appeal site. However, I have not been presented with any compelling evidence to demonstrate that this is likely to occur or that the impact of any such development would be comparable to the appeal scheme. Furthermore, any such proposal would be the subject of a separate application, which is not a matter for this appeal to consider. I therefore attribute this very little weight.

Planning Balance

21. 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. There would also be the social, economic, and environmental benefits. However, the harm that I have identified to the character and appearance of the landscape and surrounding area would be significant. Achieving high quality design is a key component of national and local planning policy. I therefore place substantial negative weight on this harm, and it is not outweighed by the benefits of the proposal.

Conclusion

22. For the reasons given, the proposal would therefore not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR