

Appeal Decision

Site visit made on 17 September 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2024

Appeal Ref: APP/X1355/W/24/3347553

Grey Gables, Old Quarrington, Durham DH6 5NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Khan against the decision of Durham County Council.
 - The application Ref is DM/23/02211/FPA.
 - The development proposed is the conversion of existing dwelling and equestrian use into holiday accommodation; siting of 8no. holiday lodges; and shop/leisure facility.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- (i) The effect of the proposed development on the character of the countryside
- (ii) Whether visitors to the proposed development would have reasonable access to services and facilities by means other than by car

Reasons

Location

3. Policy CCQ1 of the Cassop-cum-Quarrington Neighbourhood Plan 2021 (NP) defines an area of land adjoining Bowburn and Parkhill as a 'Protected Rural Setting' (PRS). The appeal site is located at the edge of, but within, this designated area. The policy states that development proposals within or encroaching into the PRS will not be supported where they will lead to a reduction in the rural character of the PRS or diminish the role it plays in maintaining the separateness of settlements. Policies 8 and 10 of the County Durham Plan 2020 (CDP) set out further provisions to regulate development in the countryside, including with the aim of respecting its character.
4. Policy CCQ1 of the NP states that development within the PRS will be assessed according to its impacts upon the rural character and essential roles which the

PRS land plays. At the current time the appeal site consists of the large dwelling which sits closest to the site frontage along with several buildings, a horse walker and a manege associated with equestrian use positioned behind it. Although there clearly is a notable amount of built development present, in terms of actual buildings these are well clustered together and the equestrian related development is typical of the type of development that would be expected to be found in rural areas. Whilst there is a short row of dwellings arranged in a linear form on one side of the road in Old Quarrington, the area surrounding the appeal site is rural in its character and appearance. Reference is made to a permitted campsite on adjacent land, but no specific details have been provided and in any instance this would not constitute a permanent form of development.

5. There are elements of the appeal proposal that would not offend the aims of Policy CCQ1, namely the conversion of the existing dwelling and the two equestrian buildings into holiday accommodation. Whilst there would be some associated additional works undertaken in conjunction with those elements such as hard surfacing, as a whole the plans demonstrate that a conversion could be achieved in a way that would mean that there would be no reduction in rural character nor any significant increase in the built form that is present on the site. Those elements would in themselves respect the character of the countryside and not diminish the role it plays in maintaining the separateness of settlements.
6. However, the proposed shop/leisure building and the eight holiday lodges would sit on parts of the site on which there is currently no built development, other than the presence of the manege which is a flat surface with low level post and rail fencing surrounding it, and a horse walker which is an unobtrusive structure which allows vision through. Whilst there would not be any significant increase in hard-surfacing or partially hard surfaced areas, it is intended that a car parking area be formed on the manege. The parking of cars on that area would have a materially different visual impact in comparison to that which arises at the present time. These elements would result in harm to the rural character of the PRS and the countryside and run counter to the wider spatial aim of maintaining the separateness of settlements.
7. Whilst there are established trees and vegetation along the western boundary, they would not completely screen the proposed leisure/shop building from view, and they are likely to be much less effective in doing so when not in leaf. It may also be possible to provide vegetation screening to the north boundary, but this too would not be likely to be entirely effective in screening the proposal due to the topography of the surrounding area. The proposed development would be viewed against the backdrop of existing buildings from some vantage points, but that would not be the case from all views. But in any event, whether screened or not, the presence of the shop/leisure building and the lodges would clearly reduce the rural character of the appeal site and diminish the role it plays, as part of the PRS as a whole, in maintaining the separateness of settlements.
8. Although the appeal site is adjacent to the edge of the PRS, it is nonetheless within the boundary of that area. I see no reason why it should be considered less sensitive to the matters which are set out for consideration in Policy

CCQ1 of the NP as a result of this positioning. There are existing floodlights around the manege, but these are limited in number and scale and not likely to be comparable to the lighting required for the appeal proposal.

Furthermore, there is no apparent lighting on the northernmost part of the site where it is intended that the lodges would be located. The proposal would result in the demolition of one equestrian building, but that building is significantly lesser in scale and visual impact than the proposed new buildings taken cumulatively. The materials proposed to be used would soften the impact, but not overcome the overall effect of the quantum of development proposed.

9. For these reasons, I conclude that the proposed development would cause significant harm to the character of the countryside. It would fail to accord with Policy CCQ1 of the NP where it seeks to ensure that development does not lead to a reduction in the rural character of the PRS or diminish the role it plays in maintaining the separateness of settlements. It would also fail to accord with Policy 8 of the CDP where it requires all new visitor accommodation to be appropriate to the scale and character of the area and Policy 10 of the CDP where it requires that new development in the countryside must not give rise to unacceptable harm to the intrinsic character of the countryside either individually or cumulatively.
10. There would also be a conflict with the aims of parts 12 and 15 of the National Planning Policy Framework (the Framework), where they seek to ensure that development is sympathetic to local character and to conserve and enhance the natural environment.

Accessibility

11. Policy 8(f) of the CDP states that proposals for visitor accommodation in the countryside will be supported where they demonstrate clear opportunities to make its location more sustainable. Policy 21(b) of the CDP sets out that all development shall deliver sustainable transport by providing 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.
12. There are no services or facilities available in Old Quarrington. It is stated in the submissions that the nearest bus stop is approximately 780 metres away, with an hourly service between approximately 07:00am to 07:00pm. The appellant suggests that the nearest shop in Bowburn could be reached via a 15 minute walk, and there would also be the provision of the on-site shop/cafe to serve the needs of the visitors. There is a public footpath which runs to the eastern boundary of the site, and which is understood to provide links to the wider public footpath network but not specifically to any services or facilities that could be considered close to the appeal site. I accept that the existing dwelling and equestrian use may be reliant on motor vehicles, however the appeal proposal would be likely to substantially increase the number of movements to and from the site.
13. Whilst in principle there would be options available for visitors to access modes of transport other than a private motor vehicle, there would be notable impediments to them doing so. In particular in that, in order to access the bus stops and the nearest identified public shop on foot, pedestrians would need

to walk down a significant length of a relatively narrow rural road which in parts does not benefit from a pavement. Both the distance and the absence of a pavement would be significant barriers to the extent that it is likely that visitors to the appeal proposal would almost exclusively utilise motor vehicles to get to and from it. Although there is more potential for cycles to be used as a form of transport, I am not for these reasons persuaded that the proposal would as a whole meet with the stated requirements of either Policy 8(f) or Policy 21(b) of the CDP.

14. Paragraph 89 of the Framework sets out that it should be recognised 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 transport. However, there is nothing before me to suggest that the proposal is specifically to meet local business and community needs in this rural area, aside from the matter of the need for tourist accommodation in the county as a whole, which is a consideration I shall address separately. Furthermore, paragraph 89 also advises that it is important that development is sensitive to its surroundings, which is something that I have found the appeal proposal would not achieve.

15. My attention has been drawn to another appeal decision in Eaglescliffe¹ where the appointed Inspector was of the view that that holiday use would be materially different from permanent residential use in terms of access and travel requirements and the daily needs of occupants. However, that decision was made against a different local planning policy background than in the case that is before me. It is not clear, for example, as to whether there was a specific requirement in the development plan which set out expectations regarding sustainable transport, as is the case in respect of the appeal proposal. That previous appeal decision does not therefore offer weight in support of the proposal that is before me.

16. In conclusion, I find that the proposed development does not demonstrate clear opportunities to make its location more sustainable or deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking and bus access in particular, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Accordingly, the proposal fails to accord with Policies 8(f) and 21(b) of the CDP in those respects.

Other Considerations

17. The proposal would bring economic benefits, including through the generation of jobs and through the greater spend generated by those who stay overnight rather than visit for the day. It would in the appellant's view create a tourist attraction in its own right, albeit it is not clear what provision there would be for people not staying overnight. Visit County Durham are broadly supportive of the proposal and they identify there to be an undersupply of visitor accommodation in the county to meet rising market demand. Criterion 2c) of Policy 8 of the CDP is permissible of visitor accommodation in the countryside which is necessary to meet identified visitor needs.

¹ APP/H0738/W/18/3193185

18. There is also support from a local business owner who considers that the proposal would have a positive and welcome impact on their restaurant businesses and on employment in Durham city centre. On the basis of the information that has been provided, the Council is content that the proposed development has the potential to be financially viable. Paragraph 88 of the Framework offers support to the sustainable growth and expansion of all types of businesses in rural areas, including rural tourism, although again this is on the proviso that such developments respect the character of the countryside. Taking all of the economic benefits together, and in particular as the proposal would help meet the countywide need for new visitor accommodation, I afford this consideration significant weight in favour of the proposal.
19. Whilst the proposal could be considered to be a more effective and efficient use of land purely on the basis that it would contain more development on it than exists at the present time, this requires consideration in the context of the strategic policies of the development plan that I have identified and the impact that would arise on the character of the area. Policy CCQ4 of the NP also states that development should be efficient in terms of functionality and resource use, but this too must be balanced against the other development plan policies. Even if much or indeed all of the land might be considered to be previously developed land, this in itself does not address the conflict with the policies of the development plan that I have identified.
20. The appellant refers to two fallback positions, the first relating to the implementation of permitted development rights within the curtilage of a dwellinghouse and the second relating to the stationing of caravans on land for up to 28 days a year. With regard to the former, there is no certainty provided as to what the extent of the residential curtilage of the property might be, and therefore where householder permitted development might possibly take place on the appeal site. Furthermore, any such development would have to be incidental to the enjoyment of the dwellinghouse, which would be likely to limit the amount of development that would be possible and would also not permit the use of any such buildings in the way that is proposed by the appeal development.
21. I am not therefore persuaded that there is a real prospect that the appellant could or would seek to undertake the same, or a similar quantum of development as the appeal proposal if this appeal is unsuccessful. Furthermore, any development would not meet their current aim of providing holiday accommodation as it could only be incidental in use to the dwellinghouse. The impact of any potential fallback that might exist would not therefore have the same or a similar impact in comparison to the appeal proposal. The siting of caravans on the land under permitted development rights would be temporary in its duration and therefore not comparable to the permanent impact that would arise from the appeal proposal. Therefore, neither fallback position justifies the permitting of the appeal proposal.

Planning Balance & Conclusion

22. The proposed development would cause significant harm to the character of the countryside and would not offer reasonable access to services and facilities by means other than by car. Consequently, it would fail to accord with Policies 8, 10 and 21 of the CDP and Policy CCQ1 of the NP and with the

development plan taken as a whole. The economic benefits of the development carry significant weight in favour of the proposal but this, alongside the considerations relating to the effective and efficient use of land and the use of previously developed land, does not outweigh the harm that would arise and the failure to accord with the development plan.

23. In conclusion, I find that the other considerations in this case do not indicate that a determination should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR