



Appeal Decision

Site visit made on 8 October 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/X1355/W/24/3347701

3 West Close Stables, A167 (from Thinford Roundabout to C36/Chilton Bypass Roundabout), Ferryhill, Durham DL17 0PU

- 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 J Oley against the decision of Durham County Council.
 - The application Ref is DM/24/00486/FPA.
 - The development proposed is part retrospective planning application for the change of use of agricultural land to residential, including provision of a summerhouse, greenhouse and boundary treatments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference to “retrospective” in the description is not a form of development. The change of use of the site to residential curtilage and erection of a summerhouse has been completed and I observed this to accord with the plans before me. The erection of the greenhouse and boundary treatments have not started. I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the site represents an appropriate location having regard to the Council’s spatial strategy; and
 - The effect of the proposal on the character and appearance of the site and surrounding countryside.

Reasons

Appropriate location

4. The appeal site is an area of land located to the south of a group of dwellings known as West Close Stables which are located off the busy A167 between the settlements of Ferryhill and Chilton. The group of dwellings retain much of their traditional appearance as former stable buildings and appear as a distinct built form within the wider agricultural landscape which separates the two settlements.
5. The appeal site is part of a wider area of land which wraps around two sides of West Close Stables and has been segregated from the agricultural fields by

post and rail fencing. The area has been mowed and maintained as grassland. The proposal is for the change of use of the site for use as residential curtilage by the occupiers of No 3, which is located on the other side of the access road. The proposal would include the erection of a summerhouse, storage shed, greenhouse and raised planters.

6. The appellant has referred me to the appeal decision¹ which granted permission for the change of use of West Close Stables in 2008. In this decision the Inspector concluded that the site is in a relatively sustainable setting and in future would be in an even more sustainable location, when account is taken of the proposed northern extension at Chilton. Since this decision the Council have adopted the County Durham Local Plan (2020) (LP) and the National Planning Policy Framework (2023) (the Framework) was introduced. The policy background against which this decision was reached has therefore changed.
7. The supporting text of Policy 10 of the LP states that sites which are not within an existing built-up area are defined as countryside, whilst the policy sets out the types of development which will be supported in such locations. Policy 6 of the LP relates to sites which are outside of the built-up area but are well-related to a settlement. Despite the proximity of Chilton and Ferryhill, the appeal site is physically divorced from, and does not relate well to the built form of these settlements and therefore falls under the definition of countryside for the purposes of the development plan. As the proposal is not for economic or infrastructure development it is not one of the types of development supported in a countryside location within Policy 10.
8. The appellant has referred me to the inclusion of the appeal site within the designated Chilton Neighbourhood Area. However, this is only relevant insofar as the appeal site is included within the area for the purpose of the Neighbourhood Plan. I note that there is no draft plan in place, which would alter the position of the site being defined as countryside.
9. The proposal would not provide development which is considered suitable in this location having regard to the Council's spatial strategy. I thus conclude that the proposed development conflicts with policies 6 and 10 of the LP and thereby does not represent an appropriate location having regard to the Council's spatial strategy.

Character and appearance

10. The site is accessed via double gates and the proposed summer house structure would be located next to the main road. Although the summer house would have some features which reflect an agricultural building, the dark coloured upvc doors and windows would have a domestic appearance. This would be accentuated by the associated raised beds and paving leading to it. The proposed greenhouse, storage shed and raised beds are not features which usually appear within an agricultural context and would appreciably alter the appearance of the appeal site.
11. The main road sits on higher ground to the appeal site and there is an existing mature hedge, which would mean that views of the summerhouse from along the A167 would be restricted. Nevertheless, from wider views, the proposed

¹ APP/X1355/A/09/2093143

structures and boundary planting would change the character and appearance of the site from one of open agricultural land to enclosed domestic garden land. This would lead to encroachment into the countryside and erode its rural character, causing harm to its character and appearance.

12. The proposal therefore conflicts with Policies 6, 10 and 39 of the LP, which seek amongst other things to ensure that development does not harm the intrinsic character, beauty or tranquillity of the countryside. The proposal also conflicts with the Framework which seeks to ensure that new development is sympathetic to local character and history, including the surrounding built environment and landscape setting and recognises the intrinsic character and beauty of the countryside.

Other Matters

13. The appellant has referred me to a number of applications which have been approved nearby, however I do not have the full details of these cases before me and therefore cannot be certain that they are directly comparable to the appeal proposal.
14. There is also dispute between the parties as to whether there were previous buildings in the location of the proposed summerhouse. Even if there was a building in this location, I have no details before me of its appearance or use and therefore give this limited weight.
15. The appellant has submitted evidence to demonstrate that the site is within their ownership and that this was one of the reasons for purchasing the property. However, this does not change the planning status with regards to the use of the land.
16. I note that the appellant has referred to the conduct and advice of the Council during the pre-application process and determination of the application in relation to a number of issues. However, these are not matters for my deliberation in the context of a planning appeal.

Conclusion

17. The proposal would provide additional land for use associated with No 3 as a dwelling, which would have benefits for the appellants and their family in terms of health and wellbeing. However, the proposal is not considered to be appropriate development in this location, would change the character of the site and lead to encroachment into the countryside causing harm to its character and appearance. These harms are not outweighed by the benefits which I have identified and are sufficient to justify dismissing the appeal.
18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
19. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR