



Appeal Decision

Site visit made on 13 January 2025

by **L Clark BA(HONS) DIPTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/X1355/W/24/3351647

Land to the west of the A689, Howden-le-Wear, Durham DL15 8EP

Grid References Easting: 416559, Northing: 532842

- 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 Ms Janet Metcalfe against the decision of Durham County Council.
 - The application Ref is DM/23/03582/FPA.
 - The development proposed is erection of a stable block with 3 No. stables (personal use) and new vehicular access onto the A689 highway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and grid reference listed in the banner heading are taken from the application form. The grid reference locates the site as shown on the submitted drawings which is accessed from the car park off the A689. I have added the city and postcode from the Decision Notice for completeness.
3. I have amended the description of development in the banner heading to that used on the Decision Notice and appellant's statement. This is a more accurate description of development than that given on the application form and ensures that it captures the scope of the proposal.
4. The National Planning Policy Framework (the Framework) was revised in December 2024, with further minor updates in February 2025. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comment.
5. The appellant has requested that I consider changes which were not before the Council when it took its decision. These relate to a reduced area of hard standing and visibility splays. Collectively, the proposed amendments seek to overcome some of the Council's reasons for refusal. I have considered the proposed changes taking into consideration the tests on *Holborn Studios Ltd*¹. From the evidence before me, the Council has consulted internally and interested parties have had an opportunity to submit comments on the amended plans during the course of the appeal. In these circumstances, I am satisfied that my consideration of the proposed amendments would cause no injustice to any party if I were to consider them as part of the appeal documentation. I have therefore determined the appeal on the basis of plans:

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

Proposed Plans 001 Rev C, Proposed Elevations 002 Rev D, Proposed Block Plan 9003 Rev D and Proposed New Access HLW-01-02 Rev B.

Main Issues

6. The main issues of this appeal are:

- whether or not the appeal site is a suitable location for the proposed development having regard to development plan policy;
- the effect of the proposed development on the character and appearance of the open countryside including the Area of Higher Landscape Value (AHLV); and,
- the effect of the proposed access arrangement on highway safety with regard to visibility splays at the junction with the A689.

Reasons

Location of development

7. Policy 10 of the County Durham Plan 2020 (CDP) relates to development in the countryside. It sets out, amongst other matters, that development will not be permitted unless allowed for by specific policies in the Plan, or where the proposal relates to one or more of the specified exceptions. The proposal, constituting the construction of one stable block comprising three stables for personal use, would not comply with the exceptions contained in the policy.
8. One of the 'specified policies' is Policy 13 of the CDP which relates to equestrian development. This sets out the circumstances where such development would be permitted in the countryside and states, amongst other matters, criterion b. where proposals involve new permanent buildings, located as part of, or close to, an existing farmstead or other building groupings.
9. I have no substantive evidence to demonstrate that the appeal site forms part of a farmstead. I saw that the appeal site is located close to the furthest boundary from the A689, opposite the residential properties on Valley Terrace and separated from the agricultural buildings to the north by a dense tree belt. Given its context, the appeal site appears both physically and visually disconnected from any other building.
10. Whilst I acknowledge the appellant's daughter may live approximately 30-40 metres from the appeal site and would be able to care for the horses, the daughter is not the appellant. Furthermore, I have not been provided with her address and I have no mechanism linking her to the appeal site. Therefore, I give this little weight in my assessment.
11. For the above reasons, I conclude that the appeal site is not suitable for the proposed development. As such, there would be conflict with Policies 10 and 13 of the CDP which requires development in the countryside to form part of, or be close to, an existing farmstead or other building grouping.

Character and appearance

12. Policy 10 of the CDP outlines general design principles for all development in the Countryside. It sets out that new development must not, in the case of criterion I. give rise to unacceptable harm to, amongst other matters, the intrinsic character,

beauty or tranquillity of the countryside either individually or cumulatively which cannot be adequately mitigated or compensated for.

13. The appeal site forms part of a gently sloping, largely open field adjacent to the A689 within the open countryside and an AHLV. The character and appearance of the appeal site, and the side of the A689 within which it is located, is eminently rural comprising of fields with sporadic dwellings and farm buildings. Given its largely open characteristics, it could be viewed from a number of locations both through and above the hedgerow, and from the residential properties on Valley Terrace and the open private car park.
14. Set close to a corner of the appeal site, I saw a container and what appeared to be several wrapped hay bales stacked on top of one another, set out in a compact arrangement. These were visible from the private car park and from the A689. The proposed stable block would be located towards a corner and would measure approximately 13.95 metres by approximately 3.65 metres, with a maximum height of approximately 3.19 metres. I note that the area of hardstanding has been reduced from that originally sought and the overall size of the stables has been reduced from that within an earlier application. However, cumulatively the proposed stables, hardstanding, access from the A686 and the track would be a notable development.
15. I have not been provided with any compensatory measures, and given my findings above, I find that the proposed development would not maintain or enhance the landscape character including that of the AHLV.
16. Notwithstanding the above, the appellant contends that the plastic tongue and groove boarding would resemble traditional timber. The Council acknowledge that its use would represent a modern approach but contends that as it would not weather, its use would not be appropriate. Given that natural wood could be maintained to retain its appearance, I do not consider the use of plastic tongue and groove would be as bad as the Council contends. If I were minded to allow the appeal, and to ensure that the material resembled traditional timber in its appearance, this matter could be addressed by a suitably worded condition. Subject to the imposition of such a condition, I am satisfied that the proposed use of plastic tongue and groove brown boarding would not be harmful to the character and appearance of the open countryside.
17. The appellant has drawn my attention to the erection of stable blocks at Three Lane Ends Farm, Escomb² and Stanley Garden Centre, Crook³, which they contend are similar to the appeal before me. The appellant acknowledges that despite both cases having been approved under the policies of the Wear Valley District Local Plan (Wear Valley DLP) there are similarities in the key policies between it and the CDP. Whilst I have been provided with the Decision Notice for each example and plans associated with Three Lane Ends Farm, Escomb, I have not been provided with any additional information to demonstrate that the context of either of the sites referenced are similar. As such, I am not satisfied that the examples given are directly comparable to the appeal before me.
18. For the above reasons, I conclude that whilst I have not found harm with the proposed use of plastic tongue and groove brown boarding, this would not be the case with regard to the cumulative effect of the proposed development on the

² 3/2005/0032

³ 3/2009/0357

character and appearance of the countryside, which includes the AHLV. As such, there would be conflict with Policies 10, 13, 29 and 39 of the CDP. These policies, amongst other things, require equestrian development to not unacceptably affect the character of the locality either individually or cumulatively and provide appropriate screening measures. There would also be conflict with the requirements of Parts 12 and 15 of the Framework which seek, amongst other matters, to ensure that development is sympathetic to local character, including the surrounding landscape setting; and contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.

Highway Safety

19. Policy 10 of the CDP seeks to ensure that new development is not prejudicial to highway safety. Policy 13, criterion g. of the CDP, states that equestrian development will only be permitted in the countryside when it, amongst other matters, achieves safe and suitable access.
20. The access point to the appeal site would be from the A689 which has a speed limit of 30mph. It was clear from my site visit (late morning on a weekday) that this road is well-used by vehicles. The side to which the proposed access would be located has a mature hedgerow and verge with no street lighting. The verge narrows towards the bus stop and beyond towards the corner and the point the road reduces from the national speed limit. This results in the hedgerow appearing closer to the road.
21. As stated above, the Council has consulted the Highways Authority on the appellant's updated access plan. Whilst it states that the splay dimensions are now acceptable, it contends only partial visibility has been shown, and without a plan to demonstrate the full extent, the Highways Authority maintains its objection.
22. The Framework expects development proposals to provide safe and suitable access to the site for all users. Paragraph 116 is clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe.
23. Whilst my observations with regard to the use of the A689 is a snapshot in time, the new access would retain a hedgerow on either side and the appellant's amended plans do not show that visibility can be achieved for the entire length. I am therefore not satisfied that the proposed development could deliver the required visibility splay without any obstruction.
24. I have considered the use of a condition to secure details of visibility splays, however, given the objection from the Highways Authority and my observations on site, I cannot be certain that safe and suitable access for all users could be achieved. Consequently, I do not consider that otherwise unacceptable development could be made acceptable through the use of a planning condition in this instance.
25. I acknowledge that the appellant has suggested mitigation measures in the form of signage to alert drivers to the presence of the new access point. However, this detail is not before me, and given my findings above, it would not be reasonable for this to be imposed through my decision. In any event, this would not address the concerns with regard to visibility.

26. For the above reasons, I conclude that the proposed access arrangement would lead to unsafe access and that this would have an unacceptable adverse effect on highway safety. This would conflict with Policies 10, 13 and 21 of the CDP, which collectively seek to ensure safe and suitable access. There would also be conflict with the requirements of the Framework which advises that development should have no unacceptable impacts on highway safety.

Other Matters

27. The appeal scheme before me is a resubmission of a preceding withdrawn application Ref DM/22/02059/FPA. I appreciate that the appellant has attempted to overcome the concerns previously raised. However, the amendments would still result in a proposal which would harm the character and appearance of the open countryside and the AHLV and highway safety.
28. Even if the site is within walking distance from both the appellant's home and her daughter, this does not outweigh the harm I have identified above. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

29. 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.
30. For the reasons given above, I conclude that the appeal should be dismissed.

L Clark

INSPECTOR