



Appeal Decision

Site visit made on 13 February 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/X1355/W/24/3351901

Land adjacent to 1 Brackenhill Avenue, Shotton Colliery, Durham DH6 2QZ

- 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 Smith against the decision of Durham County Council.
 - The application Ref is DM/23/02604/FPA.
 - The development proposed is change of use of land to form residential garden, including raised beds, greenhouse and boundary treatments.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The boundary wall, fencing and an area of hardstanding, larger than shown on the plan, has been constructed. In addition, tall metal gates, and an access, surfaced with hardcore and edging stones, had been created across the former grass verge. These features are not shown on the plans. Whilst the proposal is in part retrospective, for the avoidance of doubt, I have determined the appeal based on the plans as submitted.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024, however, the principles relevant to this decision remain the same. Therefore, it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site, (plot 4) is located between Shotton Lane and a large business park, visible on the skyline from the site. It is one of several plots, parallel to each other, that have been created on an open area of land, otherwise covered in vegetation. There are areas of hardstanding and soil movement beyond the site, and the remains of a hedgerow. Further on, the lane becomes more rural in character with grass verges and high mixed hedges. Opposite the site is a terraced row, including No 1 Brackenhill Avenue, and modern, semi-detached houses, which are part of a small estate.

6. The site is a long, rectangular shaped plot, and is reputed to have previously been arable farmland. At the time of my visit, it had a decorative brick wall with pillars along the front. The sides of the plot were demarcated by concrete posts and the site had been partly fenced with vertical, timber fencing. Hardcore had been laid across an area of the site, as far as a fence line.
7. Plot 4 is reputed to have resulted from the subdivision of the land and sold to residents. The appellant's state that the land had not been farmed for many years, had become very overgrown and was being used for fly tipping and antisocial behaviour. Whilst the intention is for most of the site to be under grass, and used for the creation of a garden, the site covers a large area, much bigger than most residential gardens. Moreover, the existing hardstanding extends over a considerable part of the proposed grassed area. Whilst a small lean-to greenhouse is referred to, a large stand-alone greenhouse is shown on the plans. Next to this would be raised beds for the growing of vegetables. The plan shows parking for a vehicle on the site and replanting a hedgerow along the front boundary.
8. The land in which the site is located has no landscape designation. It is outside the built-up area of Shotton Colliery and as such is in the open countryside. Policy 10 of the County Durham Plan, 2020, (CDP) states that new development in the countryside must accord with all other relevant development plan policies and amongst other things, must not give unacceptable harm to the intrinsic character of the countryside, and result in the merging or coalescence of neighbouring settlements.
9. The agricultural character of this area of land will have already changed following the former removal of the hedgerow along this stretch of the lane, including in front of the appeal site. However, although there is housing to one side and industrial sized buildings visible in the distance, the land represents an important green buffer between the settlement of Shotton Colliery and the business park at Peterlee.
10. Whilst the land was previously agricultural, and the growing of plants and vegetables may not diverge from this, the land has been subdivided to create a long plot, regular in form. Instead of the standard wooden or wire fencing and hedges that would be expected in an agricultural setting, the brick wall and pillars, and close boarded fencing, is indicative of boundary treatments and land divisions within a suburban location. Moreover, the proposed greenhouse, and raised beds would be constructed a considerable distance from the front of the site, intruding into what was previously an open landscape. This would be visually harmful and appear incongruous in this location.
11. The appellant has stated that they would agree to a condition restricting the use of the land, and do not intend putting domestic paraphernalia within the site. However, whilst a suitably worded condition could restrict the use of the land to residential garden, it would be unable to control the usual domestic additions that would result either now or by future residents. If this were to happen on such a large site, even on a piecemeal basis, it would cause further visual harm to the site and its surroundings.
12. A hedgerow planted in front of the wall would take time to establish, and whilst a suitably worded condition could be used to ensure that it is retained in the long-term, it would be unlikely to hide the wall, that is, in any case, out of place in this

location. The design of the proposal is domestic in character and the extensive hardstanding has urbanised the site. This has eroded the character and appearance of the landscape in this location and is leading to the merging of Shotton Colliery with Peterlee, an important open area of countryside separating the two settlements.

13. I therefore conclude that the development has led to substantial harm to the character and appearance of the area. It would conflict with Policy 6 of the CDP as it is outside the built-up area on an unallocated site, is not compatible to the existing use of the land, and would, because of the subdivision of the plot, contribute to the coalescence of neighbouring settlements. It would also not accord with Policy 10, as set out above, and Policies 29 and 39, as it would cause unacceptable harm to the character and distinctiveness of the landscape.

Other Matters

14. The land does not have an ecological or heritage designation and the proposal would not affect highway safety, local services, or cause issues of flooding. Additionally, the use of the land as a garden would not affect the living conditions of residents near the site. Whilst the appellant would agree to a contaminated land condition, this would not outweigh the overall harm that I have identified.

Conclusion

15. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, that outweigh the identified harm and warrant a decision other than in accordance with the development plan.
16. For the reasons considered above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR