
Appeal Decision

Site visit made on 1 July 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/X1355/W/25/3364302

21 Tudhoe Lane and land to the north, Spennymoor DL16 6LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Pamur Co Ltd against the decision of Durham County Council.
 - The application Ref is DM/23/03779/OUT.
 - The development proposed is outline application for the demolition of 21 Tudhoe Lane and erection of up to 7 residential self-build plots including access (all other matters except access reserved).
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Pamur Co Ltd against Durham County Council and this is the subject of a separate decision.

Preliminary Matters

3. The address used in the banner heading above is taken from the Council's decision notice. This is a more precise description than that used on the various application forms that have been provided and covers the overall appeal site area.
4. The description of development used in the banner heading is also taken from the decision notice as this reflects the amended plans submitted during the course of the application and the reduction in the amount of proposed development. This description is also used by the appellant on their appeal form.
5. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly.
6. In assessing the proposal against Policy 6 of the County Durham Plan (2020) (the CDP), I have had regard to the representations of the main parties in relation to the judgement provided by the Council in Bellway Homes Limited and SSHCLG and Durham County Council [2025] EWHC 1455 (Admin), which was handed down on 13 June 2025. This information has not fundamentally altered the cases submitted by the main parties.

Main Issue

7. The main issue is whether or not the proposal would be in an appropriate location, with particular regard to the effect of the proposed development upon the countryside and the character and appearance of the area.

Reasons

8. The appeal site comprises the bungalow at 21 Tudhoe Lane and part of the agricultural land located beyond the rear garden boundaries of Nos 17 – 24 Tudhoe Lane. Nos 17 – 24 form a linear frontage with Tudhoe Lane that is characteristic of the wider pattern of development within Tudhoe Village and Tudhoe Colliery, albeit there are other groups and patterns of development in the area to the south of Tudhoe Lane. The land to the rear forms part of the open countryside setting to the northern side of the village and to the west of Tudhoe Colliery.
9. Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development over and above that identified in the development plan for the area and sets out when this may be acceptable. Tudhoe Village does not have a settlement boundary, therefore in such circumstances the development of sites outside of the built-up area but well-related to a settlement will be permitted, subject to compliance with other development plan policies and a number of criteria.
10. The existing bungalow to be demolished is within the built-up area of the village, although it is common ground between the parties that the land to the rear is not. When assessing whether a site is well-related, the supporting text to CDP Policy 6 states that the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
11. The appeal site includes the existing bungalow and is adjacent to existing development, therefore it is physically well-related to the settlement in that respect. However, the self-build plots would encroach into the countryside beyond the established form of development that forms the settlement edge at this point. I have also had regard to the site's relationship with development to the east. This includes the church hall and the smaller infill development of three houses, which was permitted in a different policy context, and I observed that two of those dwellings had been constructed. This is a distinctly different form of development to the appeal proposal, which is not infill development, and would extend the built form into the countryside.
12. Development fronting Tudhoe Lane continues eastwards and joins Tudhoe Colliery, and I note the relationship of both settlements and reference in the evidence to a cluster in terms of access to services. Given its open and rural character, the appeal site currently provides relief from other development to the northern side of Tudhoe Lane. Although the development is on a smaller scale than the appeal decision I have been referred to on land to the rear of Attwood Terrace¹, it would continue the line of the existing development to the east, reducing the separation and contributing, albeit to a relatively modest degree, to an unacceptable coalescence between Tudhoe Village and Tudhoe Colliery. These are different in their overall character and appearance with Tudhoe Village retaining its own distinctive character as a historic village, separate from the later Tudhoe Colliery.
13. Whilst there is no definition of 'backland' within the CDP, given the proposed access and layout of housing creating a second row behind the existing properties

¹ Appeal Decision ref APP/X1355/W/21/3289081, dated 10 February 2022

on Tudhoe Lane, the proposal would result in an inappropriate form of backland development. This would encroach into the countryside in a form that is not characteristic of this part of the settlement. The absence of development to the rear of the properties in the area of the appeal site is notable when viewed from this part of Tudhoe Lane, and the proposal would diminish this more open character of the settlement edge.

14. The new housing would result in the loss of open land that contributes to the character of the locality and forms the backdrop of the settlement edge. Whilst this is not publicly accessible, the appeal site and land to the north of Tudhoe Village and to the west of Tudhoe Colliery is largely open countryside and clearly forms the edge of the settlements, significantly contributing to the rural character beyond the built form. This loss is not adequately mitigated or compensated for through the development and the proposal would not complement the overall character of the area.
15. I observed the rear of dwellings fronting Tudhoe Lane close to the appeal site, as well as parts of the site itself, in longer-range views from the public right of way that leads from Tudhoe Village to the northern end of Tudhoe Colliery. Although there are hedgerows and trees that limit the views, there would be clearer views of the site and new dwellings at times of the year when there is less landscape coverage. The incursion of new housing into the open countryside and rural setting would therefore be notable in this location.
16. Detailed matters of scale and design would be considered at reserved matters stage, and the appellant's Design Code sets out appropriate parameters to ensure the self-build plots could be acceptable in this regard. However, the development of the site is not appropriate in terms of its scale and location to the character, function, form and setting at this part of the settlement.
17. The supporting text to CDP Policy 6 states that where buildings already exist on site, their retention will be encouraged where they make a positive contribution to the area. The bungalow to be demolished is not of any significant architectural or historic merit in itself. However, alongside the bungalows at Nos 17 – 22, it forms part of the strong frontage to Tudhoe Lane at this part of the village, also reflecting the linear pattern of development elsewhere. Its demolition would unacceptably break up this frontage. The combination of the demolition of No 21, the construction of a new road and the opening up of views to new housing encroaching into the open countryside beyond the existing line of houses, would erode the built form, adding further to the harmful impact upon the character and appearance of the area. Although I note that 20 Tudhoe Lane had been demolished, a replacement dwelling has been constructed on the site, reinforcing the strong frontage of bungalows.
18. For the above reasons, the proposal is not well-related to the settlement and would conflict with Policy 6 of the CDP. In particular it conflicts with criterion b) that seeks to avoid coalescence with neighbouring settlements and inappropriate backland development, criterion c) that seeks to avoid the loss of open land that contributes to the character of the locality, and criterion d) which requires development to be appropriate in terms of scale and location to the character, function, form and setting of the settlement.

19. In addition to this policy conflict, the proposed development would not meet any of the exceptions set out in CDP Policy 10 to permit new development in the countryside. The proposed development would also result in unacceptable harm to the intrinsic character of the countryside and the form at this part of the settlement, which would not be adequately mitigated or compensated for.
20. Accordingly, I conclude that the proposed development would not be in an appropriate location, with particular regard to the effect of the proposed development upon the countryside and the character and appearance of the area. Therefore, the proposal would conflict with CDP Policy 6, the aims of which are set out above, and CDP Policy 10, which seeks to restrict development in the countryside unless allowed for by other specific policies or meeting stated exceptions.

Other Matters

21. The appeal site is located outside of the Tudhoe Conservation Area (the CA), although part of it lies adjacent to the CA boundary to the rear of Nos 23 and 24 Tudhoe Lane. The Council indicates some concerns with the proposed access, although this is not part of the reasons for refusal, and they do not identify any harm to the CA from the proposal. On the evidence before me and my observations on site, I consider that the proposal would preserve the character or appearance of the CA. However, this does not alter my conclusion on the main issue that there would be harm to the character and appearance of the area of the appeal site and unacceptable incursion into the countryside in this location.
22. The appellant does not dispute that the policies of the CDP remain up to date, although they suggest that this may need to be reviewed, and the Council will not be in a position to demonstrate a five year housing land supply from October 2025 in the context of the National Planning Policy Framework (the Framework). The County Durham Five Year Housing Land Supply Position Statement (May 2025) shows that the Council is able to demonstrate 6.14 years supply of deliverable housing. Therefore, at the present time, paragraph 11 d) of the Framework is not engaged and I give limited weight to a potential future housing supply position.
23. Furthermore, on the basis of the information before me, the Council's supply of self-build plots is more than sufficient to meet demand, and I have limited evidence to suggest otherwise. Therefore, any potential benefits from the proposed delivery of additional self-build plots would not outweigh the harm of the proposal.
24. The appellant outlines potential benefits of the proposal, including the delivery of self-build plots in a desirable location, supporting construction jobs and the provision of bird boxes. These stated benefits do not justify the harm I have identified of the proposed development in this location.
25. I have also had regard to representations in support of the proposal, however, these do not overcome the demonstrable harm and conflict with the development plan that I have identified or alter my conclusion on the main issue.
26. Where the proposal has been found to be acceptable in other respects by the Council, these are neutral matters and do not weigh in favour of the development.

Conclusion

27. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR