



Appeal Decision

Site visit made on 22 July 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2025

Appeal Ref: APP/X1355/W/25/3365434

Land south east of School House, Bank Foot, Shincliffe, Durham DH1 2PD

- 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 Miss Kate Shepherd against the decision of Durham County Council.
 - The application Ref is DM/23/02778/FPA.
 - The development proposed is erection of stables block and associated hardstanding and change of use.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address used in the banner heading above is taken from the Council's decision notice and is also used by the appellant on their appeal form, therefore I have dealt with the appeal on this basis.
3. The description of development used in the banner heading is taken from the planning application form. The description used in the Council's decision notice differs from this and refers to a shed and post and rope fencing. Whilst the plans clearly show a shed with the stable block, the information before me does not include any details of proposed fencing.
4. I observed at the site visit that a stable block building and smaller shed had been constructed. In addition, areas of hardstanding had been laid adjacent to the building and for the access to Hillcrest to the south, land was in use for the grazing of horses, and areas within and to the boundaries of the site featured timber posts and electric fencing. It is clear from the plans and evidence that the stable building and shed are the structures referenced in the planning application. The submitted plan indicates that some areas of hardstanding are to be removed, and I observed that this was not fully in accordance with the submitted plan. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the erection of the stable block, shed and change of use of land, and for the proposed hardstanding as shown in the submitted plans.
5. The appellant's evidence suggests that planning permission is not required for the grazing of land or for fencing that has been erected. Within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (the Act) it is not within my remit to formally determine whether the development requires planning permission or whether an existing use or development is lawful or not. If the appellant wishes to ascertain whether any development would be lawful, they may make an application under section 191 or 192 of the Act.

Main Issues

6. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies, including the effect upon the openness and purposes of the Green Belt; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development including effect on openness and purposes

7. The appeal site lies within the Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Development within the Green Belt is inappropriate, although with the exception of the types of development listed in paragraph 154 of the Framework.
8. The Council considered the application in the context of paragraph 154 b) of the Framework. This relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport and outdoor recreation; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 154 h) also allows for engineering works and material changes in the use of land, which likewise, preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. The appellant's evidence indicates that the majority of the land is used for grazing their horses, they do not ride or train horses on the land, and the horses are kept for private use only. On the basis that it is proposed to be used for the stabling of horses in relation to an outdoor recreational use, the stable block could meet the exception detailed at paragraph 154 b) of the Framework. Despite the appellant's comments on the need for permission, the associated change of use of land for the grazing and keeping of horses, as well as proposed hardstanding, could also fall within the description of development detailed in paragraph 154 h). The effect of the development on the openness and purposes of the Green Belt will therefore determine whether the proposal is inappropriate development.
10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site is open and undulating land that is characteristic of open countryside beyond the existing built form in the area. The land is at its highest towards the eastern boundary where the development has taken place and to the north of the existing properties on Hillcrest. The land then drops steeply towards the northern and western boundaries. The Council refers to the appeal site as being unmanaged scrub prior to development taking place.
11. Parts of the overall appeal site, including the stable block at the higher level, are visible from the public right of way to the north, as well as to a more limited degree from the public right of way to the east and from the highway on Heathways. The

building is seen alongside existing landscaping and in the context of some of the existing housing to the south. There are longer-range views towards the more elevated stable block from the A177 highway in Shincliffe village. However, due to the distance and intervening landscaping, these views are more limited, although it could appear more visible at times with less landscape coverage. Notwithstanding existing residential properties within the vicinity of the appeal site, the openness of the Green Belt is clearly evident around the site and the wider area.

12. The stable building with shed is sited within the open land to the north of existing housing on Hillcrest. The buildings are more visually separate from surrounding development, thereby introducing built form in an area of the open land where none previously existed. Together, their footprint and overall scale reduce the openness of the Green Belt in both visual and spatial terms. Whilst the buildings are relatively well screened in some views by vegetation, and despite the materials and muted colouring, the stable block in particular is visible within the surrounding countryside. Although the appellant suggests that further landscaping could take place, I have no details of any such scheme before me to demonstrate that its impact would be adequately mitigated.
13. With regard to the proposed hardstanding, whilst some provision for parking, turning and manoeuvring vehicles would be necessary, and despite the reduction in size, the proposed hardstanding would be notable. As this would be at ground level, its impact on spatial openness would be more limited and I have had regard to the relatively limited level of the overall use. However, the extent of hardstanding and the introduction of parked vehicles that could be viewed from the surrounding countryside would have a visual impact on the openness of the Green Belt.
14. There is some dispute on the need for permission for the proposed change of use of the land. On the basis of the information before me, including the private use of the site and that no exercising or training of horses on the land with their associated paraphernalia, the use of the wider site area solely for the grazing and keeping of horses would preserve the openness of the Green Belt.
15. Notwithstanding, the stables and hardstanding would not preserve the openness of the Green Belt. Although the loss of openness would be relatively modest and localised, this would be contrary to the Framework. Furthermore, by introducing development into an area where previously there was none, the buildings and proposed hardstanding also fail to assist in safeguarding the countryside from encroachment, which is one of the five purposes of the Green Belt.
16. Therefore, the proposal would not meet the exceptions of paragraph 154 b) and 154 h) of the Framework. As such, it would be inappropriate development, which is by definition harmful to the Green Belt. The proposal also conflicts with Policies 13 and 20 of the County Durham Plan (2020) (the CDP), which amongst other things, set out circumstances where equestrian development will be considered an appropriate countryside use and permitted, including in the Green Belt, and that proposals within the Green Belt will be determined in accordance with national planning policy.

Other considerations

17. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green

Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

18. The appellant's evidence does not specifically refer to the submission of very special circumstances. However, I have had regard to their supporting information that references the stable block being constructed for the welfare and care of horses during the winter months, although I note that horses have been brought back relatively recently to the site after a long period of not using the land for grazing. Whilst I acknowledge these aims, and reference to the stables being in line with British Horse Society and DEFRA recommendations, I have limited information before me to demonstrate the development on this site in the Green Belt is the only way to achieve those objectives. I therefore give these matters limited weight.
19. The appellant refers to landscape and wildlife enhancements that have taken place at the appeal site and its conservation. I have limited information before me to demonstrate the previous condition of the site or that the development is the only way to achieve those objectives, which limits the weight I attribute to these matters in favour of the proposal.
20. The appeal site is located within the Shincliffe Conservation Area (the CA). Insofar as is relevant to this case, its significance is founded on its architectural and historic interest and attractive rural setting. The Council does 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 and appearance of the CA and its significance.
21. Where the development has been found to be acceptable by the Council in this and other respects, or no objections have been raised by them or other interested parties, including in respect of living conditions, highway safety and ecology, the absence of harm is a neutral matter that does not weigh in favour of the proposal.

Green Belt Balance and Conclusion

22. Taken together, the stable block, shed and hardstanding would be inappropriate development in the terms set out by the Framework, resulting in a harmful loss of openness to the Green Belt, and conflicting with the purposes of including land within it. The Framework requires that substantial weight should be given to any harm to the Green Belt.
23. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Therefore, the proposal conflicts with Policies 13 and 20 of the CDP, the aims of which are set out above. It also conflicts with the Framework.
24. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR