
Appeal Decision

Site visit made on 12 August 2025

by **J Symmons BSc (Hons) CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/X1355/W/25/3367003

Stockley View, Stockley Lane, Oakenshaw DL15 0TL

- 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 M Wass against the decision of Durham County Council.
 - The application Ref is DM/25/00498/FPA.
 - The development proposed is the provision of a domestic battery storage unit and agricultural field shelter.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the development description shown on the application form as no confirmation has been provided that the appellant agreed to any changes.
3. The appellant confirmed the development has commenced. However, this appears to consist of some ground and foundation works only. As the main above ground development structure has not been commenced, I have considered the appeal as a proposed development and on the drawings submitted.

Main Issues

4. The main issues in the determination of the appeal are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would comply with Schedule 7A of the Town and Country Planning Act 1990 (as amended) (Schedule 7A of the TCPA) in respect of Biodiversity Net Gain (BNG).

Reasons

Character and appearance

5. The appeal site sits in an agricultural field which is bounded by Stockley Lane, the walking and cycling route known as Brandon/Bishop Auckland Way, and further agricultural fields. The field is owned by the appellant and used for sheep grazing. It is set in a rural and agricultural landscape and, while there are varying levels of mature trees, hedging and planting to its boundaries, including along the lane and to the walking and cycling route, it still has a predominantly open aspect.

6. Adjacent to the field and the lane and currently under construction is a conversion of a former barn to a single dwelling, granted planning under the local planning authority reference DM/22/01695/FPA. Also, to the opposite side of the Brandon/Bishop Auckland Way, there is a single property known as Stockley Lodge.
7. The parties agree that the appeal site is in the open countryside and the Council advises that it lies within a defined Area of Higher Landscape Value and close to the Brancepeth Conservation Area (CA). The appellant does not dispute these facts. Furthermore, the Council confirms that it does not dispute the agricultural use as being a rural enterprise and I see little reason to disagree with this.
8. The proposal would consist of an approximate 12 metres (m) long and 7m wide field shelter and battery store building located towards the lane and the walking and cycleway route corner of the field. The building would have an open front, and its other sides would be cladded. The battery store would be located to one side of the building in a specially adapted shipping container unit. The building would have a mono-pitched roof with a height of approximately 3.6m to 4.2m and it would have solar panels attached to support battery charging. Five additional trees would be planted as part of the proposal.
9. Due to the proposal's size and form, even though it is located within a sizeable field, it would appear as a large, stark and incongruous structure in a predominantly open area. It would be distant and isolated from existing buildings, and the proposed materials would do little to soften its appearance. It would also, even with its corner positioning, be highly visible from some of the surrounding fields and through the numerous gaps and thinner sections of the boundary tree lines to the lane and the walking and cycling route. Indeed, as I viewed the appeal site during my visit, there were various public locations where the appeal site could be clearly seen, especially from some of the higher vantage points of the lane. The backdrop of the boundary trees and the lane's embankment would also not be sufficiently close or of a form that would help to soften the proposal's visual intrusion into the landscape. Nor would the proposed trees provide any significant screening of the proposal. Accordingly, the proposal would significantly harm the character and appearance of the area. It would also not conserve or enhance the Area of Higher Landscape Value.
10. Even though it is suggested the proposal would appear as a typical agricultural stock shelter, no examples of similar existing buildings have been provided. From my visit, I saw no directly comparable buildings in the area that justify the visual harm the proposal would have.
11. The need for a field shelter and a battery store is well documented and there is little detailed evidence to suggest that these needs would not be supported by the County Durham Plan 2021 (CDP) and the National Planning Policy Framework 2024 (the Framework). However, while reference is made to the combining of the field shelter and the battery store into a single building that would offer efficiencies, little compelling evidence is presented to demonstrate these efficiencies justify the visual harm that would be caused.
12. The battery store element of the proposal is required to support the operation of the ground source heat pump system of the barn conversion. Originally this was proposed to be located in the basement of the barn conversion. However, fire risk

concerns relating to the use of Lithium-ion batteries have been raised as one of the main reasons for the proposal's design. The appellant indicates a variety of reasons why, on a precautionary basis, the battery store needs to be located in a separate building and distant from the barn conversion. Correspondence has been provided from the battery store designers and installers which confirms the preference that the battery store is located in a separate building. It is also raised that the Fire and Rescue Service did not object to the proposal. However, the Council disputes the appellant's reasons for the need for a separate building and questions the proposed separation from the barn conversion. In support of these, the Council refers to correspondence from the Fire and Rescue Service which questions the need for a separate battery store building and comments that the proposed separation seemed excessive when compared to that adopted on solar field installations. While I appreciate the various details raised and the differing options by both parties regarding this issue, from the evidence presented it has not been sufficiently demonstrated that the battery store could not be designed to be better related to the barn conversion or that it needs to be combined with the field shelter.

13. Taking the above together, it is possible that a less imposing and more visually respectful and sympathetic alternative design could be completed that would still meet the appellant's needs. In all likelihood, such an alternative design would also provide similar benefits to those offered by the proposal. This would include, amongst other matters, the appellant's highlighted references to the proposal meeting the renewable objective of Policy 33 of the CDP, the environmental objective of moving to a low carbon economy set out in Paragraph 8 of the Framework and the significant weight that Paragraph 168 of the Framework gives to proposals that include renewable and low carbon energy generation and contribute to a net zero future. Consequently, these aspects would be neutral factors which do not weigh in favour or against the proposal.
14. While I appreciate the appellant's professional credentials, this does not change the fact that insufficient evidence has been provided to justify the visual harm that I have found.
15. Reference is made to the analysis and positive comments made by the Council's Conservation Officer. However, these comments were related to the impact the proposal would have on the setting of the CA rather than its impact on the surrounding landscape. As such, the comments do not change my view on the visual harm the proposal would cause.
16. In conclusion, the proposed development would harm the character and appearance of the area. It would conflict with Policies 10, 29 and 39 of the CDP and Parts 12 and 15 of the Framework. These amongst other matters, require development to respect, be sympathetic and contribute positively to an area's character and conserve and enhance the Area of Higher Landscape Value.

BNG

17. BNG is required under a statutory framework introduced by Schedule 7A of the TCPA. Under this, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (the biodiversity gain condition). This objective is for development

- to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
18. Further to this, where an applicant believes the development would be subject to the biodiversity gain condition, the application must be accompanied by the minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Article 7 of the DMPO).
 19. The parties do not dispute the development would be subject to the biodiversity gain condition and a BNG Baseline and Feasibility Report prepared by SEPA Ecology dated January 2025 was submitted as part of the planning application. The report provides the minimum information set out in Article 7 of the DMPO and included a pre-development biodiversity value of the onsite habitat and a completed metric calculation. The report also detailed the proposal would provide approximately 13% BNG.
 20. However, it has been confirmed that the pre-development biodiversity value and the associated metric calculation were based only on the footprint of the building and not the red line boundary area of the application site which also includes an access track. While it is identified that the access track would not affect onsite habitat, the Government Guidance titled 'Understanding biodiversity net gain' indicates that 'developers in England are required to provide 10% BNG on all habitats within the red line boundary of their development, whether or not they are impacted'. As such, and with no evidence to the contrary, the detailed pre-development biodiversity value and the metric calculation have not been correctly assessed. It is therefore also likely that the estimated BNG detailed is incorrect.
 21. However, notwithstanding the above, the statutory framework for BNG involves the discharge of the biodiversity gain condition following the grant of planning permission. The determination of the Biodiversity Gain Plan (BGP) under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Therefore, development cannot commence until the BGP is approved.
 22. The Government Guidance titled 'Biodiversity net gain' also indicates it would generally be inappropriate to refuse an application on the grounds that the biodiversity gain objective would not be met. However, this is subject to the proviso that decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged.
 23. In this appeal, the inclusion of the track area into the BNG assessment would in all probability increase the required onsite biodiversity enhancements needed to meet the biodiversity gain objective. However, due to the track not affecting the existing onsite habitat and the area not appearing to contain any significant habitat or unique features, then the increased enhancement required, in all likelihood would be quite modest. As such, even with the incorrect minimum information provided there is little to suggest onsite biodiversity enhancements could not be included to mitigate the track area inclusion. Moreover, with no compelling evidence to show otherwise, there is little reason to suggest the proposal could not satisfactorily deliver the required BNG.

24. Consequently, the proposed development would comply with Schedule 7A of the TCPA, Policy 41 of the CDP and Part 15 of the Framework which require new development to provide BNG.

Other Matters

25. The site lies close to but outside the CA and Paragraph 219 of the Framework aims for development within the setting of a heritage asset to enhance or better reveal the significance of the asset. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. With its large separation and the mix of intervening roads and mature trees and landscaping between the appeal site and the CA, the proposal would not affect the CA's setting. Accordingly, the CA's setting would be preserved. I note that this was also the finding of the Council. Notwithstanding this, preserving of the CA carries neutral weight and does not weigh in favour of the proposed development.
26. It is advised that the proposed development would not adversely affect archaeological interests or be affected by flood risk. However, while the Council do not dispute these aspects, they are neutral factors which do not weigh in favour of the proposed development.
27. While a number of the consultation responses raised no objection to the proposal, this does not make it acceptable. The consultees only considered specific technical aspects, and most were not directly related to the impact the proposal would have on character and appearance or biodiversity. Where applicable, I have considered the advice from the consultees in my determination of the appeal.

Conclusion

28. Even though the proposal would be acceptable in terms of BNG, due to the limited and modest enhancements that would be provided, this would not outweigh the significant harm it would cause to the character and appearance of the area.
29. For the reasons given above and having regard to the matters that have been raised, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR