
Appeal Decision

Site visit made on 14 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 20th November 2025

Appeal Ref: APP/X1355/W/25/3367815

Land and buildings south east of Sycamore House and west of Bondisle Way, Stanhope, Durham DL13 2YU

- 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 Philip Newbold against the decision of Durham County Council.
 - The application Ref is DM/24/01797/FPA.
 - The development proposed is erection of a new, detached, 2-storey dwelling and associated landscaping and boundary treatments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area, including its effect on trees;
 - whether the proposed development would be in an appropriate location, with respect to nearby settlements; and
 - whether the proposed development would be at risk of flooding.

Reasons

Character and appearance

3. The appeal site lies beyond a section of railway line and tree planting that form the edge of Stanhope's built-up area. It is accessed via an unadopted road from Bondisle Way. There is a notable difference in the character and appearance of the area when crossing the railway line from the more built-up form along Bondisle Way into the rural landscape setting. Surrounding land comprises grazing fields, drystone walls, mature trees, and recreational open space, with a largely open rural character and an absence of development aside from a small group of derelict agricultural buildings. A substantial tree line along the River Wear adds to the scenic landscape character, while public rights of way provide access and views within the area.
4. The appeal site's open appearance, stone walls and mature trees mean it is seen within this context as an integral part of the countryside, which is noted as an Area of Higher Landscape Value. The County Durham Landscape Value Assessment (2019) assesses the larger unit (6d Lower Weardale) that the site forms part of as

moderate-high value across most attributes and high for recreation.

Notwithstanding some storage, low-level structures and land-based activity on the site, and occasional seasonal use of the open space as a car park, the site and associated mature trees have characteristics of open countryside in contrast to the built-up form of the settlement. For these reasons, the site is not part of the built-up area of Stanhope, and is poorly related to it in both physical and visual terms.

5. The introduction of a large dwelling and associated residential activity and comings and goings would have an urbanising effect on the appeal site, in marked contrast to the surrounding countryside. The development would also appear sporadic and inappropriate in relation to the character, function, form and setting of the settlement. Irrespective of past activity and structures on the site, the introduction of the dwelling where there is an absence of similar development would be a notable and incongruous addition. The proposal would therefore cause unacceptable harm to the character, appearance and distinctive value of the surrounding rural landscape.
6. In addition, although the appellant has provided some information on trees, no Arboricultural Impact Assessment is before me, so I cannot be certain what effect the proposed development would have on the existing trees. Therefore, there is a risk some of the trees would be damaged or lost, which would have a further detrimental effect on the character and appearance of the site and the surrounding landscape.
7. Existing and proposed landscaping, use of traditional materials and agricultural design elements would mitigate the visual impact of the development to some degree. However, these factors would not be sufficient to overcome the considerable urbanising effect of the proposal on the countryside or the site's disconnected relationship with the settlement. Accordingly, the proposal would not adequately assimilate into its surroundings.
8. For the above reasons, I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the area, and it would therefore conflict with Policies 10, 29, 39 and 40 of the County Durham Plan (2020) (CDP). Amongst other things, these aim to ensure new development avoids unacceptable harm to the intrinsic character of the countryside, ensure it contributes positively to an area's character, avoids unacceptable harm to the character of the landscape, conserves its special qualities, and retains existing trees where they can make a positive contribution to the locality. The proposal would also conflict with the National Planning Policy Framework (the Framework), which aims to ensure development is sympathetic to local character, including the surrounding landscape setting, and that it contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Location

9. The appeal site is unallocated. Policy 6 of the CDP supports development on unallocated sites where the site is either within the built-up area, or outside the built-up area but well related to a settlement, and subject to various criteria. For the reasons given in the first main issue, I find the site is neither within the built-up area of Stanhope nor well related to it either physically or visually.

10. Moreover, even if I were to find the site meets the definition of previously developed land, this would not be sufficient to justify the proposal in this location for the reasons I have set out. Consequently, the development would not accord with Policy 6 of the CDP.
11. CDP paragraph 5.74 states land which is not within an existing built-up area is regarded as countryside. Therefore, given my finding above, the appeal site is in a countryside location. CDP Policy 10 allows development in the countryside only where allowed for by another development plan policy or where it relates to one of several exceptions. Other than in relation to Policy 6, which I have already addressed, there is no suggestion any of these exceptional circumstances apply in this case.
12. Accordingly, I conclude that the proposed development would not be in an appropriate location with respect to nearby settlements, contrary to CDP Policies 6 and 10. Furthermore, given its physical separation from the settlement, there is also no suggestion that the proposal would satisfy the circumstances of the Framework that aim to avoid the development of isolated homes in the countryside.

Flood risk

13. The Environment Agency states the appeal site falls within Flood Zone 3b, which is the functional flood plain. This means the site has a high probability of flooding, whether or not flooding has occurred there recently.
14. The Framework states a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. This involves applying the sequential test and then, if necessary, the exception test. Dwelling houses are classified as 'more vulnerable' to flood risk in Annex 3 of the Framework. Further advice is provided in Planning Practice Guidance (PPG). This approach is also reflected in CDP Policy 35, which amongst other things requires all proposals to consider the effect of the development on flood risk.
15. Under Framework paragraph 175, given the appeal site is in Flood Zone 3b and none of the exemptions at footnote 62 apply, a sequential test is required. However, there is no site-specific flood risk assessment before me and the evidence provided is insufficient to satisfy me the sequential test has been passed. In these circumstances, the exception test, which includes consideration of possible mitigation measures, should not be applied according to PPG. In addition, in its assessment of flood risk vulnerability and flood zone incompatibility, PPG¹ states more vulnerable development should not be permitted in Flood Zone 3b.
16. It has been put to me that other development has taken place in the area within the same flood zone. However, no compelling evidence has been provided of such cases or to demonstrate their circumstances are directly comparable to those before me. Consequently, this consideration does not outweigh the flood risk concerns on the appeal site noted above.

¹ Paragraph: 079 Reference ID: 7-079-20220825

17. I therefore conclude the proposed development would be at risk of flooding, contrary to CDP Policy 35 and the Framework.

Other Matters

18. The appeal site is located outside of the Stanhope Conservation Area (the CA). Insofar as is relevant to this case, its significance derives from its architectural and historic interest. The Council does not identify any harm to the CA from the proposed development. From the evidence before me and my observations on site, the development would preserve the character and appearance of the CA.
19. The footbridge over the railway line (Bondisle Way) is Grade II listed. Its significance as a heritage asset is derived in part from its historic interest and relationship with the historic infrastructure associated with the railway station. The setting of the footbridge is primarily experienced from the immediate area of the station and Bondisle Way, and to a more limited degree from rights of way on the approach to the footbridge and station. Due to the distance, intervening land and landscaping, the intervisibility between the site and the footbridge is limited. For the same reasons, this also limits views of the footbridge from the rights of way until users are much closer to it. Consequently, the appeal site contributes very little to the setting and significance of the heritage asset. The proposal would preserve the setting of the footbridge, and its significance would not be harmed. I note the Council also had no concerns in this regard.
20. A lack of harm in respect of the CA and the listed building does not alter my overall conclusions above.
21. Where the development has been found by the Council to be acceptable in other respects, for example in terms of living conditions of residents, highway safety, access and parking and ground conditions, these are neutral matters and do not weigh in favour of the development. The lack of objection from other parties does not equate to a lack of harm, and this does not persuade me that the development is acceptable.
22. Having regard to the information before me, the Council's supply of serviced self-build plots meets and exceeds demand, and there is limited evidence to suggest otherwise. The provision of one self-build dwelling would make a modest contribution to the supply of housing in the area and to the local economy during construction. However, there is little to substantiate the suggestion that it would assist in the delivery of affordable housing. Notwithstanding the energy efficiency and accessibility that could be achieved in a new build dwelling, the overall benefits of the proposal are not sufficient to outweigh the harms I have identified.
23. Concerns over the Council's pre-application advice and handling of the application are outside my remit in determining this appeal. I have had regard solely to the planning merits of the proposed development and based on my assessment at this time.
24. Whether or not planning obligations would be necessary to secure the property as a self-build development and/or a financial contribution for open space provision, this matter is not determinative to my assessment of the main issues, which are based on the Council's decision notice. Had I been minded to allow the appeal I would have pursued this matter further with the parties.

Conclusion

25. 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