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## Appeal Decision

Site visit made on 15 October 2025

**by Alison Scott (BA Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

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**Appeal Ref: APP/J4525/W/25/3368870**

**Land South of The Paddock, West Herrington, Houghton-le-Spring DH4 4NR**

- 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 Daryn Robinson against the decision of Sunderland City Council.
  - The application Ref is 24/00461/FUL.
  - The development proposed is Erection of 2no. dwellings with associated access.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. 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 any other relevant development plan policies;
  - The effect of the proposal on the openness of the Green Belt; and
  - Whether any harm by reason of inappropriateness, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### Reasons

*Whether the proposal is inappropriate development in the Green Belt*

3. It is common ground between the parties that the former paddock is located within the Tyne and Wear Green Belt and outside the settlement envelope of West Herrington along the outer fringe of the settlement. Two self-build four-bed residential dwellings are proposed here with access taken from The Paddock, a small residential housing estate to the north of the site.
4. The site is vacant with overgrown vegetation surrounded in part by stone walling. The adopted vehicular access road, McClaren Way to the west of the site leads off Herrington Road to more modern housing estates including the cul-du-sac of The Stables and The Paddock, consisting of bungalows, two storey houses and dormer bungalows. St Cuthberts churchyard is located to the east side of the site and opposite on the other side of Herrington Road is undeveloped pastoral land.
5. The provisions of Policy NE6 of the Core Strategy Development Plan are consistent with the Framework which states that 'Inappropriate development is, by definition,

harmful to the Green Belt and should not be approved except in very special circumstances' (paragraph 153) and 'When considering any planning application, local planning authorities should ensure substantial weight is given to any harm to the Green Belt ...'.

6. Paragraph 154 of the Framework identifies seven exceptions for built development that may, in certain circumstances, be regarded as being not inappropriate in the Green Belt. The fifth exception (e) under paragraph 154 concerns 'limited infilling in villages'. The Framework, however, does not define either village or limited infilling.
7. From my observations, residential development within this part of the village is of a linear built-up nature as it extends along the north side of Herrington Road where it meets the fringes of the village towards McClaren Way. The appeal site is experienced in the more built-up context of The Stables and The Paddock. The boundary of The Paddock to the east directly aligns with the eastern boundary of the appeal site and the sweep of its corner with McClaren Way and Herrington Road thereby visually presents as a very contained site.
8. As there are residential dwellings encompassing the north and west of the site, the number of dwellings here and the enclosed corner position of the site and position on the outer fringe of the village, the site reads as more closely related to the village settlement than the rural identity that is experienced further to the east of the site.
9. I am of the view that the position on the ground is one of the appeal site visually and physically forming part of the village. On this basis, I concur with the parties that the site can be considered as 'within a village' for the purposes of paragraph 154 e) of the Framework.
10. In terms of 'limited infill', I must assess whether or not it could be reasonably considered as such taking into account the necessary circumstances.
11. An infill site is generally considered as infilling a gap in existing development, more closely associated with a continuous frontage. The site is located on the edge of the built-up settlement with the graveyard on its eastern side. The cemetery comprises of low-level headstones and a sporadic uncluttered layout of unenclosed plots. It has the characteristics of a graveyard typically associated with burial plots and very limited other paraphernalia. The graveyard has the appearance of being located outside the village, reinforced by the natural boundary landscaping and separation from built development. It appears as a visually separate entity to the village grain within West Herrington
12. In this circumstance, infilling the site would not represent a continuous frontage of built development as the proposed development would act as a very definite end to the built-up character of the village, and not seen in the context of filling a gap between physical development. Therefore, the site in this context cannot be viewed as a gap.
13. Turning to the use of the word 'limited', compared to the size of The Paddock to which the site would form a residential extension to, the parties comment its size is around 2720sqm. The Paddock of about four dwellings is agreed by the parties to be 1663sqm. There is no reason for me to challenge these measurements. Therefore, comparatively speaking, as the appeal site could accommodate more

development than The Paddock site, it stands to reason that the site is larger than what could reasonably be considered as infill.

14. The appeal site is physically separated from The Stables by McClaren Way in-between. The houses within The Stables have been designed to a planned cul-du-sac arrangement, detached and share a similar identity to one another. These plot and sizes of houses are of a small to medium scale. The site as a whole is larger in area than the appeal site. From my assessment of density when proportionately comparing the two sites, it would also indicate to me that the size of the appeal site cannot be considered as infill.
15. I also refer to the use of the word 'limited' infilling when considering the overall scale of the proposal. It would appear as a wide, bulky and uncharacteristically large mass of development that would be more akin to a short row of houses rather than a pair of semi's and set within a courtyard layout that would not harmonise with the pattern of development at the adjacent housing estates, or compare to their more modest proportions. A design to follow the village character would not improve upon its position as it would appear disjointed and result in a severe lack of integration between it and the two neighbouring developments.
16. As a consequence, the proposal cannot be reasonably considered as 'limited' in this context. To that end, I conclude that the development does not fall within paragraph 154 e) of the Framework.
17. Development within the Green Belt is not regarded as inappropriate development in other circumstances where it follows the definition of grey belt land within the Framework and meets the exceptions of paragraph 155 of the Framework. The appellant contends that the appeal proposal benefits from grey belt land exemption. More precisely, the Framework at paragraph 143 defines grey belt land as 'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any purposes (a (to check unrestricted sprawl of large built-up areas), (b (to prevent neighbouring towns merging into one another), or (d (to preserve the setting and special character of historic towns)). At paragraph 155 of the Framework, it explains that 'homes...in the Green Belt should not be regarded as inappropriate where:
  - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - b. There is a demonstrable unmet need for the type of development proposed;
  - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and
  - d. Where applicable the development proposed meets the Golden Rules.
18. With regard to the Framework 143 a), b), or d), from my assessment on the ground and the evidence before me, the site is within a well contained, ordered and defined area, and identifies with the more built-up character of the West Herrington settlement than the rural character experienced to the east.
19. Its definite containment would present limited risk of potential creep further into the Green Belt, and no characteristics of merging into the next settlement. I am not

aware from the evidence presented that this particular part of the Green Belt acts to preserve the setting and special character of historic towns.

20. These things considered, I find that this land in the Green Belt does not strongly contribute to any of the purposes a), b) or d) of paragraph 143. Therefore, I must go on to consider the criteria of paragraph 155.
21. There is nothing before me that leads me to conclude that, taken together, this proposal would fundamentally undermine the remaining Green Belt across the area of the plan.
22. In terms of whether or not there is a demonstrable unmet need for this type of development, the appellant argues the Council's housing delivery figures are now out of date due to the age of the Local Plan and as they cannot demonstrate a 5 year housing land supply (HLS). This is contrary to the Council's assertion that they can demonstrate a 5.2 year HLS and this is supported by evidence of Housing Delivery Test figures published in December 2024. The appellant furthermore argues there is a shortage of housing nationally and locally for three and four bedroom homes.
23. As part of the evidence before me, I am made aware of the Council's Core Strategy and Development Plan Review December 2024 as they are required to undertake a review of the Local Plan every five years. This document is designed to ensure the policies in the Local Plan remain effective. At policy SP8, the review document notes that housing delivery has exceeded identified delivery targets, and the Council has confirmed a policy review is not required. Although the appellant is not convinced that this approach remains accurate, I am not presented with any substantiated evidence from him to reasonably rely on. Furthermore, there is no evidence before me to confirm that there is a particular shortage of four bedroom homes that this scheme would improve upon the supply. The exception of paragraph 155b. of the Framework is therefore not met.
24. With regard to paragraph 155c. of the Framework, there is nothing before me to suggest the site would not meet the aspirations for safe and suitable access for the purposes of paragraph 155c. However, in terms of sustainability of the site location, there is only very limited public transport modes available and frequency of service within West Herrington. Therefore, the proposal does not entirely meet these criteria.
25. In respect of paragraph 155 d., the site cannot contribute to falling within Golden Rules as it is not major development.
26. Therefore, on the basis that the site does not meet the criteria of paragraph 155 b. and is not wholly compliant with criteria c. of the Framework, it cannot be considered as grey belt land. Therefore, these things considered, it would represent inappropriate development within the Green Belt.

### **Effect on openness of the Green Belt**

27. The essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial dimension and is a key characteristic of the Green Belt. The site is currently void of development. As this site is located to the east of The Stables, its openness provides a semi-rural sense of transition into a more rural character that extends to the village of East

Herrington. Due to its undeveloped and open character and position on the outer fringe of the village, residential development here would inevitably reduce the spatial aspect of the Green Belt's openness.

28. Visually, the site shares an interrelationship with the adjacent residential estate of The Paddock and The Stables. These developments are experienced from the more rural context in views from the east and signify the beginning of the village when seen from this aspect.
29. The appeal site would be subject to a visually large form of development with various roof formations and ridgelines, irregular in shape and single entity to its composition, and despite its village design concept, would not have the effect of reducing its bulk. The proposed new houses would not be absorbed into the surrounding built environment, especially as the backdrop is fundamentally different. Therefore, it would result in an adverse change to the character of the village as it would be particularly visually exposed here, and the low-level character of the graveyard to the east would further emphasise its visual prominence when viewed from this perspective.
30. Even if there is a proportionately greater density of houses to the adjacent development of The Stables, these houses are located within the village envelope; this site is located in the Green Belt and its visual impact would reduce the openness of the Green Belt. Its permanence would thus not be preserved. Harm to the Green Belt carries significant weight.

### **Other Considerations**

31. In other areas of my consideration, the external materiality of the scheme, lack of harm to local landscape and landscaping and biodiversity and ecological enhancements are noted by the appellant, and they point to the houses being built as 'high quality family homes' and environmentally sustainable, designed to reduce carbon emissions and to benefit from solar gain. According to the appellant, four bed homes are in under supply. It would also add positively to the economy by way of employment during construction and overall local spend. There are no objections raised to the proposal from a highway safety perspective or to in-curtilage parking provision, or effect on existing and future residential living conditions. There is some local support received to the scheme by way of comments that it would improve the appearance and condition of the site, and the appellant also observes it would bring a vacant site back into use. The good communication between the appellant and the public and their respect for the appellant's ability to build desirable homes has also been included within letters of support.
32. The appellant points to evidence of appeals supporting residential infilling in a village, and case law to justify their proposal. The appellant confirms that the Council cited no other reason for refusal save for the effect on openness of the Green Belt.
33. I have no reason to come to an alternative view on the effect of the proposal on highway safety and living conditions of both future and existing local occupants, and that no harm to the existing landscape would arise. However, an absence of conflict with the development plan policy in this regard is neutral in the overall consideration of things and neither weighs for or against the proposal. The biodiversity and ecological enhancements that would arise are limited in the overall scheme of things and are afforded only minor weight. The appropriateness of

materiality to the finish of the proposal carries only minimal weight. It would provide family homes within the local area which is welcome and it is widely recognised that there is a national housing shortage. However, there is also no substantiated evidence before me to suggest that four-bedroom dwellings are in short supply locally. Consequently, I apply only minor weight to the increased supply of family homes this proposal would bring.

34. There is nothing before me to benchmark them as 'high quality' homes and although they would be built to minimise carbon emissions, as a whole, I only afford these factors moderate weight.
35. There would be economical gains due to construction, and overall local spend. However, two dwellings would not contribute significantly to the economy. The future occupants would have access to the very limited transport modes, services and amenities that West Herrington affords, and as a village location, its services and amenities for future occupants are limited. I apportion only some very minor weight to this.
36. There is some local support to the proposal, mainly directed towards the visual improvement of the site. However, that is not to say that this proposal is the only means to improve this situation, even if it were to bring a vacant site back into use. This is given very limited weight in my overall considerations. The appellant is praised for his communication with the community, and he may have a reputation for building desirable homes. However, these factors are neutral in the overall consideration of things.
37. The appellant cites examples of appeal decisions and high court judgments that they consider to be relevant to this proposal. I agree that the site can be considered as located within a village. However, I do not consider it is limited infill in this particular situation. My reasoning is based on the specific facts and circumstances of the case before me. Therefore, as is my duty, I must determine the appeal accordingly. The Council cited no other reason for refusal save for the effect on openness of the Green Belt. Be that as it may, this issue is a determinative factor.
38. The Framework recognises that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is by definition harmful to the Green Belt. I am therefore required to balance the harm in order to determine if it is clearly outweighed by other considerations.

**Whether any harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.**

39. I have concluded earlier that the site is located within a village and therefore the exception of limited infilling in a village applies although my findings are that it would not be considered in the light of the word 'limited'. Nor would it meet the exception of grey belt land. As the proposed development would not meet the Green Belt exceptions it is therefore inappropriate development within the Green Belt. The Framework provides that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that 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.

40. In terms of the very special circumstances necessary to justify inappropriate development within the Green Belt, I have weighed up the benefits of the proposal and conclude that the cumulative weight of these in this case is only moderate in their totality. Therefore, all things considered, as a whole, the other considerations in this case do not clearly outweigh the harm to the openness of the Green Belt. The very special circumstances necessary to justify inappropriate development within the Green Belt do not exist. The openness of the Green Belt would therefore not be preserved.
41. In conclusion, the proposal conflicts with the aspirations of Policy NE6 of the Sunderland Core Strategy Development Plan and Section 13 of the National Planning Policy Framework that aims to protect Green Belt land.

### **Other Matters**

42. The site is located within the Durham Coastal Special Area of Conservation and Northumberland Coast Special Protection Area and Ramsar Site. Therefore, mitigation is required to off-set the recreational pressures associated with the increase in population arising from new residential development within 7.2km of the coast. I am aware of the appellant's commitment to enter into a legal agreement to satisfy this financial requirement.
43. The appellant refers to a president for an infill dwelling in West Herrington in 2014. As there are no precise details before me to refer to, I cannot apply weight to their statement.
44. Issues with the Council's timing to administer a decision notice has been raised by the appellant. However, this is a matter that should be referred to the Council in the first instance and is not within my remit to comment upon.

### **Conclusion**

45. The proposed development would lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Alison Scott*

INSPECTOR