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## Appeal Decisions

Site visit made on 2 December 2025

**by Felicity Thompson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

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### **Appeal A Ref: APP/X1355/C/24/3352901**

**Land and buildings known as 'Country Glamping Site' and 'The 68 Café' Toft Hill Bishop Auckland DL14 0JF registered under HM Land Registry Title numbers DU197583, DU221439 and DU222851**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Country Glamping Ltd against an enforcement notice issued by Durham County Council.
- The notice was issued on 28 August 2024.
- The breach of planning control as alleged in the notice is without planning permission, the operational development consisting of the construction of a split level raised timber platform with balustrade and steps and erection of two geodesic domes and timber structure.
- The requirements of the notice are to:
  - a. Dismantle in their entirety and permanently remove from the Land the two geodesic dome structures, including all fixtures and fittings.
  - b. Dismantle in its entirety and permanently remove from the Land the timber structure erected on the decking.
  - c. Dismantle in its entirety the timber raised platform/decking, including all fixtures, fittings, supports, steps, and infrastructure, and permanently remove all items and materials from the Land.
  - d. Restore the area of the Land where the works in steps a-c have taken place, to its condition prior to the development taking place.
- The period for compliance with the requirements is 42 days.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

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### **Appeal B Ref: APP/X1355/W/24/3352939**

**The 68 Cafe, A68 (from District Boundary to B6282 Toft Hill Lane Junc), Toft Hill, Durham DL14 0JF**

- 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 Country Glamping Ltd against the decision of Durham County Council.
  - The application Ref is DM/23/01820/FPA.
  - The development proposed is retention of geodesic domes and associated decking to the north of the site.
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### **Decisions**

1. It is directed that the enforcement notice is varied by the deletion of 42 days and the substitution with three (3) months as the time for compliance in section six.
2. Subject to the variation, Appeal A is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
3. Appeal B is dismissed.

## **Preliminary Matter**

4. Ground (a) is that planning permission should be granted for the matters stated in the notice. Since the considerations in Appeal A are the same as for Appeal B I have considered the appeals together.

## **Appeal A on ground (a) the deemed planning application and Appeal B**

### *Main issue*

5. Based on the reasons for issuing the notice and refusing planning permission, the main issue is the effect of the domes, decking and timber structure on the character and appearance of the area.

### *Reasons*

6. The appeal site is located in an open countryside location adjacent to the A68. The site is located on the outskirts of the village of Toft Hill and occupies a prominent position on the ridge of the valley side facing north across the valley to the settlement of Witton Le Wear.
7. The surrounding countryside is extensive consisting of agricultural fields separated by fences, often lined or interspersed with hedges and trees, and areas of woodland. Outside of settlements, development in the landscape is generally limited to isolated dwellings and farmsteads.
8. The appeal site is not subject to any landscape designations, nor does it form part of a 'valued' landscape that the National Planning Policy Framework (the Framework) advocates should be protected and enhanced. Nevertheless, this does not mean that its location is without value, and it is likely valued for its rural character and appearance, indeed the domes and decking were sited in order to take advantage of the views of the countryside.
9. Whilst dome type developments may be seen on camping sites elsewhere, in the absence of evidence, they could not be described as typical or characteristic rural buildings.
10. In this case the domes are relatively large, the scale of which is exacerbated by their elevated sighting. Notwithstanding their construction from what the appellant describes as "lightweight" materials, they have a contemporary appearance which does not respect and is significantly at odds with their rural surroundings. Similarly, whilst the decking is constructed from natural materials, it is fairly substantial and has a somewhat domestic appearance which does not relate well to the rural landscape.
11. Whilst the domes have also been sited to avoid disturbance to users of the camping pods and the decking elevated to allow wildlife to pass underneath, the development although in proximity to, does not relate particularly well to the pods or any landscape features and appears as an incongruous and prominent intrusion in the landscape.
12. The development is prominent in views from the A68 when travelling both north and south and in views from the C33, albeit the topography and some roadside screening limit wider views. I also accept that vehicle drivers passing are most likely to be focussed on the highway and may pass at a reasonably high speed

however, their passengers are more likely to take an interest in their surroundings and, when seen, the effect of the development is harmful.

13. Consequently, whilst the visual impact of the domes, decking and timber building, may be reasonably localised in extent, the development nevertheless represents a harmful intrusion in the landscape which causes significant harm to the character and appearance of this countryside location.
14. In their delegated report the Council referred to harm from light spill. Given the absence of street lighting and as the café closes around 16.30, it seems there would be little artificial light emanating from the site during the hours of darkness. Given the elevated and prominent siting of the domes, together with the large clear openings, their harmful effect would be exacerbated by the spillage of light from the domes during the hours of darkness.
15. In the absence of details, conditions restricting the hours of use, as suggested by the appellant, would not be reasonable given the appellant stated that “the domes are the only place where visitors can have a designated, communal viewing area to enjoy the landscape both during the day and night.” Nor, in any event would such condition/s overcome the identified harm to the character and appearance of the area.
16. The domes are located around 625m from the boundary of the Area of Higher Landscape Value (AHLV) however, they are prominent in views from the C33 when travelling in a broadly easterly direction and viewed against the AHLV as a backdrop. However, given the distance from and limited views relative to, the harm to the AHLV is limited.
17. The terms of the appeal on ground (a) derive directly from the alleged breach of planning control set out in the notice and as built. Nevertheless, I do have the power under s177(1)(a) of the 1990 Act to grant planning permission for any part of the matters stated in the notice.
18. Under ground (f) the appellant suggested that a smaller version of the domes may be appropriate however, no details were provided. Even if the appellant’s suggested alternative fell within the statutory power to grant permission, given my conclusions in respect of the design of the domes, decking and their siting, this would not overcome the identified harm. Nor would the retention of the decking as a viewing platform.
19. Overall, for the reasons given, the development causes significant harm to the character and appearance of the area and limited harm to the setting of the AHLV, contrary to policies 7, 8, 10, 29 and 39 of the County Durham Plan Adopted 2020 (County Durham Plan).
20. Together these require development that is appropriate to its location in terms of scale, design, layout and materials and which respects the character of the countryside, contributes positively to the character and landscape features and does not give rise to unacceptable harm to its intrinsic character and beauty. It also conflicts with the landscape protection aims of the National Planning Policy Framework (Framework).

### *Other Matters*

21. The appellant contended that the development is necessary to support the business asserting that if the geodesic domes are to be removed, they are likely to experience fewer visitors to the site, including to the café which is supported by the glamping guests, as there will be less demand.
22. They stated that the domes play a vital role in attracting group bookings and retreats, which currently account for around 10% of their overall bookings, providing evidence of the single and group bookings along with invoices from local suppliers. I have also had regard to representations of support, including that from an organiser of yoga retreats, stating that they would not host another event at the site without the domes.
23. Whilst the projected overall 25% revenue decline would likely have an effect on the business, there is no substantive evidence that the business would no longer be viable. Nor, that any impact on local suppliers would be materially harmful to those businesses.
24. Moreover, and in the absence of substantive evidence that the appeal development is the only way that the desired indoor communal space could be provided, these are matters of little weight.
25. In respect of the appellant's comments regarding the timber structure (toilet) being essential for visitors. Since there is no evidence that the previously existing toilet arrangements were inadequate, this is a matter of negligible weight.

### *Overall conclusion on Appeal A on ground (a) and Appeal B*

26. The need to support the sustainable growth and expansion of all types of business in rural areas, including sustainable rural tourism and leisure developments is supported by the Framework. However, the Framework also requires that planning decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and ensuring that economic development in rural areas is sensitive to its surroundings.
27. There are associated economic and social benefits. However, these benefits do not outweigh the harmful impact on the character and appearance of the area to which I attach substantial weight. This environmental harm would be permanent and could not be fully mitigated or compensated. Consequently, the advanced considerations do not indicate that the appeals should be determined other than in accordance with the development plan.

### **Appeal A on ground (f)**

28. The appeal on ground (f) is that the requirements of the notice exceed what is necessary. The purposes of an enforcement notice are set out in section 173 of the Act and are to remedy the breach of planning control (s173(4)(a) or to remedy injury to amenity (s173(4)(b)).
29. I have considered the appellant's suggested lesser steps under ground (a) above.
30. The notice requires that the domes, decking and timber structure be removed, and the land restored to its condition before the breach took place. Its purpose is therefore to remedy the breach of planning control.

31. Since the requirements would do no more than to seek to achieve the purpose of the notice, to remedy the breach of planning control, they are not excessive. The ground (f) appeal fails.

### **Appeal A on ground (g)**

32. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant suggested a period of nine months on the basis that in order to ensure the domes and materials can be used elsewhere, they would need to be taken down by the company who installed them, and they need several months' notice.
33. The purpose of the time period within an enforcement notice is to allow for the physical works associated with the notice to be removed. Whilst the appellant's concerns are understandable, their submissions largely relate to the time before the works can commence.
34. Nevertheless, even if account is taken of the need to remedy the harm, the notice does not afford the appellant reasonable time to comply with the requirements of the notice. Looking at the case in the round, the requirements to undertake all the works within 42 days would place a disproportionate burden on the appellant and their business. Accordingly, I shall extend the period for compliance to three months. The ground (g) appeal succeeds to this extent.

### **Conclusions**

35. For the reasons given above, I conclude that Appeal A should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).
36. For the reasons given above Appeal B should be dismissed.

*Felicity Thompson*

INSPECTOR