



Appeal Decision

Site visit made on 9 July 2026

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2026

Appeal Ref: APP/X1355/W/25/3375932

Street Record, High Hesleden Road, High Hesleden, Durham TS27 4QD

- 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 D Clymo against the decision of Durham County Council.
 - The application Ref is DM/25/01679/FPA.
 - The development proposed is described as the erection of a self building dwellinghouse including access, landscaping and boundary treatments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site is in a suitable location for housing, having particular regard to the spatial strategy of the development plan and accessibility to services; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises an existing field associated with the adjoining equestrian enterprise known as 8 Acre Stables. It is located on the southern edge of High Hesleden within the open countryside. The village recreation ground and play area adjoin the site's northern boundary, with open fields and the highway forming its remaining boundaries. Whilst there is a small linear group of dwellings on the opposite side of the road, the prevailing character of the appeal site and its surroundings is rural and undeveloped.
4. Planning permission is sought for the erection of a large, detached dwelling, to be served by the existing access to the stables. The dwelling would be set back from the road and enclosed by substantial hedgerow planting. The proposal is intended to provide a self-build dwelling for the appellants, who also own and operate the adjoining equestrian enterprise.
5. Policy 6 of the County Durham Plan, adopted in 2020 (the CDP), supports development on unallocated sites where they are either located within the built-up area of a settlement or, where situated outside it, are well related to the settlement.

6. Although High Hesleden has no defined settlement boundary, the supporting text to Policy 6 makes clear that the physical and visual relationship of a site to the existing built-up area is a key consideration in determining whether it is well related to a settlement.
7. In terms of its physical relationship with the settlement, the appeal site occupies a position on the southern edge of the village and lies outside the built-up area on this side of the road. It is separated from established residential development by the village recreation ground and is otherwise bounded by open fields. Whilst residential properties are located opposite the site, they form part of a clearly defined linear pattern of development which does not extend to the appeal site or its immediate surroundings. Consequently, I find that the appeal site is not physically well related to the built-up area of High Hesleden.
8. This separation is equally apparent in visual terms. In views into and out of the site, the appeal site is experienced as part of the surrounding countryside, with few built features other than the nearby equestrian buildings. Their agricultural or equestrian character enables them to assimilate comfortably within the rural landscape. By contrast, the introduction of a substantial dwelling would represent a domestic form of development that would extend the village southwards and introduce a ribbon-like pattern of development on this side of the road where none presently exists. As such, the proposal would not constitute a logical or well-contained rounding-off of the settlement.
9. I have had regard to the appellant's contention that existing boundary features visually contain the site and separate it from the wider countryside. Whilst I acknowledge that these features provide a degree of enclosure, they do not integrate the site with the built form of the village. Rather, they reinforce its separation from the settlement and its association with the surrounding countryside. Accordingly, I find that the appeal site lies outside, and is not well related to, the built-up area of High Hesleden for the purposes of Policy 6 of the CDP.
10. Policy 6(f) additionally requires development proposals to have good access to relevant services and facilities by sustainable modes of transport and to reflect the size of the settlement and the level of service provision available. Based on the evidence before me, High Hesleden contains only limited services and facilities, comprising a public house, recreation ground and a bus service operating hourly between approximately 09:21 and 19:21 hours each day.
11. Whilst I recognise that the 2018 Settlement Study does not form part of the adopted development plan, the appellant has not provided substantive evidence to challenge the Council's assessment of the services and facilities available within High Hesleden. I have taken the appellant's concerns into account; however, in the absence of compelling evidence to the contrary, I see no reason to depart from the Council's assessment. Accordingly, I find that the settlement contains a very limited range of services and facilities.
12. Whilst Policy 6 provides no specific guidance on what constitutes good access to relevant services and facilities, it is clear that the settlement lacks many of the day-to-day services required to meet the needs of future occupants, who would therefore be likely to travel to other settlements to access them. Furthermore, the appeal site lies to the south of the village and is not connected to the settlement by

a footway. As a result, future occupiers are likely to be discouraged from walking, particularly during periods of darkness or poor weather, due to concerns regarding convenience and safety. They would also be required to travel to other settlements to access everyday services and facilities.

13. I recognise that access to sustainable transport in rural areas differs considerably from urban areas and that development in the rural areas can enhance or maintain the vitality of rural communities. Nonetheless, the spatial strategy seeks to direct development to the most sustainable locations. Therefore, for the reasons set out above, I am not persuaded that the proposed development would have good access to relevant services and facilities by sustainable modes of transport, as required by Policy 6(f).
14. The Council has not raised any concerns regarding the second element of Policy 6(f), namely whether the scale of development would reflect the size of the settlement and the level of service provision available. Based on the evidence before me, I have no reason to reach a different conclusion.
15. Nevertheless, having found that the appeal site lies outside and is not well related to the built-up area of High Hesleden, it follows that the site is located within the open countryside for the purposes of the CDP. Policy 10 seeks to restrict development in such locations unless specified exceptions apply. As none of those exceptions would apply to the proposed dwelling, I find conflict with Policy 10 of the CDP.
16. For these reasons, I therefore find that the proposed development would not be in a suitable location, having particular regard to the spatial strategy of the development plan and accessibility to services. Thus, it would conflict with Policies 6 and 10 of the CDP, which seek to direct development to existing settlements and built-up areas, with good access to services.

Character and Appearance

17. Policy 29 of the CDP requires development proposals to contribute positively to an area's character, identity, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
18. Policy 39 of the CDP states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, including important features and views.
19. The appeal site comprises open land on the edge of the settlement and makes a positive contribution to the rural character of the area. Although there is development in the wider vicinity, the site itself is experienced as part of the transition between the village and the surrounding countryside. The introduction of a substantial dwelling in this location would erode that transitional character, diminish the site's openness and represent an encroachment of built development into the countryside.
20. As noted above, the appeal site forms part of an existing equestrian enterprise and contains areas of hardstanding, fencing, tracks and a modest stable building. Whilst I acknowledge that parts of the site have been developed, these features are incidental to the established equestrian use and sit comfortably within their rural surroundings. By contrast, the introduction of a substantial detached dwelling,

together with the domestic paraphernalia and activity typically associated with residential occupation, would have a pronounced urbanising effect that would be at odds with the prevailing countryside character of the area.

21. Given the site's exposed edge-of-settlement location, considerable weight must be attached to the scale, form and appearance of the proposed dwelling. Whilst the proposed two-storey design would not, in principle, be inconsistent with the scale of some nearby residential properties, its substantial footprint and overall massing would result in a prominent and visually dominant form of development. In particular, the extensive east-west rear projection would create a sizeable built form that would remain readily apparent despite parts of the dwelling being single storey. Furthermore, the building would project significantly above the existing boundary hedgerows, increasing its visibility within the surrounding landscape. Consequently, the proposal would fail to respond appropriately to its rural setting and would not make a positive contribution to the character and appearance of the area.
22. I have had regard to the appellant's contention that the proposed dwelling would reinforce the site's natural and defensible boundaries and would represent a modest, sensitive and contextually appropriate addition. However, irrespective of the site's enclosure, the proposal would introduce a substantial new residential building into an area characterised by open countryside and equestrian land uses. As such, it would appear incongruous within its setting and would harm the established character of the area.
23. In terms of landscape impact, I acknowledge that views of the development would be relatively localised and partially filtered by existing and proposed hedgerow planting. Nevertheless, the dwelling's siting, scale and height would ensure that it remains a conspicuous feature in the immediate landscape. While boundary vegetation would provide some screening, its effectiveness would be limited by the proximity of the proposed dwelling and the extent to which the structure would project above the existing hedgerows.
24. Although the retention of existing hedgerows, the proposed landscaping scheme and the use of traditional materials would serve to reduce the visual effects of the development to some extent, these measures would not overcome the fundamental harm arising from the siting and scale of the proposed dwelling. Moreover, as set out above, the site would appear detached from the established built form of the settlement.
25. Consequently, I therefore conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with Policies 6, 10, 29 and 39 of the CDP which, amongst other things, seek to direct development to appropriate locations, protect the intrinsic character of the countryside, ensure that development contributes positively to local character, and safeguard the distinctiveness and quality of the landscape.

Other Matters

26. Biodiversity Net Gain (BNG) is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021). Subject to certain exceptions, every grant of planning permission is deemed to be subject to the condition that the biodiversity gain objective is met.

27. The Planning Practice Guidance explains that self-build and custom housebuilding development may be exempt from the general biodiversity gain condition where it meets the relevant statutory criteria. The proposal is intended to provide a self-build dwelling for the appellants.
28. However, no completed planning obligation or other mechanism has been provided to secure the dwelling as self-build development in perpetuity. Consequently, I cannot be certain that the development would qualify for the exemption relied upon by the appellant. Nevertheless, given my findings on the main issues, it is not necessary for me to reach a definitive conclusion on this matter, and it has not been determinative in my assessment of the appeal.
29. The site is located within the 6km buffer zone of the Durham Coast Special Area of Conservation (SAC) and the Northumbria Coast Special Protection Area (SPA). Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'.
30. The Council states that the 6km buffer allows development to proceed provided certain mitigation measures are taken. These measures can include alternative green space that meets the Natural England SANG guidelines and a financial contribution of £756.61 per dwelling (for non-allocated sites) towards specific Coastal Access Management Measures.
31. The Council also requested a financial contribution towards the provision of improvements of public open space. This was calculated as being a contribution of £1739.10.
32. I have had regard to the appellant's submissions regarding the absence of a completed planning obligation. It is noted that the lack of a Section 106 agreement did not form part of the Council's reasons for refusal and was not identified by the Council as a determinative issue at the application stage.
33. Nevertheless, the Council's officer report clearly identified the planning obligations that would be required were planning permission to be granted, including the basis upon which those obligations were sought. Whilst no completed planning obligation has been provided as part of the appeal, the requirements were set out before the determination of the application and cannot therefore be regarded as a matter raised for the first time during the appeal process.
34. The appellant contends that the proposed obligations have not been justified and do not satisfy the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. However, based on the evidence before me, I am satisfied that the contributions identified by the Council would be capable of meeting the statutory tests, being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.
35. Whilst I acknowledge the appellant's willingness to enter into a unilateral undertaking should I conclude that such an obligation is necessary, no completed obligation has been submitted for my consideration. However, given my findings on the main issues, this matter is not determinative of the outcome of the appeal and does not alter my overall conclusions. Had I been minded to allow the appeal, I

would have needed to give further consideration to whether the necessary obligations had been secured in an appropriate and enforceable manner.

36. I have had regard to the local support for the proposal, which includes a signed petition, and the absence of any comments or objections from the Parish Council. However, whilst I acknowledge the support for the proposal, this does not alter my overall findings on the main issues of this appeal.

Planning Balance

37. Since the Council determined the application, it has confirmed that it can no longer demonstrate a five-year supply of deliverable housing sites. The evidence before me indicates that the current supply stands at approximately 4.4 years. Accordingly, there is a shortfall in housing land supply.
38. In these circumstances, paragraph 11(d)(ii) of the Framework applies. Therefore, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
39. The proposal would deliver a new dwelling and would therefore contribute, albeit modestly, towards the Government's objective of significantly boosting the supply of homes. The proposal is also intended to be a self-build dwelling. However, the evidence before me indicates that the Council's supply of serviced self-build plots currently meets or exceeds evidenced demand, and there is little substantive evidence before me to indicate otherwise. Furthermore, there is no mechanism before me to secure the dwelling as self-build development. Consequently, I attach only limited weight to this benefit.
40. The proposal would also generate economic benefits through construction activity and would provide some support to the rural economy through future household expenditure. However, having regard to the scale of the development, I find that the overall benefits attract moderate weight. I have also had regard to the appellant's submissions that no objections have been raised in relation to matters such as highways, drainage, ecology, residential amenity, contamination or flood risk. However, the absence of identified harm in these respects is a neutral factor and does not weigh in favour of the proposal.
41. Set against those benefits are a number of adverse impacts. The development would be located in an unsuitable location for housing when assessed against the spatial strategy of the development plan. It would also cause significant harm to the character and appearance of the area through the encroachment of built development into the countryside. These harms attract substantial weight against the proposal.
42. Accordingly, when assessed against the policies of the Framework taken as a whole, I conclude that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal.

Conclusion

43. For the reasons given above, I find that the proposal conflicts with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate that the appeal should be determined otherwise than in accordance with the development plan. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR