



Appeal Decision

Site visit made on 3 November 2015

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 February 2016

Appeal Ref: APP/X1355/W/15/3022991

Land between Church Villas and Rectory View, Church Lane, Shadforth, Durham DH6 1LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Haswell Moor Developments against the decision of Durham County Council.
 - The application Ref DM/14/03871/OUT, dated 22 December 2014, was refused by notice dated 10 March 2015.
 - The development proposed is development of four detached and six semi-detached private dwelling houses.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline including consideration of access, appearance, layout and scale, leaving landscaping reserved. I have dealt with the appeal on that basis, treating any details of reserved matters shown on the plans as being illustrative.

Main Issues

3. The main issues raised by this appeal are whether the proposed development would provide a suitable site for housing, having regard to local and national policy and guidance and with particular reference to the effect it would have on the pattern and form of development in Shadforth and consequently its character and appearance including that of Shadforth Conservation Area.

Reasons

Suitability for housing

4. The appeal site occupies the east side of a large field which abuts Church Lane behind a mature hedge in between two rows of houses. It is situated opposite the church yard of St. Cuthbert's Church which, along with the gates, piers and stile in the surrounding stone wall, are grade II listed. The site lies within Shadforth Conservation Area.
 5. Shadforth consists of two distinct and largely discrete built elements. The southern part is focused around the historic core of the village where older and more recent buildings of mainly traditional appearance, but with varied design
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- and detailing, create a generally harmonious character. This built form extends along the west side of Church Lane up to the appeal site. The north part of the village predominantly consists of the more uniform interwar development of semi-detached houses around Woodside along with the houses at Rectory View on the west side of Church Lane.
6. These two distinct parts of the village are separated by the extensive, wooded churchyard of St Cuthbert's Church on one side of the road and the appeal site opposite. The appeal site shares the appearance of the open countryside which surrounds the village to the west which is an attractive agricultural landscape of undulating fields interspersed with hedges and trees. Although the churchyard has a different appearance to the surrounding countryside by virtue of its use and the extensive mature trees within it, it nevertheless makes a positive contribution to the green and spacious character of this part of the village, effectively separating the two elements.
 7. The effect of the proposal would be to extend the linear development on the west side of Church Lane, effectively linking Church Villas to Rectory View and consequently the two parts of the village. This would be a significant change to the established character and appearance of the village, the coalescent effect of which is not disputed by the main parties (although the respective merits of such a consequence to the character and appearance of the area are).
 8. There are benefits to the environment, character and appearance of the settlement to retain a degree of separation from one another in supporting the village's distinct built morphology and character. The interplay between the built and natural landscapes are also part of the defining character of the settlement and the change in the streetscene and landscape setting in this part of the settlement from an open one to a predominantly built frontage would fundamentally and adversely affect this character and appearance. This would be contrary to one of the National Planning Policy Framework's (the Framework) core planning principles (paragraph 17) of recognising the intrinsic character and beauty of the countryside.
 9. I note that there has been a difference of interpretation between Council officer's in their report and the subsequent members decision as to whether the proposal would have such an effect of encroaching into the open countryside. However, on the evidence before me it is clear that given the length of the frontage and its relative location to existing development and the surrounding countryside, that the site would not have the effect of a limited infill within a built frontage but create a significant extension of the settlement onto land which is currently open countryside with the effect that it would link the two currently discrete parts of the built area, with consequent harmful effects.
 10. The City of Durham – Local Plan (2004) (CDLP) includes two separate settlement boundaries for Shadforth broadly reflecting the north and south elements of the village, albeit that the houses at Rectory View are omitted from the northern one.
 11. It is not a matter of dispute that the appeal site lies outside these boundaries and therefore saved CDLP Policy H3 is of less relevance to the appeal circumstances as it relates to development within settlement boundaries. However, it is helpful to note the supporting text at Paragraph 4.36 helps to define the type of development which might be acceptable within such boundaries recognising that not all gaps or vacant land are necessarily

- acceptable for housing development as some open, undeveloped sites often form an integral part of a village's character the preservation of which being a most important consideration in assessing their acceptability.
12. Saved CDLP Policy E7 only permits development outside settlement boundaries where it accords with a number of policies including H4 and H5. Saved CDLP Policy H5, only permits new housing in the countryside subject to meeting a number of criteria although it is not suggested that the appeal proposal would meet any of these circumstances. These policies are consistent with the Framework in directing development to more sustainable locations. Notwithstanding that the Framework, supported by the National Planning Policy Guidance, has introduced more flexibility in rural areas, there is no suggestion that the proposal would satisfy any of the special circumstances in paragraph 55 of the Framework in which new homes in the countryside are acceptable.
 13. Whilst it is disputed as to whether the development of the site would constitute 'ribbon development' restricted by Saved CDLP Policy H4, the linear nature of the proposal and its effect in extending existing development along Church Lane would mean it is certainly analogous to such development. In any event Saved CDLP Policy H4 only permits development in such circumstances where this is limited to a single dwelling infilling a small gap and does not develop an open space that is important to the street scene.
 14. Although the appropriateness of the design scale and appearance of the dwellings themselves is not in contention between the main parties, the proposal would not comply with this policy given the number of proposed dwellings and given the overall size of the site. Given the length of its frontage, both in itself and relative to adjoining development, I do not consider that the site can reasonably be considered as small. The proposal would not comply with saved CDLP Policies H4 or H5.
 15. Although these policies pre-date the Framework I agree with the Council that they are partially compliant with it and as such they still carry weight. This includes aims to protect the countryside through the settlement boundaries which I note from the supporting text to Saved CDLP Policy E7 are not purely for the allocation of housing but affect all development and are also aimed at protecting other interests such as landscape character, nature conservation and agricultural land.
 16. Nevertheless, in considering whether the appeal proposal represents sustainable development (which the Framework presumes in favour of) against the dimensions in paragraph 7 of the Framework, there would be short term economic benefits through the construction of the housing and social benefits through its contribution towards the supply of housing.
 17. Other than a pub, village hall and church, Shadforth has relatively few facilities and residents would be expected to travel to other larger villages or towns to serve their day to day needs, albeit, in light of paragraph 55 of the Framework, that this may support services in nearby villages. However, it is served by good public transport links by way of regular buses to Durham which may help reduce reliance on private cars for some journeys. The development could perform an economic and social role to a limited degree in helping to support what facilities there are within the village. Whilst the established village generally could be considered a sustainable location for development in these terms, the development of the appeal site itself, by resulting in the loss

- of an important part of open countryside, would not satisfy the environment role which sustainable development needs to demonstrate.
18. The fundamental nature of the change to the character of the settlement in coalescing the two distinct parts would have such a significant adverse effect that this would significantly and demonstrably outweigh the benefits, important though they are, of delivering ten new houses in helping to boost significantly the supply of housing.
 19. The appellant contends that the Council does not have a five-year supply of deliverable housing sites and therefore in line with the Framework that relevant housing supply policies cannot be considered up to date. However, the Council dispute this assertion, referring to an updated assessment of April 2015. I have not been presented with any substantive evidence, including in the appellant's further comments on the Council's statement, to suggest that the Council's justification in their statement that it does indeed have such a five-year supply is incorrect. Therefore, appropriate weight can be attached to development plan policies. In any event, the appeal proposal would fail to fulfil the environmental role the Framework requires of sustainable development.
 20. I have not been presented with any convincing reason to disagree with the Council's assessment that very limited weight should be afforded to Policy 15 of the emerging County Durham Plan (CDP) in light of the circumstances set out in their statement (paragraphs 6.20 and 6.21). In any event in light of the emerging plan's definition of 'built up area' (which includes an intention to avoid coalescence of settlements) it would appear by no means certain that development on the site would have satisfied CDP Policy 15.
 21. In support of their appeal the appellant has referred me to an appeal decision in Castle Eden (Ref: APP/X1355/A/14/2216857) where the Inspector at that time (October 2014) afforded significant weight to the CDP, then at examination stage. However, in light of the current change in circumstances of the CDP referred to above, I do not consider it appropriate to afford it the same weight.

Shadforth Conservation Area

22. Shadforth Conservation Area covers an expansive area including the historic core of the village and its setting of a considerable area of open countryside. Much of its character, and therefore significance, is derived from the historic form of the settlement arranged around the green and extending along the main roads and the relationships between the buildings, both historic and more recent with one another and that surrounding landscape.
23. In paying special attention to the desirability of preserving or enhancing the Conservation Area I consider that the same overall harmful effect on the character and appearance of the settlement and its surrounding countryside would occur to that of the Conservation Area given the importance the countryside setting of the village has in contributing to its character.
24. Notwithstanding that there is no Conservation Area Appraisal and that what information there is in the original designation statement is very limited, in the absence of any convincing evidence to the contrary it is evident from the extent of countryside setting included within the Conservation Area boundary

that this is an integral and important component of the Conservation Area's character and consequently its significance.

25. I note that the Council's Design and Conservation Team in responding to a previous scheme of similar scope on the site did not raise any objections in those terms, although they identified the visual prominence of the site and its open aspect leading to significant views out to the surrounding countryside. They also identified benefits in introducing a built up street frontage on the site which reflects the appellant's view that the effect of the proposal would enhance the character of the Conservation Area. However, I cannot agree that the proposal would have the effect of enhancing the Conservation Area's character or appearance for the reasons set out above.
26. Bearing in mind paragraph 132 of the Framework, in giving great weight to the conservation of this heritage asset I consider that the proposal would harm its significance. Given the overall size of the Conservation Area this harmful effect would be relatively localised and therefore less than substantial. However, the public benefits of the development would be limited and would be greatly outweighed by harm to the asset's significance.
27. The proposal would be contrary to CDLP Policy E22 in its aim to preserve or enhance conservation areas.

Other Matters

28. The appellant has referred me to a number of recent developments in Shadforth which they contend illustrate an ongoing pattern of infill development of which the appeal proposal would be the next phase and some of which the Conservation Area designation statement welcomed. Notwithstanding that I have not been provided with full details of these schemes or the circumstances at the time of their consideration, these all appear to be on sites which are more closely related to the established pattern and form of the settlement than the appeal site (and are within the settlement boundary).
29. I consider that these are materially different to the circumstances of the appeal proposal. Furthermore, the designation statement's support is limited to their built form and use of traditional materials. This has not, therefore, led me to a different conclusion and in any event I have considered the appeal proposal on its own merits.
30. Whilst I note the appellant's argument that the appeal proposal represents an ongoing evolution of the settlement as demonstrated in the mid C19 to mid C20 Ordnance Survey maps in 'Shadforth a village history' (provided by an interested party), I am not convinced that this is a sufficient justification to support the otherwise unacceptable development of the appeal site.
31. The setting of the listed church includes the large church yard and its wider setting of the surrounding area including both the houses at Church Villas and Rectory View as well as the surrounding countryside including the appeal site. The wider setting of the group of features in the churchyard wall comprising the gates, piers and stile similarly includes the appeal site. However, this wider setting's contribution to these assets' significance in visual terms is a limited one.

32. The proposal to retain much of the hedge along the frontage with Church Lane would help to preserve a sense of enclosure to these assets. Whilst the proposed development would change that part of this setting formed by the appeal site, the effect of that change on their significance would be a neutral one. In paying special regard to the desirability of preserving these buildings' settings I consider that their significance would not be harmed as a result of the proposal.
33. However, in considering that its effect on listed buildings would be a neutral, preserving one, I nevertheless do not consider that this would outweigh the harm set out in the main issues above.
34. Whilst I note that interested parties have raised concerns about highway safety, there is no compelling evidence that would lead me to conclude that the Council's assessment of the adequacy of highways arrangements, including visibility, the proposed access road and levels of parking proposed, is incorrect.

Conclusion

35. For the reasons set out above, and having had regard to all other matters raised, the proposal would harm a designated heritage asset and would be contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

Richborough Estates