



Appeal Decision

Site visit made on 22 February 2018

by **Elaine Gray MA(Hons) MSc IHBC**

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

Decision date: 23 April 2018

Appeal Ref: APP/X1355/W/17/3190248

Land at Holme Farm, Toft Hill, Bishop Auckland DL14 0QQ

- 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 Toft Hill Ltd against the decision of Durham County Council.
 - The application Ref DM/17/00518/OUT, dated 13 February 2017, was refused by notice dated 21 September 2017.
 - The development proposed is residential development (up to a maximum of 100 dwellings), including access, with all other matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been submitted in outline with all matters except for access reserved for future consideration. I have approached the appeal on that basis, treating the submitted proposed plans as indicative. I have used a combination of the addresses given in the application form and the appeal form in the interests of clarity. I have also taken into account the Unilateral Undertaking (UU) which accompanied the appeal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the surrounding area, and whether the appeal site is, in principle, a sustainable location for the proposed development.

Reasons

Character and appearance

4. The appeal site comprises agricultural land which is located on the edge of the settlement of Toft Hill, to the north of the A68. In support of their case, the appellant has submitted a Landscape and Visual Impact Assessment (LVIA, November 2017). This document broadly confirms that the effect of the development on the character and appearance of the surrounding area would be fairly localised. From my observations on site, I agree with that assessment.
5. The appeal site does not lie within any locally or nationally designated landscape. However, it is located within the Natural England *National Character Area No 16: The Durham Coalfield Pennine Fringe*. This is a large scale landscape with broad, gently rounded ridges, and valleys with a strong

- west-east grain. The open and often treeless horizons are characteristic of the area. There are occasional woodland features, which frequently comprise plantations or shelter belts for farmsteads. Drystone walls are also a characteristic feature of the area.
6. On my visit, I saw that the site itself has few features. To a large extent, therefore, its value stems from the fact that it is open and undeveloped. As one travels west on the A68, the view suddenly opens up across the appeal site, providing a notable contrast to the built-up character of the settlement. The pleasant rural landscape is significantly enhanced by the longer views towards the more distant hills in the background. Similarly valuable views across the appeal site are also available from the lane that runs along the eastern boundary of the site.
 7. The appeal site therefore marks a key transitional point at which the tightly built-up character of the settlement gives way to the rural landscape which forms the wider setting of Toft Hill. The proposed development would restrict longer views from the A68, and would block views from the lane over the stone boundary wall. It would extend and reinforce the built form of the settlement, and this encroachment would fundamentally and harmfully alter the character of the open countryside at the edge of the settlement.
 8. In addition, the formation of the vehicle access to the development would require the removal of two mature roadside trees. The trees, and other planting on this side of the A68, are important as they enhance the soft, green edge to the settlement. As such, the trees make a notable contribution to the appearance of their surroundings, and their loss would further erode the visual amenity of the immediate area. Whilst new trees could be planted, these would take some time to reach maturity, and would be likely to be in a different location.
 9. I note that a woodland shelter belt would be planted to screen the new development. However, to my mind, this would be at odds with the minimal tree cover that is characteristic of the landscape. The presence of the houses would still be conspicuous, and street lighting would be prominent at night. Moreover, the need for such mitigation measures serves to underline the inappropriate visual impact of such a development on the appeal site.
 10. Whilst new planting with native species could enhance the biodiversity of the site, this would not mitigate the harm that would arise from the proposal. I accept that the new dwellings would be located in relatively close proximity to existing dwellings. However, this factor would not overcome the concerns I have highlighted.
 11. Drawing the above factors together, I conclude that the proposed development would unacceptably harm the character and appearance of the surrounding area. It would thus conflict with Policy GD1 of the Teesdale District Local Plan (TDLP), which amongst other things, seeks to ensure that development has regard and is appropriate to the open spaces of the surrounding area, and with TDLP Policy ENV1, insofar as it resists development that would unreasonably harm the countryside. It would also conflict with TDLP Policy ENV10, insofar as it seeks to protect any trees which contribute significantly to the setting of nearby existing buildings, and with the National Planning Policy Framework (NPPF), which seeks to recognise the intrinsic character and beauty of the countryside.

12. The appellant makes reference to the Landscape Advice response of 19 July 2017, identifying landscape harm that would be exacerbated by the loss of the two trees. The comments in relation to layout and landscaping measures are given with the clear proviso, 'If this application is to be approved'. Reading the document as a whole, it is therefore not possible to infer that the Landscape Officer considered the scheme to be acceptable in principle, in terms of its landscape impacts.

Whether a sustainable location

13. The appeal site is located outside any development limits, and is therefore within the open countryside for planning purposes. TDLP Policy H6 states that a new dwelling will not be permitted in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be accommodated within an existing town or village.
14. However, as a five year housing land supply cannot be demonstrated, paragraph 49 of the NPPF requires that relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 provides that, where relevant development plan policies are out-of-date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
15. The TDLP describes Etherley, which comprises the settlements of Low Etherley, High Etherley and Toft Hill, as having a good range of facilities available, including shops, doctor's surgeries, a community centre, public houses, a primary school and cricket field. I noted on my visit that many of these facilities are within easy walking or cycling distance of the appeal site, despite its peripheral location. Furthermore, within a short distance of the site, buses are available to Bishop Auckland, which is classed as a Major Town. Whilst the number of bus services is relatively limited, this would nonetheless offer an alternative method of transport to the motor car for new residents.
16. The TDLP notes that there are very limited employment opportunities for a settlement of the size of Etherley. To that extent, future residents would be likely to travel farther afield by car to places of employment, and to access a wider range of facilities. In terms of sustainable travel patterns, it is therefore likely that some additional car journeys would be generated by the development. However, the site is relatively close to the services in the village, which could be accessed by sustainable modes of transport. Therefore, the proposal would provide social and economic benefits in supporting local facilities.
17. Drawing these factors together, I do not find the proposed location to be, in principle, an unsustainable location for the proposed development. I therefore find no conflict with TDLP Policy GD1, insofar as it seeks to encourage the use of other transport modes, TDLP Policy T7, which relates to public transport, or TDLP Policy T8, which seeks to encourage cycling in the district.

Other Matters

18. The appellant argues that the development would contribute positively to the village through good design. However, as design is a reserved matter, I cannot

take this into account in my consideration. I note also that the properties would be built to modern building regulation requirements, but this has not led me to a different conclusion.

19. As I am dismissing the appeal on other grounds, I have not assessed the UU against the relevant tests set out in the CIL Regulations and the NPPF.

Planning balance and conclusion

20. The Council considers that it can demonstrate a housing land supply of between 4.2 and 4.91 years. Whilst the shortfall is relatively small, the NPPF requires that the supply of housing nationally should be significantly boosted. On the matter of weighting, I have been referred to appeal decision Ref APP/X1355/W/16/3165490, and I have taken it into account. I consider that the addition of up to 100 new dwellings, including affordable homes, to the housing supply attracts significant weight. The provision of affordable housing, on-site recreational facilities, and the provision of a contribution towards educational facilities would also weigh in favour of the development, as would the economic and social support for the settlement.
21. Nonetheless, the proposed scheme would have serious negative effects in terms of its harmful impact on the character and appearance of the area, and in particular the countryside setting of the settlement. Therefore, despite my finding that the proposed development would be sited in a sustainable location, the adverse impacts of granting planning permission in this case would significantly outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Accordingly, the appeal is dismissed.

Elaine Gray

INSPECTOR