



Appeal Decision

Site visit made on 20 January 2022

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

an Inspector appointed by the Secretary of State

Decision date: 11th April 2022

Appeal Ref: APP/X1355/W/21/3285569

**Blue House Farm, Denebridge Row, Chilton, Ferryhill, Co. Durham
DL17 0HP**

- 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 Mr John Wade, Stonegrave Aggregates Ltd against the decision of Durham County Council.
 - The application Ref DM/19/02430/OUT, dated 23 July 2019, was refused by notice dated 30 April 2021.
 - The development proposed is described as the erection of 118 No Dwellings, including 24 No 2 bedroom affordable bungalows (Inc. 2 No will be wheelchair accessible) together with associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally described as providing 50 dwellings including 22 affordable bungalows. However, the scheme was amended while it was under consideration by the Council. I have therefore used the revised description from the Appeal Form and the Council's decision notice in the heading above. I note that the drawings indicate that there would be four rather than two wheelchair accessible bungalows.
3. The application was made in outline including consideration of matters of access, landscaping and scale with matters of appearance and layout reserved for future consideration. I have dealt with the appeal on that basis, treating any details of reserved matters shown on the plans as being illustrative.
4. Although layout remains reserved, the drawing illustrating the 118 home scheme shows it limited to fields either side of Blue House Farm and not extending across the whole original application site all the way to Dene Villas. The Council considered the scheme on this basis and so have I.
5. The Council no longer intend to pursue an objection on the grounds of an alleged coalescence effect set out in their first reason for refusal and this is reflected in the identification of main issues below.

Main Issues

6. The main issues raised by this appeal are whether or not the development would be in an appropriate location for housing development, with particular

regard to its relationship with the settlement and its effect on landscape, and whether or not future occupiers would have satisfactory access to facilities and services.

Reasons

7. The County Durham Plan, 2020 (CDP) regards areas falling outside the main body of the existing development of a settlement as countryside. The appeal site is an area of gently undulating countryside with a cluster of agricultural buildings and a dwelling at Blue House Farm. It is not a matter of dispute between the main parties that the development would not accord with CDP Policy 10. This restricts development in the countryside unless allowed for by specific policies in the CDP. One of these, CDP Policy 6, permits development of unallocated sites outside a built-up area, but well-related to a settlement, and subject to compliance with other relevant policies and a number of criteria.

Relationship with settlement

8. CDP paragraph 4.110 in support of CDP Policy 6 explains that 'when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration'. Furthermore, criterion d. of CDP Policy 6 requires development to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
9. The extent of the built-up area of Chilton largely consists of two elements. The substantive residential part of the settlement along with the majority of its services and facilities is situated to the east of the A167. An extensive largely industrial area lies to the west of the A167 and almost entirely to the north of the C36 (the road which runs between Chilton and Kirk Merrington alongside the north boundary of the appeal site). To the north of the C36 the built-up area also includes the very long terrace of houses at Dene Bridge Row. However, Dene Bridge House to the west is separated from the terrace by a gap with a substantial stand of trees and with no buildings directly opposite. As such it appears more as an isolated dwelling beyond the built-up part of the settlement.
10. Due to its length and slightly elevated situation relative to the C36, Dene Bridge Row creates a definite and legible edge to much of the built-up part of the western segment of the settlement. The intervening long front gardens have a variety of incidental sheds and garages but overall these do not have a built-up character. The land opposite including the appeal site has the character and appearance of open countryside within which the cluster of agricultural buildings set slightly down the slope from the farmhouse at Blue House Farm appear as a farmstead set in agricultural surroundings rather than part of the settlement.
11. Notwithstanding the village 'gateway' signs, when approaching Chilton along the C36 one experiences Dene Bridge Row as part of the settlement on the north side of the road but it is not until the buildings at West Chilton Terrace on the south side of the C36 are encountered that the built-up part of the settlement crosses to the south side of that road. Even then this is in the form of narrow linear development which extends both sides of the A167 roundabout towards the more consolidated built-up part of the settlement beyond.

12. The extensive area of allotments to the south and west of West Chilton Terrace is dotted with sheds of various sizes. However, these are not so extensive or numerous that they form part of a built-up character. Whilst the relative intensity of their use gives them an urban edge horticultural character and appearance distinguishing them from the open pasture nearby, neither do they read as an element of the built-up part of the settlement.
13. Between the allotments and the appeal site are the grounds of the Windlestone School. These include large, grassed areas including those adjacent to the road. The effect of this is that the cluster of school buildings which lie some distance down the sloping landscape from the C36 appear separate from other development and have the character and appearance of being situated within countryside rather than as part of a contiguous built-up area. Although some of these characteristics may be typical of urban fringe areas this does not in itself equate to the site being well related to the built-up part of the settlement on the south side of the C36.
14. Whilst the eastern part of the site has some development in its vicinity and farm buildings on it, the built form and spaces in between would not have the effect of that part of the site forming an infill within built-up surroundings. The western part of the site does not even have much of that context appearing as, and sharing the character of, the fields which extend down to the woods and open countryside beyond with a small copse separating it from the farm buildings.
15. The site only has a marginal physical and visual relationship with the existing built-up area of the settlement and it lies outside and beyond that built-up area. Its development would leave a significant gap of the school grounds and allotments between it and the nearest built-up part of the settlement on the south side of the C36 at West Chilton Terrace. Any consolidation that would occur would be in the form of more closely relating to Dene Bridge Row via Blue House Farm with the school complex to the south, rather than any consolidation with the settlement to the east. This would form an isolated spur protruding into the countryside from the north. This would not be well related to the built-up part of the settlement which is largely linear in expression along the C36 and much more closely situated to the substantive part of the settlement on the south side of the road.
16. Whilst the urban morphology of the settlement continues to evolve with other developments elsewhere on the built-up fringes, that does not alter the relationship between the proposed development and the built-up part of the settlement in the vicinity of the appeal site.
17. The development would significantly erode the open countryside setting of the settlement that currently exists to the south of the C36 and create an extension with little bearing on the current relatively well-defined extent of the built-up part of the settlement in this part of Chilton. It would relate poorly to the existing configuration of the settlement both physically and visually. As such, the development would be contrary to CDP Policy 6 as it would not be well related to a settlement and not be appropriate in terms of location to the character, form and setting of the settlement. Consequently, it would conflict with CDP Policy 10.
18. Notwithstanding these shortcomings, bearing in mind the matters which remain reserved it has not been demonstrated that the development would necessarily

run contrary to the National Planning Policy Framework's (the Framework) policies for achieving well-designed places in this particular respect.

Landscape effects

19. The appeal site lies within the Limestone Escarpment component of the East Durham Limestone Plateau County Landscape Character Area. This is an extensive landscape scale characterisation with a range of facets and, although it is heavily influenced by development with a semi-rural or urban fringe character in places, it also covers a visually open and broad scale landscape with panoramic views to distant hills, amongst other characteristics. The appeal site and its wider landscape setting particularly to the south and west is largely that of open gently rolling or undulating farmland with isolated buildings and areas of woodland. Existing natural and man-made features to a degree divide the site into two parts in terms of landscape effects along the line of the copse to the west of the Farm which follows a former wagonway. The wider local landscape setting to the east and partly to the north is urban fringe and urban.
20. The LVIA¹ was prepared in respect of a previous, larger scheme, but in the way it broke down components of that site has parallels with the east and west components of the appeal site. Both it and the appellant's subsequent Landscape Statement note differences in character and the effects of development between these two components.
21. The west part of the site both appears part of and shares its character with the open pastoral landscape to its south and west. Dene Bridge House sits partly opposite the west part of the site on the other side of the C36. It is a large, and from some aspects quite prominent, building, but from the west it is seen against the backdrop of the tall trees beyond. These trees and a rise in the road effectively obscure it from the East. Whilst it has a commanding view over the west part of the site, it does little to alter either the visual qualities of the site nor the local landscape on a landscape scale where it features as an isolated building or group quite different to the effect built-up and urban fringe areas have on adjacent landscape. As such the LVIA and Landscape Statement rather overstate the effect that Dene Bridge House has on the site's character and visual qualities in landscape terms, but even then consider that part to be of moderate scenic quality.
22. Although not designated within the development plan or elsewhere as being of particular recognised value, both parts of the appeal site display qualities of landscape character. They also have visual qualities of an attractive pastoral landscape which are pleasant and can be enjoyed in views from buildings, the C36 and from passing through on the public footpath on the western part of the site. The tree belt that has been planted to the west of the site is made up of little more than saplings and currently has very little impact on the character or appearance of the site or its wider landscape setting.
23. The development would result in the loss of this pasture to a housing estate. On the western part of the site this would erode the open landscape character by way of a considerable intrusion. Whilst no landscape features themselves such as hedges would be lost it would nevertheless carve out a segment of the attractive pastureland which characterises the area.

¹ Landscape and Visual Impact Appraisal, 2019.

24. The experience of walkers on the footpath that currently runs across the site would also be fundamentally changed from the present one of walking through open fields and countryside to walking next to a housing development on one side, albeit in time the planting would reduce the intrusiveness of the buildings.
25. Uninterrupted views of and over the western part of the site are afforded of pasture and woodland beyond from the C36 opposite. A sizeable component of the landscape would be lost, eating into the gently rolling landscape extending to the south and west. However, this harmful effect would be localised, and the intervening topography would make the development on this part of the site hidden or much less apparent farther west on the C36. Nevertheless, the development of the western part of the site would have a much more marked effect in terms of its visual effects and on the landscape character of the locality.
26. The LVIA notes the eastern part of the site as being urban edge grassland encapsulated by the School, Farm and Dene Bridge Row making that part of the site more visually contained. Consequently, the effect of the development in visual terms, beyond the actual loss of the pasture, would be more limited in respect of its effect on the wider landscape. Given its small component size on a landscape scale and the urban fringe character of its immediate landscape setting the loss of the countryside in this location would also have a more limited effect on the landscape character of the area. Nevertheless, this would still have an adverse effect on the character and appearance of the countryside.
27. Whilst visual effects from the C36 would be more localised for the eastern part of the site the views across the site currently include the pasture in the foreground with woods in the distance where the roofs of the School buildings appear nestled within the topography. The loss of the foreground to housing development and effective blocking and extensive interruption of views of the woodland beyond would have a significant harmful visual effect on the landscape as experienced from the road, albeit that the effect would be localised.
28. The existing immature tree belt along the west side of the site and proposed planting has the potential in the long term to break up or even screen the development from many views. However, even with planting in advance of later phases anticipated on the western part of the site and acknowledging that landscaping does not need to be as tall as the building it intends to mask depending on the vantage point, the landscaping would still take a considerable time to mature to an extent where it could be effective in mitigating the visual intrusion. The harm however would be more immediate and permanent.
29. The effects on both landscape character and appearance of the development, particularly on the western part of the site would be harmful. That harm would be localised when considered on a landscape scale. This is reflected in the Landscape Statement's assessment where it classifies receptors with longer distance views would largely experience 'minor adverse' effects on importance reducing to 'negligible adverse' or 'no change' by fifteen years. However, it notes more extensive adverse effects on closer receptors, even if many of these are predicted as being 'minor adverse' in the longer term.
30. Much of the change in adverse effects predicted in the Landscape Statement is as a result of the proposed structural landscaping. This has the potential to add

features of interest into the landscape through new tree planting, but this would be at the expense of the sizeable housing estate within and behind them. Overall, this would do little more than providing screening of the development in the long term, effectively creating a soft edge to an expanded settlement.

31. Irrespective of whether this planting would start to have a meaningful visual effect at fifteen or twenty five years it would still take a considerable time to mature to an extent where it would effectively mitigate harmful effects. Until that time development on both parts of the site would have clear intrusive visual effects as well as those identified to the character of the landscape. The proposed landscaping would essentially be perimeter structural planting and expanding the copse. Based on the indicative layout within, this would create a built-up housing estate encircled by trees rather than a development that would be integrated in any effective manner within the landscape.
32. The adverse effect of the western part would be more harmful on landscape character and visual effects than that of the eastern part. There is no suggestion that any views within which the appeal site features would be considered as important ones under the terms of CDP Policy 39, albeit that they will be important locally to those who live or study nearby, travel along the C36 or walk across the site and its surroundings. Whilst the tree planting would take some time to have a meaningful impact on the visual effects of the development this would go some way to addressing CDP Policy 39's requirement to incorporate appropriate measures to mitigate adverse landscape and visual effects.
33. Nevertheless, the development would result in moderate but unacceptable harm to the character and quality of the landscape contrary to CDP Policy 39 overall. As the development would erode the character of the countryside it would not provide the positive contribution to an area's character and landscape features sought by CDP Policy 29. Similarly, it would conflict with criterion c of CDP Policy 6 by resulting in the loss of open land that contributes to the character of the locality, and which cannot be adequately mitigated or compensated for.
34. The Framework requires decisions to recognise the intrinsic character and beauty of the countryside and in doing so the development would run contrary to that aim.

Access to facilities

35. There are a range of services and facilities in Chilton which future occupiers could reasonably be expected to use. There is a small shop within the petrol filling station next to the roundabout and some open space with an equipped children's play area nearby. These would be likely to be within a reasonable walking distance from the development and convenient for some recreation or incidental purchases.
36. However, the majority of shops, services and facilities are on or near Durham Road and are considerably farther away. According to the appellant's figures, none of those destinations would be within the 400m 'desirable' walking distance set out in the, now dated, IHT guidelines² and most would be much

² Guidelines for Providing for Journeys on Foot, The Institution of Highways & Transportation, 2000.

farther than the 800m 'acceptable' distance. Since its publication guidance has moved away from assessing walking accessibility purely on distance and travel time with approaches including experiential factors also influencing appropriate walking relationships with destinations. They would fall outside the 800m or ten-minute walk that the National Design Guide considers to be a walkable distance to local facilities.

37. In fact, many would be only just short of the IHT guidelines 'preferred maximum' distance. Added to this would be the effect of the perception of crossing the A167. For walkers this may be discerned as a barrier being a busy road where the pedestrian crossing aligns with the back lane of West Chilton Terrace and is offset from the line of sight for those walking along the C36 into Chilton. Furthermore, as the appellant has measured distances from a central point it is likely that many dwellings on the western part of the proposed estate would actually be farther away than this maximum given the indicative layout.
38. The primary school would be just under the 'preferred' maximum school walking distance but well over the desirable and acceptable distances. At 23 minutes' walk time, reaching the school from the proposed development is more likely to be favoured by a short car trip especially for parents of younger pupils. Given the Council's very low cycling to school figures for Chilton that mode does not appear to be an alternative that would be adopted by many.
39. However, most of these facilities would be within a convenient cycling distance for adults, even from the farthest dwellings on the site. The route would be reasonably convenient, well lit and relatively level with less adventurous cyclists being able to use the light-controlled crossing over the A167 as an alternative to negotiating the roundabout.
40. The nearest bus stops, which the appellant's data notes access at least one relatively frequent service, would be a seven minute walk and conceivably convenient. However, they would be on the other side of the A167 and well over 400m from the site, a distance within which the Council's Building for Life SPD³ uses to assess whether sites have good access to existing public transport links to help reduce car dependency. Furthermore, their relative proximity to Durham Road means it would be less likely for residents to choose the bus to visit facilities in Chilton, as opposed to destinations farther afield, given the distance they would already have had to walk to reach the bus stops.
41. Cycling could be an option for occupiers as an alternative to using private vehicles to access local services. It would, however, be likely that many trips to local facilities would be by car given the distances, route and length of time walking would take, and the homes would feel somewhat remote from the centre of Chilton. There is no suggestion that other recent or new developments elsewhere in Chilton are as remote from services and facilities.
42. Whilst access would be acceptable or satisfactory for one mode this would not be for all. Local and national policy is set out in terms of satisfying quality, convenience and opportunity for all three sustainable modes not just some. This cannot reasonably be considered to result in the good access by sustainable modes of transport required by criterion f. of CDP Policy 6 nor the convenient access for all users prioritising needs of pedestrians, cyclists and

³ County Durham Plan - County Durham Building for Life Supplementary Planning Document 2019 (Adopted Version).

public transport users required by CDP Policy 29 criterion m.2. These shortcomings would not, however, necessarily conflict with CDP Policy 21's sustainable transport requirements.

43. The development would not support the Framework's policy of actively managing patterns of growth in support of objectives including pursuing opportunities to promote walking along with other modes. Nor would it meet the Framework's requirement to create places that are inclusive and accessible.
44. Given the range of services and facilities in Chilton, future occupiers may not need to travel to other settlements for all their day-to-day needs, rather the proposal would site a development at a considerable distance from those local facilities. So even if Chilton does form part of a 'Ferryhill Cluster' of settlements for some purposes it would not necessarily be isolated in the Framework's terms, and these are materially different to the circumstances envisaged in the Framework at paragraph 79 to support services in nearby villages.
45. The appellant has referred me to appeal decisions relating to housing development elsewhere in the County where they consider similar distances were considered acceptable. However, these were both very small scale. In one case there was a bus stop opposite the site and that was considered in light of a different development plan. In the other, development was also found to be linked to services by a frequent bus service such that the circumstances of both were materially different to that of this appeal.
46. Similarly, the appellant points to an application recommended for approval elsewhere in the County where a distance of up to 2km or a 20 minute walk was considered by the Council to be acceptable in that case. Not only was that recommendation made in light of a previous development plan to that now in force, that site was situated between two extensive and well-established areas of existing housing at similar or farther distances from facilities than that proposal. These are materially different circumstances to the appeal before me and these other decisions and recommendations do not lead me to a different conclusion. In any event I have determined the appeal on its own merits.
47. The provisions in the planning obligation for a highway contribution would be put towards improvements to a roundabout to the south of Chilton and as such would have little impact on pedestrian or cycle accessibility between the site and the centre of Chilton.

Planning balance

48. The planning obligation's provisions would secure affordable housing along with making contributions to public open space and education, as well as the aforementioned highway contribution. The latter three components would essentially provide mitigation against the effects of the development, albeit that as others may benefit from maintained open space, improved roundabout and additional education facilities these could provide a limited benefit as well. There would be some moderate benefits by way of biodiversity improvements through the provision of the tree belts and particularly the SUDS ponds whose management would be secured by way of a legal agreement with the Council.
49. Notwithstanding the Council's overall housing supply position the Government's objective is to significantly boost the supply of housing and the proposal would provide 118 new homes which would be a modest benefit, tempered somewhat

- by its locational and accessibility shortcomings. The scheme would also lead to a modest and time-limited economic benefit during the construction phase, as well as the ongoing modest benefits to the local economy from residents.
50. The development proposes to deliver 22 affordable units of which 4 could be wheelchair accessible. This would be in excess of what is policy compliant according to the Council's figures both in terms of overall proportion of affordable homes and those suitable for older people. Whilst I have no information before me to suggest that the CDP does not make appropriate provision for affordable housing it is clear from Council reports supporting their council house building programme that there is an under provision of affordable rented homes falling far short of requirements and a specific lack of bungalows. Whilst the Council's strategy is to address this with their own programme targeting that type and tenure of housing, the appeal proposal's inclusion of affordable bungalows adds weight to the benefits it would deliver.
51. That being said, the construction of the planning obligation would not automatically guarantee 22 affordable bungalows, relying as it does on the subsequent approval of an Affordable Housing Statement which provides for a 15% or 19 unit minimum. There would appear to be the potential, at least, that the level of provision could end up being no more than a policy compliant level. Furthermore, the wording of the planning obligation may well only be able to ensure that the two wheelchair dwellings cited in the description of development would be provided as affordable homes. Taking this all into account, the affordable and accessible homes element would still mean that the development would deliver particular benefits in terms of affordable bungalows in light of the current shortfall of that typology. Overall, the benefits of the scheme would be moderate.
52. Conversely, the location of the proposal beyond the settlement would markedly undermine the Council's plan-led approach to the location of new housing, would not be well related to the settlement with considerable harmful effects, would give rise to landscape harm and the proposal would be less than ideal, and certainly not good, in terms of non-car accessibility to local services and facilities. Together this harm carries substantial weight and would outweigh the benefits that the development would deliver.

Conclusion

53. The proposal would therefore 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. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR