



Appeal Decision

Site visit made on 3 April 2024

by S Heywood BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Appeal Ref: APP/X1355/W/23/3336183

Woodman's Paddock, Wingate, TS28 5LU

- 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 P Bayliss against the decision of Durham County Council.
 - The application Ref is DM/23/01509/FPA.
 - The development proposed is the construction of a single storey dwelling and associated ancillary works and a change of use from equestrian/paddock area to residential.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this appeal is whether the proposed development would provide a suitable site for housing, having regard to:
 - its location and local and national policies relating to development within the countryside,
 - the character and appearance of the area, and
 - the accessibility of the site to services and facilities.

Reasons

Policy context

3. The development plan includes the County Durham Plan, 2020. Policy 10 sets out that development in the countryside will not be permitted unless it falls within specific categories (none of which apply in this case) or if allowed for by specific policies in the plan, including Policy 6 which I address below. The justification to Policy 10 explains that land which is not within an existing built-up area will be regarded as 'countryside' for the purposes of the policy. In terms of general design principles for development within the countryside, criterion 10p states that development must not be solely reliant upon unsustainable modes of transport.
4. Policy 6 permits development on unallocated sites both within the built-up area and outside the built-up area but well-related to a settlement (except in a Neighbourhood Plan area, which does not apply in this case). The policy sets a number of criteria and also requires compliance with other development plan policies. Of relevance in this appeal are criterion (d) relating to the character of the settlement and (f) relating to access by sustainable modes of transport to services and facilities. In order to gain support from Policy 6, an unallocated

site outside the built-up area must be well-related to a settlement. The development plan does not delineate the edge of the built-up area of Wingate. The justification to Policy 6 states that the physical and visual relationship of the site to the existing built-up area of the settlement will be key considerations in the assessment of whether a site is well-related to a settlement.

5. Policy 21 seeks to ensure that development delivers sustainable transport. Policy 29 and 39, amongst other things, seek to protect an area's character, identity and landscape and Policy 40 seeks to protect trees and hedges.

Location of the development

6. The site lies some distance outside of the main body of built development within Wingate, which lies some distance to the east, north east and south east of the site. It is currently part of an open paddock area surrounding which is a mixture of woodland, open fields, allotments, the stables at Woodman's Paddock and a loose cluster of a few other dwellings.
7. Physically the site is separated from the main built-up area by intervening open space and woodland, and that woodland in part ensures that there is no visual relationship between the site and the existing settlement. Consequently, I conclude that the site is outside of and not 'well-related' to the main built-up area of Wingate. It does not therefore benefit from support under part (ii) of Policy 6. Furthermore, it is located in the countryside for the purposes of Policy 10 and does not fall within any of the listed exceptions. As such, the proposal would be contrary to both Policies 6 and 10.
8. Paragraph 5.74 of the Local Plan sets out that as a general principle, the plan seeks to direct new development to sites within the built-up area, those well-related to a settlement or allocated sites. The proposed dwelling in this location would result in a consolidation of the existing sporadic cluster of residential properties beyond the main built-up area of the village contrary to the principles for development set out in the Local Plan.
9. In rural areas the National Planning Policy Framework (NPPF) encourages housing for local needs; it should be located to enhance or maintain the vitality of rural communities and support services, and planning policies should avoid isolated homes in the countryside.
10. I agree with the appellant that the site does not lie in an isolated area of the countryside. However, the fact that there would be no conflict with paragraph 84 of the NPPF does not provide support for the proposal; it is a neutral factor in my decision. There is nothing to suggest that there is a local need for the dwelling in this location. In addition, the construction of a single dwelling in this location would not enhance or maintain the vitality of the community nor significantly support the viability of existing services or facilities. The proposal does not therefore gain support from NPPF paragraphs 82 or 83.

Character, appearance and landscape

11. The site is currently open, apart from a small wooden hay barn sited in its south eastern corner. I note the existence of what the parties refer to as "urban elements" – tarmac surfaces, allotments, telecom poles, overhead wires and bollards – in the surroundings. Together with the natural elements of

trees, woodland and open paddocks, the surroundings can be described as semi-rural.

12. Views across the currently open site towards large mature trees on the edge of the woodland to the north, and along the western boundary of the existing paddock, are gained from the lanes to the south and east. I acknowledge that the property would be a modest size and single storey. Nonetheless, the existing open views towards surrounding trees would be curtailed and interrupted by the proposed development.
13. Furthermore, the proposal would intrude into the currently open paddock and expand the view of built development beyond, to the west and south of, the existing stables and Woodman's Cottage. It would reduce the space between the existing buildings at both Woodman's Cottage and Woodman's Stables and the existing properties to the west and south.
14. The reduction in the open nature of the site, the interruption of views to surrounding woodland and juxtaposition of the proposed dwelling with surrounding buildings would reduce the semi-rural appearance of the area and increase its sense of urbanisation. This would be harmful to the character and appearance of the surroundings and would be contrary to Policy 29 and 39 of the County Durham Plan. It would also have been contrary to Policy 6(d) had I found general conformity with the first part of that policy.
15. The Council considers the dwelling would impact upon an existing hedgerow to the west of the hay barn along the south west site boundary. This appears to be a sporadic hedge, limited in its extent, with the more mature hedge and trees lying further to the west of the proposed dwelling in the retained paddock. Any impact on the limited section of hedge adjacent to the proposed dwelling would cause minimal harm to the character of the area and could have been overcome by the imposition of conditions requiring appropriate landscaping. The proposal would not therefore conflict with Policy 40.

Accessibility

16. Services and facilities in Wingate are primarily located to the east and south east of the site, along the B1280 which runs through the settlement. Access to these facilities would be either along the narrow lanes to the south of the site and through an industrial estate, or along the footpath leading north eastwards through woodland, onto Woodland View and from there eastwards across open space to the main B1280.
17. Both of these routes would involve a walk of some distance. The lane to the south of the site is unlit and has no footpaths until the industrial estate is reached. In places it is bounded by vegetation or close boarded fencing. Its remote, secluded nature would be likely to discourage walkers from using this route during hours of darkness. On reaching the industrial estate, pedestrians could walk along a footpath to the main road, but the surrounding environment of the industrial estate would not provide an attractive route. Consequently, even during the hours of daylight, this would be likely to discourage walking to the services in the settlement along this route. The footpath to the north east of the site is also unlit and passes through an area of dense woodland. Again, it would be unattractive during darkness or inclement weather.

18. The Council state that the nearest bus stop is around 650-700 metres from the appeal site and this is not disputed by the appellant. Whilst this may be an achievable distance for able bodied persons, the character of the routes that I set out above would limit the number of journeys that would be likely to be undertaken by foot and bus.
19. I have had regard to the appeal decision (APP/X1355/W/22/3293668) for land at Dalton-Le-Dale. However, the Inspector in that appeal noted that the site was within the existing village. There was a bus stop a short walk from the appeal site and the Inspector also noted that there was a good pavement including streetlights on Dene Road. The circumstances of that case therefore appear to have been different to the appeal before me.
20. I note the Council's approval of the dwelling at Wood View Stables, which the appellant says was in 2019. That property is in a similar location to the appeal site and access to services within the village is a similar distance along a nearby lane and through the industrial estate. The appellant states that the committee report for that application indicated that the site was in a sustainable location.
21. I sympathise with the appellant's concerns as to the apparent lack of consistency in the Council's decision making between these two similar proposals. The Council say that Wood View Stables was considered under the previous Local Plan, but I am not aware of the specific differences in the policy stance between the current and previous Local Plan nor do I have the details of the Council's decision before me. Nonetheless, each decision must be treated on its own merits and this previous approval does not justify allowing a development which I have found to be harmful on the basis of the considerations specific to the development before me.
22. For the reasons I have set out, I conclude that it is likely that future occupants of the dwelling would primarily use private vehicles to access nearby services and facilities. This would be contrary to Policy 21 of the County Durham Plan. It would also have been contrary to Policy 6(f) and Policy 10p had I found in principle compliance with those policies. NPPF paragraphs 114(a) and 116(a) also seek to encourage development to promote sustainable transport choices. The development would not accord with those aims.

Conclusion

23. For the above reasons, I conclude that the proposed development would not provide a suitable site for housing, having regard to its location outside the main built-up area of the settlement, and local and national policies relating to development within the countryside; the character and appearance of the area; and the accessibility of the site to services and facilities.
24. I note that there are no concerns regarding highway safety, amenity or ecology, but these are neutral factors in the decision. The contribution that one dwelling would make to meeting housing targets and maintaining community facilities and services would be minimal and would not be sufficient to outweigh the harm identified. For the reasons set out, the proposal would be contrary to the development plan and the appeal should be dismissed.

S Heywood INSPECTOR