

# THE CITY OF DURHAM TRUST

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Web site: <http://www.DurhamCity.org>

c/o Blackett, Hart & Pratt, LLP  
Aire House  
Mandale Business Park  
Belmont  
Durham, DH1 1TH  
4 August 2022

Dear Ms Jennings,

**DM/22/01536/FPA Old Arbour House Crossgate Moor Durham DH1 4TQ**

*Creation of an outdoor horse arena, with timber rail fencing and floodlighting, exclusively for personal use*

The City of Durham Trust submits the following objection to this application for development in the Durham Green Belt, noting that this is retrospective (construction completed November 2021). It is based on intensification and negative impact on the Green Belt

**Context**

Arbour House occupies a prominent site overlooking the River Browney valley and the road to Bearpark. It is on a bridleway that runs through the farm complex and is next to the arena. The bridleway links with Club Lane and is an important part of the public access network in the area, connecting to Nevilles Cross, Bearpark and Beaurepaire. Given its raised position, lighting is going to have a substantial impact on the Green Belt.

The promontory on which Old Arbour House sits is part of the Nevilles Cross listed battlefield site. It has the potential for archaeological evidence relating to the battle. The extents of the battlefield are open to interpretation and the arena is immediately on the edge of the Historic England battlefield mapping. The promontory has been linked to the Scots' positions and movements in the battle.

**Proposals**

The intensification and expansion of equine provision is a known issue for Green Belt and urban fringe areas. It results in substantial character, landscape, and biodiversity changes counter to the original countryside character of an area. Old Arbour House is already part of the expanded complex of Arbour House Farm. The surfaced, fenced, and floodlit arena is clearly a departure from the field character adjacent to the farm complex. The lighting is especially unwelcome addition given the prominence of the site and proximity to Neville's Cross. This is counter to the countryside character of the area. It will increase light pollution and amenity nuisance for people living in Neville's Cross.

The intensive nature of the arena through its surfacing and lighting has a negative impact on the adjacent bridleway and the Green Belt. It negatively affects 'openness.' The effectiveness of the Green Belt for separating neighbouring development and providing the setting for Durham City relies on its countryside character. The arena is counter to the open nature of the battlefield site, and as it is already constructed the opportunity for an archaeological check has been missed.

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Being described for personal use does not preclude intensive day and evening use by friends and associates.

## Planning Policies

County Durham Plan Policy 20 states that *‘development proposals within the Green Belt will be determined in accordance with national planning policy.’* This means that National Planning Policy Framework (NPPF) applies as the statutory development plan policy to this proposal in relation to the Green Belt. As submitted, the proposals fail against the following:

## County Durham Plan

### Policy 10 - Development in the Countryside

#### General Design Principles for all Development in the Countryside

As new development in the countryside the arena does not accord with all other relevant development plan policies and by virtue of its siting, design and operation gives rise to:

*l. Unacceptable harm to the heritage, biodiversity, intrinsic character, beauty and tranquillity of the countryside individually and cumulatively, which cannot be adequately mitigated or compensated for.*

### Policy 13(c) Equestrian Development

As an equestrian development the arena should be considered an inappropriate countryside use because the following criteria are not met:

*c. ‘the proposal..., by virtue of its siting, design, scale, materials, layout, lighting and through the inappropriate intensification of an existing bridleway, route, and land, will unacceptably affect the character, heritage and nature conservation value and the locality, both individually and cumulatively with other development.*

*f. the proposal will ‘adversely impact on the general amenity of neighbouring properties and the wider area.’*

The arena is more than limited infilling and is inappropriate – *‘New equestrian development in the Green Belt will normally be regarded as inappropriate development.’*

### Policy 20 Green Belt

The proposal fails against policy 20 by not meeting the criteria from the NPPF as follows:

#### NPPF - Proposals affecting the Green Belt

The proposal is harmful and therefore

**Para.147.** *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

The harm caused by the proposals needs to be given ‘substantial weight:

**Para.148.** *When considering any planning application, local planning authorities should ensure that **substantial weight is given to any harm to the Green Belt.***

The harm is not outweighed by ‘other considerations’:

*‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

**Para.149.** The arena should not be considered an appropriate facility in connection with outdoor sport because it fails the openness test:

*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and*

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*allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.'*

**Para.150.** The arena should not be considered as '*not inappropriate*' because it does not preserve the openness of the Green Belt and conflicts with its purposes; it is also debatable that as it is for private use this constitutes outdoor '*sport*':

*Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.*

*These are:*

*e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)*

## **Policy 31 Amenity and Pollution**

The floodlighting is not justified by extenuating functional or security requirements and should not be permitted: '*Development which does not minimise light pollution and demonstrate that the lighting proposed is the minimum necessary for functional or security purposes will not be permitted.*'

The Trust therefore objects to this application's failures against the requirements of the NPPF. It will also fail against the Council's adopted planning policies as discussed above.

Yours sincerely,

John Lowe,  
Chair, City of Durham Trust