

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/02622/FPA
FULL APPLICATION DESCRIPTION:	Conversion of redundant storage/workshop building to form a single dwelling (resubmission of DM/15/01122/FPA)
NAME OF APPLICANT:	Mr Morrow And Hoare
ADDRESS:	Caravan, Spring Lane, Sedgefield. Stockton On Tees, TS21 2HS
ELECTORAL DIVISION:	Sedgefield
	Laura Eden
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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a triangular shaped parcel of land measuring 0.23ha in area, located in the open countryside to the south of Sedgefield. The adopted highway Spring Lane is located to the east, where an existing vehicular access into the site is taken.
2. The site is enclosed by a mature hedgerow to Spring Lane and to the north, while to the west a post and rail fence is present, allowing ready views to the surrounding countryside. The site is in poor condition, with areas of hardstanding and rubble. A number of small brick built structures on site have collapsed.
3. On the northern portion of the site a timber and brick built building is present. This is clad in corrugated sheets, measuring 15m in length by 4.2m in width. It has a mono pitch roof construction with an overall height of 4.1m and 2.7m to the eaves. A number of unauthorised timber structures for the accommodation of livestock/horses and a static caravan have been removed from the site following intervention by planning enforcement and as a result of fire and vandalism damage to the caravan.
4. The building is currently disused and it is not entirely clear what its former use was. Within the application it is described as a former storage/workshop building however the submitted plans indicate that the former use most likely related to stabling.

The Proposal

5. Planning permission is sought for the change of use of the main building to form a dwelling house. The submitted elevations indicate that the existing corrugated cladding would be removed and replaced with timber boards, while windows and an

access door would be located in the existing openings to the building. The existing roofing material would be removed and replaced with a tiled roof. Two bedrooms, an open plan kitchen and living area would be created within the property.

6. A large proportion of the existing hardstanding would be removed and grassed over in line with a scheme of wider landscaping on the site, including the planting of trees and hedgerow around the perimeter. The existing site access would be amended and set back into the site by approximately 10m. The retained areas of hardstanding would facilitate the altered access arrangements and as well as providing vehicle parking space. The location plan indicates that only the northern portion of the site would be used as residential curtilage and it is unclear what the remaining portion of land would be used for.
7. The application is a resubmission of a previous refused scheme that was dismissed on appeal. Although the two applications are alike in terms of the proposed development a report detailing the condition of the existing building and its potential for conversion has been submitted in support of the resubmission.
8. This application is being referred to the Planning Committee at the request of Sedgefield Town Council due to the extensive history of the site and the recent planning appeal. (Detailed comments outlining the Town Council's objections will follow once they have had their monthly meeting on 12th September)

PLANNING HISTORY

9. The land has been previously used as a coal yard and haulage business. This ceased in approximately 1993. Since then there have been a number of unauthorised uses that have taken place on the land and periods of no use in-between.
10. An enforcement investigation was undertaken in 2003 into a use involving the storage and repair of vehicles which subsequently ceased.
11. Further enforcement investigations took place in 2012 and 2013. These related to renovation works to the building to create a stable and the enclosure of the site and use for the keeping of horses and siting of touring caravans. A further inspection in 2012 noted two touring caravans within the fenced enclosure, storage of horsebox, horse drawn carts, keeping of dogs and horses. The 2013 investigations surrounded the change of use of the site to residential, the siting of the static and touring caravans and the keeping of horses.
12. In 2014 a retrospective planning application was received for the change of use of the land to the stationing of two caravans for residential purposes to form one private traveller pitch with the former workshop (application building) being used for equestrian purposes. This application was later withdrawn.
13. Planning permission was refused in 2015 for the conversion of the redundant storage/workshop building to form a single dwelling (DM/15/01122/FPA). The proposal was considered to represent an isolated new dwelling within an unsustainable location in the open countryside without special justification. This decision was upheld at appeal on 21st April 2016.
14. It is the LPA's view that there is no lawful use of the site due to the mix of unauthorised uses that have taken place since the haulage business ceased. The site circumstances are not considered to have significantly changed since the

previous decisions were issued. Unauthorised structures including the static caravan have however been removed from the site.

PLANNING POLICY

NATIONAL POLICY:

15. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
16. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
17. The following elements are considered relevant to this proposal;
18. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
20. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

22. Policy E1 (Maintenance of Landscape Character) Sets out that the council will seek to encourage the maintenance of distinctive landscape areas by resisting proposals that would damage the character and appearance of the River Wear Valley and requiring that landscaping features fit into a development proposal.
23. Policy E11 (Safeguarding sites of Nature Conservation Interest) Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
24. Policy H8 (Housing in villages) - Sets out that within the residential framework of Sedgfield Village housing development will normally be approved.
25. Policy D1 (General Principles for the Layout and Design of New Developments) sets out several key principles for the layout and design of new developments.
26. Policy D3 (Designed with pedestrians, cyclists, public transport) aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.
27. Policy D5 - Layout of housing development - Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
28. Policy E15 – Safeguarding of Woodlands, Trees and Hedgerows. Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.

RELEVANT EMERGING POLICY

The County Durham Plan

29. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *Sedgfield Town Council* – Requested application is determined by the Planning Committee due to the extensive history of the site and the recent planning appeal.

Detailed comments outlining the Town Council's objections will follow the monthly meeting on 12th September.

31. *Highways Authority* – Offer no objections to the scheme advising that a condition relating to the construction of sight visibility splays to be constructed prior to occupation

32. *Northumbrian Water* – No comments to make

INTERNAL CONSULTEE RESPONSES:

33. *Planning Policy* – No comments received

34. *Building Control* – Likely the building would require remedial structural repairs to feasibility convert the building. Further investigation and appropriate structural details would be required for a Building Regulations Application.

35. *Tree Officer* – No objection subject to the imposition of a condition relating to tree protection

36. *Drainage Section* – The site is not classed as a major development and is not in a location with the potential to flood. Surface water should be designed in accordance with Building Regulations Hierarchy of Preference

37. *Ecology* - Offer no objections advising that the likely risk to protected species is low but recommend an informative to address any risk to breeding birds using the existing building

38. *Environmental Health (Contaminated Land)* – Suggest a conditional approach to deal with any potential land contamination

39. *Environmental Health (noise)* – No comments received

PUBLIC RESPONSES:

40. The application has been advertised on site and neighbouring residents including interested parties from the previous application were notified. Three letters of representation have been received from local residents.

41. The objections relate to the previous refusals and planning history of the site, the unsatisfactory access arrangements and highway safety concerns, development within the countryside, drainage issues pursuant to waterlogged adjacent fields, the lack of a water supply to the site and that the land should be cleared given the extensive enforcement case history.

APPLICANT'S STATEMENT:

42. In respect of the proposal the Inspector notes the development plan is silent on the matter. As such the Inspector considers the proposal should be evaluated in the light of paragraph 55 of the Framework. Paragraph 55 allows for exceptions where development in the countryside would be allowed. One of these "special circumstances" is "where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting". The Inspector acknowledges that by bringing the previously developed site back into use there would be some improvement to the immediate setting. He also confirms the building is disused.

43. The Inspector's concerns surrounded the notion of whether the building is sound and capable of conversion. The applicants have commissioned a Condition Report that is included as part of the application. The report has been prepared by a relevant professional expert, namely a chartered building engineer and chartered surveyor. The Report details the external and internal condition of the building, identifying various minor repairs and remedial works that are needed. The report concludes; "Based on our visual inspection of the property, we are of the opinion that the existing construction is in a satisfactory structural condition, readily capable of retention, and being converted in accordance with the design proposals, and accompanying upgrading works for proposed conversion to standard residential accommodation."
44. We say that this professional evaluation demonstrates, beyond any reasonable doubt and in principle, that "the building is sound and capable of conversion". The proposal would bring into productive use a small rural building with no adverse impact on the character and appearance of the immediate environment and the surrounding area. The opportunity exists to enhance the surrounding area by means of a planning condition to acquire additional tree planting to take place. The proposal satisfies one of the special circumstances for new homes in the countryside as set out in the National Planning Policy Framework, and as a result the proposal can correctly be regarded as being sustainable development. In the absence of an up to date Development Plan policy on the reuse of rural buildings, the presumption in favour of sustainable development should be given decisive weight.

PLANNING CONSIDERATIONS AND ASSESSMENT

45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; access and highway safety, residential amenity, ecology and other considerations.

Principle of development

46. This application is a resubmission following a recent refusal by the local planning authority and a subsequent dismissal on appeal. The proposed scheme has not changed rather it seeks to address points which were raised within the appeal decision such as whether the building is capable of conversion.
47. In assessing the previous proposal the local planning authority cited saved Sedgefield Borough Local Plan policies W1, H8 and D1 and considered that collectively these sought to direct housing development to the settlements which were best able to support this in accordance with the principles of the NPPF. Reference was also made to policy H13 which related to the conversion of redundant buildings in the countryside although it was noted it was not a saved policy. However after a review of the aforementioned policies in the appeal decision, the Inspector concluded that the development plan was silent on the matter before him. He did raise a query in relation to policy H8 and whether it could be regarded as up to date insofar as it relates to housing land supply. For clarification the local planning authority accept that SBLP housing supply figures are based on historic supply figures and as such are considered to be 'out of date' in the context of paragraph 49 of the NPPF. Furthermore, DCC is currently unable to demonstrate a 5 year land supply.

48. Paragraph 14 of the NPPF states that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development' and for decision makers this means that where relevant policies are 'out of date' that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies the NPPF as a whole. It is therefore considered in this instance that the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Clearly, whether any benefits of the proposed development are significantly and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.
49. Although the site lies within relatively close proximity to Sedgefield the surrounding area is rural in character. Within this context the building stands alone being predominantly surrounded by large open arable fields. The Appeal Inspector noted that there was a clear transition from the built up edge of Sedgefield to the countryside which led him to conclude that the site was considered to be isolated in terms of paragraph 55 of NPPF. Furthermore, there is no pavement and limited roadside verge along the narrow unlit road which serves to discourage pedestrian activity. A bus route does not operate along the lane and although it is possible that occupants could cycle to Sedgefield the site is considered relatively remote from local services, amenities and employment sites which would foster reliance upon the private car. This would be contrary to sustainability principles and the environmental dimension of the NPPF.
50. To promote sustainable development in rural areas the NPPF states that housing should be located where it would enhance or maintain the vitality of rural communities. The example given within the framework is that where there are groups of smaller settlements development in one village may support services in a nearby village. The site lies outside the village of Sedgefield and regardless of this stance the creation of a single dwelling would result in minimal impact in terms of the vitality of the adjacent settlement. Paragraph 55 of the NPPF then sets out that although isolated new houses should be avoided in the countryside, there may be special circumstances in which a development of this nature could be considered acceptable. This includes the re-use of a redundant or disused building and where the development would lead to an enhancement of the immediate setting. This is the case put forward in this application and following the recent appeal decision further information has been submitted in support of this.
51. The first test of the exception is that the proposal relates to the re-use of a redundant or disused building. It is agreed that the building is currently disused and although there is no specific policy requirement for the possibility of alternative uses to be explored it is considered that in principle the building could be brought back into a productive re-use for a variety of rural enterprises. No marketing has been undertaken to establish any potential interest in the site for such types of appropriate uses.
52. The building is of an adhoc construction. It comprises of a mixture of facing materials being bricked skinned to the gable elevations and parts of the front and rear. Large parts of front and rear elevations are constructed from timber and corrugated sheeting with the roof also having the latter covering. The current application benefits from a Condition Report which seeks to overcome concerns about whether the building is capable of conversion or reuse without substantial or complete rebuilding. The report concludes that 'the existing construction is in satisfactory structural condition, readily capable of retention and being converted.'

53. Neither the NPPF nor the Planning Practice Guidance seeks to interpret what needs to physically take place to reuse a building. With regards to the submitted report it relates only to a visual inspection of the building. It is not a full building survey and covers only the principal structural elements of the building. No structural assessment of the existing building has been undertaken with regards to the proposed residential use. The report is therefore limited in its scope and does not adequately demonstrate that the building is capable of conversion or reuse without substantial or complete rebuilding.
54. The second test of the exception is the requirement that the development would lead to an enhancement of the immediate setting. It is accepted that the site is currently in an untidy condition however it is considered that this reflects poor land management over a number of years arising from neglect and the siting of inappropriate structures and units. Since the original refusal and appeal dismissal further structures and the static caravan have been removed from site which has improved its overall appearance. While the formation of the dwelling has the potential to tidy up the site and improve the appearance of the building, this is not considered to result in a significant enhancement. The site has a relatively neutral impact on the surrounding landscape due to being screened by existing mature hedging along boundaries of the site especially the road frontage. Public views of the site are limited given that there are no footpaths and only limited roadside verges along Spring Lane. Furthermore passing motor vehicles would only see a glimpsed view through the existing gate. The single storey building is largely screened by a grouping of trees to the north eastern corner of the site and boundary hedging when approaching the site from Sedgefield in particular. It is therefore not considered that any marginal improvement in the appearance of the site would be sufficient to justify an isolated new dwelling.
55. The proposal would contribute in a limited manner to the economic and social dimensions of sustainable development through the creation of a single new dwelling. In addition there would be some limited visual improvements to the site. Notwithstanding this however the site is considered to represent an isolated dwelling in the countryside and it is not considered that there are any special circumstances that would justify allowing development which would conflict with the promotion of sustainable development as set out in the NPPF.

Access and Highway Safety

56. The access to the site is taken directly off the unclassified adopted highway Spring Lane. In considering the suitability of this access, the Highways Authority offers no objections in principle to the use of the access following the submission of amended plans showing the provision of a minimum 2.4m x 66m visibility splay to the south of the development, setting of the access gates 10m into the site and the increase of the junction radii to 6m. It has been requested that the visibility splay is constructed prior to the occupation of the dwelling and such a matter could be controlled by means of a condition. On this basis the development could be served by an appropriate means of access as advised by the Highways Authority in line with policy D3 of the Sedgefield Local Plan.

Residential Amenity

57. In considering the scheme the Council's Environmental Health section offer no objection. Given the isolated nature of the site privacy distances are comfortably achieved while future residents would have appropriate levels of amenity space.

Ecology

Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential risk of the development on protected species, namely bats. This report concludes that there is a low risk of any protected species being located on the site.

58. The Ecology Section offers no objection to the scheme but recommend an informative to address any risk to breeding birds using the existing building. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

Other Issues

59. The drainage officer has confirmed that according to the Council's Flood Data the site is not in a location within a potential to flood. Surface water drainage will be subject to the requirements of Building Regulations. A package treatment plant is proposed to deal with the disposal of foul water. Given the minor nature of the development the Environment Agency's is not a statutory consultee. It may be the case that the developer will require an Environmental Permit from secured through the Environment Agency to discharge from this treatment plant. It is therefore not considered necessary to further control this matter.
60. The Contaminated Land Officer has assessed the screening assessment form and the historical maps. It is noted that this development constitutes a change of use to a more sensitive land use, that one of the previous uses of the site was as a haulage depot and that areas of existing hardstanding will be replaced with garden areas. On this basis they confirm that a condition is required to be imposed.
61. The removal of the hedgerow to accommodate the sight visibility splays would have some visual impact and open up views into part of the site. However, this could be replanted within the site to maintain an appropriate amount of screening going forward. The tree officer notes that whilst there is unlikely to be any major tree loss of damage as a result of this proposal a scheme for tree protection should be agreed and implemented for the duration of construction works. Such matters can be resolved through the imposition of planning conditions and would therefore accord with policy E15 of SBLP which expects development proposals to retain important groups of trees and hedgerows.

CONCLUSION

62. The site is considered to be isolated in the context of paragraph 55 of the NPPF which states that isolated new houses should be avoided in the countryside except where there are special circumstances. Such circumstances include the re-use of a redundant or disused building and where the development would lead to an enhancement of the immediate setting.
63. It is accepted that the building is disused and in poor condition but it is not considered that sufficient evidence has been submitted which adequately demonstrates that the building is capable of conversion or reuse without substantial or complete rebuilding. Furthermore, there would only be limited enhancements that

would arise to the immediate setting as a result of the development. Consequently the special circumstances outlined in paragraph 55 are not considered to be applicable in this case.

64. The proposal would contribute in a limited manner to the economic and social dimensions of sustainable development through the creation of a single new dwelling. In addition there would be some limited visual improvements to the site. Notwithstanding this the site is isolated and not well related to Sedgefield and it is not considered that there are any special circumstances that would justify allowing development which would not comply with the social and environmental roles of sustainable development specified in the Framework. Applying the planning balance of paragraph 14 of the Framework, the adverse effects of allowing this proposal would significantly and demonstrably outweigh the benefits. The proposal would not therefore represent an acceptable and sustainable form of development.

65. It is accepted that subject to appropriate conditions the development would provide an acceptable means of access. Whilst the scheme would preserve highway safety in terms of the proposed access arrangements the lane is poorly served by public transport and pedestrian routes. Ecological interests would also be safeguarded and the development would have an acceptable impact on the amenity of surrounding residential properties.

66. In conclusion the development of this site for residential purposes is considered to conflict with the promotion of sustainable development as set out in the NPPF, there are no material considerations which indicate otherwise therefore the application is recommended for refusal.

RECOMMENDATION

That the application be **REFUSED** for the following reason:

The development would result in the formation of a new isolated dwelling within an unsustainable location in the open countryside without special justification, contrary to the sustainable development objectives of the National Planning Policy Framework, including paragraph 55.

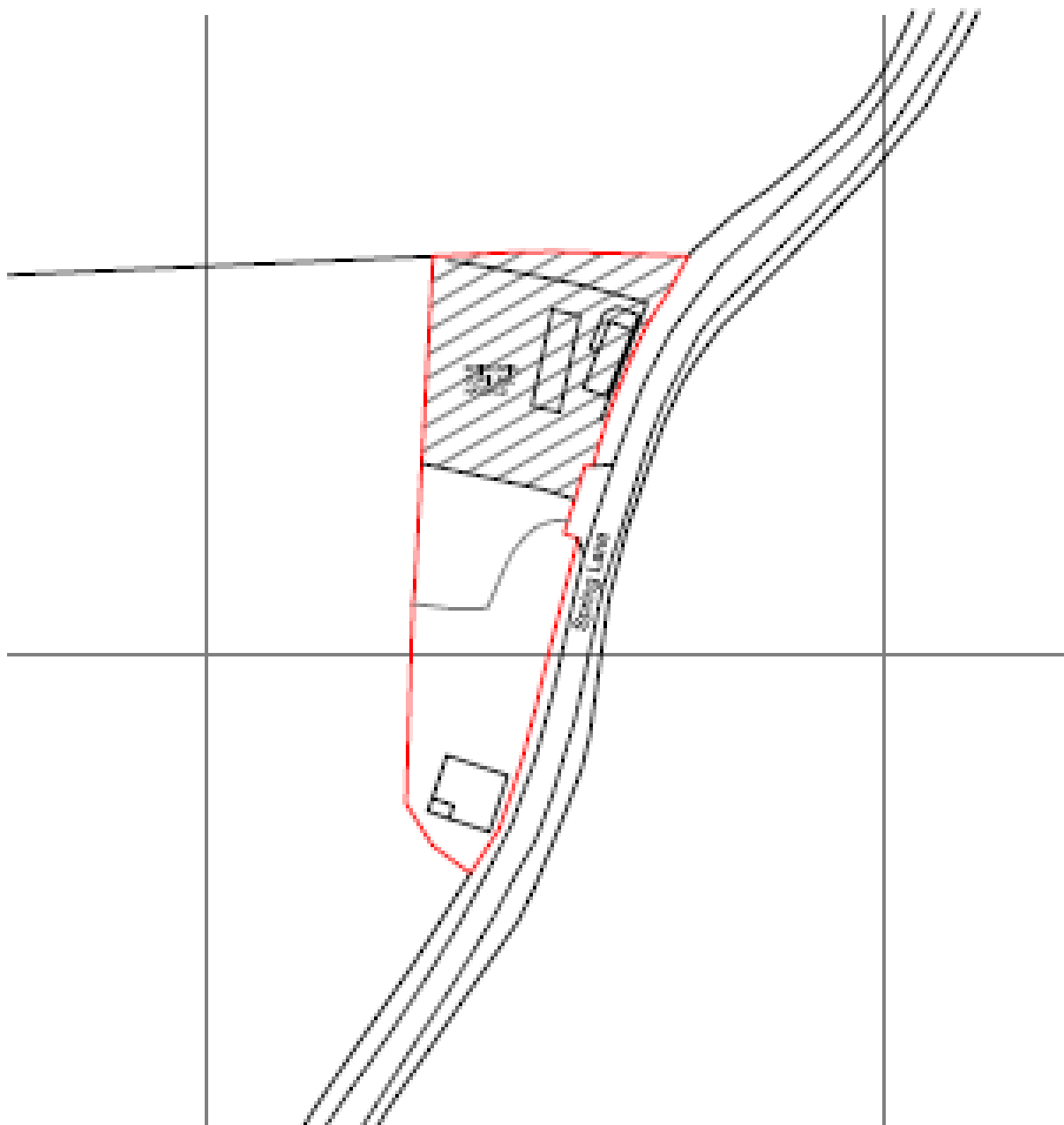
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.).

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Sedgefield Neighbourhood Plan

- Evidence Base Documents
- Statutory, internal and public consultation responses



Planning Services

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**Mr Morrow And Hoare
Caravan, Spring Lane, Sedgefield.
Stockton On Tees,
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22nd September 2016**