

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03056/FPA
FULL APPLICATION DESCRIPTION:	Detached new dwelling to replace previous existing barn
NAME OF APPLICANT:	Mr & Mrs M Proctor
ADDRESS:	Seaham Grange Farm , Stockton Road, Seaham, SR7 0PB
ELECTORAL DIVISION:	Seaham
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of a vacant parcel of land at Seaham Grange Farm on Stockton Road in Seaham. The site had, up until earlier this year, been occupied by an agricultural building which has an overall footprint of 364sqm and the remains of this can still be seen in the concrete pad. There are residential properties to the north, south and west of the site with open agricultural fields to the east. The site is located within the Green Belt.

The Proposal

2. Planning permission is sought for the erection of a detached new dwelling to replace the previous agricultural barn. The proposed new dwelling would be for a four bedroom property which would match the exact same sizes of the previous agricultural building. The property would be constructed from a mixture of brick and black metal profiled cladding.
3. The application is reported to the Planning Committee at the request of Councillor Edward Bell.

PLANNING HISTORY

4. A prior approval application was submitted in 2014 which allowed the conversion of the agricultural barn into 2no. dwellinghouses.
5. Another prior approval application was submitted in April 2016 for the conversion of the agricultural barn into one dwelling. This application was refused because the barn had been demolished.

PLANNING POLICY

NATIONAL POLICY:

6. 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.
7. 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'.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
10. *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.
11. *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.
12. *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.
13. *NPPF Part 9 – Protecting Green Belt Land.* The Government attaches great importance to Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
14. *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.

LOCAL PLAN POLICY:

District of Easington Local Plan

15. Policy 1 (General Principles of Development) states consideration should be considered of whether a proposal would accord with the principles of sustainable development together with many benefits to the community and the local economy.
16. Policy 35 (Design and Layout of Development) requires the design and development to conserve energy where possible, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious impact on the people living and working in the vicinity.
17. Policy 36 (Design for Access and the Means of Travel) states that new development shall ensure good access and encourage alternative means of travel.
18. Policy 37 (Design for Parking) states that the design and layout of new development should seek to minimise the level of parking provision.

RELEVANT EMERGING POLICY

The County Durham Plan

19. 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:

20. *County Highways Authority* has not raised any objections to the proposed scheme.
21. *Drainage Officer* has not raised any objections to the scheme.

INTERNAL CONSULTEE RESPONSES:

22. *Environmental Management (Contamination)* has not raised any objections.

PUBLIC RESPONSES:

23. A press notice was issued. Site notices were also posted. Neighbouring residents were notified individually of the proposed development. No objections have been received. Two letters of support have been received indicating that they would like to see the site developed for a family house as intended by the applicant. The letters of support have also indicated that there will be minimal additional impact on the landscape and green belt as the site originally had a large agricultural barn located on the site.

APPLICANTS STATEMENT:

24. As you may be aware we are in the unfortunate position of having to resubmit the plans after already having approved permitted development plans in place for the property. During our initial essential works removing some cladding and asbestos sheet roofing the wooden frame of the barn partially collapsed, unbeknown to ourselves the roof was in fact bracing the barn together and upon its removal the barn simply folded and collapsed, leaving all but the two outside walls of the structure, One leaning heavily over onto the footpath and road alongside the barn and the other onto our neighboring property. We quickly erected some scaffolding for safety purposes and had no other option than to remove the remaining parts of the structure. We immediately contacted Durham County Council planning department to inform them of the collapse. In due course we learned that because of the unfortunate and completely unavoidable collapse of the structure our permitted development rights were now void. As you can no doubt understand we were devastated to learn this having invested our life savings into the project.
25. It is our dream to build a family home for ourselves and our two young children to enjoy in the long term. We aren't developers looking to make money we are a local family who want to build a forever home in our local town. Due to this piece of incredible bad luck we now find ourselves in the position of having to apply for planning permission to rebuild the barn and our future family home. It is our intention to build the barn back on its exact footprint and to reinstate the same dimensions and elevations as the barn stood previously. We are absolutely heartbroken that we find ourselves in this position and we sincerely hope that you are able to view our application positively and we are able to create the family home we have dreamt of.

PLANNING CONSIDERATIONS AND ASSESSMENT

26. 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 principle of development and impact upon Green Belt; residential amenity; and highway considerations.

Principle of development and impact on Green Belt

27. The agricultural barn previously situated on the site did have consent to be converted to residential through the permitted development rights regulations, however once the building was removed then this consent was no longer valid. It has been explained that the barn collapsed during construction when asbestos cladding was removed to assess the main structure. The applicant is only proposing to erect a building which is identical in size, shape and design to the original agricultural barn.
28. However, the application site is located within the Green Belt and must therefore be assessed against relevant green belt policies. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Although it is acknowledged an agricultural barn has been present on this site up until May this year, the site is currently open so therefore the application would have an adverse effect on openness.

29. The proposal is for a new building which is not for any of the purposes set out in paragraph 89 of the NPPF and must therefore be considered to be inappropriate development. Paragraph 87 of the NPPF further states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Applicant has not put forward any justification as to why very special circumstances for the development exist such as would outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm

Residential amenity

30. The application site is surrounded by neighbouring residential properties. The surrounding properties are located sufficient distance away from the proposed property which will ensure that adequate levels of privacy will be maintained and no overbearing or overshadowing impact would be created. The scheme also proposes some amenity area for future occupiers of the proposed property. This amenity area is of a size which would comfortably accommodate the future users of the property. The proposal would be in accordance with policy 35 of the local plan.

Highway considerations

31. The property would be accessed via the existing access from the west. A garage with two parking spaces are proposed as well as other areas which could accommodate parking in the amenity area. No objections have been raised by the Council's highways Officer. It is considered that access to the property is acceptable and sufficient parking is provided, therefore highway safety would not be compromised. The proposal would be in accordance with policies 36 and 37 of the local plan.

CONCLUSION

32. It is accepted that the site did have an agricultural barn situated as recent as May 2016, however this building has collapsed and is now an open site. The NPPF is clear on development in the Green Belt and states urban sprawl should be prevented and open land should be kept permanently open. Given the site is open and is located within the Green Belt, the proposed development would introduce a building which would result in the loss openness. It also represents inappropriate development without there being any very special circumstances which would clearly outweigh the harm by reason of inappropriateness and any other harm. Accordingly, the proposal is considered to be in conflict with Part 9 of the NPPF.

33. The proposed development would not have any adverse impacts in terms of residential amenity and the proposals would not compromise highway safety.

RECOMMENDATION

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

1. The proposed development is contrary to Part 9 of the National Planning Policy Framework as the proposed development represents inappropriate development in the green belt without any very special circumstances which would clearly outweigh the harm by reason of inappropriateness and any other harm namely the adverse impact on the openness of the Green Belt.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked in a positive and proactive manner to ensure that the Green Belt is not compromised.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation

District Of Easington Local Plan

National Planning Policy Framework

Internal consultee responses

Public responses

Responses from statutory and other consultees

National Planning Policy Guidance

