

COMMITTEE REPORT

APPEAL UPDATE (DURHAM CITY AREA OFFICE)

APPEALS RECEIVED:

Appeals by S G Petch

Site at S G Petch Ltd, Broomside Park, Belmont, Durham, DH1 1HP

An appeal has been lodged by S G Petch Ltd against the Council's refusal to grant advertisement consent for the erection and display of 12 no. 4.5m high flagpoles within car display area to front of existing car showroom at S G Petch Ltd, Broomside Park, Belmont, Durham, DH1 1HP.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

Appeal by Mr P Lowdon

Site at Castle Lodge, Brancepeth Village, Durham

An appeal has been lodged by Mr P Lowdon against the Council's refusal to grant consent to carry out works to protected trees which involves the felling of one Silver Birch at Castle Lodge, The Village, Brancepeth, Durham, DH7 8DE.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

Appeal by Mr P Roebuck

Site at Dunholme, High Street South, Shincliffe, Durham, DH1 2NN

An appeal has been lodged by Mr P Roebuck against the Council's refusal to grant planning permission for the erection of two storey pitched roof extension to rear of existing dwelling, insertion of bay windows to ground floor front elevation and insertion of replacement windows to front and rear elevations at site at Dunholme, High Street South, Shincliffe, Durham, DH1 2NN.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

APPEAL DECISIONS:

Appeal by Ms Allison Mosley Site at 5 Church Row, West Rainton, Durham

The appeal was lodged on the basis of the Council's refusal to grant planning permission for a detached garage on a small vacant plot on the apex of a bend on the street. The planning application was refused as officers considered that by virtue of its positioning on the apex of a sharp bend, the garage would introduce a built feature which would be harmful to highway safety, contrary to Policy T1 of the City of Durham Local Plan 2004.

The inspector recognised that there is already poor visibility for users travelling around the bend, which is further reduced when a car is parked on this parcel of land or the adjacent street.

While noting that vehicle flows along the street are low, the Inspector considered that the introduction of a built feature to the site would result in unacceptably increased dangers for highways users, contrary to Policy T1 of the Local Plan. The appeal was **dismissed**.

Recommendation:

That the report be noted.

Appeal by Barry Martin and Associates Land adjacent to Tursdale Road between A688 and A1(M), Tursdale Road, Bowburn, Durham

The appeal was made against the former Durham City Council's refusal to grant planning permission for the change of use of land to equestrian riding school including erection of log cabin for residential occupation by facility manager, erection of 8 bay stable block with tack room, managers office and hay store together with associated parking provision and landscaping. The application was refused on the grounds that the proposed development was not located sufficiently close to *existing* residential accommodation to allow proper supervision, while the proposed log cabin to provide accommodation for the equestrian facility manager would represent new residential accommodation in open countryside and without adequate justification in terms of sound financial planning, the lack of a functional need and where suitable accommodation is available both on the existing planning unit and within 1km of the site. Additionally, the facility would not be located close to bridleways or other permissive paths.

The Inspector considered that the proximity of available housing in nearby settlements was sufficiently close to allow proper supervision given the availability of modern security and monitoring systems to justify the use of the land as a riding school, however, he was not convinced that there was a functional need or that the business had been planned on a sound financial basis so as to justify the proposed accommodation. The lack of permissive paths for exercising horses off the site was noted and the Inspector considered this could be dealt with by condition.

Therefore, the appeal was **dismissed** insofar as it relates to the provision of residential accommodation, but **allowed** insofar as it relates to the remainder of the proposals.

Recommendation:

That the report be noted.

Appeal by Barry Martin and Associates

Land to west of A688, Cornforth Moor, Tursdale, Bowburn, Durham

The appeal was made against the former Durham City Council's imposition of a planning condition precluding the transportation of horses to and from the site by any means other than by horse box, when granting planning permission for the use of the land for the grazing of horses, together with field shelters and fencing for a temporary period of three years.

The Inspector agreed with the Council insofar as there was a need to control the movement of horses to and from the site, given the obvious danger the A688 posed, however, he considered that the condition was overly restrictive and therefore replaced it with a condition precluding the movement of horses on foot and thus **allowed** the appeal.

Recommendation:

That the report be noted.

Appeal by Barry Martin and Associates

Land surrounding Cornforth Moor Farm, and between A1 and A688, Tursdale, Bowburn, Durham

The appeal was made against the former Durham City Council's imposition of a planning condition requiring the applicant to enter into a planning obligation to control the occupancy of the existing farmhouse in order to provide proper supervision of a proposed equestrian stud farm and race horse training facility including stable blocks, exercise ring, parking provision and landscaping.

The appellants disputed the need for the existing farmhouse to be related to the proposed facility and that control over its occupancy was unnecessary. The Council had sought to ensure that the dwelling was tied to the business in perpetuity and sought to do this by way of a planning obligation.

The Inspector considered that although there was sufficient accommodation nearby which could provide appropriate supervision, the proposed enterprise involved highly valuable race and stud horses that may well require essential care at short notice, such as incidents of illness or foaling. Having accommodation at such proximity has clear security and animal welfare benefits. As such the Inspector agreed with the Council that there should be someone living on the site. However, he considered that a planning obligation would deprive the occupier of the dwelling the opportunity of varying or removing the restriction should the business cease in the future. The Inspector therefore considered that a condition based on the model set out in Circular 11/95 would be appropriate to control the occupancy of the dwelling, and thus replaced the condition, and **allowed** the appeal.

Recommendation:

That the report be noted.
