

Item no.

Report to: **Development Control and Regulatory Panel**

Date: **1 November 2005**

Report of: **Head of Planning and Building Control Services**

Subject: **Applications under the Town and Country Planning Acts
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

Ward: **All**

A INTRODUCTION

Members are advised that in preparing the attached report full consultation responses are not presented. Care is taken to ensure that principal issues of all relevant responses are incorporated into the report. Notwithstanding this Members are invited to view all submitted plans and consultation responses prior to the Panel meeting by contacting the Head of Planning and Building Control Services.

The Easington Local Plan was adopted by the District of Easington on 28th December 2001. Together with the Durham County Structure Plan it is a material consideration in the determination of planning applications. All relevant policies have been taken into account in making recommendations in this report. A view as to whether the proposals generally accord with policies is identified in the relevant section.

Section 54A of the 1990 Town & Country Planning Act (as amended) requires the Local Planning Authority to have regard to the development plan policies when they are relevant to an application and hence are a material consideration. Where such policies are material to a proposal, section 54A requires the application to be determined in accordance with the Development Plan policies unless material considerations indicate otherwise.

The recommendations contained in this report have been made taking into account all material planning considerations including any representations received and Government guidance in Planning Policy Guidance Notes and Circulars. Consideration has been given to whether proposals cause harm to interests of acknowledged importance.

Members attention is drawn to information now provided in respect of time taken to determine applications. Following each recommendation a determination time is provided based on a decision at this Panel. Where a decision time exceeds the 8 week target a reason for this is given in brackets.

In considering the applications and preparing the report the District of Easington has fully taken into account the duties imposed on Local Planning Authorities by the Human Rights Act 2000. In particular, regard has been given to Articles 6, 7, and 8, the First Protocol and Section 6. Where specific issues of compliance with this legislation have been raised these are dealt with within each report.

Item no.

B SPEAKING AT THE PANEL

The District Council is one of the few Councils in the country who allows verbal representations when decisions on planning applications are being made. The Panel has to balance listening to views with the efficient conduct of the business of the Panel. The following procedures have therefore been agreed. These procedures will be adhered to in respect of the items within this report. Members of the public will also be expected to follow these both in their own interests and that of other users of the service.

1. The Planning Officer will present his report.
2. Objectors and supporters will be given the opportunity to speak. Five minutes will be given to each speaker. If there is more than one speaker upon an issue, the District Council recommends the appointment of a spokesperson and that speakers register their request prior to the Panel meeting.
3. After registered speakers have had their say the Chair of the Panel will ask if there is any other member of the public who wishes to speak. Those who do may be allowed to speak. The Chair of the Panel will exercise discretion in this regard. Where the number of speakers or the repetitive nature of the points that may be raised may impact on the other business of the Panel then the Chair will restrict the number of speakers and progress the matter.
4. The applicant or representative may then speak for a duration of up to five minutes.
5. At the discretion of the Chair, objectors or supporters or applicants may ask officers questions then may be asked questions by Members and Officers
6. The Members of the Panel will then finally debate and determine the application with the assistance of officers if required.

C RISK ASSESSMENT

A risk assessment has been carried out in respect of individual cases. Overall, it is concluded that any risks to the Council, for example relating to an appeal being lost and costs awarded against the Council, are low, provided that decisions are made in accordance with recommendations. Risks will increase when decisions are made contrary to recommendations, and the degree will vary depending on the particular case.

Item no.

D GENERAL APPLICATIONS

01/500

HUTTON HENRY (CASTLE EDEN) – Residential Development at The Brewery, Castle Eden for Charles Church NE – amended plans to omit play area

Planning History

01/500, CAD/01/501 and LB/01/502 – planning permission, Conservation Area Consent and Listed Building Consent granted in 2002 for redevelopment of brewery site to provide residential development comprising seventy houses and ten flat conversions. In accordance with Local Plan policy, the proposals incorporated a children’s play area within the site.

Consultations

The Parish Council has no objection but would remind the Planning Department of its policy on planning gain.

Castle Eden Society believe this is entirely a matter for the residents of the brewery development, and have no objection. However, they would be strongly opposed to the relocation of the play area elsewhere in the village.

Individual consultation letters were sent to each of the eighty properties on the brewery development. Four letters have been received in response, two supporting the proposal and two against. Comments in support of the omission of the play area may be summarised as follows:

- strongly object to play area on front green;
- had been told by developer that play area would be at rear of Plots 25-29;
- increased noise, litter, possible damage to property;
- attract children/teenagers from elsewhere;
- danger to children from cars;
- privacy of adjacent dwellings disturbed;
- properties have large gardens with play equipment;
- for parents using transport, there are good play areas in Wingate and Blackhall.

Comments objecting to the amendment, and requesting retention of a play area, are summarised as follows:

- house was bought on the basis of a play area being provided, at the rear of Plots 25-29, involving false legal documents;
- not aware of any other play facility in Castle Eden, and there has been an increase in families with children;
- concern that children may find less suitable locations/activities;
- the Local Plan requires estates to have play space offering a variety of play opportunities;
- does not agree with reasons for not siting play area at rear of Plots 25-29;
- considers that developer should be required to fulfil obligations and provide play area.

Item no.

Development Plan Policies

District of Easington Local Plan

- 1 general principles
- 35 amenity
- 66 provision of play space

The proposed amendments are considered to be generally in accordance with the above policies.

Comment

The development of the former brewery site has been progressing since 2002, and is now nearing completion. In designing the layout, the developers included an equipped play area on a central green area overlooked by a number of properties. This was in response to the Council's policy contained in the Local Plan, Policy 66, which requires that adequate provision should be made for children's play space on housing developments of ten or more dwellings. It is generally expected that this will be a mix of equipped and informal play areas.

In this case, in addition to the equipped play area, the developers had identified an informal meadow area to the south western part of the estate for use as public open space, which could include informal play. They had not specified the type or scale of equipment to be provided on the equipped area. This was the subject of a condition attached to the planning permission.

During the course of developing the site, the developers identified a difficulty in selling the houses which overlooked the equipped play area. On an informal basis, they asked the Council to consider relocating the equipped play facility to the meadow area. As an alternative, they also offered a financial contribution towards provision of play facilities on land elsewhere in Castle Eden, if an appropriate location could be identified. These options were both considered by Council officers. In the case of the relocation to the meadow area, this was considered unsuitable for various reasons, principally lack of overlooking/supervision, greater likelihood of misuse, lack of adequate lighting and proximity to the A19, thereby increasing dangers for children. Relocation to another part of Castle Eden was not considered to be acceptable as there was no land available in the ownership of either the Parish or District Council to facilitate this. On this basis, the developers were requested to implement the plans as approved, namely to submit appropriate details and provide the equipped play area on the central green.

At this point, the developers wrote to all residents on the estate, asking for comments on the Council's requirement regarding the play area. They received a largely negative reaction. It came to light, however, that they had sold plots on the basis of a plan showing the equipped play area located on the meadow land to the south west of the estate. This relocation had not been agreed by the Council, and indeed, was considered unacceptable. Notwithstanding this, they considered that the reaction from residents was indicative that the play area was not wanted on the estate, and again requested that the Council reconsider the position, with the offer of a financial contribution to the Parish Council towards community, leisure or other facilities.

Item no.

The current proposal is the result of recent discussions between the developers and the District and Parish Councils. Without prejudice to the outcome, the developers were advised to seek a formal amendment to the approved plans, omitting the equipped play area altogether and offering a financial contribution to the Parish Council for use on appropriate facilities. In support of this proposal, they advise that following a letter sent to residents by the company, explaining about the proposed play area on the central green, 14 letters of objection were received, including one from every property facing the play area. In addition, there were 20 phone calls objecting and via e-mail, a survey showing that 30 people objected to the play area. None were in favour and six were on holiday. In compensation for the omission of the play area, the developers are prepared to donate £30,000 to the Parish Council to be used for the benefit of the people of Castle Eden with regard to leisure facilities.

The results of the Council's consultation exercise on the planning amendment do not reflect those of the developers' survey. Nevertheless, only two letters have been received which support the provision of a play area. Furthermore, they are based on the play area being sited on the meadow area at the rear of plots 25-29. As indicated above, this area was not considered by Council officers to be appropriate for various reasons, particularly as the Council would subsequently take on responsibility for future maintenance of the area. Given the level of opposition to the play area identified in the developers' submission, and the limited number of objections to its omission, it is considered that it would not be reasonable for the Council to impose a play area on an estate when there is little support for it. It is understood that the Parish Council would consider using the donated money for enhancement of community or leisure facilities, including investigating the possibility of purchasing land to develop a play facility within Castle Eden. Such an approach is fairly common nowadays, with developers making a financial contribution to off-site works.

In response to the comments received, the Castle Eden Society would have the opportunity to comment on any future planning application involving development of a new play area, should the Parish Council decide to pursue this. The comments from the residents supporting the amendment are not accepted in their entirety, but appear to reflect the general consensus from the estate that a play area is not wanted. In response to the objectors, there may be a legal issue between some residents and the developers regarding the positioning of the play area, but no formal submission was made to or agreed by the Council. It is expected that the Parish Council will be able to use the financial contribution to improve community/leisure facilities for the benefit of all residents of Castle Eden, including the new estate. The Local Plan policy makes allowance for securing provision elsewhere, when considered appropriate. Finally, it is not considered reasonable to require the developers to fulfil their obligation to provide the play area within the estate when there is such limited support, and even that is based on an incorrect location.

The Council would normally expect a planning permission to be fully implemented in accordance with the approved plans. In this case, however, it is considered that circumstances have changed since the planning permission was granted. In particular, it appears that the majority of residents on the estate do not want the play area. As this

Item no.

facility is intended to serve those residents, it is considered unreasonable to require the implementation of the play area. Furthermore, the developers have offered a financial contribution to the Parish Council towards community or leisure facilities. Whilst this may not result in the provision of play facilities, it is understood that the Parish Council would seek to use the investment for the benefit of Castle Eden as a whole, including the residents of the new estate.

Taking all relevant matters into account, it is considered appropriate to agree to the amendment requested and allow the equipped play area to be omitted from the development, subject to the financial contribution being made by the developers. In such circumstances, Condition No. 14 of the planning permission 01/500, requiring details of the design of the play area, would not require discharging. It should be noted that the meadow area to the south west of the estate would still be allocated as public open space and available for informal play.

Recommend that omission of the play area from the development be accepted as an amendment to the planning permission 01/500, subject to the financial contribution being made within one month; and that Condition No. 14 does not require discharging.

Decision Time Not applicable.

Reason for Recommendation

The proposal represents an acceptable amendment to the planning permission which would be in accord with the wishes of the majority of residents on the estate and would not compromise the overall development. As such, it would comply with relevant policies within the District of Easington Local Plan, in particular Policies 1, 35 and 66.

05/492

EASINGTON VILLAGE AND SOUTH HETTON – Proposed conversion of building to dwelling at west of Laburnum House, Hawthorn, for Mr and Mrs C T Newby

Planning History

None.

Consultations

The application has been advertised in the press, by site notices and neighbouring properties have been notified by letter.

44 representations have been received objecting to the proposal. The salient points of the representations have been summarised as:

- I visit friends who live next door to the application site and walk down a narrow back lane to their house. There is no footpath for pedestrians to safely pass. The proposal will have an obvious increase in traffic by the future occupier and visiting traffic and cause a danger and traffic hazard.
- Over the years Hawthorn has expanded beyond recognition with new development eating into what is described as a conservation area. With a large housing estate being completed further

Item no.

development is neither needed nor justified. Conservation should maintain the village and its appealing outlook with houses on the main street and open land to the lands behind. This is one of the last villages on the east coast line.

- The access lane serves five houses and is just over 3 metres. The lane is at a point of overload.
- When drainage works were carried out by Durham County Council on adjacent land, a banksman was provided to direct plant traffic in and out of the blind corner to address safety.
- Two accesses are not shown on the plan and this means that the accesses could be used as a large turning circle affecting safety.
- The application involves the conversion of existing garages for Laburnum House thus leaving no garages if the application is successful.
- The proposed window on the south side would be 45 degrees from the kitchen window of my home. The plans show a bedroom being used as a study affecting my human right to privacy. This should have opaque glass.

On the amended plans, a reconsultation has been carried out.

One representation has been received and the salient comments have been summarised as:

- The amended plan does not eliminate the concerns outlined on the initial application.
- The access lane could serve nine to twelve vehicles with Garden House having permission to build a dwelling and serve six dwellings, it was only intended to serve four houses.
- Dangers still exist to the health and safety of the owners and visitors to the current dwellings as there is no footpath and a blind corner. Emergency vehicles will not be able to carry out their services
- The proposal would create inconvenience for disabled visitors.
- Two current accesses are not shown on the plans.
- It is understood that the garage that is to be demolished is to be exchanged for a double garage to be built on the land in question.
- Laburnum House will lose its double garage if conversion takes place, there is no indication on the plans as to where two double garages are to be built.

Hawthorn Parish Council:

- The entrance to this site is to the east via a narrow approach road, the width of which is less than 4 metres and could be considered restrictive.

Durham County Council, Conservation Officer, salient comments summarised as:

- The character of this part of the conservation area is one of frontage buildings with outbuildings behind. I think it would set a very bad precedent if we were to allow outbuildings to be converted into new dwellings. This would amount to tandem development and would harm the character of the conservation area.
- Furthermore the proposed house would alter the character of the land at the rear from a garden to a parking and turning area with associated vehicle movements.

Item no.

- Besides conservation area objections I would also consider it would harm the amenity of the dwellings on either side and the peaceful enjoyment of their gardens. East Lea would also have increased vehicle movements through its rear yard.
- Finally the loss of land at Laburnum House may cause problems for parking to that house.
- As far as the design is concerned, I have no objections but the principle overrides any design considerations.
- Recommend Refusal. The proposed conversion, by virtue of its location to the rear of the frontage building would harm the form of this part of the Hawthorn conservation area by introducing a residential unit on to back land, which is characterized by gardens leading to open fields.

Easington District Council, landscaping unit, salient comments summarised as:

- The applicant should provide information relating to the means of enclosure and in particular to the western boundary of the proposed development.

Durham County Council, Highways Authority, salient comments summarised as:

- No highway objection is raised.
- There are three properties served by this private shared driveway that would serve the proposal, making a total of four. This is normally the maximum number of dwellings that would be permitted on a private shared drive. However as this proposal is for the conversion of a redundant outbuilding, it will be acceptable to use the existing private shared drive arrangement.
- The applicant will need to ensure that vehicular and pedestrian access rights can be secured for the future residents of the property.

Durham County Council, Highways Authority, on the amended access, comments:

- The amended site layout plan showing the revised access arrangement is acceptable.

Northern Gas Networks: No objection

Northumbrian Water: Advises that developer should make contact with them to advise on water supply and sewage connections.

Development Plan Policies

District of Easington Local Plan

1	General principles of development
22	Preservation and enhancement of Conservation Areas
35	Design and layout of development
36	Design for access and means of travel
Hw1	Protection of undeveloped areas.

The proposals are considered to accord with the general aims of the above policies.

Item no.

Comment

The application is for the conversion of an existing out house to create a self contained dwelling. As part of the conversion, the out-house will include an extension, the addition of dormer windows and a sun room. Access to the site will be created by the demolition of a garage.

The assessment of this application falls into three principal areas:

1. The principle of the proposed development
2. Impact of the proposal upon the character of the Hawthorn Conservation Area and residential amenity.
3. Highway Issues

These will be taken in turn:

1. The principle of the proposed development

Planning Policy Guidance Note 3 (Housing) gives central government planning policy advice and under paragraph 21 states:

“The Government is committed to promoting more sustainable patterns of development, by:

- *concentrating most additional housing development within urban areas;*
- *making more efficient use of land by maximising the re-use of previously-developed land and the conversion and re-use of existing buildings; ...”*

In addition the guidance adds, under paragraph 22:

“The Government is committed to maximising the re-use of previously-developed land and empty properties and the conversion of non-residential buildings for housing, in order both to promote regeneration and minimise the amount of greenfield land being taken for development.”

As planning policy guidance notes are material considerations in the assessment of planning application, it is considered that the general principle of residential use for the outhouse is considered acceptable and in accordance with government planning policy.

2. Impact of the proposal upon the character of the Hawthorn Conservation Area and residential amenity.

PPG 15, Planning and the Historic Environment, provides relevant central government policy advice in relation to the planning system’s role on the protection of Conservation Areas and Listed Buildings. Essentially this advice advocates that new development proposals for Conservation Areas should either preserve or enhance the character of the particular conservation area.

The style and design of the proposal is not considered to detract from the character or appearance of the conservation area. The proposal uses

Item no.

sympathetic materials. The County Conservation Officer, on the issue of the design, does not raise any objection.

The County Conservation Officer does however make comments that the general principle of residential use is inappropriate as the proposed conversion, by virtue of its location to the rear of the frontage building would harm the form of this part of the Hawthorn conservation area by introducing a residential unit on to back land, which is characterized by gardens leading to open fields. However, the proposal involves conversion and extension of an existing building using sympathetic materials. In these circumstances, it is not considered that any adverse effect on the character of the Conservation Area would be sufficient to justify refusal of planning permission.

A balance needs to be struck between the government advice on the issue of the re-use and conversion of building within settlement boundaries and the comments of the Conservation Officer. Whilst the comments of the Conservation officer are acknowledged, it is considered, on balance, that the central government advice on conversion of non residential buildings to dwellings would take priority. If this application was refused on the grounds that the principle of residential development is unacceptable, it would prove difficult to defend at an appeal, given the clear comments made on the matter by central government and quoted above.

The Conservation Officer comments that the proposal will set a very bad precedent. However it is considered that this application is for a conversion of an existing building and would not necessarily set a precedent and lead to other back land development. In addition, every planning application is determined on the basis of its individual merits.

Representations have been received that the proposal will impact upon amenity. The principal windows will overlook the open fields to the west. A representation has been made that the ground floor bedroom window on the south elevation will impact upon privacy of the adjacent existing residential properties. However as this window is at right angles to the rear elevations of the adjacent buildings, it is not considered that the proposal would lead to a significant loss of privacy.

Comments have also been made about the issues of parking and the introduction of gardens. It is considered that the use of conditions, if members are minded to approve this application, can remove permitted development rights for out houses, garden sheds etc and therefore assist in preserving the character of the area. This also prevents any garages being built without coming under the control of the planning authority.

3. Highway Issues

There have been several representations made regarding the proposed access being narrow and posing a danger. However the Highways Authority at Durham County Council considers the proposal to be acceptable. In addition comments have been made about the potential for displaced parking as a result of the demolition of a garage block to create the proposed access to the development. Again it is considered that a planning condition can be used to show details of the displaced parking and any formal provision. Given that Durham County Council acting as Highways Authority have not raised any objection to this

Item no.

application, it is considered that to refuse this application on unacceptable access arrangements would prove difficult to defend at an appeal.

Conclusions

As can be seen from the above, a number of objections and representations have been made about this proposal. However it is considered that if the proposal was refused on any of the grounds discussed above, it would prove difficult to defend the application if it were appealed. Overall, taking all relevant matters into account the proposal is considered to be acceptable. As such a recommendation for approval is given. As part of that recommendation conditions are attached to remove any permitted development rights and submit details of the displaced parking. These conditions can mitigate some of the concerns raised in the representations.

Recommend Conditional approval (conditions relating to materials, landscaping, details of the displaced parking, removal of permitted development rights).

Decision time Less than 8 weeks - target met

Reason for recommendation

The proposal is considered to comply with relevant Development Plan Policies, in particular Policies 1, 22, 35 of the District of Easington Local Plan.

05/543

HORDEN – Proposed Conservatory at 3, Springfield Terrace, Horden for Mr T E Mann

Planning History

None

Consultations

Parish Council: No comments received.
One letter of objection has been received on grounds of invasion of privacy.

Development Plan Policies

District of Easington Local Plan

1	General Principles of Development
35	Design and Layout of Development
73	Extensions and/or Alterations to Dwellinghouses

The proposal is considered to be in accord with the above policies.

Comment

The application site relates to a mid-terraced bungalow situated within the estate road of a residential area. The property benefits from an existing flat roof single-storey rear extension. The property is constructed with a tiled pitched roof and is faced with painted render.

Item no.

The front elevation of the property is east facing and its building line is approximately 8.0m from the public footpath. The garden is both well landscaped and maintained with a lawn complemented with low-level planting, shrubs and the like and is enclosed on all three sides. The east facing boundary of the application site is enclosed with hedging complemented with a wrought iron gate. The north boundary of the application site facing the adjoining neighbouring property 2, Springfield Terrace is enclosed by a 1.0m high vertical timber fence. The remaining south boundary of the application site facing the adjoining neighbouring property 4, Springfield Terrace is enclosed by a 2.0m high stepped vertical timber fence following the contours and topography of the application site and street scene.

Full planning permission is sought for the construction of a white UPVC front conservatory. The conservatory would project 3.0m from the existing southeast facing front elevation of the property and would measure 4.0 in width and would be partially glazed to all three sides and the roof. The conservatory would be built up off a 1.4m high painted render dwarf wall to match existing with an additional height of 2.3m to the ridge of the glazed polycarbonate hipped roof plus a decorative finial to give an overall height of 3.8m above finished ground level.

Members will note a letter of objection has been received from the occupant of an adjacent neighbouring property. The objection raised within the letter is concerned with a loss of privacy as a result of the proposed development.

Contrary to the comments received from the occupant of the adjacent neighbouring property it is considered the proposed development will not have a detrimental impact upon the amenities of the surrounding area or the wider setting that would justify refusal of this application.

It is acknowledged the conservatory would project more than 1.5m forward from the existing front elevation of host dwelling and in effect does not comply with the Local Plan guidelines on front extensions.

However, whilst it would have been preferable to reduce the projection of the conservatory it is considered unreasonable to do so given the depth of the garden and also the precedent set by a number of similar developments of varying design and footprint within the immediate street scene.

With this in mind, a conservatory may be accommodated where there is no loss of direct daylight, outlook, privacy, space and sunlight to neighbouring properties bounding the application site.

Indeed, it is considered the conservatory will have minimal impact upon the amenities of the adjoining neighbouring properties 2, Springfield Terrace to the north of the application site and 4, Springfield Terrace to the south of the application site given the distance to shared boundaries, juxtaposition and orientation of the application site.

In turn, it is considered the conservatory will have minimal impact upon the amenities of the adjacent neighbouring property 9, Gayfield Terrace given the approximate distance of some 17.0m between elevations, juxtaposition and orientation of the application site.

Item no.

As a result, it is considered the proposed development is in keeping with the appearance, character, design and scale of the existing property and will not have a detrimental impact upon the amenities of the surrounding area or the wider setting. It is therefore considered the proposed development is an acceptable form of development and accords with Adopted Local Plan Policy.

Recommend Unconditional approval

Decision Time Over 8 weeks – due to Panel cycles being held every three weeks

Reason for Recommendation

The proposal is considered to represent an acceptable form of development which is in accordance with the intentions of Policies 1, 35, 73 and Appendix 7 of the District of Easington Adopted Local Plan.

05/616

HORDEN SOUTH – Proposed Residential Development (Outline) at Cotsford Grange Farm, Horden for Mr and Mrs Kieken

Planning History

5/91/681 – Use of land for storage of caravans – Approved 16/12/91.

Consultations

Parish Council - No response.

Durham County Council Highways – location of new access in accordance with advice; should be footway crossing arrangement to serve private shared drive; visibility splays should be kept clear of anything above 600mm high.

Durham County Council Conservation Officer – No objections to principle of new dwellings adjacent to listed farmhouse and buildings; details of siting, design and size of buildings and landscaping should be reserved for later approval.

Northumbrian Water – Detailed water supply and drainage advice.

District of Easington Landscape Unit – No comments.

District of Easington Environmental Health Unit – New residents could be affected by adjacent coal merchant business; contaminated land risk assessment needed.

The application has been advertised in the local press and on the site as affecting the setting of listed buildings. Neighbours immediately adjacent to the site have also been notified individually. This publicity has resulted in the receipt of ten identical letters of objection from local residents which raise the following points:-

- i) the location of the new vehicle access on a bend on a very busy main road, close to other junctions and a primary school, will severely compromise highway safety;

Item no.

- ii) there already exists a “problematic parking situation at certain times of the day” which the proposal has the “potential to exacerbate”;
- iii) large rear fences or walls around the proposed gardens would be “out of keeping with the character of the area and therefore detrimental to the street scene in general”;
- iv) the application site is a greenfield site which has not been identified as a potential site for housing development in the Council’s Urban Capacity Study;

Development Plan Considerations

Durham County Structure Plan

- 1 General Principles

District of Easington Local Plan

- 1 General principles of development
- 24 Protection of listed buildings
- 35 Design and layout of development
- 36 Design for access and means of travel
- 37 Design for parking
- 67 Windfall housing sites

The proposal is considered to be in accord with the above policies.

Comment

Members will recall that a decision on this application was deferred at the Panel’s meeting on 11 October 2005 for further information to be obtained from the Highway Authority in respect of considering alternative access arrangements.

The application site comprises an area of some 0.195 hectare, being the former farmyard of Cotsford Grange Farm, lying to the north and west of the grade II listed farm buildings, east of Yohden Primary School and on the south side of Cotsford Lane. The application is in outline and shows a layout of four houses for indicative purposes only.

The definition of “previously-developed land” set out in Annex C of PPG 3 (Housing) excludes land and buildings which are “currently in use for agricultural or forestry purposes” but includes the curtilage of land that “is or was occupied by a permanent structure”. Since this application site is within the curtilage of former agricultural buildings which are now unused, having previously been in use as storage facilities in connection with the operation of a coal business, it falls to be considered as previously developed land, i.e. a brownfield site. The principle of housing development could therefore be seen to be acceptable in policy terms. Indeed, it is considered that a sensitively designed scheme which respects the setting of the adjacent listed buildings could help to secure their future use. The site is quite prominently located alongside Cotsford Lane and a high quality small housing scheme presenting a good frontage to Cotsford Lane could enhance the appearance of the area.

Item no.

Details of the form and point of access to the site have been the subject of discussions with the Highway Authority prior to the submission of the application and are submitted as part of the proposal.

Since the Panel's last meeting, it has been confirmed by the Highway Authority that the proposed access point on Cotsford Lane is recommended because it achieves maximum visibility in both directions for drivers of vehicles leaving the site and for drivers of vehicles on Cotsford Lane approaching the site entrance/exit.

Details of the siting, size and design of the buildings and the landscaping of the site, however, do not form part of the application and, if permission is granted, would be matters reserved for subsequent approval. This is in accordance with advice received from the County Council's Conservation Officer.

The proposal is, therefore, considered to be in accordance with the Development Plan and related policies.

The specific points raised in the objection letters have been fully considered and are covered in the comments in the preceding paragraphs.

Recommend Conditional Outline Approval (Conditions relating to reserved matters, protection of visibility splay, contaminated land risk assessment)

Decision Time 14 weeks (delayed due to decision to place before Panel and deferral at last meeting).

Reason for Recommendation

The proposal is considered to be in accordance with the Statutory Development Plan and related policies, in particular the District of Easington Local Plan Policies 1, 35 and 67, and there are no other material considerations which outweigh the support for the proposal.

05/651

HASWELL AND SHOTTON – Proposed Poultry, Storage and Stable Building at North Pesspool Farm Haswell for Mrs Williamson

Planning History

Application 04/120 – Stables and access road (east part of site) – refused March 2004 on visual impact and road safety grounds.

Consultations

A site notice was posted and local residents consulted – no responses have been received.

Highway Authority – Confirm they have no objections

The Environmental Health Officer has no objections provided the poultry areas remain as shown on the plans, that is non commercial and small scale.

The Parish Council have raised the following issues :

Item no.

- Use of the building for keeping poultry and other animals will result in smells and odours to nearby residential properties.
- Building not suitable in this location.

Development Plan Policies

District of Easington Local Plan

- 1 General Principles of development
- 35 Design and layout of development
- 41 Non agricultural buildings

The proposal is considered to be in accord with the above policies.

Comments

This application was deferred at the last Panel meeting to enable a site visit to be made by Members.

The site is located at the eastern end of Haswell, on the north side of Pesspool Lane.

The proposed development has been amended from the previous application in terms of its siting and access and is now located closer to established buildings to the west. It is proposed to be constructed of timber and mineral felt roof, measuring 8.6 x 8.6 metres in area and 3.5 metres to the ridge.

It is now considered acceptable in design and siting terms, however it is proposed to keep poultry as well as horses ducks and rabbits within the building, a use which can give rise to odours and nuisance to local residents.

The environmental health officer is happy with the small scale of the proposal providing it is not operated on a commercial basis; this can be controlled by a planning condition. It is therefore considered that the small scale and nature will not give rise to unacceptable nuisance to local residents.

Recommend Conditional approval (conditions relating to materials and landscaping together with a specific condition restricting the use to non commercial only).

Decision time 9 weeks – target not achieved due to Parish Council objection necessitating consideration by Panel.

Reason for recommendation

The proposal complies with the relevant policies within the District of Easington Local Plan, in particular Policies 1, 35 and 41.

05/663

THORNLEY – Proposed Two-Storey Rear Extension and Detached Garage at 92, Dunelm Road, Thornley for Mr & Mrs I Clarke

Item no.

Planning History

85/565: Private Garage Approved 28/10/85
04/1045: Proposed Two-Storey Refused 14/01/05
Rear Extension and
Detached Garage

Consultations

Parish Council: No comments received.

The proposal has been advertised by means of individual letters to adjacent properties. No responses have been received.

Development Plan Policies

District of Easington Local Plan

1 General Principles of Development
35 Design and Layout of Development
73 Extensions and/or Alterations to Dwellinghouses

The proposal is considered to conflict with the above policies.

Comment

The application site relates to a mid-terraced property situated within the estate road of a residential area. The building line of the terraced properties is staggered following the curvature of the street scene. The property benefits from an existing hipped roof single-storey rear extension and detached garage sited within the rear garden of the curtilage of the application site beyond the rear 'alley' serving the host dwelling and adjoining terraced properties within the street scene. The property is constructed with a tiled, pitched roof and is faced with facing brickwork.

The rear garden of the property is orientated in a south facing direction and faces onto the rear 'alley' serving the host dwelling and adjoining terraced properties within the street scene. The southern boundary of the application site facing the 'alley' is enclosed with a 1.2m high brick wall complemented with a wrought iron gate. The eastern boundary of the application site facing the adjoining neighbouring property 91, Dunelm Road is enclosed with 1.5m high timber screen fencing. The remaining western boundary of the application facing the adjoining neighbouring property 93, Dunelm Road is enclosed with 2.0m high timber screen fencing.

Full planning permission is sought for the construction of a two-storey rear extension creating an enlarged kitchen and WC at ground floor level and an additional bedroom and bathroom at first floor level plus a detached garage to be sited within the rear garden curtilage of the application site.

The extension would project 6.0m from the existing south facing rear elevation of the property and would measure 3.55m in width with a height of 6.0m above finished ground level to the ridge of the hipped roof. The extension would be stepped down approximately 1.3m from the existing ridgeline of the original pitched roof. The extension would be

Item no.

faced with facing brickwork and the roof would be covered with tiles all to match existing.

The detached garage would be sited some 5.0m from the road and would measure 6.8m in length by 3.6m in width with a height of 3.4m above finished ground level to the ridge of the pitched roof. The north facing front elevation of the garage would be faced with facing brick complemented with quoins and the remaining three sides would all be faced with painted block work and the roof would be covered with tiles all to match the existing of the host dwelling.

Additional works would involve the demolition of the existing hipped roof single-storey rear extension and existing detached garage.

Members will note this application has been submitted following the refusal of an earlier application submitted late last year (04/1045: Proposed Two-Storey Rear Extension and Detached Garage: Refused 14/01/05). The applicants have requested reconsideration of the proposal, with referral to the Development Control and Regulatory Panel.

It would appear the current application presented before Members is exactly the same as the original application in terms of its design, footprint, projection and in turn its overall massing. Therefore, it is considered the agent acting on behalf of the applicant has still not overcome the issues raised by the Case Officer of the original application.

In the first instance, the Council does not contest the introduction of a two-storey rear extension in principle, nor the detached garage.

However, the Council does seek to resist two-storey rear extensions contrary to the intentions of the District of Easington Local Plan and which it considers to have a detrimental impact upon the host dwelling, street scene and wider setting.

It is considered the principal issue raised within this application is whether the two-storey rear extension would unduly harm the residential amenity of both adjoining neighbouring properties 91, Dunelm Road to the east of the application site and 93, Dunelm Road to the west of the application site.

It is acknowledged an adjacent neighbouring property 90, Dunelm Road to the east of the application site benefits from an existing two-storey rear extension albeit with a flat, mono-pitched roof. However, it should be noted the extension would appear to have been approved more than 25 years ago (77/783: Bathroom and Lobby Extension: Approved 17/01/78). That approval was granted under a previous Adopted Local Plan and current guidelines were not then in place.

It is on this point the application turns when considering the impact the two-storey rear extension will have upon both adjoining neighbouring properties and their occupants in terms of loss of direct daylight, outlook, privacy, space and sunlight.

It is considered by virtue of its design, footprint, projection and in turn its overall massing the two-storey rear extension would adversely and unduly harm the level of residential amenity from which both adjoining neighbouring properties and their occupants currently benefit. Indeed, it

Item no.

is considered the two-storey rear extension would have an oppressive and overbearing impact. In particular, it is considered that the internal living areas of both adjacent properties would be adversely affected given the close proximity of both common shared boundaries.

The proximity of the east facing elevation of the two-storey rear extension to within 1.6m of the common shared boundary and the west facing elevation of the proposed two-storey rear extension built directly upon the common shared boundary and within 0.5m of the neighbour's ground floor kitchen window would result in an oppressive and overbearing impact upon the amenities of both adjoining neighbouring properties and their occupants to such an extent that warrants refusal of this planning application.

Furthermore, it is considered the approval of a development such as is hereby proposed could set an undesirable precedent for the consideration of further applications of a similar nature to which the Local Planning Authority would also look to object to but would ultimately find particularly difficult to resist.

Accordingly, it is considered the proposed development would have an adverse and detrimental impact upon the amenities of the adjacent dwellings and is therefore unacceptable.

Recommendation: Refusal for the following reasons:

The proposed development by virtue of its design, footprint, massing and projection would significantly and adversely affect the level of amenity currently afforded to both adjoining neighbouring residents in that it would have an overbearing, overshadowing and oppressive impact and could also establish an undesirable precedent contrary to the intentions of Policies 1, 35, 73 and Appendix 7 of The District of Easington Local Plan.

Decision Time Over 8 weeks – due to Panel cycles being held every three weeks.

05/673

HUTTON HENRY (CASTLE EDEN) – New access route at The Castle, Castle Eden for Mr A H Gillman

Planning History

03/393 – Installation of new driveway and bridge at The Castle, Castle Eden for Mr A H Gillman. Withdrawn 04/07/2003.

Consultations

The application has been advertised by site notices, press notices and neighbouring properties have been consulted by letter. One representation has been received and the salient comments summarised as:

- There was a previous application in May 2003, which I objected to. The proposal has been tweaked but in principle remains the same. As such my letter dated June 2003 still applies.
- The castle already has an access and this new road will go over a medieval archaeological interest site.

Item no.

- The road from this area to the junction with the B1281 is getting more busy and the driveway will add to the problem and cause a hazard.
- Castle Eden is a unique village in the north east and used for recreation. It is all to the good to preserve what is a conservation area.
- If more modern development work continues this village could be ruined.

Durham County Council, Conservation Officer, salient comments summarised as

- The applicant has commissioned an archaeological report, which concludes that there will be no impact on the archaeological remains because the driveway will not involve any earth moving. The mesh will be laid on the surface and the contours filled rather than excavated to give an even surface.
- The applicant has also commissioned an historical evaluation of the park that concludes that the proposed route has minimal impact on the setting of the Castle and the historic park.
- Finally the applicant has commissioned a landscape architect to design the layout and construction of the proposed road. The benefits of the route are stated in paragraph 3.2 “Proposed Route” and the construction in Golpa plastic mesh has been used on other historic property including the car park at Gibside.
- There will be no lights or markers and only 2 passing places at either end.
- Considerable effort has been made by the applicant to provide expert advice and to design a route that has minimal impact. I am persuaded by the information that the route and the construction of the driveway are acceptable
- Approve with conditions relating to no signs, waymarkers, lighting columns or other features added to the approved driveway to protect the archaeological remains of the scheduled ancient monument and the setting of the historic parkland and listed building and that the use shall be restricted to the applicant and his family and their guests and will not be used by tradesmen or emergency vehicles.

Castle Eden Society, Salient comments summarised as:

- We note that this is an improvement on the original proposal; however The Castle Eden Society still has reservations about the proposal. Our prime concern is to preserve the Scheduled Ancient Monument which is shown to be contained in this land. The previous geophysics survey referred to in the proposal does not cover the area of the new proposed driveway. It is our view that in all likelihood, a new survey would show similar archaeological remains underneath the proposed route.
- There is already a hard-surface access which totally avoids the Ancient Monument. We do not believe the reasons given can justify the potential damage to the Ancient Monument that the new proposal represents.
- The type of driveway construction proposed here is an improvement on hard surfacing but we doubt that the examples given in the application of this type of construction actually go across Scheduled Ancient Monument sites. What guarantees are there that vehicles would not go off the proposed driveway

Item no.

or that the driveway will not be used in adverse weather conditions? Once permission was granted it would rely on the goodwill of the users and future generations of users.

Easington District Council, Countryside Unit, salient comments summarised as:

- Two trees are to be removed; these trees are two young Holly. Although these two trees are a part of the woodland, this proposed removal would not detract from the amenity value of the landscape.
- The proposed route is far away from the tree canopy as not to interfere with the root plate of the existing woodland.
- Within close proximity of the existing gated access into the open-grassed area there are two semi-mature trees consisting of a Horse chestnut and a Common beech. It is recommended that minor Crown lifting be carried out to these two trees before any work commences in order to alleviate any potential damage to the trees during construction of the access route. These trees should also be protected by protective fencing with accordance to British Standards 5837:2005 "Trees in relation to Construction" and any tree work should be carried out in accordance with current British Standards 3998:1989 "Recommendations for Tree Work".
- This Department would offer no objection to the proposal subject to the above recommendations.

Environment Agency: No comments.

English Heritage, salient comments summarised as:

- The proposal directly affects the Scheduled Ancient Monument known as 'Deserted medieval village, moated site and early medieval timber building at Castle Eden 200m south of the Castle.' They also directly affect a Grade II garden. The proposed driveway is within the setting of a Grade II* listed building.
- The owner has applied for Scheduled Monument Consent for the works affecting the scheduled monument and English Heritage is currently examining this application.
- With regard to the house and gardens, English Heritage are of the opinion that that the driveway has been located in an appropriate position and the materials used have been given due consideration, and therefore has no objection to the current proposals.

Castle Eden Parish Council, salient comments summarised as:

- Objects to the planning application.
- The chairman feels that to agree to this application would be irresponsible. The report [submitted in support of the application] although interesting, does not convince him that interference with this valuable and sensitive area of Castle Eden is necessary.
- There are concerns of the impact of vehicles on the possible archaeological remains. Whilst the proposal would be an attractive route to the castle, taking into account the small number of vehicles using the road, it is not worth the risk of impacting on the archaeological remains. Further archaeological digs will be advisable and necessary.
- If the road is for family and friends, why should it be a problem to use the existing road.

Item no.

- It is an unnecessary invasion onto a Scheduled Ancient Monument site which remains unsurveyed. The existing access is excellent and the road would be the thin end of the wedge leading to lights, hard surfacing.
- The proposal would lead to other developments in this and surrounding areas in the future.

The Castle Eden Parish Council comments summarised above also contained the individual comments of four members of the Parish Council.

English Nature: They have no substantive comments to make.

Durham County Council, Highways Authority, salient comments summarised as:

- The proposal is entirely within private land and appears to be a reasonable arrangement from a highway point of view.

Durham County Council, Archaeologist, salient comments summarised as:

- We have no objections to this work as the archaeological sensitivity of the site is now being adequately dealt with as indicated in the report submitted in support of the application.

Development Plan Policies

County Durham Structure Plan

- 64 Historic Parks and Gardens.
- 66 Archaeology

District of Easington Local Plan

- 1 General principles of development
- 15 Protection of sites of special scientific interest, national nature reserves and ancient woodland.
- 20 Nationally important sites of archaeological interest.
- 22 Preservation and enhancement of Conservation Areas
- 24 Protection of Listed Buildings
- 35 Design and layout of development
- 36 Design for access and means of travel
- C1 Requirement that all development in Castle Eden must preserve and enhance the character of the Conservation Area and preserve the setting of Listed Buildings

The proposals are considered to accord with the general aims of the above policies.

Comment

The proposal is for the creation of a private access drive to the Castle. The access drive is intended to be used only by the applicant's family and their guests and would not be used by trades persons who would continue to use the existing access route to the Castle.

Item no.

The drive is proposed to be constructed from a 'Golpa Fastlay system'. This is a construction method whereby construction grids are laid on a surface stripped of turf.

The drive will begin at a point approximately 70 metres north of the entrance gates (adjacent to Castle Eden Church) and turn east and curve its way to the south elevation of the Castle through its main garden. The drive will incorporate two passing places.

The applicants have stated that the driveway will run parallel with the original access to the Castle, which can now no longer be reinstated because the land that the original access drive ran along is now outside the ownership of the applicant.

There are a number of designations on the site:

- The Castle – Grade II* Listed Building.
- Registered parkland.
- Scheduled Ancient Monument.
- The adjacent Site of Special Scientific Interest (SSSI).
- The Castle Eden Conservation Area.

The principal issue for the assessment of this application is whether the proposal has an adverse impact upon any of the above designations.

The SSSI runs in a band from the north to the south and runs parallel with the proposed road forming part of the larger SSSI that covers most of Castle Eden Dene. English Nature have been consulted for their views on this application and they have raised no objection to the proposal. The driveway has been positioned so that it misses the roots of the trees. It is therefore not considered that the proposal will have an undue impact upon the SSSI.

The proposal runs through a Conservation Area and the setting of a Grade II* listed building. In addition, the proposal also runs through a Scheduled Ancient Monument and a Historic Park and Garden.

The primary consideration for a planning application in a Conservation Area is whether the proposal preserves or enhances the character and appearance of the Conservation Area. The proposal is to be constructed from 'Golpa Fastlay system'. The surface treatment does not involve excavations into the ground. The construction grids are laid onto stripped turf with 10 to 20mm of sand on top with the 'Golpa' sitting on top of the sand. The 'Golpa' is a honeycomb mesh that allows grass to grow through, but provides support for vehicles driving over. The applicants have supplied photographic illustration of the driveway and it will adopt the appearance of being a mowed, level section of grass across the landscape. It is therefore considered that the appearance of the driveway will have a minimal impact on the character and appearance of the Conservation Area. In addition, it is also considered that the driveway will not harm the setting of the listed building. It should be noted that both the Conservation Officer and English Heritage have not raised any objection to this application. The proposal is therefore considered to be in accordance with Policies 22 and 24.

The proposal also runs over a scheduled ancient monument: the archaeological remains of a medieval village. In addition to planning

Item no.

permission, the proposal also requires scheduled ancient monument consent from English Heritage. It should be noted in the comments supplied by English Heritage that they are currently assessing such an application. Should Members be minded to approve this application, this does not automatically guarantee that Scheduled Ancient Monument Consent will also be granted. Therefore it is considered that the Scheduled Ancient Monument consent application to English Heritage can properly determine and assess the impact that the proposal will have on the Ancient Monument.

Some of the representations received above have commented upon whether there is a need for a second driveway. Policy 64 of the Structure Plan states, inter alia, that where a development can be justified in a historic park or garden included on the register of parks and gardens of special historic interest, it must conserve or enhance the special historic and landscape qualities. Other policies relating to conservation areas, listed buildings do not need the applicant to demonstrate a special justification for the proposal. Durham County Council Conservation Officer considers that the justification for the new drive is one of Article 8 of the Human Rights Act 1998 whereby everyone has the right to respect for his or her private and family life, his or her home and his or her correspondence. The Conservation Officer considers that the private access drive is justified by Article 8.

It is therefore considered that to refuse this application, particularly given that Durham County Council Conservation Officer, the County Archaeological Officer and English Heritage have not raised objections, would prove difficult to defend at an appeal.

Conclusions

It is considered that the proposal will have a minimal impact upon the conservation designations that affect the application site. The views of English Heritage, the County Council Conservation Officer and the County Archaeological Officer have been sought and they do not raise any objection to the proposal. Refusing this application would be difficult to defend at an appeal and therefore given that sufficient design and consideration has gone into the proposed driveway, a recommendation for approval is given.

Recommend Conditional approval (conditions relating to material samples, Conservation Officer suggested conditions, condition for crown lifting) and to delegate the decision to the Head of Planning and Building Control to issue the decision on the expiration of the consultation period.

Decision time Over 8 weeks - target missed due to the need to wait for responses from major consultees.

Reason for recommendation

The proposal is considered to comply with relevant Development Plan Policies, in particular Policies 1, 15, 20, 22, 24, 35 and C1 of District of Easington Local Plan.

Item no.

05/690

EASINGTON VILLAGE & SOUTH HETTON - Proposed One Farmhouse at Mount Pleasant Farm, South Hetton for Mr W L Frain

Planning History

04/621 - Siting of caravan within existing barn – withdrawn 08.10.04.

Consultations

Parish Council – no comments received.

Environment Agency – no objections.

Highway Authority – requires improvement to access arrangements.

Agricultural Consultant – no functional need shown to exist – see below.

Development Plan Policies

Durham County Structure Plan

- 1 general principles of development
- 4 the countryside
- 14 housing in the countryside

District of Easington Local Plan

- 1 general principles of development
- 35 design and layout of development
- 68 housing development in the countryside
- 69 rural workers dwellings

The proposal is considered to conflict with the above policies.

Comments

This outline application relates to the erection of a farmworker's dwelling within an arable field adjacent an existing agricultural storage building. The site lies some 1.5 kilometres to the west of Easington Village, on the A182.

The applicant has submitted the following supporting information:

"The proposal is submitted to assist the applicant, the owner of the 47.2 hectares (117 acres) of farm land, the opportunity to manage and develop it as a wholly independent farm holding.

While the land has been in my client's ownership since the late 1980's to date, the land has been farmed by the owners of neighbouring farms. This has occurred due to the total lack of on-site residential accommodation and farm outbuildings. Clearly, without such on-site facilities, the management and development of the farm is simply unrealistic.

The accounts which accompany the application offer a clear indication of the profits which have resulted during my client's ownership of the farmstead, from its current limited farming activities. Such a financial return is clearly untenable in the long term.

Item no.

It is therefore my client's wish to establish an independent farm centred around the proposed farmhouse and outbuilding, located as indicated on the submitted plans.

Given my client's long association with the land, which is currently predominantly in arable use, and the sample of accounts accompanying the application, a formal business plan is not provided, as normally required. It is my client's intention to gradually diversify from the current 'arable farm' into livestock. Such a change can only be realised with on-site accommodation located next to the main entrance to the farm and the existing outbuilding (barn) which will accommodate the essential farm machinery/equipment. Other necessary farm buildings will also be located in this area as required to support the proposed diversification, i.e. a rearing shed etc.

The project as a whole will be managed and maintained by the applicant, who would relocate from his present home in Thorpe Road, Easington. To manage the farm from his current accommodation is unrealistic. To entertain such a project without on-site accommodation (to manage the farm in general and to secure essential on-site farm machinery and equipment) is simply unrealistic in today's environment.

To allow the land to continue to be attended by neighbours is to continue to ignore the farming opportunity which the ownership of the land offers. Such a negative approach also continues to allow others to profit from the land and thereby reduce the farming income one could reasonably expect to realise from such a landholding."

Both Structure Plan policy 14 and District of Easington Local Plan policies 68 and 69 share the same general thrust that residential development within the countryside should only be permitted where it is necessary for the purposes of agriculture, forestry or other appropriate rural enterprises where people must live close to their place of employment to perform their duties.

In particular policy 69 sets out three tests against which dwellings in the countryside should accord with:

1. a clear justification of need
2. the imposition of an occupancy condition
3. the location of the dwelling being in keeping with the local environment and adjacent to existing building where possible.

The above policies are reinforced by the national government Planning Policy Statement 7 (Sustainable developments in rural areas) which states, under Annex 1:

"Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it

Item no.

essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.”

In considering this application officers sought the preliminary advice of an agricultural consultant who stated the following:

“The application provides no supporting information and is very sketchy about the intentions of the site.

The arable use of the land does not generate a functional need and in fact there appears to be no business in place with the land farmed on contract by other parties.

There is no actual evidence of any intention or ability to start a new enterprise on the site.”

The main issue of concern in considering this application is whether the proposed dwelling is **essential** for the operation of the existing farm business bearing in mind established restrictive planning policies relating to new dwellings in open countryside.

The arable farm is currently successfully operated on a contracting basis according to the applicant, therefore, it has not been necessary hitherto for a person to live on the land to operate the business on a profitable basis.

No evidence has been submitted to justify why it is **essential** to erect a new dwelling in open countryside in order to operate the existing business, even if it is taken over by the applicant. Sometimes it is essential for living accommodation to be provided near to livestock or poultry buildings for example, to ensure appropriate management can be available in times of emergency etc. However, in this instance there is no evidence of such a requirement. Security of stored farm equipment is rarely seen as justification for new dwellings in open countryside; appeal inspectors have upheld this view in the past.

In addition, the proposal is based on two groups of agricultural land, measuring 50.7 and 7.1 hectares respectively. These parcels of land are located approximately 1.5 kilometres apart, and the applicant proposes to position the dwelling on the smallest parcel of land. This further undermines the case for claiming that the dwelling is essential on the land for the business operations, as it would clearly involve travelling between the two sites, a situation that could operate on the basis of current arrangements.

Furthermore, no supporting evidence has been submitted to show how the new business will start on the site, procurement of new vehicles, storage etc.

PPS7 states that if a new dwelling is essential to support a new farming activity, whether newly created or an established one, it should normally for the first 3 years be provided by a temporary structure which can be easily dismantled if the business fails.

Item no.

From a sustainability point of view and in the interests of the character of this area of open countryside, it is considered that in this instance any new dwelling and other buildings that may be required to operate the farm business in the future should be within or close to existing settlements.

Recommend Refusal for the following reason:

The applicant has failed to demonstrate, to the satisfaction of the Local Planning Authority, a justification to demonstrate that a dwelling is necessary in the countryside for the purposes of agriculture, forestry or for people to live close to their place of employment to perform their duties. In the absence of a sufficient justification demonstrating the need for the residential dwelling in the countryside, the application is considered to be contrary to PPS7, Policy 14 of the Durham County Structure Plan and Policy 69 of the District of Easington Local Plan.

Decision Time 9 weeks – target not achieved due to seeking consultants views and request of applicant to be heard by the Panel.

E Background Papers

The following background papers have been used in the compilation of this report.

Durham County Structure Plan
Adopted Easington District Local Plan
Deposit Draft Version Easington District Local Plan
Inspector's Report on Public Inquiry
Planning Policy Guidance Notes
DETR Circulars
Individual application forms, certificates, plans and consultation responses
Previous Appeal Decisions



Graeme Reed
Head of Planning and Building Control