

Item no.

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

Date: **22 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.

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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.

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D GENERAL APPLICATIONS

04/737 HORDEN SOUTH – Proposed Residential Development comprising of 12 houses (outline) at Adams Motors, Blackhills Road, Horden.

Planning History

The following applications relate to a larger site that included all of the current application site.

92/328 Change of use to provide additional vehicle hard standing and erection of boundary wall. Approved 1.06.92

92/615 Proposed MOT/garage workshop. Approved 28.09.92

Consultations

The application has been advertised by site notices, press notices and the neighbouring properties have been notified by letter. A re-consultation was carried out on the amendments.

No representations have been received from local residents.

Durham County Council, Highways Authority, suggested several minor amendments to the layout in order to meet County Guidelines.

On the revised layout plans, the Highway Authority comments have been summarised:

The proposal is now acceptable from a highways point of view.

Development Plan Policies

District of Easington Local Plan

- 1 General principles of development
- 35 Impact of Development
- 66 Provision of outdoor play space in new housing development.
- 67 Windfall Housing Sites.

The proposal is considered to conflict with Policy 66 above.

Comment

Members may recall this proposal being presented to the Panel on 11 January 2005 where Members were minded to approve this application, subject to conditions, on receipt of a satisfactory Section 106 agreement relating to a contribution of money in lieu of on site public open space provision.

The agent, acting for the applicant, was sent the Council's draft Section 106 agreement after Members made their resolution. Despite a follow up letter to both the applicant and the agent, no section 106 agreement has been received.

This planning application has been with the Council now approaching one year. As the requests for a section 106 agreement have not been

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responded to, it is considered that Members should revise their resolution for this application.

Members may recall that this proposal has been submitted in outline and the application is dealing with design and external appearance of the houses, siting and means of access. The landscaping is reserved for a separate application.

The proposal is for 12 houses, consisting of a terrace of three units, a terrace of 4 units, one detached house and two semi-detached houses. The houses will be served by a central access road coming into the site taking its access off Blackhills Road.

Apart from the public open space provisions (discussed below) the proposal was considered acceptable from a highways and design perspective. The proposal had been amended to satisfy the requirements of the Highway Authority. In addition the general principle of housing on the site was also considered acceptable and in accordance with Policy 67 (Windfall Housing) of the Local Plan.

Policy 66 of the District Local Plan requires new housing development of more than 10 dwellings to provide recreational open space. The current application has not made any provision for formal public open space. The use of a Section 106 agreement would be considered satisfactory to allow a development that would otherwise be contrary to the provisions of Policy 66, as the money can be used to enhance adjacent existing public open space, in lieu of on site provision. However as no satisfactory Section 106 agreement has been presented, the planning application is considered to be contrary to the provisions of Policy 66 as no public open space has been provided as part of the development.

Members are therefore recommended to revise their decision and refuse the application on the grounds of being contrary to Policy 66 of the District of Easington Local Plan.

Recommend Refusal for the following reason:

The proposal does not include any adequate provision for children's play space and outdoor recreation, nor has a satisfactory Section 106 agreement for the provision of a sum of money in lieu of on site public open space for the enhancement of adjacent open space, been provided. As such the proposal is contrary to the provisions of Policy 66 of the District of Easington Local Plan which requires developments of 10 or more houses to include adequate play and recreation space.

Decision Time Target missed due to waiting for a section 106 agreement.

05/665

SEAHAM NORTH (Seaton with Slingley) – Paintball business and associated earth mounds and structures and car park at land south of Sharpley Hall Farm for Mr I Weightman.

Planning History

03/917 – Change of use to paintball operation with associated car park and structures – approved December 2003.

04/379 – Resubmission of above – withdrawn June 2004.

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Consultations

A Site Notice has been posted and local residents have been consulted. As a result of the consultation individual letters have been received from one local resident raising the following issues :

- Noise from the guns and customers during use of the facility.
- Excessive opening times leading to disturbance.
- Large numbers of customers will use the site at any one time, exacerbating the above and resulting in road safety problems.
- Noisy guard dogs at night.

The Highway Authority have no objections providing the access improvements are carried out in accordance with the specifications shown on the submitted plans.

The Environmental Health Officer has no objections providing the activities are kept behind and below the mounded landform in order to prevent unwanted sound going beyond the site boundary. No amplified sound should be used as part of the activity and the business should not operate before 9am.

The Parish Council have not commented.

The Landscape Officer has commented as follows :

- Earth Mounding is of a satisfactory height and reflects the surrounding topography.
- Mobile structures on site are in the main not visible from public viewpoints.
- Additional planting has been agreed with the applicant and should be made a condition of the permission.

Development Plan Policies

County Durham Structure Plan

- 1 General Principles of development
- 4 The countryside
- 52 Tourism and Recreation.

District of Easington Local Plan

- 1 General Principles of development
- 3 Protection of the Countryside
- 35 Design and layout of development
- 36 Design for access and means of travel
- 57 Diversification of farmland
- 86 Countryside recreation

The development is considered to be in accordance with the above policies.

Comments

Site description and its operation

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This application seeks to regularise the existing paintball operation which is taking place on 1.2 hectares of land south of the B1404 road, 1¾ miles west of Seaton village. The land was previously used on a seasonal basis for pick-your-own-strawberries. The playing area utilises a former strawberry field, and the existing car park and access serving the former strawberry business (as well as a small fishing lake) is utilised.

The original approval comprised a single playing area with an area screened by planted maize, with a timber shelter for participants and car parking area for 6 cars. It was intended that temporary props would be used such as straw bales and camouflage netting, as well as planted maize. The current proposal is for a more prominent appearance and more intensive use of the site, involving props made from various materials including timber, metal, fibreglass and stone, earth mounds several metres in height around the playing area, a breeze block shelter and motorcycle parking area. Most of the works have already been carried out without planning permission, and timber props have been used to create a 'wild west' village within the playing area. The proposed operating hours are from 10.00am to 7.00pm.

The applicant has submitted a supporting letter, parts of which are reproduced as follows:

“Access to the site is per our previous proposals. Included with this submission is a detailed plan indicating provision for 14 car parking spaces set out in a fashion behind an existing hedge line. Also provided is a turning area for possible use by a bus when transporting larger numbers and recreational parties. The car parking and turning area is to be consolidated as a gravel/whinstone surface.

Consent was previously obtained for a timber structure on site. The structure now currently constructed is a timber and breezeblock structure. The applicant, having given consideration to ongoing problems of security on site, felt that a timber-clad, breezeblock shelter would be more suitable. The shelter is of a similar appearance as that previously approved under the previously referenced planning permission.

Ongoing problems were experienced in relation to security of the site as regards drug users. There was once a caravan stationed on site and it was broken into almost every night. Hypodermic needles were left lying around the site. This more secure shelter will provide a greater level of security, making it more difficult to penetrate. In this rural location where 24 hour surveillance is not possible, this is an appropriate answer to address such concerns.

Detailed plans of the shelter are provided for your consideration. Officers will note that the shelter is marginally bigger than that previously approved.

The shelter will be used precisely for the use to which its description is given. It will act as a shelter, and a place to take lunch as well as provision of a toilet facility. The shelter also acts to store equipment utilised with the paintball activities. As referenced in original communications, paintball activities require the use of compressed air. Compressed air is used as this is a more suitably environmentally friendly product. A compressor is kept on site to charge the air cylinders which, in turn, charge the guns at the end of each game.

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The shelter will also be used to store equipment associated with the activities.

Operating hours are still proposed to be as per the planning approval granted until 7.00pm in the evening. There will be a period of closing up after this time where activity ceases, equipment is stored, and people leave the site.

It is expected that between 50 and 70 people will use the facility at any one time. Continuous guidance and supervision is always required. This will be provided by paintball marshals at a ratio of one marshal per 10 players.

The nature of the operation is that block bookings are taken and one party utilises the whole site for either or both a morning and afternoon period. The comings and goings in relation to the site are not continuous. Movements will be in early morning and late morning periods, and/or the early afternoon and late afternoon periods. It is also anticipated as has happened up until this point in time, that some parties will come to the site in a bus. The issue in relation to the intensification of the use of the site and the numbers involved, should not be a consideration in relation to consideration of the planning application, simply because the size or scale of the operation will dictate the feasibility, viability and comfortable use of the site. Assertions have been made by an objector that up to 100 people at any one point in time have been utilising the operation. This is incorrect. Whilst it is acknowledged that parties have come to the site in a bus or two buses, those buses are not full and rather the physical nature of the operations limits the impact of its presence.

Ward Hadaway – (the Agents for the applicants) - are of the opinion that the numbers of parties on site could not be controlled with reference to the original consent. No specific condition was imposed on the original approval limiting the number of persons at site. This is a material consideration in your determination.

Mounding has been created on site by movement of earth from the centre of the playing area to the perimeter of the play area. This has created boundary mounds which were of initial concern to the Local Planning Authority. Having met Mr Alan Dobie on site, advice was consequently sought from the Authority's landscape consultant, Mr Walter Kelly. A copy of his comments is within the Council's files. In particular, we would refer you to Mr Kelly's commentary under the paragraph of his memorandum of the 28th August 2004 relating to earth mounding. In his opinion as a professional environmental designer, the height of the earth mounding current to the site is satisfactory and reflects the topography of the surrounding landscape. Notwithstanding this, further advice has been sought and given where at significant levels of landscaping and mitigation measures are now proposed. The appended plans indicate planting schemes which will assist in assimilating the development proposals into the landscape.

The propos are of a temporary nature and entirely portable. Not one of the structures has been concreted into the ground with the use of foundations. They are of a size and weight which would indicate that it is questionable as to whether they are defined as 'development' at all. An examination of the Development Control Practice volumes quite clearly

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indicates that structures of this kind are not development. However, the use of the land and what they give rise to is development. Axonometric sketches are supplied indicating their nature and extent. No other specific scale plans are provided of the structures given the fact that they are portable, and not legally considered to be development. However, the Authority would be invited to impose appropriate conditions with respect to the movement of the structures on site, their final levels and their final positions.

From a professional perspective the concerns of the objectors and the Authority are understood. However, we must refer to the original consent given by the Authority, the limitations of such and the perceived impacts of that operation. It must be remembered that the original consents although not involving earth mounding nor indeed the presence of the number of props on site, had no specific limitations in relation to the same. There is no condition imposed on the planning approval limiting the numbers who could use the site, and following on from our discussion as regards whether props are development, it would be impossible for the Authority to control the nature and implementation of such things as rubber tyres, pyramids, timber, props and any other vehicle that would assist or add to the use of the site under the previous consent. Taking this further, if the mounding had not been created, and if the central section had not been dug out, all such props would have been extremely visible. Indeed, they would have had such a presence that the objector would have felt very much more aggrieved than he currently does. In addition, and perhaps even more importantly, the use of the site, in terms of the use of air pressured guns and the shouting and screeching of users, would have been in the open and would have had far greater impact on all concerned. It is hoped that both the Authority and the objector fully acknowledge such, and understand that the mounding and screening serves to protect the amenity of the locality and the resident.

Local Authority Environmental Health Officers have visited the site and assessed the issue of noise and can confirm that the mounding protects the amenity of local residents in this regard and that no statutory nuisance exists."

The proposal will employ up to eight people on a part time basis including a site manager, marshals, reception and maintenance staff.

It should be noted that permitted development rights in the Town and Country Planning (General Permitted Development) Order 1995 allows land to be used for up to 28 days per year for the paintballing activity without planning permission. These rights apply to the use of the land and do not permit building and engineering operations such as the timber shelter and earth mounds.

Policy considerations

Planning Policy Guidance Note 17 (Sport and Recreation) advises that proposals for farm diversification involving sports and recreational activities should be given favourable consideration if sited with care and sensitivity to its rural location (paragraph 26). Planning Policy Guidance Note 7 (The Countryside) also encourages recreational activity in rural areas, particularly as part of farm diversification.

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As a recreational facility and farm diversification project the proposal is supported in principle by policies 57 and 86 of the District of Easington Local Plan, provided it meets various criteria, including avoiding serious adverse impact upon amenity. The acceptability of the application consequently depends upon the particular impacts it is likely to have on the local area. The main planning issues are considered to be visual impact, noise and transport implications.

Visual impact

The Council's landscape consultant has advised that the proposal is satisfactory, subject to the landscaping requirements suggested in relation to the previously submitted planning application. The earth mounds are currently visually intrusive, because they appear as artificial engineering works in the countryside unrelated to the existing landform. In addition, some of the timber structures in the play area are partially visible, as the height of the earth mounds varies.

Site inspection reveals that the structures are likely to be visible from the first floor windows of nearby residents contrary to the claims of the applicants – see above. In addition the site is open to view from an infrequently used lane to the north west of the site.

A full landscaping scheme, including the raising of the northern most embankment, is required to address these issues, and a planning condition can be imposed with respect to this. Landscaping on top and sides of the mounds, other than grass, is considered too unnatural, and instead, trees would need to be planted beside the earth mounds to soften their appearance and blend them into the countryside. The main visual problem is the partial appearance of the props above the height of the earth mounds, and their prominence from local resident's viewpoints and potential users of the proposed nearby golf course.

The reason given for the breeze-block construction of the shelter is security for the air compressor and to prevent people breaking in and using the building for the purposes of drug-taking. As the shelter will be clad in timber, the visual appearance is considered acceptable.

Noise and disturbance

The Council's Environmental Health Unit is satisfied with the proposals and has not requested a noise survey. The proposal is situated over 100 metres from the nearest housing at Sharpley Hall Farm, across the B1404. During trial runs at the site, despite the distance and screening provided by the earth mounds, the neighbours can detect the sound of paintballs being fired. As this sound would be heard in the daytime across a classified road carrying 60 mph traffic, this is not considered to result in a significant increase in noise levels sufficient to refuse the application. However, given that traffic noise levels will inevitably drop in the evening, which is a time when people can expect to enjoy the use of their dwelling houses without disturbance, the operation of the site beyond 7.00pm is considered unacceptable. The potential disturbance in the evening is considered to relate to the screams and shouts of competitors and car doors slamming, which can have an adverse impact on amenity when background noise is low. It is therefore recommended that planning approval should only be granted subject to a condition to restrict operating hours to between 10.00am and 7.00pm.

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The applicant has stated that the expected number of vehicles visiting the site during a normal working day (excluding staff) is six. This is considered to be an underestimate, given the extent of the playing area, the number of staff and the likelihood of organisations and groups of people block-booking and facilities. It is considered important for the Council to retain some control of the numbers of visitors using the site, to control the overall levels of noise, disturbance and general commercial intrusion at weekends, which could potentially harm the residential amenities of the houses overlooking the site. In the circumstances, limiting visitor numbers to 30 per day, unless otherwise agreed with the Council, is considered a reasonable limit, which takes account of the applicant's proposal to provide six car parking spaces and three motorcycle parking spaces, whilst also taking a realistic view of the potential of the site to attract people from a wide catchment area.

Traffic

The applicants have claimed that the former pick-your-own-strawberries venture receive up to 80 cars a day at the height of the picking season. The proposal has consequently been assessed as a one which replaces an existing commercial use of the site which already attracted car-borne visitors. The Highways Authority is satisfied with the access and parking arrangements.

Conclusion

In view of the information detailed above, it is considered that the proposed development will not cause serious harm to matters of acknowledged importance. The proposal broadly conforms with established National and Local planning policies. The visual impact, whilst not minor in scale in terms of the mounding, is nevertheless considered acceptable in the context of this rural location and will be further improved with additional landscaping. Noise and disturbance to local residents is not considered to be sufficient to warrant refusing permission in view of the physical separation, and traffic generation is not considered to be a significant problem in view of the previous land use as a "pick your own" facility and the details submitted with the application, which have been approved by the Highway Authority. Accordingly, the proposal is considered to be acceptable, subject to conditions to control the appearance and operation of the business.

Recommend Conditional approval (further landscaping work; hours of operation; on site car parking provision; operation of the site)

Decision Time 14 weeks (target not achieved to enable local residents sufficient time to study and comment on the proposals)

Reasons for recommendation

The proposal constitutes an acceptable form of development in this rural location, that will provide a leisure facility and employment opportunities without significant adverse impacts on the amenities of the area or its residents.

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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

Members may recall deferring making a decision on this application at the last meeting to enable the applicant to consider submitting amended plans for a temporary dwelling. His response and Officer's further comments are included at the end of this report.

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.

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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.

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,

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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 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.

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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.

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.

The applicant has responded to Members' request for further consideration of this matter as follows :

"To assist in clarifying the applicant's position, and following further detailed discussions with him, I can confirm the following:

- the farmland as a whole comprises 143.7 acres (57.17 Ha);
- the farmland comprises one farm which has been owned and managed by the applicant for in excess of 20 years;
- the holding has only one set of accounts;
- due to the lack of on-site residential accommodation, work on the land (and not the land itself) is contracted out. The costs of the contracting work in the current financial year are estimated to be £12,000.
- the farmers who currently undertake contracting work on behalf of my client are M & F Musgraves of Shotton. Their travel to the land comprises a round journey of approximately 12 miles. I apologise for inadvertently misleading you and the Committee on this particular point. This was due to an unfortunate misunderstanding between the applicant and me;
- my client currently has to undertake a 2 mile journey to the farm;
- when the work currently undertaken by contractors is undertaken by my client, there would be a significant financial improvement in the profitability of the farm to add to that profit already made;
- notwithstanding the fact that the farm comprises two distinct areas, the proposed changes will also result in a considerable saving in the travel generated by the agricultural business.

With a clear need to reduce overheads and increase profits, my client has finally resolved to cease the use of contractors on the farm. In future such work will be undertaken 'in house'. Much of the required machinery, including tractors, is already owned by the applicant. Other necessary equipment can and will be purchased or hired as required.

The necessary change in the current working practices on the farm, the diversification into cattle, and the resultant requirement for the storage and maintenance of machinery and equipment, will result in the essential need for 24 hour on-site supervision – a farmhouse, the subject of this application.

The farms existing storage building is located at Mount Pleasant. This location will also be the site for any further steadings required by the agricultural business. This is also considered to be the ideal location for the proposed farmhouse.

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As a result of the foregoing, and to avoid any further uncertainties, my client requests that the current application be formally determined as submitted. Hopefully as a result of the above clarification, members of the planning committee will appreciate that the current agricultural business provides my client with a full time occupation. This application is not simply a ploy to obtain a dwelling in the countryside. To emphasise this fact I can confirm my client's willingness to accept an 'agricultural occupancy' condition attached to an approval notice which would tie the occupancy of the dwelling to the land. In response to the possible concern of Members that an acceptance of this application could be used as a precedent being set for a further dwelling on the other section of the farm, my client would also be willing to sign a Section 106 Agreement, the purpose of which would be to prevent any further dwellings being built on the farmland.

In conclusion, I would confirm that it is my client's wish to have an on-site dwelling appropriately located to serve the 24-hour needs of the farm as a whole. Such on-site accommodation would ensure he can undertake the full farming duties, and ensure the long term future of an existing and financially sound farming unit. The proposed farmhouse and steadings would be appropriately located within an area already comprising several similar residential properties which have been approved to support various agricultural businesses in this area of the district, one on an area of only 20 acres (8 Ha)."

Officers would comment as follows on the above; the following refers to individual paragraphs of the applicant's letter.

- **5** - There are numerous cases on appeal where arguments of "essential need" to live on the site to farm arable land have been dismissed by the Inspector. The land in question has been profitably farmed thus far without the need to have someone live on the site, indeed the current contractors complete a round journey of 12 miles to farm the land.
- **7** – There is no evidence submitted in support of the contention that the applicant will create a "significant financial improvement in the profitability of the farm" if he takes on the running of the farm.
- **9** – No details of what machinery is or will be owned by the applicant have been provided.
- **10** – No business plan has been submitted to provide clear evidence that the proposed livestock enterprise has been planned on a sound financial basis.

In conclusion the application does not include sufficient information to justify a new dwelling in the countryside. There are no details of the proposed new business and PPS 7 and other policy documents require that until a business has become established and viable, say after 3 years, then only temporary accommodation should be permitted. The further information submitted since the last Panel meeting has not provided any evidence to alter the previous recommendation.

It is considered therefore that as this application fails all the tests and guidelines referred to above, then planning permission should be refused.

Recommend Refusal for the following reason:

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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.

05/717

HORDEN SOUTH – Substitution of House Type, Plots 28-37, Dene View, Horden for Alexander Developments.

Planning History

2003 – A planning application (03/28) for a residential development comprising 40 Dwellings was approved on 10/04/2003

Consultations

The application has been advertised by site notices and in the local press and the neighbouring properties have been consulted.

One letter of representation from the occupier of a neighbouring property to the west of the application site has been received in relation to the application. Objections were raised to the scheme on the following grounds:

- The height of the proposed houses will impact by way of loss of sunlight and privacy for properties sited on Cotsford Park Estate.

Any subsequent representations received will be reported to Members

Environmental Health comments:

- None received.

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

- No highway objection.

Development Plan Policies

District of Easington Local Plan

- 1 General principles of development
- 35 Impact of Development

The proposal is not considered to conflict with the above policies.

Comment

The proposal is for variation in house type relating to plot nos. 28 to 37 of the original application situated to the west of the application site backing onto residential properties on Cotsford Park Estate. Planning

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permission was originally granted for the housing development in April 2003.

Permission was originally granted for the erection of two blocks of three and two blocks of two 3-storey townhouses. This application seeks permission for the erection of five blocks of two 3-storey townhouses.

Following concerns raised subject to the original planning application regarding the relationships between the proposed and existing properties on the western boundary of the application site, the Local Planning Authority requested additional plans. The plans submitted show that the second floor of the proposed dwellings will be at the same height as the ground floor of the existing properties.

The proposed house type substitutions are considered acceptable. The overall massing, footprint and position of the substituted house types remain largely the same as those previously approved.

The proposed substitution of house types will not result in the dwellings being any taller, or being situated any closer to adjacent residential properties than approved subject to the original application. The main change will be the sub-division of the two blocks of three properties, into three blocks of two properties, the floor space of the proposed dwellings will be as approved, with the main changes being in terms of design. It is therefore considered that the substituted house types would not have an undue impact upon the amenity of the occupiers of adjacent residential properties.

One letter of objection has been received from the occupier of a residential property to the west of the application site. Objections were raised to the application regarding loss of amenity to residential properties on Cotsford Park Estate by way of loss of sunlight and privacy. As discussed above, it is not considered that the proposed substitution of house type will have any detrimental effect on the amenities currently enjoyed by the occupants of adjacent residential properties, over or above any impact that may have arisen as a result of the originally approved application.

The substitution of house types is not considered to have a significant adverse impact upon amenity and the proposal is recommended for approval.

Recommend Conditional Approval (conditions relating to materials to be used and means of enclosure to be approved.

Decision Time Over 8 weeks – Due to requiring additional information.

Reason for recommendation

The proposal is considered to be in accordance with local plan policies, particularly policies 1 and 35 of the District of Easington Local Plan as there is not considered to be a significant adverse impact on adjacent properties.

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05/760

WINGATE (HUTTON HENRY) – Proposed dwelling (Outline)(Resubmission) at land north of Heaton Terrace, Station Town for Mr P Collins

Planning History

05/367 – Outline application for a single dwelling – Refused June 2005.

Consultation Responses

A Site Notice has been posted and local residents have been consulted. As a result of the consultation individual letters have been received from four local residents raising the following issues :

- Loss of privacy/light and views.
- Application has been refused before – nothing has changed.
- Proposal will result in development outside the village boundary and be contrary to the Local Plan.

The Highway Authority has no objections.

Northumbrian Water have no objections.

The Parish Council have not commented.

Development Plan Policies

District of Easington Local Plan

- 1 General Principles of development
- 3 Development limits
- 35 Design and layout of development.
- 69 Housing development in the countryside.

The proposal is considered to conflict with the above policies.

Comments

Members may be aware that planning permission was refused under delegated powers for an identical proposal in June of this year on grounds relating to the development being outside the settlement boundary and therefore contrary to certain policies within the Easington Local Plan.

The current outline application is brought to Members attention at the request of the applicant.

It relates to the erection of a dwelling on unused land to the rear of Heaton Terrace. The site lies outside the settlement boundary as defined in the Local Plan and is therefore subject to policies 3 and 69 of that Plan. No agricultural or other relevant planning justification has been provided.

In support of the proposal the applicant has submitted a petition signed by some 70 residents who live in Station Town together with 9 pre written duplicate letters signed by local residents, all supporting the erection of a dwelling on the site to enable it to be “tidied up”.

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There have been no material changes in planning circumstances since the submission of the earlier application, and whilst there is some sympathy with local residents regarding the visual appearance of the site, there are other measures that can be taken to resolve that problem. There are therefore no material reasons why existing planning policies should be disregarded in this instance to permit the erection of a dwelling in this countryside location.

Taking all relevant matters into account, the proposal is considered to be unacceptable.

Recommend Refusal for the following reasons :

1. The proposal would result in residential development in the countryside outside the settlement boundary of Station Town without an appropriate agricultural or similar justification, contrary to Policies 1, 3 and 69 of the District of Easington Local Plan.
2. The proposal, by reason of its location on the edge of the existing built-up area, would be visually intrusive and would not consolidate the existing settlement framework, contrary to Policies 1 and 35 of the District of Easington Local Plan.

Decision time 8 weeks – target achieved.

E Background Papers

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

Durham County Structure Plan
District of Easington Local Plan
Planning Policy Guidance Notes
Planning Policy Statements
Regional Spatial Strategy
DETR Circulars
Individual application forms, certificates, plans and consultation responses
Previous Appeal Decisions



Graeme Reed
Head of Planning and Building Control