



## Area Planning Committee (South and West)

**Date** Thursday 17 September 2020  
**Time** 9.30 am  
**Venue** Remote Meeting - This meeting is being held remotely via Microsoft Teams

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### Business

#### Part A

#### Items which are open to the Press and Public

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 16 July 2020 (Pages 3 - 22)
5. Application to be determined
  - a) DM/20/00826/FPA - Lartington Lane, Lartington, Barnard Castle (Pages 23 - 44)  
Erection of timber cabin to host pony training events and to provide holiday accommodation and erection of a timber field shelter
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
9 September 2020

To: **The Members of the Area Planning Committee (South and West)**

Councillor J Clare (Chair)  
Councillor J Atkinson (Vice-Chair)

Councillors D Bell, J Blakey, L Brown, J Chaplow, E Huntington,  
G Huntington, I Jewell, J Maitland, S Quinn, G Richardson,  
J Shuttleworth, F Tinsley and S Zair

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**Contact: Kirsty Charlton**

**Tel: 03000 269705**

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## DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Remote Meeting - This meeting is being held remotely via Microsoft Teams on **Thursday 16 July 2020 at 9.30 am**

### Present:

**Councillor J Clare (Chair)**

### Members of the Committee:

Councillors J Atkinson (Vice-Chair), D Bell, J Blakey, L Brown, E Huntington, I Jewell, J Maitland, S Quinn, G Richardson, J Shuttleworth, F Tinsley and S Zair

#### 1 **Apologies**

There were no apologies for absence.

#### 2 **Substitute Members**

There were no substitute Members in attendance.

#### 3 **Declarations of Interest**

There were no declarations of interest.

#### 4 **Minutes**

The minutes of the meeting held on 23 June 2020 were agreed as a correct record to be signed by the Chair.

#### 5 **DM/20/01148/FPA - Barn 5 The Granary, Hollin Hall East, Ford Dike Lane, Gainford, Darlington**

The Committee considered a report of the Planning Officer regarding an application for the Demolition and rebuilding of grain store/dryer building for use as a single dwelling; installation of package treatment plant (partly retrospective) at Barn 5, The Granary, Hollin Hall East, Ford Dike Lane, Gainford, Darlington (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor Rowlandson, Local Member, spoke in support of the application. He found it strange that part of the development was up for refusal when there had been major changes to other parts of the development and barn 5 was part of the curtilage of the main house. He continued that there was no reason as to why it should be left out and it would be extremely disappointing for the Nicholls' not to be able to continue their plan to retire. Although the materials used were not what the Conservation Officer required, this could be agreed with a condition and he hoped that the Committee would look in favour of approving the application.

Mr Nicholls, the Applicant, addressed the Committee on behalf of himself and his wife. They had purchased Barn 5 with the intention of retiring after 30 years of farming. The roof had been removed and followed by a period of heavy rain, the walls had been damaged. The builder suggested the building be dismantled and rebuilt using the same material, for health and safety reasons. Upon inspection, an Enforcement Officer requested work to cease immediately and confirmed that a new application would need to be submitted. Mr and Mrs Nicholls had not appreciated that they would need to submit a further application and he described an honest mistake which he said had been difficult to correct as a result of the Covid 19 pandemic due to being unable to get advice on the situation.

Mr Nicholls suggested that the proposed plans showed a building which was virtually the same as the former barn conversion. He was aware that there were some concerns raised with regards to the stonework, however it was still in its raw state, yet to be pointed and finished. The Conservation Officer had approved the stonework for the rest of the site and the stone from the original building would be reused with any additional stone crafted by the same stonemason supplying the rest of the development and inline with the rest of the development. Barn 5 was a necessary part of the overall development and without it, the bin store would look severely disconnected from the rest of the site and the new builds would stick out very prominently.

Mr Nicholls confirmed that with benefit of hindsight he and his wife would have acted differently, but they had no knowledge of planning regulations. They were desperate to stay in Teesdale and it had taken them four years to find a property that was appropriate for the needs of their daughter. Living in Gainford would be lifeline for her and enable her to use the bus service into town and continue to access her support network.

Mr Nicholls said that they could not overemphasise the importance of the development, they had no alternative options as all of their savings were tied to this development. He understood that formal action could proceed but

hoped that after taking all into account all of the circumstances, the Committee would approve the application.

Councillor Tinsley asked the Planning Officer to summarise the current planning status in comparison to what had been approved. The Principal Planning Officer confirmed that the original permission was for a conversion, yet the building had now been demolished. Since the conversion could no longer take place, the new application was to seek permission, partly retrospective, to build what was essentially a new dwelling as a wider part of the scheme. In response to a further question from Councillor Tinsley with regards to whether there was any significant differences between the two buildings, the Principal Planning Officer confirmed that they would appear similar, however planning policy allowed for conversions but not new builds.

Councillor Brown empathised as the parent of a daughter with similar needs to the Mr and Mrs Nicholls' daughter. She considered NPPF 9, that planning policies should be an active guide yet local services should be taken into account. She could not see any adverse impacts that significantly outweighed the benefits and in noted that exceptional circumstances were allowed in Teesdale Policy H9. Despite the recommendation of the Planning Officer, Councillor Brown moved that the application be approved.

Councillor Shuttleworth was disappointed that the report had concluded this to be an unsustainable location. There were a number of applications that he was aware of that planning officers also considered unsustainable, one in particular near to the A68 which had been approved by North Planning.

Councillor Shuttleworth suggested there should be consistency across the County and noted that the site was five minutes away from Ingleton, despite being described as unsustainable. He seconded the motion to approve.

Councillor Jewell confirmed that he found it difficult to come to terms with the fact that there was permission to convert the building to a residential dwelling, yet the reason for refusal was that the property was unsustainable and would require use of a motor vehicle to travel. The end result was the same yet one was sustainable and one was not.

The Principal Planning Officer confirmed that with regards to the conversion, Officers would not have deemed the location to be sustainable, but that the benefits of converting the building and securing the heritage asset would outweigh the issues with regards to the location. He highlighted the conflict in local and national policies but Members were entitled to take their own view and come to a rounded decision.

Councillor Atkinson had listened to the debate and read the report, which was similar to recent application that had been approved by the Committee.

It seemed that this was a genuine mistake, the Nicholls' were not professionals and with regards to the concerns of the Conservation Officer, this was not the finished product.

In response to a question from Councillor Maitland, Mr Nicholls confirmed that the stone from the former barn was being reused. Mr Nicholls had indicated that he would work with the Conservation Officer should the application be approved, to ensure that the stonework was in keeping with the rest of the development and in response to a question from the Chair, the Principal Planning Officer recommended a condition was secured.

The Planning and Development Solicitor confirmed that there had been a proposal from Councillor Brown, seconded by Councillor Shuttleworth, to approve the application. The grounds of which were that the adverse impacts of the development did not significantly and demonstrably outweigh the benefits of the scheme, however she recommended that conditions be agreed by Officers in conjunction with Chair and Vice Chair. Councillors Brown and Shuttleworth agreed to amend the motion with the inclusion of conditions agreed by Officers.

Councillor Richardson confirmed that he had visited the site which was within his ward and he endorsed what Councillor Rowlandson had said and was prepared to support the application.

**Resolved:**

That the application be APPROVED, subject to conditions delegated to Officers and agreed in conjunction with the Chair and Vice-Chair.

**6 DM/20/00826/FPA - Lartington Lane, Lartington, Barnard Castle**

The Committee considered a report of the Planning Officer regarding an application for the erection of a timber cabin to host pony training events and to provide holiday accommodation and erection of a timber field shelter at Lartington Lane, Lartington, Barnard Castle (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

The Chair noted that the application intruded onto an area of high landscape value with the proposed chalet only 5m from ancient woodland and he asked if any discussion had taken place on how to mitigate the impacts. The Principal Planning Officer confirmed that the site was within an area of high landscape value with ancient woodland to south of the site. According to planning guidance, buildings should be 15m away or have an adequate assessment. Throughout the application process, the planning authority had

looked at reducing the landscape impact and taking the chalet out of the buffer area, however the Landscape Officer was not satisfied that this would remove the landscape harm and therefore discussions had not progressed.

Councillor Henderson, Local Member, had visited the site and spoken to the applicants, who were prepared to drop the height of the building by two feet to lessen the impact on the view. He confirmed that the Applicants farmed in the upper dales and were trying to diversify and use their land to create a tourist attraction, which would be of benefit to Teesdale and assist them to continue to farm. The proposal would be a great advantage. The chalet would be wood clad and fit well into the surroundings and if the application was refused it would be a great loss for the area.

Councillor R Bell, Local Member, thanked the Committee for the opportunity to speak and suggested that a site visit would have been beneficial. He had submitted a presentation of photographs for the benefit of the Committee.

Councillor Bell confirmed that he had visited the site twice and given that the only substantive objection was on landscape grounds, the backstory was an important consideration. He referred to a photograph of the former Dutch barn which had been storm damaged and subsequently removed by the applicants. Had it been left, they could have put up an equally ugly building with permitted development rights but they thought he would be able to agree to replace it with a building placed in a less obtrusive area and built with better materials but it was now being treated as if it was a virgin site. It was important to recognise that the Applicants had been honest throughout and put a lot of work in.

Councillor Bell referred to the description of the location as within parkland at Lartington Hall Park and suggested that even if hedges were removed, the site would not be visible from the hall park nor the hall park visible from the site. There was no visual link between the two sites and therefore to link them on the basis of drones and maps without considering what you could see on the ground, set a dangerous precedent.

The second substantive issue was with regards to the degree of hedge screening and the second photograph showed the summer hedge, the scale of which was visualised at around 6 feet in height. Councillor Bell accepted it would be less of a disguise in winter however the applicant had offered to do under-planting and at eye level from a car or a 4x4, it could not be seen through. The only way to see it was by parking in the gateway or parting the hedge on foot. Had a site visit been undertaken, Members would have been able to see for themselves.

With regards to the height of the building, Councillor Bell produced a photograph of a tractor loader which had been parked in the proposed

location of the chalet, with the height of loader at the height of the eaves. Neither the tractor or its forks could be seen from the gate or the road, it had only become visible on entering the field. Councillor Bell was confident that the structure would not be visible from the road.

The applicant disputed amount of hedge to be removed. The report stated 60 metres, however during the presentation it was stated at 20 metres, therefore an error had been made. Either way, Councillor Bell suggested that it was not a significant amount and reiterated the Applicants' offer to replant.

Councillor Bell alluded to a number of spurious road safety objections, but in response to one that cited concerns for road safety, he noted that the Applicant had confirmed there would be no more than ten vehicles at one time, which was not a significant volume of traffic.

Councillor Bell confirmed that if some of the replacement barn was visible from the road, it would be much less than the previous structure and with much more superior materials. With regards to issue of screening, he referred to the caravan site down road, which was in a similar location and screened by a hedge. It had a substantial service block, all of which had been approved, which on appeal he felt would appear inconsistent in the planning authority's approach.

Councillor Bell suggested that the area described as ancient woodland was not and confirmed that the trees were actually self-seeded birch from trees that had been previously felled, estimated at around 20-30 years old. He would have liked to see evidence of potential damage from the foundations of chalet but again referred to the static caravan site which had pitches far closer to the woodland. He presumed that they were allowed due to the required foundations not being particularly deep, similar to what would be required for a wooden chalet. From experience the foundations for this type of structure would be typically 12 inches deep and would have no effect on the trees whatsoever. This could be regulated by a condition and should not be a reason to reject the application.

Given the only serious objection was from the landscape department, Councillor Bell hoped that he had shown that from ground level view, there was no significant landscape impact. He suggested that it could be argued that any development, anywhere, had an adverse landscape impact and the question left, was whether the impact was significant.

On summing up, Councillor Bell suggested that if the proposal was compared to the dutch barn, it would be an improvement, and if the Committee ruled that the barn could not be considered due to it having been unwisely demolished, it still begged the question of whether the landscape impact was

significant. If it couldn't be seen from ground level, how could it be significant? To summarise, the screening was adequate, the applicant had offered to underplant the hedges, the ancient woodland was not ancient, and the foundations for the timber lodge would not have an impact. Councillor Bell considered that there was no valid planning reason to reject the application.

Councillor Jewell confirmed that the report referred to insufficient information having been submitted and asked for clarification on whether the applicant had been asked to submit further information. The Principal Planning Officer confirmed that there was a grant pending on the application and therefore limited time to query some elements of the scheme and for the matters to be addressed. As the site of the structure was within the 15m buffer, there should have been an assessment on the impact on the ancient woodland. He appreciated that there were trees that looked less mature but due process should have been followed. Alternative positions had been considered, but the landscape harm could not be mitigated and therefore this was not progressed.

The Chair confirmed that ancient woodland was not defined by the age of the trees, but the location.

Ms A Eccles, the Applicant, addressed the Committee and confirmed that the measurements had been incorrectly reported and the building had been referenced as 50 metres when it was actually 50 feet and the gateway had been reported as 20 metres, but was actually 20 feet. Also the report stated that the existing field shelter would remain, but they had offered to demolish it.

Ms Eccles explained that she and her husband David were tenant farmers in upper Teesdale and he had been breeding dales ponies since the age of 14. He had dedicated his life to breeding ponies, which were a native breed and had acquired great knowledge over the years which he wished to pass on to future generations. Due to Brexit and future of farming, they were looking for another income stream to diversify. They were disappointed with the recommendation to refuse as they had made effort to arrive at satisfactory scheme to satisfy officers. Mrs Eccles confirmed that they were in the process of applying for a rural grant from the Rural Development Agency.

With regards to the two reasons for refusal, the landscape impact and impact on the trees. Mrs Eccles confirmed that they would have liked the opportunity to assess the impact however she noted the permitted caravan site and amenity building at the adjacent site, which was in close proximity to the same ancient woodland. She continued that it would have been evident if Members had visited the site, that the beech trees had been removed 25

years ago and this was now an area of self-seeded scrubland with relatively new trees.

Mrs Eccles referred to the findings in the report, that the development would have a significant adverse impact on the landscape, based on the advice from the Landscape Officer. The report acknowledged that the lodge would be largely hidden by landfall and the surrounding landscape and hedge would entirely screen it from view. Any domestic paraphernalia would not be seen and with regards to hardstanding and parked cars, they were closer to ground and any demonstrations carried out would be limited to ten people per session, with 2-3 vehicles on site at any given time.

Mrs Eccles confirmed that the building was an essential part of the business. It was an improvement on the tin shelter which had been regrettably demolished – which she added, had only made the landscape look better and more difficult to gain planning permission. They felt that they were being penalised for trying to do the right thing.

She continued that any external storage and clutter referred to was unnecessary and if needed could be controlled by a condition. The landscape impact was mainly the visibility of the proposed shed from Lartington Lane and this area was a 60mph road with no footpaths and dense hedgerows around most of its boundary. If anything, only limited views of the proposed building would exist and Mrs Eccles stated that there were far more prominent approved farm buildings along the A66 with no screening or visual mitigation whatsoever.

Mrs Eccles disputed the extent of the hedgerow to be removed to obtain visibility due to the depth of the highway verge, but in any extent it could only be reduced by 1m and not removed entirely and this could be conditioned for replanting behind the visibility splay. New hedgerows had been proposed to the west which would render the building almost invisible and improve the existing hedgerow, compensating any loss, including wildlife.

Mrs Eccles hoped that it would be acknowledged that despite traffic objections the highways impact was acceptable and so was the ecological impact. The proposal was beneficial to the County and Teesdale and the limited impacts could be mitigated by planning conditions.

Mrs Eccles thanked Members for the opportunity to speak and hoped that the application be approved.

The Principal Planning Officer responded that the dimensions had been rounded up slightly for the presentation, but paragraph 5 and 6 in the report were accurate. With regards to the barn which already had an established impact on the landscape, the proposal was significantly different. The old

structure was open with views attainable. The advice of the landscape officer had been taken on board and he concluded that the benefits of the development would not outweigh the landscape impact.

The Chair reminded the Committee that although they had heard references to alternative sites, they were not relevant when assessing the application.

Councillor Atkinson suggested that he found himself in favour of the Applicant. Having sat on other Committees scrutinising the economy, there was no doubt that this business would improve it. A lot of money was being invested into the development and infrastructure, which would increase tourism in the area. The main objection was the adverse effects on the landscape which could not be proven to demonstrably effect the landscape. He did not feel that they could properly assess the visible impact and there was not a great deal of objections. The Applicants had the most to lose and he found it difficult to accept the refusal and was inclined to go against the recommendation.

Councillor Tinsley had sympathy with the position of the Applicants as he understood the background farming issues, however all material planning issues had to be considered. Land was designated for a reason and this was an area of high landscape value with an area of ancient woodland. The development had an access which was materially different from how it was now and the removal of 20 metres of hedge which would change the character of the road.

Councillor Tinsley continued that a shed of 6.1m in height was significant and would remain significant even if it was reduced by 60cm, as offered by the applicant. It would have an impact upon the landscape and despite Councillor Bell having identified the former dutch barn which had been demolished, it was a significantly smaller structure than the one proposed.

Councillor Tinsley confirmed that there would be a significant impact on the landscape, in an area of high landscape value. Having listened to the views of Councillor Atkinson, he agreed that the proposal would bring a lot of benefits to the area, but this was not the right area. Councillor Tinsley agreed with the concerns of the Parish Council, the advice of the Landscape Officer and the Planning Officers recommendation and moved refusal of the application.

Councillor Zair agreed with the comments from Councillor Atkinson with regards to tourism and referred to Visit County Durham and the income from rural tourism. It was vastly important to get back on track following the Covid 19 pandemic and applauded the Eccles' for trying to do so. This was a step forward in a rural area and he would be voting against the recommendation.

Councillor Shuttleworth confirmed that Members should take note of Local Members as they had the background knowledge of the area. Anything that was going to bring jobs and tourism into the area and boost the economy was a benefit to the area.

Councillor Atkinson proposed a motion to approve the application, seconded by Councillor Shuttleworth.

Councillor Jewell confirmed that this was a very sensitive issue however he was concerned that the Committee were veering off from planning legislation when talking about generating business and boosting the economy. He acknowledged that this was a consideration, but he was struggling to see a valid planning reason to oppose the recommendation.

The Planning and Development Solicitor confirmed that the benefit to the local economy could be weighed against the disadvantages and economic impacts and therefore could be considered a material planning consideration, however she would have concerns if Members granted permission without knowing what the effect would be on the ancient woodland as further investigation could establish an unacceptable impact.

Councillor Richardson confirmed that there were many advantages, one being an increase in visitor numbers and a financial gain to the Dale. He referred to the former dutch barn, remembering a time when for eight months of the year, it was filled with hay and therefore obscuring the views. He referred to a riding school at Raysgill and the permission granted for the caravan site and he was in favour of what the application would bring to the site as a whole.

The Chair confirmed that there were a number of Members in favour of accepting the application and he was concerned of the consequences if approval was given. He asked for advice regarding whether the addition of conditions would offer protection.

The Planning Development Solicitor confirmed that the NPPF stated that the application should be refused if there was a loss of or deterioration to an ancient woodland and therefore a pre-commencement condition would not be suitable in the absence of knowing what the impact was. She suggested that Members delegated the whole decision to Officers in conjunction with the Chair and Vice Chair, which would give greater flexibility and they could look to move the chalet if needed. This would be a minded to approve decision.

Councillor Tinsley confirmed that there was no understanding of the effect on the ancient woodland because no assessment had taken place. He queried what would happen if the Committee delegated the decision to Officers and

the outcome of the assessment was negative and if the Officer would then be able to override the Committees decision and refuse the application.

The Planning Development Solicitor confirmed that if the impacts were unacceptable, the application would return to the Committee.

Councillor Brown confirmed that she was worried as this was an area of high landscape value with ancient woodland and the protected Lartington Park. She understood there was a time limit on the grant and asked whether it could be determined within the time limit.

Councillor Jewell proposed that it should be deferred until the information with regards to the impact was known, seconded by Councillor Brown.

The Chair confirmed that he had three proposals, one to reject the application, one to accept the application, contrary to the officers recommendation and then a third to defer the application.

### **Resolved**

That the application be DEFERRED.

## **7 DM/19/02733/OUT - Land to the rear of Attwood Terrace, Spennymoor, Co Durham**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 39 no. dwellings including demolition of buildings (outline – all matters reserved except access) on land to the rear of Attwood Terrace, Spennymoor (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor N Foster spoke on behalf of Spennymoor Town Council and stated that as a former County Councillor, he was familiar with the site and its history. He appreciated the application had to be considered on its own merits, but noted that this site had been turned down for planning permission on two separate occasions, by both Sedgefield Borough Council and the County Council, with appeals dismissed. In 1991 an independent inspector had turned down development in the area.

Locals feared that granting permission behind Black Horse Pub and demolishing Tudhoe Victory Club to build bungalows would lead to over-development in the area. This application appeared to confirm those fears. The proposed design appeared to create several opportunities for expansion into neighbouring fields. Following recent development and existing

permissions in Spennymoor, he wondered why this greenfield site had been brought forward yet again – it was not recognised as a strategic development site in the County Durham Plan.

The space between Tudhoe Village and Tudhoe Colliery was rural in nature and gave the area its distinction, whilst preventing a level of urban sprawl which had been highlighted by the Inspector. The loss of trees and hedges and resulting loss of the wildlife habitat was also of concern; this was a space for people to enjoy and crowding to rear of Attwood Terrace would create a noise concern, exacerbated throughout the building process.

The plan included the demolition of two retail premises, one of which was the former Coop store which stood in a prominent position in the street, helping to give it its character. There was a commemorative plaque which marked the dropping of a B2 rocket during the second world war which he hoped would receive protection as feature of historical significance.

Councillor Fosters' main concern was with regards to highways. An additional 40 vehicles could be expected and the development relied on traffic entering and exiting where the two buildings were demolished with several traffic concerns. The junction was near to housing, there was a Methodist Chapel further down street, and within a short distance was the entrance to Tudhoe Industrial Estate. This created a large volume of traffic of all sizes and furthermore, the current right turn entrance to the site was protected and would be at risk should the proposal go ahead.

Councillor Foster referred to the proximity of the bus stop on front street side which was on the main route from Durham, with a steady flow of traffic. A bus parked up on the bus stop would increase vehicles backing up and restrict visibility further and there was no space for the provision of a pedestrian crossing. Several years ago Councillor Foster and former Councillor Barbara Graham had arranged for a 30 mph flashing sign to reduce speed but it was still a concern. He hoped the Committee would take on board the concern and passion from residents and refuse the application.

Councillor Gardener, Local Member, confirmed that there were three main issues. Firstly he pointed out that the application site had been referred to as part of Spennymoor, however Attwood Terrace was in Tudhoe Colliery and the residents identified as being from Tudhoe Colliery. Tudhoe Village was the other part of the main objectors which was an entirely separate settlement and identified as such. The two would be joined should this application be approved.

The second area of concern was that the application would create unnecessary encroachment into the Countryside, considering there was already three large brownfield sites which had been identified for

development. These sites would create 500-600 houses in addition to the 1000 that had already been built. He continued that the identified sites needed to be utilised before looking at open countryside development. Members had put in a significant amount of time and effort into the County Durham Plan to identify sites for planning and this site had been turned down numerous times and he suggested that the Committee should ensure to stand by what the Council intended to do in future.

Councillor Gardner noted a high number of objections with regards to noise, traffic, countryside, wildlife which confirmed how much locals really cared about the area. He hoped the Committee would refuse the application as per the Officers recommendations.

Mr I Blackburn, objector, confirmed that he was representing many of the 231 petitioners and the 77 written objections, many who lived on Attwood Terrace and Front Street. Much of the feedback was that this development would grossly affect their amenity and the overall feedback was that Members, Officers and residents all wanted the application to be refused.

He defined amenity as a positive element which contributed to the overall character or enjoyment of the area. This was the reason a person wanted to live where they did. The residents of Attwood Terrace lived in a long row of terrace houses with their front door 12 metres from an incredibly busy and noisy road, yet the rear of the houses, away from noise and pollution, were fields of open countryside. This was the amenity that was being threatened, for many people who had lived in the same house for years, some for generations.

Mr Blackburn referred to the application as contrary to Safe policy H17 and agreed with the findings in paragraph 77 of the report.

With regards to coalescence, these two villages were geographically discreet, separated by greenfield and differed in character, with Attwood Terrace being 19<sup>th</sup> century housing typical of a coalfield terraced house and Tudhoe Village were detached houses built around a green, some of which dated back to 17<sup>th</sup> century and earlier. This would be latest step in coalescence of the two very distinct villages.

Mr Blackburn confirmed that three fields that formed an L shape around the application site had recently been sold from its historical use as farm land, and residents were concerned that if this application was allowed, it would provide precedent for further development that would entirely lose the separation of the villages.

In 1990 a similar application for the site went to planning inspectorate and the development was described as having an unacceptably detrimental

impact on the character and form of Tudhoe Colliery. The Planning Inspectorate went on to say that modern suburban housing would not relate satisfactory to terraces or the houses of Tudhoe Village and it would create an undesirable encroachment into open countryside – fundamental findings which were just as consistent in the current day, very little had changed.

Mr Blackburn continued that development in the countryside on a greenfield site was not needed and of the 6.3 year supply and demand, the Council had committed to 16000 dwellings, of which 1500 were in Spennymoor. There were two identified brownfield sites within close proximity. The emerging County Durham Plan did not make provision for the site and it did not pass the conditions necessary to provide an exception to the plan, therefore Mr Blackburn asked that the application be refused on behalf of all residents and objectors.

Ms J Matchett of Litchfields spoke on behalf of the Applicant. The first reason for refusal alleged harm to the character and urban form of Tudhoe Colliery, encroachment into the open countryside, and coalescence with Tudhoe Village. Despite regular engagement with planning officers they had not recently voiced such concerns. The Landscape Officer had provided some detailed design comments, but there was no landscape objection to the principal of this development and the introduction at this late stage was concerning and not consistent with either the emerging or adopted planning policies. Whilst the indicative layout had been submitted, the detailed design was a matter for reserved matters and shouldn't be used as the basis to refuse outline planning permission.

With regards to the second reason for refusal, noted that the displacement of on street parking would adversely impact the amenity of residents of Attwood Terrace and highway safety. The proposed access arrangements had been put forward by Councils' own highways department and the agent advised that all concerns had been addressed. In response to the loss of parking for residents of Attwood Terrace, five affected properties would each be provided with their own parking bay, and a shared visitor bay – an improvement on the existing parking bays which were substandard by the Councils own standards, with no guarantee of a space.

With regards to the final reason for refusal, Ms Matchett confirmed that the flood authority did not object to the development but simply sought reassurance that SUDs would be included at reserved matters. This outline plan was illustrative and drainage details would have been of limited value at this time. It had been confirmed that drives would be permeable paving, and swales, filter drains and rain gardens would be considered within the drainage proposals and this could be secured with a condition.

The NPPF was clear that decision takers were able to give weight to relevant policies in emerging plans but advice from Officers' was that the County Durham Plan should not be given any weight, instead using the Sedgfield Borough Plan which had been drafted 25 years ago.

If the Committee accepted the recommendation and refused the application, there would undoubtedly be another appeal and by the time it was heard, the new County Durham Plan would have been adopted and this would be the criteria assessed. The key emerging policy was policy 6 which related to development on unallocated sites, which were outside of the built up area but well within settlement, such as this application site. Ms Matchett was satisfied this application fully accorded with all the elements of Policy 6 and as the County Durham Plan was at an advanced stage, with the Inspector having confirmed Policy 6 as sound, she suggested that considerable weight should be afforded to it. Failure to do so risked the being judged as unreasonable by an inspector.

The proposal had social economic, environmental benefits and ecological gains. It would provide 39 new homes, some affordable and help to sustain the local community. The scheme would also bring huge financial benefits, financial contributions and economic benefits, which Ms Matchett believed should be given additional weight, especially due to the impact of the current Covid 19 pandemic which was having a significant economic impact which would be felt for some time. Schemes such as this supported the housebuilding sector, boosted the economy and stemmed unemployment. The Committee should support the housebuilding and construction industries and support the application.

The Senior Planning Officer confirmed that the application had to be determined on relevant policies in place at the time and although the County Durham Plan would be coming into play, it could not be afforded any any weight, therefore weight had been given to the Sedgfield Local Plan which was still relevant. In terms of the drainage issues, this was an outline application and there was still a lot of information required to make the application sound; the drainage section had not been satisfied with the information given. With regards to ecological gain, the Senior Planning Officer reminded Members that this was already an open field with huge ecological benefits and alluded to the impact of building 39 houses with the provision of some offset. With regards to Covid 19; houses needed to be built in the right place, but the local planning authority was arguing that this was not the right place for all the reasons as per the case officers report. Highways were happy with the access that was shown as long as it had the necessary visibility splays, however this would come at the expense of local amenity. To improve the amenity, would come at the expense of highway safety as it would not have the necessary visibility splays.

Councillor Blakey agreed with the Officers recommendation and moved the recommendation to refuse, seconded by Councillor Shuttleworth.

Councillor Jewell confirmed that Local Members had put forward valid planning objections and he supported the recommendation to refuse.

### **Resolved**

That the application be REFUSED as per the recommendation in the report.

## **8 DM/19/02733/OUT - Land to the rear of Attwood Terrace, Spennymoor, Co Durham**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 39 no. dwellings including demolition of buildings (outline – all matters reserved except access) on land to the rear of Attwood Terrace, Spennymoor (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor N Foster spoke on behalf of Spennymoor Town Council and stated that as a former County Councillor, he was familiar with the site and its history. He appreciated the application had to be considered on its own merits, but noted that this site had been turned down for planning permission on two separate occasions, by both Sedgefield Borough Council and the County Council, with appeals dismissed. In 1991 an independent inspector had turned down development in the area.

Locals feared that granting permission behind Black Horse Pub and demolishing Tudhoe Victory Club to build bungalows would lead to over-development in the area. This application appeared to confirm those fears. The proposed design appeared to create several opportunities for expansion into neighbouring fields. Following recent development and existing permissions in Spennymoor, he wondered why this greenfield site had been brought forward yet again – it was not recognised as a strategic development site in the County Durham Plan.

The space between Tudhoe Village and Tudhoe Colliery was rural in nature and gave the area its distinction, whilst preventing a level of urban sprawl which had been highlighted by the Inspector. The loss of trees and hedges and resulting loss of the wildlife habitat was also of concern; this was a space for people to enjoy and crowding to rear of Attwood Terrace would create a noise concern, exacerbated throughout the building process.

The plan included the demolition of two retail premises, one of which was the former Coop store which stood in a prominent position in the street, helping to give it its character. There was a commemorative plaque which marked the dropping of a B2 rocket during the second world war which he hoped would receive protection as feature of historical significance.

Councillor Fosters' main concern was with regards to highways. An additional 40 vehicles could be expected and the development relied on traffic entering and exiting where the two buildings were demolished with several traffic concerns. The junction was near to housing, there was a Methodist Chapel further down street, and within a short distance was the entrance to Tudhoe Industrial Estate. This created a large volume of traffic of all sizes and furthermore, the current right turn entrance to the site was protected and would be at risk should the proposal go ahead.

Councillor Foster referred to the proximity of the bus stop on front street side which was on the main route from Durham, with a steady flow of traffic. A bus parked up on the bus stop would increase vehicles backing up and restrict visibility further and there was no space for the provision of a pedestrian crossing. Several years ago Councillor Foster and former Councillor Barbara Graham had arranged for a 30 mph flashing sign to reduce speed but it was still a concern. He hoped the Committee would take on board the concern and passion from residents and refuse the application.

Councillor Gardener, Local Member, confirmed that there were three main issues. Firstly he pointed out that the application site had been referred to as part of Spennymoor, however Attwood Terrace was in Tudhoe Colliery and the residents identified as being from Tudhoe Colliery. Tudhoe Village was the other part of the main objectors which was an entirely separate settlement and identified as such. The two would be joined should this application be approved.

The second area of concern was that the application would create unnecessary encroachment into the Countryside, considering there was already three large brownfield sites which had been identified for development. These sites would create 500-600 houses in addition to the 1000 that had already been built. He continued that the identified sites needed to be utilised before looking at open countryside development. Members had put in a significant amount of time and effort into the County Durham Plan to identify sites for planning and this site had been turned down numerous times and he suggested that the Committee should ensure to stand by what the Council intended to do in future.

Councillor Gardner noted a high number of objections with regards to noise, traffic, countryside, wildlife which confirmed how much locals really cared

about the area. He hoped the Committee would refuse the application as per the Officers recommendations.

Mr I Blackburn, objector, confirmed that he was representing many of the 231 petitioners and the 77 written objections, many who lived on Attwood Terrace and Front Street. Much of the feedback was that this development would grossly affect their amenity and the overall feedback was that Members, Officers and residents all wanted the application to be refused.

He defined amenity as a positive element which contributed to the overall character or enjoyment of the area. This was the reason a person wanted to live where they did. The residents of Attwood Terrace lived in a long row of terrace houses with their front door 12 metres from an incredibly busy and noisy road, yet the rear of the houses, away from noise and pollution, were fields of open countryside. This was the amenity that was being threatened, for many people who had lived in the same house for years, some for generations.

Mr Blackburn referred to the application as contrary to Safe policy H17 and agreed with the findings in paragraph 77 of the report.

With regards to coalescence, these two villages were geographically discreet, separated by greenfield and differed in character, with Attwood Terrace being 19<sup>th</sup> century housing typical of a coalfield terraced house and Tudhoe Village were detached houses built around a green, some of which dated back to 17<sup>th</sup> century and earlier. This would be latest step in coalescence of the two very distinct villages.

Mr Blackburn confirmed that three fields that formed an L shape around the application site had recently been sold from its historical use as farm land, and residents were concerned that if this application was allowed, it would provide precedent for further development that would entirely lose the separation of the villages.

In 1990 a similar application for the site went to planning inspectorate and the development was described as having an unacceptably detrimental impact on the character and form of Tudhoe Colliery. The Planning Inspectorate went on to say that modern suburban housing would not relate satisfactory to terraces or the houses of Tudhoe Village and it would create an undesirable encroachment into open countryside – fundamental findings which were just as consistent in the current day, very little had changed.

Mr Blackburn continued that development in the countryside on a greenfield site was not needed and of the 6.3 year supply and demand, the Council had committed to 16000 dwellings, of which 1500 were in Spennymoor. There were two identified brownfield sites within close proximity. The emerging

County Durham Plan did not make provision for the site and it did not pass the conditions necessary to provide an exception to the plan, therefore Mr Blackburn asked that the application be refused on behalf of all residents and objectors.

Ms J Matchett of Litchfields spoke on behalf of the Applicant. The first reason for refusal alleged harm to the character and urban form of Tudhoe Colliery, encroachment into the open countryside, and coalescence with Tudhoe Village. Despite regular engagement with planning officers they had not recently voiced such concerns. The Landscape Officer had provided some detailed design comments, but there was no landscape objection to the principal of this development and the introduction at this late stage was concerning and not consistent with either the emerging or adopted planning policies. Whilst the indicative layout had been submitted, the detailed design was a matter for reserved matters and shouldn't be used as the basis to refuse outline planning permission.

With regards to the second reason for refusal, noted that the displacement of on street parking would adversely impact the amenity of residents of Attwood Terrace and highway safety. The proposed access arrangements had been put forward by Councils' own highways department and the agent advised that all concerns had been addressed. In response to the loss of parking for residents of Attwood Terrace, five affected properties would each be provided with their own parking bay, and a shared visitor bay – an improvement on the existing parking bays which were substandard by the Councils own standards, with no guarantee of a space.

With regards to the final reason for refusal, Ms Matchett confirmed that the flood authority did not object to the development but simply sought reassurance that SUDs would be included at reserved matters. This outline plan was illustrative and drainage details would have been of limited value at this time. It had been confirmed that drives would be permeable paving, and swales, filter drains and rain gardens would be considered within the drainage proposals and this could be secured with a condition.

The NPPF was clear that decision takers were able to give weight to relevant policies in emerging plans but advice from Officers' was that the County Durham Plan should not be given any weight, instead using the Sedgefield Borough Plan which had been drafted 25 years ago.

If the Committee accepted the recommendation and refused the application, there would undoubtedly be another appeal and by the time it was heard, the new County Durham Plan would have been adopted and this would be the criteria assessed. The key emerging policy was policy 6 which related to development on unallocated sites, which were outside of the built up area but well within settlement, such as this application site. Ms Matchett was

satisfied this application fully accorded with all the elements of Policy 6 and as the County Durham Plan was at an advanced stage, with the Inspector having confirmed Policy 6 as sound, she suggested that considerable weight should be afforded to it. Failure to do so risked the being judged as unreasonable by an inspector.

The proposal had social economic, environmental benefits and ecological gains. It would provide 39 new homes, some affordable and help to sustain the local community. The scheme would also bring huge financial benefits, financial contributions and economic benefits, which Ms Matchett believed should be given additional weight, especially due to the impact of the current Covid 19 pandemic which was having a significant economic impact which would be felt for some time. Schemes such as this supported the housebuilding sector, boosted the economy and stemmed unemployment. The Committee should support the housebuilding and construction industries and support the application.

The Senior Planning Officer confirmed that the application had to be determined on relevant policies in place at the time and although the County Durham Plan would be coming into play, it could not be afforded any weight, therefore weight had been given to the Sedgfield Local Plan which was still relevant. In terms of the drainage issues, this was an outline application and there was still a lot of information required to make the application sound; the drainage section had not been satisfied with the information given. With regards to ecological gain, the Senior Planning Officer reminded Members that this was already an open field with huge ecological benefits and alluded to the impact of building 39 houses with the provision of some offset. With regards to Covid 19; houses needed to be built in the right place, but the local planning authority was arguing that this was not the right place for all the reasons as per the case officers report. Highways were happy with the access that was shown as long as it had the necessary visibility splays, however this would come at the expense of local amenity. To improve the amenity, would come at the expense of highway safety as it would not have the necessary visibility splays.

Councillor Blakey agreed with the Officers recommendation and moved the recommendation to refuse, seconded by Councillor Shuttleworth.

Councillor Jewell confirmed that Local Members had put forward valid planning objections and he supported the recommendation to refuse.

### **Resolved**

That the application be REFUSED as per the recommendation in the report.

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/20/00826/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of timber cabin to host pony training events and to provide holiday accommodation and erection of a timber field shelter
<b>NAME OF APPLICANT:</b>	Mr David Eccles
<b>ADDRESS:</b>	Lartington Lane, Lartington, Barnard Castle, DL12 9DG
<b>ELECTORAL DIVISION:</b>	Barnard Castle West
<b>CASE OFFICER:</b>	Jill Conroy, Planning Officer, 03000 264955, <a href="mailto:jill.conroy@durham.gov.uk">jill.conroy@durham.gov.uk</a>

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### APPLICATION HISTORY

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1. This application was presented to the South and West Planning Committee on 23<sup>rd</sup> July 2020 with a recommendation for refusal due to the landscape impact and potential impact on the adjacent ancient woodland.
2. In considering the merits of the development members resolved to defer the application until the impact of the development on the adjacent ancient woodland was established.
3. Following this resolution, the applicant undertook an impact assessment on the ancient woodland, while engaging further with officers to try and address landscape concerns in light of members discussions around the issues raised at the committee. Amended plans have since been submitted revising the positioning of the buildings , reducing the height of the larger building, improving the landscaping of the development and clarifying associated details within the site.
4. This revised committee report takes into account the submission of the impact assessment and amended plans, and for purposes of clarity the changes to the body of the report resulting from the additional information/amended plans are highlighted in bold. The original report can be viewed at:-  
<https://democracy.durham.gov.uk/documents/s124327/DM.20.00826.FPA%20Lartington%20Lane%20Final.pdf>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

5. The site comprises of 2no fields of open pasture grassland, located in the open countryside to the south of Lartington Lane (B6277), between Barnard Castle and Lartington. The site lies within an Area of High Landscape Value (AHLV) and is within the wider parkland area that forms the setting of the Lartington Hall Park, a registered Park and Garden of Historic Interest. Abutting the southern boundary of the site is Ray Gill Wood, an Ancient & Semi-Natural Woodland (ASNW) and part of the larger Deepdale Wood Local Wildlife Site (LWS).
6. The fields which form the application site are separated by means of a post and wire fence with hedging along the northern, highway boundary. The site is accessed via an existing field gate, central to the smaller field. The land, specifically around the development site, steadily rises to the south before falling to the valley of the woodland backdrop.
7. The area in general is characterised by its distinct open parkland form of gentle sloping pastoral landscape bounded by historic hedges and walls with scattered hedgerow trees, largely devoid of built form, with the exception of a small field shelter contained within the site.

### The Proposal

8. Planning permission is sought for the erection of a timber cabin to host pony training events and also to provide holiday accommodation. It is intended that the proposals would serve as a visitor attraction with accommodation and facilities for hosting training events, demonstrations and stud visits to promote the Dales Pony in its native origins.
9. A steel portal, field shelter, finished externally with vertical timber boarding is proposed. This would be used to keep horse drawn vehicles/harness to be used in demonstrations to explain the history of the Dales Pony breed. The building would also be used to show visitors a selection of ponies, broodmares, foals, etc. The building would measure 27.5m x 12.1m and would have a dual pitch fibre cement sheet roof to a maximum height of **5.29m (reduced from 6.05m previously)** and would be sited midway down an internal field boundary.
10. It is also proposed to erect a log cabin to provide holiday accommodation primarily targeting Dales Pony Society members and enthusiasts, as well as the wider public. The building would measure 6.09m x 14.85m, and be constructed of a 'thermawood' exterior with a metallic grey/slate pitched roof totalling 3.85m in height. The building would be sited towards the southern boundary of the site, along an internal field boundary.
11. **The scheme as amended has re-oriented the field shelter building so it now sits at a 90 degree angle to the internal hedge line. The chalet building has also been moved further to the north and away from the boundary of the ancient woodland (approximately 17m to the boundary). The field shelter now provides screening to the chalet building and car parking/hardstanding area associated with the development.**
12. In addition to these structures it is proposed to form a new gravel access track from a widened field access, which will run parallel with an internal field boundary. **The**

**access track is now proposed to be constructed in a twin trod style and enclosed by a native hedge. An existing field shelter on site is proposed to be removed.**

13. The application is being reported to the Planning Committee at the request of Cllr Henderson as the development would contribute to the local economy.

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## **PLANNING HISTORY**

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14. The applicant submitted a pre application enquiry in January 2020, similar to the proposals, although the development was closer to Lartington Lane. In response to this enquiry, officers advised that whilst the Council is generally supportive of rural tourism, in this instance the development would result in an adverse visual impact on the rural landscape, particularly when considering the works required to achieve a suitable vehicle access. It was advised that any formal planning application would be unlikely to be supported and other sites in the applications ownership/control should be to considered as an alternative to deliver the development.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

15. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
16. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
17. *NPPF Part 2 - Achieving sustainable development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
18. *NPPF Part 4 - Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

19. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
20. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
21. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
22. *NPPF Part 11 - Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
23. *NPPF Part 12 – Achieving well-designed places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
24. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
25. *NPPF Part 16 – Conserving and enhancing the historic environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

#### **LOCAL PLAN POLICY:**

Teesdale District Local Plan (TDLP) 2002 saved policies:

26. *Policy GD1: General Development Criteria:* Development will be permitted providing it complies with a number of criteria in respect of design, impact on the character and appearance of the surrounding area and landscape; avoiding conflict with adjoining uses; and highways impacts.
27. *Policy ENV1: Protection Of the Countryside:* Sets out that within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs

and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.

28. *Policy ENV3: Development within an Area of High Landscape Value:* Sets out that development will only be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals.
29. *Policy ENV4: Historic Parks and Gardens :* Sets out that the Council will seek to protect the historic character and appearance of historic parks and gardens including Lartington Park, Within these areas only new development proposals that are compatible with existing uses and do not harm the historic landscape will be permitted.
30. *Policy ENV7: Development Affecting Sites of Local Nature Conservation Interest:* Sets out that development proposals which are liable to damage the nature conservation value of sites, notified to the district council as being of local nature conservation importance will not be approved unless the case for development clearly outweighs the need to safeguard the intrinsic value of the site, and the resulting damage is kept to a minimum through careful design, siting and compensatory measures.
31. *Policy ENV8: Development affecting plant or animal species protected by law:* Sets out that development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity.
32. *Policy ENV9 – Development Affecting Ancient woodland:* Development which would damage areas of ancient woodland will not be permitted unless there are no alternative and available sites and the resulting impact is minimised through careful design, siting and compensatory measures.
33. *Policy ENV10 – Development affecting Trees or Hedgerows.* Development will only be permitted where it avoids unreasonable harm or loss of any tree protected by a preservation order, a tree within a conservation or any trees, tree belts or hedgerow which contribute to landscape diversity, setting of buildings, protected species habitat or visual amenity.
34. *Policy ENV14 – Protection of Water Quality.* States that development that would unacceptably prejudice the quality of surface or ground water will not be permitted.
35. *Policy ENV15 – Development affecting Flood Risk.* Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.
36. *Policy ENV17 – Sewage Infrastructure and Sewage Disposal.* Proposals which will increase the demands for off-site sewage infrastructure will be permitted only where adequate capacity already exists or satisfactory improvements can be provided
37. *Policy BENV 3 – Development which affects the character of a listed building –* Sets out that development which would affect the setting of a listed building will not be permitted
38. *Policy TR3 - Chalet Sites in the Countryside:* States that within the countryside, permission will be granted for camping, and/or caravan sites and chalets where the

proposal does not detract from the character of the area; and the site is adequately screened by the local topography or existing tree cover is within the control of/or managed by the applicant; and the scale, design and materials of chalet development are appropriate to the locality; the site services are limited in scale to the needs of the site residents only and designed to suit the location; the site is served by adequate infrastructure; the proposal does not adversely affect the amenities of neighbouring occupancies. Lastly, proposals should not risk from flooding or increases the risk of flooding elsewhere.

39. *Policy TR7 – Outdoor Recreational Development* – Sets out that outdoor recreational development will be permitted provided that the best agricultural land is protected from irreversible development, new buildings are sites, designed and landscape to complement the surroundings

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>

## RELEVANT EMERGING POLICY:

The County Durham Plan

40. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6 February 2020, and the Inspector's issued his post hearing advice on 20 February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26 May and will last until 21 July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

41. *Lartington Parish Council* - Object to the application, while it is acknowledged that local farmers have to diversify their business and recognise that the applicants (an others in the area) have worked hard to ensure the survival of the Dales Pony, concerns are raised regarding the development. This is due to the highway access as vehicles travel at considerable speed. Concerns are also raised regarding the visual impact of the development, particularly the proposed cabin, which should be sited in closer proximity to the other buildings and parking on site.
42. *Highways Authority* – Following the submission of an amended plan detailing junction improvements, no objections are made subject to conditions in the event of any approval.

## NON-STATUTORY RESPONSES:

43. *Design and Conservation* – There is no heritage objection to this proposal. The submitted heritage statement adequately addresses the impact on built designated assets. This lack of objection should not be taken as support for the proposal which has clear landscape impacts.
44. *Landscape* – Raise objections to the development, advising that that the site lies in an area identified in the Teesdale Local Plan as an Area of High Landscape Value (AHLV). The site is also located to the south west of Lartington Hall Park (a registered Park and Garden of Historic Interest). The proposal would be within the wider parkland landscape that is associated with this designation. Views from Lartington lane are of an open attractive countryside largely devoid of built form. Due to the nature of the proposal, the visually open landscape, lack of built form and year round screening and requirements for a formalised access from highways, there would be locally significant adverse landscape and visual effects that would detract from the character of the wider parkland landscape and the AHLV. **Following the submission of amended plans, and whilst concerns about the scheme are still raised, it is advised that the impact of the development has been reduced from that previously proposed. If approval is granted, conditions are recommended to secure and agree matters of detail around landscape mitigation and hardstanding's, along with the removal of the existing field shelter.**
45. *Ecology* – Based on the supporting Ecology report (Veronica Howard, April 2020) there are no objections to the proposals on ecological grounds. If, however any hedgerow is to be removed to create enhanced access/site lines, this will need to be adequately compensated for onsite. **The conclusions of the impact assessment on the ancient woodland are considered sound.**
46. *Environmental Health (Nuisance)* - The site is located in a rural area off the B6277. There are no residential properties in close proximity. The proposals will therefore not lead to an adverse impact.
47. *Visit County Durham* – Highlight the benefits of rural tourism to the area, highlighting that tourism is worth £167m to the Durham Dales from 2.6m visitors, 89% of all visits are for the day totalling 2.3m visitors. Average day spend is £21.52, accounting for 40% of total expenditure (£68m), 11% of visitors stay overnight totalling 0.3m. Average spend per trip is £262.82, accounting for 60% of total expenditure (£99m) and 2,472 jobs (FTEs) are supported by the visitor economy.
48. ***The Woodland Trust* – Advise that as the applicants have provided the adjacent ancient woodland with a 15m buffer, the Trust therefore does not have any comments on this application with respect of their campaigning remit of ancient woods and trees.**

## PUBLIC RESPONSES:

49. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. 2 no. letters of objection have been received and the comments have been summarised below
- This section of the B6277 is used as an overtaking point by cars at high speed. There are concerns with respect to highway safety due to an increase in traffic accessing the development.
  - There are concerns with respect to the frequency of these events and the impact on traffic volume as a result.

- It is not considered that the promotion of dales ponies is unique to the locale as there is another centre close by in Richmond.
- The southern building is entirely within the 15m buffer zone of the ancient semi-natural woodland to the south. Also, the applicant's ecological appraisal has no mention of the ancient woodland.
- There are concerns with respect to the visual impact of the development.

50. ***Cllr Henderson*** – notes the further changes to the scheme that have been made and continues to support the application and requests the planning committee to approve it without further alteration. This project will help Teesdale with its tourist attraction and will be sensitively managed by the applicant, this is also a self-sustainable project with no financial input from DCC that is proposed by a family who have the utmost respect for the landscape and have farmed this area for many years.

#### APPLICANTS STATEMENT:

51. I write with regards to my recent planning application as shown above, I am a tenant farmer in Upper Teesdale, I have been breeding dales ponies (rare breed) since I was 14 years old having been reared under the wing of some excellent stocksmen and dalesmen from a bygone era. I have dedicated my life to breeding these ponies who are one of our native pony breeds, I have studied the fine art of breeding and acquired a mass of knowledge over the years which I wish to pass onto the next generation.
52. Due to the effects of Brexit the future of farming is uncertain and we need to look at another income stream and diversify, we thought why not use a commodity that we already have and take this opportunity to promote our ponies and offer a small visitor attraction which will aid local tourism.
53. We are proposing to erect a timber holiday lodge to be able to provide accommodation for people who enjoy outdoor pursuits, this would provide the opportunity for visitors to live alongside the ponies and observe their behaviour. As part of our project we wish to erect an agricultural building, this would be used to showcase our horse drawn vehicles which cover the different eras of horse transport, this will ensure that the vehicles are out of sight. It would also allow us to offer the visitor attraction all year round therefore, enhancing the attractions in the winter months and aiding the local economy by bringing people into Teesdale.
54. By offering rural accommodation we are encouraging visitors to stay in the area for longer and patronise the other local businesses and attractions. According to a survey carried out by NGI Solutions (2019), the average length of stay in our area is 5 nights, our lodge could be utilised for short breaks and long stays, we are next to the Teesdale Way for walking, cycling, horse riding and to the River tees for fishing. This makes our location very attractive as we are also within walking distance of Barnard Castle.
55. As a farmer I am already a custodian of the countryside, I currently farm both sides of the road on Lartington Lane, I therefore make a huge contribution to the landscape. It is my intention to protect the landscape as much as possible but we also have to make progress, the dales pony is part of the character and fabric in this area with its roots firmly embedded in the local history of Teesdale. If I was looking to introduce something that was alien to the area, I could understand DCC being concerned but I feel that what I am offering is in keeping with the area completely.
56. In my opinion the main visual impact will be the agricultural building which to be fair is something that we see in an around any farming community so again, I do not feel that this will look out of place at all. I have offered to reduce the height of the building to

12ft from 14ft 6". As pointed out previously, we have recently demolished an old dutch barn that stood in the middle of the 20 acre field, this was 17ft high to the eaves, we also have a field shelter in the 5 acre field. As we have the footprint of both of these buildings, we hoped that we could come to some agreement to replace the two buildings with one new building which is much lower in height and less inobtrusive. If the lodge is placed in the top righthand corner of the field where the land drops away (approx. 10ft) I firmly believe you will not see the lodge from the roadside. I have placed a fencing rail against the hedge which would be the height of the lodge (13ft to the ridge) and stood in the entrance to the field and you cannot see the fencing rail. Even if we had to bring the lodge further forward when driving past you still wouldn't notice the top of the lodge. It has been mentioned that we would need to place the lodge 15m from the wood as this is classed as an ancient woodland however, this rule has not been adhered to at the Caravan Club site just along the road where there are many pitches less than 15m from the wood?

57. May I direct your attention to the Heritage Statement provided by Maria Ferguson who states that the site sits back off the road significantly (point 5.11) the site is elevated from the road but the existing topography means that the proposed building would not be seen from distant views. It would not be possible to see it from the historic parkland or nearby public views. (Point 5.12) Even if the buildings could be seen from public views, they would not appear incongruous, given that the presence of sporadic located farm buildings is characteristic of this location and the surrounding landscape. (Point 5.13) Additional landscaping is not being proposed as the buildings would not be prominent in the surrounding countryside, would not be seen in the context of nearby listed buildings or parkland, it would be adequately screened by existing topography and trees/hedgerows.
58. (Point 5.12) Already demolished a dutch barn, this had a far greater visual impact on the landscape than the proposed development, both buildings whilst not visible in the context of the historic parkland, were prominent features in the immediate landscape. (Point 5.14) From the assessment of the heritage asset, its significance and the location and characteristics of the proposed development, it can be concluded that the proposal would have a neutral impact on the significance of Lartington Hall parkland, further if the demolition of existing structures is taken into account it could be argued the development would have a positive impact on the setting of the heritage asset.
59. I have to ask, why have I paid for this report if DCC are not going to take any notice of the content? Also, Maria Ferguson has never heard of the rule that any building has to be placed 15m from an ancient woodland, in her opinion there was no problem with the siting of the lodge and the distance from the woodland as long as it is within reasonable proximity. Also, to say that that the new agricultural building will look out of place doesn't seem fair as you could say that about all the agricultural buildings that are scattered around the dales.
60. I am sure that more caravans cluttering up yet another field a short distance away, will have a much bigger impact on the landscape than our buildings that are of a modest scale and made from natural materials which will blend in with the surroundings, by installing further hedgerows we would be aiding biodiversity and providing further habitat for wildlife.
61. We have offered to provide any screening that may be required, we suggested placing a hedge the full length of the fence to the righthand side of the field against the new track. We were told that this would not look right however, again one field away the Caravan Club are in the process of erecting their screening as they have been granted permission for more caravans. This land has exactly the same open aspect as our land?

62. I know in the grand scheme of things we are just a micro business but I would hope that the local authority would value our input, we are asking for a platform in which to allow our small business to flourish. We are paving the way for the next generation, we have a Son who is studying agriculture at Newton Rigg College and a Daughter who is looking to pursue a career in equestrianism.
63. Whilst our project is not creating lots of jobs it is providing an opportunity to increase the footfall in Teesdale, I believe that the lodge will prove very popular and would expect to see referrals and repeat business after the first couple of years therefore, introducing new visitors to the area. As an example based on my Year 3 forecast, I would be expecting 40 weeks occupancy of the lodge, based on a family of 4 (but the lodge will sleep 6) staying for 5 nights, this will bring an extra 160 overnight visitors and providing 3 demos per week (26 weeks of the year) bringing 780 day visitors to the area. The demos will be a max of 10 people per session, assuming a couple of families of 4 and a couple this would be 2/3 vehicles at any given time to ensure safety. There may be an opportunity in the future to create some employment such as a cleaner for the lodge and assistant for the demos. (I have been conservative with my projections).
64. It is inevitable that if people book to see our ponies they will spend the remainder of their day looking around the area, we will make recommendations for eateries, shops, local sights, etc. We will work with the local Tourist Information office and Visit Durham to help promote other facilities and attractions. We will be enlightening people to our local heritage and culture by giving them an insight into a past way of life here in Teesdale, the project will be educational and fulfilling for all the family, it will benefit people with learning difficulties and special needs as the whole experience will stimulate and enthuse by being up close to the ponies and understanding the art of their communication.
65. I do believe that this project will be a success, there are many dales pony enthusiasts all over the UK and overseas who would be keen to visit our lodge as well as the wider public. My request is acceptable to the Highways Department, there are no major objections from any other department, I am sure there are circumstances when exceptions can be made, the visual impact will be minimal if placed at the back of the field.
66. (As another suggestion we could place the agricultural building in the top righthand corner and the lodge alongside both facing North into the field, this may lessen the impact even further).

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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67. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of development, visual impact, heritage impact, highway safety, impact on protected species and biodiversity, residential amenity and foul and surface water drainage.

Principle of development

68. Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The Teesdale District Local Plan (TDLP) forms the statutory development plan and remains the starting point for determining applications as set out in the Planning Act and reinforced in paragraph 12 of the NPPF. The TDLP was adopted in 2002 and was intended to cover the period to 2010, However NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
69. In terms of policies most relevant to the principle of development of the site, firstly ENV1 of the TDLP sets out that in order to protect the countryside development beyond settlement limits will only be allowed for specific purposes including tourism proposals, providing they does not unreasonably harm the landscape and is permitted by other policies of the TDLP, including Policy TR3. This policy supports the development of new chalet accommodation in the countryside, recognising that this type development forms an important element of tourism accommodation provision in the County. This is provided the development does not detract from the character of the area and conforms to other criteria controlling specific impacts of the development. Policy TR7 is also relevant to this proposal, which sets out that outdoor recreational development will be permitted provided that new buildings are sited and designed to complement the surroundings.
70. The above policies of the TDLP are considered to be consistent with Parts 6 and 15 of the NPPF, which promotes sustainable rural based tourism and leisure developments which respect the character of the countryside and landscape setting. Therefore, it can be considered there is support in principle for rural development such as that proposed
71. The benefits to rural tourism is also considered to be a material consideration weighing in favour of the development proposals. Although limited information has been submitted in support of the application in terms of job creation etc, it is understood that proposals would form a visitor attraction with accommodation and facilities for hosting training events, demonstrations and stud visits to promote the Dales Pony in its native origins. The building is proposed to keep horse drawn vehicles/harness which the applicants would use in demonstrations to explain the history of the Dales Pony breed. The building would also be used to show visitors a selection of ponies, broodmares, foals, etc. Demonstrations would be provided to approximately 10 visitors per session, most of whom are expected in groups (for example, families). The log cabin is proposed to provide holiday accommodation on the land and is designed to suit those involved with outdoor pursuits, primarily targeting Dales Pony Society members and enthusiasts, as well as the wider public. This is intended to be a facility which offers people seeking a rural holiday to live alongside the ponies and experience rural life. It is proposed to accommodate a stable within the proposed building, should holiday-makers wish to bring their own horse.
72. It is advised by Visit County Durham that tourism is worth £167m to the Durham Dales from 2.6m visitors, 89% of all visits are for the day totalling 2.3m visitors. Average day spend is £21.52, accounting for 40% of total expenditure (£68m), 11% of visitors stay

overnight totalling 0.3m. Average spend per trip is £262.82, accounting for 60% of total expenditure (£99m) and 2,472 jobs (FTEs) are supported by the visitor economy.

73. In 2012 and 2018 the Council commissioned the County Durham Visitor Accommodation Futures Study (CDVAFS), which examined both existing offer, and market potential for various forms of visitor accommodation across the County. The CDVAFS identifies that there is market potential and developer interest in the acquisition of existing sites for major expansion and development. The CDVAFS also identifies the Durham Dales as an area of tourism growth but acknowledges much of the landscape is sensitive.
74. This would suggest that there is a potential need for this development in terms of increasing the amount and type of accommodation offer within the area in and around the Durham Dales, and although economic benefits have not been quantified as part of the application, it would appear reasonable to conclude that this proposal would have a positive impact upon the tourism offer of this part of the County, as well as the wider local economy for associated visitor expenditure. This would be consistent with the NPPF's approach to supporting a prosperous rural economy.
75. Having regard to the above, it is acknowledged that there would be a positive benefit to the local economy as a result of increased visitor numbers and job creation. The proposal is in line with the guidance in NPPF Parts 2 and 6 in these respects. However, in order to comply with relevant policies from the TDLP and wider NPPF objectives, the key issue is whether the development would result in any adverse environmental impacts, which is considered below

#### Visual Impact

76. TDLP Policy GD1 seeks to protect and enhance the countryside of Teesdale, requiring that developments do not unreasonably harm the rural landscape of the area, has regard to and retains landscape. TDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals except for agricultural or other compatible uses in the countryside such as proposals for tourism as permitted by Local Plan policies. The application the site is located within an area of high landscape value (AHLV), TDLP Policy ENV3 requires that new development does not detract from the areas special character and pays attention to the landscape qualities. TDLP Policy ENV10 seeks to protect trees and hedgerows including both those which have formal means of protection but also those not protected by which contribute positively to the locality. Land immediately adjacent to the site is designated ancient woodland TDLP Policy ENV9 states that development which would damage areas of ancient woodland will not be permitted. Policies TR3 and TR7 of the TDLP supports the development of new chalet accommodation and outdoor recreation facilities in the countryside, provided that it doesn't detract from the character of the area; is adequately screened by the local topography or existing tree cover which is within the control of/or managed by the applicant; is appropriate in terms of scale, design and materials.
77. These policies are considered consistent with Parts 12 and 15 of the NPPF which requires that developments are sympathetic to local character including landscape setting while recognising the intrinsic character and beauty of the countryside, trees and woodland. NPPF paragraph 170 (a) also states that valued landscapes should be protected and enhanced. The above policies can therefore be afforded full weight in the decision making process.
78. As highlighted above, the site lies in an area identified in the Teesdale Local Plan as an Area of High Landscape Value. The County Durham Plan Local Landscape Designations Review (2019) also identified the area as suitable for inclusion in a

proposed Area of Higher Landscape Value (AHerLV). This contributes to the wider understanding of the landscape value, and provides up-to-date evidence supporting the designation of the existing AHLV. The Councils Landscape Section also advise that the landscape should be considered as a valued landscape under the terms used in NPPF Paragraph 170. The site is also located to the south east of Lartington Hall Park, which is included on Historic England's Register of Parks and Gardens of Historic Interest. The proposal is considered to be within the wider parkland landscape that extends beyond this designation. The County Durham Landscape Value Assessment (2019) assesses the area as being generally medium-high or high value across the range of attributes assessed. It scored high for scenic, which denotes the high scenic quality of the area.

79. **The proposed structures would be located on an eastern internal site boundary along an existing post and wire fence line, towards the southern part of the site. As amended, the buildings would be sited in relative close proximity, with the larger equestrian building screening the chalet and associated hardstandings in views from the north. The development would be served by an access track leading from an improved access point, where a single field gate would be replaced with a double field gate, set back off the highway. This would require the removal of a section of hedgerow to facilitate the new entrance and visibility spays. It is proposed that the access track would be a twin trod style, minimising the amount of hardstanding required to provide access. Mitigation planting in the form of hedgerows are proposed alongside the access track and fencing which enclose the buildings to help soften the appearance of the development.**
80. **In consideration of the impact of the development, as amended, the views of the Council's Landscape Officer have been sought, who advises that the site forms part of an open attractive countryside, and parkland landscape. This landscape, including the site, is readily appreciated and makes a distinctive and important contribution to landscape character of the area. The development would introduce two structures into the local landscape which would not be located as part of, or close to, an existing farmstead or other building grouping and would be read as isolated structures in open countryside. It is advised that as the site rises to the south before falling to the valley of the Ray Gill the development would be visible from Lartington Lane through, and above the hedge (more so in the winter months) and through the proposed widened gate access. Given that the landscape is largely devoid of built form, it is advised that the development would have an adverse impact on the landscape quality of the area.**
81. **However, it is acknowledged by The Council's Landscape Section that whilst the amended scheme does not remove the landscape concerns, it does reduce the impact to what was previously proposed. It is also advised that the proposed siting of the buildings is the optimal arrangement, with the larger building screening views of the chalet and associated development.**
82. **It is further advised that if the application was to be approved, conditions should be secured to control the finer details of the landscaping, hard surfacing, details of means of enclosure/gates, material used in the buildings, implement tree protection measures and to secure the removal of the existing field shelter. It is also advised that the existing roadside hedge should be maintained at a height of no less than 2.4m and ensure that the roadside verge should not be closely cut to avoid a manicured domesticated appearance of the entrance. The combination of these factors would help assimilate and reduce the impact of the development.**

83. **In support of the application an Impact Assessment on the adjacent ancient woodland has been submitted. The report concludes that due to the intended standoff of more than 15m, which is now achieved, and proposed mitigation measures, including restriction of access, tree protection measures and restriction in lighting, the development would not have a negative impact on the ancient woodland. The Council's Landscape Section and Ecology Officers raise no objection in relation to this matter, while the Woodland Trust offer no comments on the application due to the 15m standoff. The development would therefore comply with Paragraph 175 of the NPPF and has removed a previous reason for refusal.**
84. **Overall, whilst the amendments are welcomed and have resulted in an improvement of the scheme and the positioning of the buildings is the most optimal arrangement in this location it is considered that the development would still represent an unwelcome intrusion into the area's rural and undeveloped character, resulting in a negative visual impact on the surrounding distinctive landscape and area of high landscape value contrary to Policies GD1, ENV1, ENV3, ENV10, TR3 and TR7 of the TDLP and Parts 6, 12 and 15 of the NPPF. This impact should be taken into account the planning balance.**
85. **Sufficient information has now been submitted to establish that the development would not negatively impact on the adjacent ancient woodland.**

#### Heritage Impacts

86. Policy BEV3 of the TDLP sets out that development which adversely affects the setting of a listed building will not be supported, in this respect Lartington Hall is located approximately 1200m away from the development site. Although Policy BE3 is generally consistent with the aims of the NPPF to protect the historic environment, it is recognised that the NPPF does, in instances, permits a degree of harm when weighed against other consideration, where TDLP policies do not. Due to the lack of consistency of with the NPPF in this respect, Policy BE3 should be afforded reduced weight in the decision making process.
87. As highlighted above the site is located within proximity of the Lartington Park, a registered Historic Park and Garden. Policy ENV4 of the TDLP sets out that the historic character and appearance of historic parks and gardens including Lartington Park will be protected. Within these areas only new development proposals that are compatible with existing uses and do not har the historic landscape will be permitted. However, given the proposal falls outside of the designated parkland, Policy ENV4 is not considered applicable to this application.
88. Part 16 of the NPPF seeks to protect Heritage Asset, and applications affecting heritage assts should describe the significance of any heritage asserts affected and any contribution made to their setting. In this instance a heritage statement has been submitted identifying relevant heritage assets as Lartington Hall (a Grade II\* Listed Building) and Lartington Hall Registered Park and Garden (Grade II Listed). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires development to pay special regard to the desirability of preserving the settings of Listed Buildings.
89. In assessing the impact of the development on Lartington Hall, the Council's Design and Conservation Officer advises that there is no heritage objection to this proposal and the development would not impact on its setting. The submitted heritage statement adequately addresses the impact on built designated assets.

90. In relation to Lartington Hall Registered Park and Garden, the Council's Landscape Officer advises that although the development would have a significant visual impact on the wider landscape, it is advised that it would not have an impact on the setting of the of the heritage asset.
91. Overall it is considered that the development would not adversely impact on the setting of Lartington Hall or Lartington Hall Registered Park and Garden and would comply with Policy BENV3 and Part 16 of the NPPF.

#### Highway Safety

92. Policy GD1 of the TDLP requires new developments to be served by a suitable access, while Policy TR7 of the TDLP states that developments should not have a detrimental impact in terms of road safety. These policies are considered consistent with the NPPF which at Paragraph 108 states that development should achieve a safe and suitable access for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Given the consistency of TDLP Policies GD1, and TR7 with the NPPF, full weight can be given to them in the decision-making process.
93. The site is served by an existing single width field gate, providing an agricultural access to the site. It is proposed to increase the width of the access equivalent to a double with field gate, setting the gates approximately 12m back from the edge of the carriageway to allow vehicles with horse boxes etc to safely access the site. The scheme also proposes laying out of visibility splays extending 215m x 2.4m in either direction. The formation of the access and the implementation of the visibility splays is estimated to result in approximately 15m of hedgerow removal, or reduction in width.
94. In considering the submitted information, the Highway Authority raise no objections to the scheme, subject to conditions to ensure that the access is laid out in accordance with the approved plans and the visibility spays are cleared of all vegetation greater than 1m in height.
95. In terms of access to services for users of the holiday accommodation, the edge of Barnard Castle lies approximately 1 mile away, however, there are no Footpaths on Lartington Lane, nor is it lit for those wishing to walk. Whilst there is a bus service along this road there are no bus stops in proximity of the development. It is therefore considered likely that occupiers of the holiday accommodation would rely on the private transport to access services and amenities. However, it is acknowledged that this is the case for many tourism developments within the countryside and there are potential for crossed linked visits with the pony training/show element of the development and the visitor accommodation.
96. Having regard to the above, while the unsustainable nature of the location is acknowledged this is not considered to amount to a policy conflict, particularly given the scale and nature of the development. Overall, it is considered that the development would not raise any issues of highway safety in accordance with TDLP Policies GD1 and TR7 and Part 9 of the NPPF.

#### Impact on protected species and biodiversity

97. TDLP Policy GD1 (J) seeks to ensure that developments would not endanger or damage important national or wildlife sites or that of the ecology of the wider area. TDLP Policy ENV8 seeks to protect species protected by law and including their habitats, while Policy ENV7 seeking to protect sites of nature conservation. These policies are each considered consistent with Part 15 of the NPPF which seeks to

ensure that developments protect and mitigate harm to biodiversity interests, encourages net biodiversity gains and stringently protects ecological sites of the highest significance.

98. Furthermore, Section 40 of the Natural Environment and Rural Communities Act 2006, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
99. An Ecology Survey and Risk Assessment has been submitted in support of the application which concluded that the development would be unlikely to have any affect on any species protected by law or would result in any significant change on the ecological value of the site. In reviewing the submitted assessment the Council's Ecology Officer offers no objections to the proposals on ecological grounds. However, it is advised that hedgerow required to be removed to create enhanced access/site lines, should be adequately compensated for onsite.
100. Overall it is considered that the proposal would not have any adverse impact upon protected species or biodiversity in accordance with the requirements of Policy GD1 of the TDLP and Part 15 of the NPPF in relation to protected species and subject to appropriate conditions would achieve net biodiversity gain.

#### Residential Amenity

101. TDLP Policy GD1 part (D) states that new development should be compatible with surrounding existing land uses. GD1 also advises that there should be not significant pollution of the environment from a range of sources including noise. TDLP Policy TR3 and TR7 requires developments not to adversely affect the amenities of neighbouring occupancies. These policy is considered to be consistent with NPPF which at Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. Full weight should therefore be afforded to policies GD1 and TR3 of the TDLP in the decision-making process.
102. However, in this instance, there are no residential properties in close proximity of the development and therefore, as advised by the Council's Environmental Health (Nuisance) Section no adverse impacts are likely to arise. The development would therefore accord with the requirements of TDLP Policies GD1 and TR3 and Parts 12 and 15 of the NPPF.

#### Foul and Surface Water Drainage

103. Policy ENV14 (Protection of Water Quality) states that development will not be permitted which would unacceptably prejudice the quality of surface or ground water. With regards to how the development would address foul and surface water drainage, no details have been submitted other than a septic tank is to be utilised to treat foul water. Planning Practice Guidance (PPG) Water supply, wastewater and water quality advises that applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. In this instance no information has been submitted, however given the scale of the development, it is considered likely that a suitable scheme could be developed and agreed by condition.
104. In terms of surface water runoff, this is considered to be minimal and again subject to appropriate conditions, it is considered that a suitable scheme could be developed given the nature of the site and amount of land available to the applicant.

105. Overall it is considered that the development would accord with TDLP Policies GD1 and ENV17 and Parts 14 and 15 of the NPPF.

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## **Conclusion**

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106. The development is acceptable in terms of residential amenity, highway safety, ecological interests and in terms of heritage impact, thereby according with Policies GD1 and ENV8 of the TDLP and Parts 9, 12 and 15 of the NPPF in this respect.
107. However, it is concluded that despite the amendments, the development would still have a negative visual impact on the surrounding distinctive landscape and area of high landscape value contrary to Policies GD1, ENV1, ENV3, ENV10 and TR3 and TR7 of the TDLP and Parts 6, 12 and 15 of the NPPF. The level of harm is however considered to be notably less than that previously proposed, as result of the positive changes that have been negotiated, while it has now been established that the development would not result in a negative impact on ancient woodland.
108. The NPPF is a material planning consideration which is capable of outweighing conflict with the development plan. Paragraph 11 sets out for decision making, approving development that accords with an up to date development plan without delay, or, where there are no relevant development plan policies or the policies most important for determining the application are out of date, planning permission should be granted unless:
- i: the application of policies in this Framework that protect areas or assets of particular importance, where the benefits, when assessed against the importance of the development proposed, provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh against the policies in this Framework taken as a whole.
109. In this respect conflict with the development plan has been identified. A suite of policies most important for determining this application have been identified, these include Policies GD1, ENV1, ENV3, ENV9 and TR3 and TR7 of the TDLP. In the round, in line with case law, this suite of policies are considered up to date, and therefore the above balance tests of paragraph 11d of the NPPF are not engaged. Remaining policies of the NPPF should still be taken into account in the planning balance as a material planning consideration.
110. The NPPF seeks to achieve sustainable development through the application of three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways. In this respect it is recognised that there would be some positive economic benefits arising from the proposed development, associated with increased visitor numbers and job creation although these benefits would be relatively limited given the scale of the development. The intended use of the development would also assist in the understanding and preserve the Dales Pony breed.
111. In environmental terms, the site is located in a sensitive, attractive landscape and the development would negatively affect this landscape. However, it is recognised that the level of impact is less than that previously proposed and the

revised layout would represent the optimum arrangement for the buildings in the proposed location.

112. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. Although conflict with the TDLP has been identified, when taking into account all material planning considerations, although it is considered in this instance that the provision of the tourism facility would outweigh the landscape impact of the amended proposed development, and that the proposal in the round would constitute sustainable development when assessed against the NPPF as a whole. Therefore, subject to conditions controlling the finer detailing of the development and to ensure that the tourism benefits are delivered, the application is recommended for approval.

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## RECOMMENDATION

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That the application be Approved subject to the following conditions:

### Time

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

### Plans

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Description	Plan Ref No.	Date Received
Red line site plan	P1281	07.05.20
Proposed Plans, Elevation and Roof Plan	PR02 Rev B	06.08.20
Proposed Site Plan	PR01Rev D	04.09.20

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, ENV1, ENV3, ENV9 and TR3 and TR7 of the Teesdale District Local Plan and Parts 6, 9, 12 and 15 of the NPPF.*

### Tourism Use

3. The use of the site shall only be operated in the manner described in the Heritage Statement Ref MF/20/017 dated 7<sup>th</sup> May 2020.

*Reason: To define the use and to ensure that the benefits of providing a tourist attraction are secured, in accordance with Policies GD1, TR3 and TR7 of the Teesdale District Local Plan and Part 6 of the NPPF.*

### Tourism Use Chalet

4. Notwithstanding the submitted information, the chalet building hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operator shall maintain an up-to-date register of the names of all occupiers and of their main home addresses and telephone numbers and shall make this information available at all reasonable times to the Local Planning Authority.

*Reason: To ensure that the development is occupied as holiday accommodation only, in order to comply with Policies GD1, TR3 and TR7 of the Teesdale District Local Plan and Part 6 of the NPPF*

### **Tree Protection**

5. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated within the Development Impact Assessment Dated July 2020 to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Teesdale District Local Plan and Part 15 of the NPPF*

### **Landscaping**

6. No development shall commence until a scheme of landscaping based on the principles set out on the Proposed Site Plan, ref PR01Rev D and the Development Impact Assessment Dated July 2020 has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details and make provision for:

- Schedules of plants and trees, noting species, plant sizes and proposed numbers/densities.
- Details and location of all means of boundary treatment, including access gates.
- Details of all hard surfacing.
- Proposals for ecological mitigation and habitat creation to deliver net biodiversity gain.
- The management of the roadside hedgerow to a minimum height of 2.4m.
- Details of the management of the roadside verge.
- A maintenance regime for all landscaping for the lifetime of the development.
- A time frame for implementation and completion of the landscaping.

The development shall be carried out in accordance with the approved details and timings thereafter.

*Reason: In the interests of the visual amenity of the area, protection of the ancient woodland and to secure net biodiversity gain, and to comply with Policies GD1, ENV3, TR3 and TR7 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF.*

### **Materials**

7. Notwithstanding any details of materials submitted with the application no development above base course level shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and

approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV3, TR3 and TR7 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF*

#### **Junction improvements**

8. The buildings hereby approved shall not be brought into use until the improved B6277 highway access junction as detailed on the Proposed Site Plan, ref PR01Rev D is fully constructed and brought into use.

*Reason: In the interests of highway safety, in accordance with Policy GD1 of the Teesdale District Local Plan and Part 9 of the NPPF.*

#### **Site Visibility**

9. The buildings hereby approved shall not be brought into use until the area between the nearside carriageway edge, and lines drawn between a point 2.4m back from the carriageway edge along the centreline of the access and points on the carriageway edge 215m from and on both sides of the centreline of the access are cleared of obstruction to visibility at and above a height of 1m above the nearside B6277 carriageway level and thereafter maintained free of obstruction at all times.

*Reason: In the interests of highway safety, in accordance with Policy GD1 of the Teesdale District Local Plan and Part 9 of the NPPF.*

#### **Lighting**

10. Details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The lighting shall be erected and maintained in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV3, TR3 and TR7 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF*

#### **Removal of existing building**

11. The existing shelter as depicted on Plan PR01 Rev D (Proposed Site Plan) shall be removed from the site within 6 months of the commencement of the this permission.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV3, TR3 and TR7 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF*

#### **Restriction of external storage**

12. No temporary structures, materials, waste, feed, vehicles, trailers or articles of any kind shall be stored on the site other than within the building hereby approved.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV3, TR3 and TR7 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF*

#### **Permitted Development rights**

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that

Order), no development permitted by Part 2 Class A or B shall take place without the grant of further specific planning permission from the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV3, TR3 and TR7 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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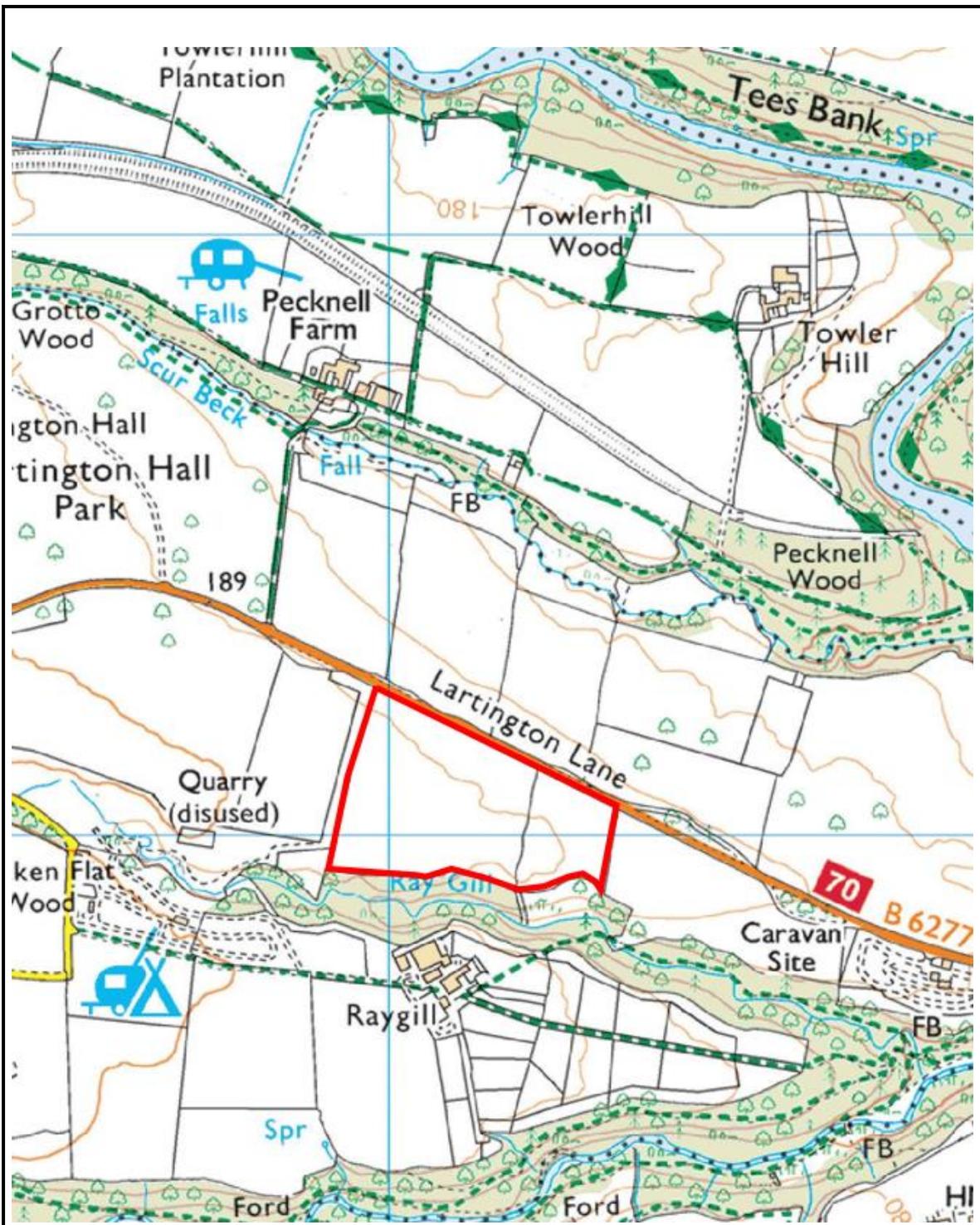
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
Teesdale District Local Plan  
Internal consultee responses  
Public responses  
Responses from statutory and other consultees  
National Planning Policy Guidance



**Planning Services**

Erection of timber cabin to host pony training events and to provide holiday accommodation and erection of a timber field shelter

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Ref:

Date: July 2020

Scale: NTS