



## **Area Planning Committee (South and West)**

**Date** Thursday 18 November 2021

**Time** 9.30 am

**Venue** Council Chamber, County Hall, Durham

---

### **Business**

#### **Part A**

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 29 September 2021 (Pages 3 - 10)
5. Applications to be determined
  - a) DM/20/03796/FPA - Shield Haulage, Sandy Carr, Wolsingham, Bishop Auckland, DL13 3AD (Pages 11 - 32)  
Erection of managers dwelling and office/welfare building
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

10 November 2021

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

Councillor G Richardson (Chair)  
Councillor A Savory (Vice-Chair)

Councillors E Adam, J Atkinson, V Andrews, D Boyes, J Cairns,  
L Brown, M McKeon, D Oliver, S Quinn, M Stead, A Sterling,  
P Taylor and S Zair

---

**Contact: Kirsty Charlton**

**Tel: 03000 269705**

---

## DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 23 September 2021 at 9.30 am**

### **Present:**

**Councillor G Richardson (Chair)**

### **Members of the Committee:**

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, V Andrews, L Brown, M Stead and A Sterling

### **Also Present:**

Councillor Richard Manchester

### **1 Apologies**

Apologies for absence were received from Councillors Cairns, McKeon, Oliver, Quinn and Zair.

### **2 Substitute Members**

Councillors S Deinali and L Holmes were present as substitute for Councillors Quinn and Oliver respectively.

### **3 Declarations of Interest (if any)**

The Chair declared a prejudicial interest in item no. 5c) as a Member of the governing body of Barnard Castle School.

### **4 Minutes**

The minutes of the meeting held on 22 June 2021 were agreed as a correct record and signed by the Chair.

**5 DM/21/01252/FPA - Land Adjacent to Spar Local, Unit, Jubilee Road, Shildon, DL4 2AL**

The Committee considered a report of the Planning Officer for two shop units (Class E) and one hot food takeaway (sui generis), adjacent to Spar Local, Unit, Jubilee Road, Shildon (for copy see file of minutes).

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

The Applicants agent, Mr Duckworth, addressed the Committee and advised that the units were small scale and designed to fit well in this part of the time. The retail assessment confirmed that it would have no negative impact on any of the high street businesses and he hoped the application would be approved.

With regards to bin storage being inside the rear of the shop, Councillor Brown asked for clarification on the route that the bins would be transported on collection day to the front. The Planning Officer advised that the plans showed bin storage to be internally at the rear however there was space externally for bins to be stored. There was a gap between the community centre and proposed retail units that would allow bins to be taken round to the front if they were to be stored externally.

Councillor Brown suggested that a takeaway would need a continental bin and this could be an issue if the bins were intended to be wheelie bin size. The Planning Officer advised that the Applicant had clarified that bin storage would be to the rear and bins would be wheeled around to the front on collection day. Councillor Brown was concerned as she had noticed that the existing shop stored their bins to the front and asked for bin storage to be conditioned to the rear.

Councillor Atkinson had reservations on the sustainability of the proposal but acknowledged that was a matter for the Applicant. There had been no objections from the public and the objections that had been submitted from statutory consultees had been considered and conditions applied. He moved the recommendation for approval.

Councillor Brown asked for clarification on the class of the two units either side of the hot food takeaway and the Planning Officer advised that both were Class E and neither of the units could be converted to hot food takeaways, they would need to apply for planning permission.

Councillor Adam asked whether the cumulative impact of litter, noise and odour had been considered as per Policy 31 of the County Durham Plan, as

there was already a fish and chip shop in the area. The Planning Officer advised that the existing hot food takeaway had been considered and the applicant had clarified that the use would be a Chinese style takeaway which was more likely to be taken away from the premises and consumed at home. The opening hours had been restricted to the same as the current takeaway and therefore there would be no increased noise and disturbance. There had been a lot of discussion with the Applicant with regards to noise and odour and the system proposed by a condition, was for a flue extraction system through the roof area, which would look reasonable.

Councillor Stead advised that he had visited the site and was surprised that three units would fit and the bin storage should be carefully considered. There were around 24 food outlets which he had counted in this small town and for this reason he could not support the application.

Following a query from Councillor Adam regarding the condition that required shutters on the front of the units the Planning Officer advised that the shutters were usually perforated so that during daytime hours, the inside of the shop was visible. After a request from Councillor Adam, the Applicant agreed that the condition could stipulate artwork to make them more aesthetically pleasing.

Councillor Sterling seconded the motion to approve the application.

### **Resolved**

That the application be APPROVED subject to the conditions outlined in the report and the addition of the following two conditions;

- Refuse bins for the 2 class E retail units and the hot food takeaway shall either be stored internally or to the rear of the retail units at all times (other than the short period required for refuse collection).  
Reason: In the interests of visual amenity in accordance with Policy 29 and 30 of the County Durham Plan
- Prior to installation, details of the roller shutters for the proposed shop and takeaway units shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the perforation and colour of the shutters, together with the bespoke appearance of the hot food takeaway roller shutter to facilitate a lively appearance in the street scene when in use. The roller shutters shall thereafter be installed and maintained in accordance with the agreed details Reason: In the interests of visual amenity and to ensure an attractive appearance on the hot food takeaway premises during daytime periods of closure in accordance with Policy 29 and 30 of the County Durham Plan.

**6 DM/20/02379/FPA - Land To The South West Of High Terrace, Roddymoor, DL15 9RA**

The Committee considered a report of the Planning Officer for the construction of residential dwelling and associated commercial dog kennels on land to the South West Of High Terrace Roddymoor (for copy see file of minutes).

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

Local Member, Councillor Manchester spoke in support of the application. There had been similar applications in the past which Members may be familiar with and this was due to a change in DEFRA guidance for dog breeders. In order for this business to maintain its rating there had to be someone staying on site at all times.

Councillor Manchester described the site as natural sprawl which sat in a dip, sheltered by a treeline which would help mitigate any impact on the surrounding countryside and on balance he believed that the benefits of the scheme outweighed any potential harm.

The ecological assessment required should be conditioned prior to the commencement of the development.

With regards to noise, the Applicant had received no complaints from Environmental Health in the past from the existing property and the new premises would use acoustic

Ms J Johnson, the Applicant, addressed the Committee and advised them that her experience as a veterinary nurse had led to a journey of breeding champion Bull Terriers and she advised of her various accolades with the Kennel Club and as a judge. Her business had gone from strength to strength, and she had been awarded a five star rating from DEFRA however in 2018 legislation changed. Ms Johnson explained that due to space requirements, she was unable to have more than two litters per year and as this was not guaranteed, she was more likely to only have one. This meant that she was unable to maximise the businesses full potential.

Ms Johnson advised that the property would be self-built, was subject to a business plan, she was fully aware of the financial commitment and the sale of her existing property would be used to fund the proposal. The scheme was well supported by local residents and Ms Johnson

Ms Johnsons Agent, Mr Taylor, advised that the site was not in a designated landscape area, the land was poor quality and concealed by planting. The dwelling was smaller than the report stated it was not 190m<sup>2</sup> but 140.3 m<sup>2</sup> – there were a small amount of shared areas.

There were comments regarding the design of the dwelling and he advised that the external materials included cladding which was black. The dwelling had been designed as a black barn, an agricultural looking building to compliment the landscape, not conflict with it.

Mr Taylor referred to Planning Policy 10 of the CDP which was to support the expansion of rural businesses and he hoped that the Committee would support the application.

The Planning and Development Solicitor advised that an ecological assessment had not been submitted and the Council was under a legal duty to protect protected species from harm or any other ecological impacts. She suggested that if Members were minded to overturn the recommendation, it should be a decision of minded to approve and delegated to Officers to consider on receipt of an ecological assessment.

The Planning Officer confirmed that the dwelling measurement included a puppy and whelping area and was 187m<sup>2</sup> in total.

Councillor Atkinson had been impressed by the pedigree of the animals and this was a sustainable business which also had the potential for an apprenticeship. He put forward a motion of minded to approve the application subject to further consultation between the Planning Authority and Chair and Vice Chair of the Committee.

Councillor Brown agreed and would have approved the application should it have included an ecological assessment, however due to this reason she would have to reject it as per the Officer's recommendation.

The Planning Development Solicitor advised that she had no problem if Members were minded to approve the application subject to the submission of a satisfactory ecological assessment.

Councillor Adam advised that he agreed with colleagues and on balance it was acceptable, however with regards to NPPF 178 and Policy 32, a concern had been raised with regards to former mine workings and whether the land would be able to sustain a residential building as this was something that would change the balance.

The planning Officer responded to confirm that a coal mining risk assessment had been submitted and further information was required and was conditioned.

Councillor Savory advised that the standards in animal welfare was glowing testament, there had been no complaints at the current property and given the support of local member, she seconded the motion put forward by Councillor Atkinson.

Councillor Sterling stated that the Council should support businesses in trying to expand and she was in support of the application.

The Chair advised that as a farmer, he appreciated that living on site was a necessity.

Councillor Denali advised that contrary to the report, which stated there was no proven reason for the Applicant to live on the site, there was evidence that DEFRA guidance.

### **Resolved**

That the application be MINDED TO APPROVE subject to conditions delegated and agreed in conjunction with the Chair and Vice Chair of the Committee.

### **7 DM/20/03776/FPA - Barnard Castle School, Newgate, Barnard Castle, DL12 8UN**

The Committee considered a report of the Planning Officer for the construction of a new Sports Pavilion, including access to the south and associated reconfiguration of adjacent sports pitches at Barnard Castle School, Newgate, Barnard Castle (for copy see file of minutes).

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

The Chair advised that he would be speaking on the item as local member and withdraw from the meeting.

The Chair advised that Councillor Rowlandson was the other local member for Barnard Castle East and he had requested this item be brought to Committee to ensure local residents, particularly those of Five Acres, which was previously school land, could be satisfied. Councillor Rowlandson felt that he had a declaration of interest himself as his children had attended the school and that was the reason why he had not attended the Committee in person.

The Chair advised that the sound impact had been mitigated and acknowledged the history of the site. It had been a school site before the housing had been built and of course there would be the noise of children's voices. The Planning Officer had satisfied Sport England, which was not easy, and this facility would be open for public use and he couldn't recommend it any more highly. He left the meeting and did not return.

Councillor Savory Chaired the meeting from this point.

The Agent, Mr Tudball, addressed the Committee and confirmed that the application was for the construction of a new sports pavilion and configuration of sports pitches. This would be a pivotal piece of 25 year masterplan commissioned in 2017 and marked a commitment from the school to continue high quality learning. Significant investment would help maintain its standing as a leading day and boarding education facility in the UK. It would pave the way for school and community use.

The Applicant had engaged with all consultees throughout which had resulted in a fully considered and supported proposal by Sport England, Design and Conservation and the Planning Authority. He hoped Members would support the application and support the recommendation.

Councillor Stead moved the recommendation for approval, seconded by Councillor Sterling who said that this was a fabulous application.

### **Resolved**

That the application be APPROVED subject to the conditions outlined in the report.

This page is intentionally left blank

## Planning Services

# COMMITTEE REPORT

---

### APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	DM/20/03796/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of managers dwelling and office/welfare building
<b>NAME OF APPLICANT:</b>	Mr Nigel Shield
<b>ADDRESS:</b>	Shield Haulage, Sandy Carr, Wolsingham, Bishop Auckland, DL13 3AD
<b>ELECTORAL DIVISION:</b>	Weardale
<b>CASE OFFICER:</b>	Amy Williamson, Senior Planning Officer, 03000 261391, amy.williamson@durham.gov.uk

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. The application site relates to an existing HGV operating centre located within a former quarry at Sandy Carr, situated approximately 2.4 miles from Tow Law and 1.4 miles from Wolsingham. The site is located around 400m to the north west of the B6296 at Redgate Head, accessed via an adopted unclassified road and an unadopted track of around 150m in length. The access also serves 3 no. existing farms.
2. The HGV operating centre has been operational on the site since around 2015. There is an existing storage building on the site located towards the southern site boundary. Other than this, the rest of the site comprises a hardstanding yard area used for storage and the parking of HGVs and other vehicles.
3. Planning permission DM/21/03054/VOC has recently been granted to increase the number of HGVs permitted to operate from the site to 20 no. which follows on from a new operators licence recently granted by the Office of the Traffic Commissioner that permits 20 no. HGVs to operate from the premises. The number of HGVs permitted to operate from the site was previously restricted to 10 no. under planning permission DM/15/03477/FPA. The 2015 consent also required the provision of passing places on the unclassified road and track leading to the site, which have been provided.
4. The site is in an isolated location, the closest neighbours are Sandy Carr Farm located around 235m to the north and Redgate Grange Farm around 450m to the west.
5. The site lies within the North Pennines Area of Outstanding Natural Beauty (AONB).

6. Planning permission is sought for erection of a dwelling and building containing office and welfare facilities. Both buildings would be located in the western corner of the site, adjacent to the existing storage building.
7. The dwelling would be a large 4 bedroom detached property, including a double garage to the west side. It would have an overall length of 21m, width of 7.4m and ridge height of 8.1m. The proposed dwelling would be constructed from natural rubble stone, with a slate roof. The dwelling would sit within a large garden area, including a cobbled driveway leading into the HGV yard. A dry stone wall would enclose the domestic curtilage.
8. The office and welfare building would be located to the east of the dwelling. This would measure 19m x 6.7m with a ridge height of 4.7m. The external walls would be in black timber cladding with a slate roof. Internally the building would have 2 no. offices, a canteen, WC and shower facilities.
9. The application has been called to committee at the request of Councillor Anita Savory, to allow for consideration of the applicant's business case and planning policy on rural dwellings.

---

## **PLANNING HISTORY**

---

10. Planning permission DM/15/02482/FPA granted consent in October 2015 for erection of an industrial shed to be used as a HGV Operator's centre.
11. Subsequently to this planning permission DM/15/03477/FPA was granted in May 2016 for the erection of a further storage building and for temporary use (2 years) of the land for storage of plant and machinery. The second storage building has not been constructed.
12. Planning permission DM/21/03054/VOC has recently been granted to increase the number of HGVs permitted to operate from the site from 10 no. to 20 no.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

13. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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.
14. *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.

15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

## **NATIONAL PLANNING PRACTICE GUIDANCE:**

23. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; design process and tools; determining a planning application; effective use of land; enforcement and post permission matters; flood risk; healthy and safe communities; land affected by contamination; land stability; natural environment; noise; rural housing; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **LOCAL PLAN POLICY:**

### The County Durham Plan (CDP)

24. Policy 6 (Development on unallocated sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
25. Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
26. Policy 12 (Permanent Rural Workers' Dwellings) sets out the criteria needed to demonstrate the acceptability of a new permanent agricultural, forestry and other rural workers' dwellings outside the built-up area. These criteria include: details of the nature and demands of the work that demonstrate an essential functional need for a permanent full time worker to live on site; details that the rural business activity has been established for at least three years and is financially sound; the proposed dwelling should not be harmful to the landscape and character of the area; the scale of the dwelling should be commensurate with the functional requirement; the functional need cannot be fulfilled by another existing dwelling in the unit or area. If planning permission is to be granted, it must be subject to an occupancy condition and removal of householder permitted development rights. Further provisions for temporary accommodation and removal of occupancy conditions.
27. Policy 21 (Delivering sustainable transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new

development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

28. Policy 29 (Sustainable Design) details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
29. Policy 31 (Amenity and pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
30. Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
31. Policy 35 (Water management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
32. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defense infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
33. Policy 38 (North Pennines Area of Outstanding Natural Beauty (AONB)) sets out that the AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
34. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts

35. Policy 40 (Trees, woodlands and hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
36. Policy 41 (Biodiversity and Geodiversity) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
37. Policy 43 (Protected Species and Nationally and Locally Protected Sites) development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

<https://www.durham.gov.uk/cdp>

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

38. *Wolsingham Parish Council* – No response received.
39. *Highways Authority* – No objections, note that the occupiers of the dwelling would have a high reliance on private car journeys to access local services and facilities which should be considered in the planning balance.

### **INTERNAL CONSULTEE RESPONSES:**

40. *AONB Partnership* – No comments received.
41. *Durham Constabulary* – Advise there are no police records of any incidents at the site.
42. *Contaminated Land* – No objections subject to contaminated land condition.
43. *Ecology* – No objections following the submission of an updated Ecological Appraisal subject to conditions requiring compliance with the recommendations of the report and for an amphibian and reptile method statement to be agreed prior to the commencement of works.
44. *Environmental Health Nuisance* – No objections.
45. *Landscape* – No objections. Advise that the site is visually contained by topography and the mature woodland that surrounds it to the north, south and east. The proposal would use materials in keeping with the area and reflects a number of design elements from the local vernacular. It would also be well related to the associated business

activities. The proposed development would be outside the root protection area of the trees along the boundary of the site and would not have a major impact on trees of significance. It is therefore considered that the proposed dwelling would not be unduly harmful to the rural landscape and character of the area

46. *Spatial Policy* – Advise that policy 12 of the County Durham Plan is the key policy for considering the proposals relating to the dwelling. The submitted accounts show the business has been profitable for 3 years, however it is not considered that there is a functional need for the proposed dwelling. It is noted that the applicant agrees with Durham Constabulary there are no police records of break ins and theft from the site. The size of a rural workers dwelling should be linked to the business and its work. It is considered that the proposed size of the dwelling is not commensurate with the requirements stated for the haulage business.
47. *Tree Officer* – No objections

#### **PUBLIC RESPONSES:**

48. Given the relatively isolated location of the site, the application has been publicised by means of site notice. No representations have been received.

#### **APPLICANTS STATEMENT:**

49. I established Shield Haulage in 2009 and it has since gone from strength to strength.
50. I was originally operating from Teesport where my main customer was SSI UK Steelworks. At that time the business centred on loading and unloading ships. When the Steelworks went into liquidation, I saw a significant decline in work at Teesport and to ensure the survival of the business I moved it to the application site, and diversified into general haulage, retaining some presence at Teesport where the business is still involved in loading and unloading ships.
51. Work at the port has, despite the discontinuation of the steelworks, continued to grow, as has general haulage locally to the application site.
52. Since 2015 I have invested heavily in the business. My business is now involved in specialist out of hours highway repair services on the main trunk roads in the north east and further afield, and is the only haulage business with a contract with PD Teesport.
53. My business undertakes collections and deliveries, including out of hours, for all of the local quarries. It undertakes night time delivery of asphalt to the main trunk roads in the north east.
54. This is not a job that is 9-5, and night time working from the yard is commonplace. It is not something which is practical from a remote location.
55. We employ 43 staff, around 80% local. I also support a number of local businesses. I need the house so that I can live close to my place of work, and be on hand day and night, without the delay and risk of driving to the site at every event where I am required. I am required on site to carry out maintenance and repair of vehicles that arrive back to site at night, and then leave again on another shift. I have submitted information about the number of times in any given month that I am called out in the night or out of hours. It is most nights.

56. A new house would help me provide security for my vehicles and equipment, batteries and fuel not being insurable and in great demand. Video surveillance and alarm systems would not prevent these losses, due to the time it would take someone to get to site. Whilst I realise guidance states this may not always be sufficient to justify a dwelling, it can under some circumstances. In this case the value of the goods, the remoteness of the site, its location, and the impact of theft on the operation and profitability of the business, security should carry some weight.
57. The dwelling is also required so that I can ensure the health and safety of my workforce who are lone workers. During inclement weather, I can assess the site and road conditions before staff attempt to make the journey to Sandy Carr.
58. This application is so important to the future of the business, and my ability to invest in it in the future. I want to be able to continue to provide opportunities for local people, support local businesses and the community. I hope the committee and the Council are able to support my business.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

59. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, locational sustainability, landscape/visual impact, residential amenity, highway safety, ecology, ground conditions, and flooding and drainage.

### Principle of the development

60. 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 planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
61. Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development over and above that identified, this includes for employment and economic generating uses. Policy 6 sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and where specified design criteria are met.
62. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded

as countryside. The site is in an isolated location outside any settlement, it is not well related to any settlement and is situated in the countryside. As such no support for the development can be drawn from Policy 6.

63. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan (including Policy 12) or where the proposal compromises an exception related to economic development, infrastructure development or the development of existing buildings. Policy 10 also establishes general development principles for development within the countryside, which is considered in detail in later sections of the report.

#### Office/Welfare Building

64. Policy 10 part b permits the expansion of an existing business falling beyond the scope of a rural land based enterprise, where it can be clearly demonstrated that it is, or has the prospect of being, financially sound and will remain so.
65. The proposed office/welfare building would represent an expansion of the existing business. Accounts have been provided which demonstrate that the business is financially sound and is likely to remain so. Therefore, subject to complying with the general development principles for development in the countryside, in principle the proposed office/welfare building would accord with Policy 10 part b of the CDP.

#### Managers Dwelling

66. Policy 12 of the County Durham Plan relates to permanent rural workers dwellings and states that proposals for new permanent agricultural, forestry and other rural workers dwellings outside the built up area will be permitted provided it can be demonstrated that:
- a. the nature and demands of the work involved means that there is an essential existing functional need for a permanent full time worker to live at, or very close to, the site of their work in order for the enterprise to function effectively, or the dwelling is required to accommodate a person with majority control of the farm business;
  - b. the rural business activity has been established for at least three years, is currently financially sound as verified by a qualified accountant, and has a clear prospect of remaining so;
  - c. the proposed dwelling is not harmful to the rural landscape and character of the area and is physically well related to the activities required;
  - d. the scale of the dwelling is commensurate with the established functional requirement of the enterprise; and
  - e. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.
67. Para. 80 of the NPPF states that the development of isolated homes in the countryside should be avoided unless certain criteria apply, including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. An assessment of the relevant parts of both CDP and NPPF policy are addressed in turn below

## *Essential Existing Functional Need*

68. The application states that the proposed dwelling is required to facilitate the carrying out of emergency repairs to HGVs associated with the applicant's haulage business. It is also stated it is required for security reasons and to act as a deterrent to criminals and trespassers, together with assisting in the welfare of employees and ensuring the access road is passable in winter conditions.
69. Planning permission has recently been granted to increase the number of HGVs operating from the site from 10 no. to 20 no. following a new operators licence recently granted by the Office of the Traffic Commissioner. It is understood that given the recent nature of these consents, only 10 no. HGVs operate from the site at this time, with the increased number being a future aspiration by the applicant.
70. The supporting information sets out that the applicant regularly needs to be on site during the night to attend to emergency repairs to vehicles. Ordinarily a log of such incidents is not normally kept by the applicant, however to support the current application a log of incidents from September 2021 has been provided. During the month of September a total of 26 no. call outs were attended solely by the applicant. Of these 10 no. occurred during the night between the hours of 9pm and 7am, 5 no. call outs occurred at the weekend (Saturdays and Sundays) and 11 no. call outs were between the hours of 7am – 9pm Monday to Friday.
71. The repairs stated in the log for September generally related to repairing lights and replacing bulbs, fixing punctures, replacing strappings, repairing mud guards and removing tar from the truck body.
72. An email from the applicant's previous agent received on 10 January 2016 with respect to planning permission DM/15/03477/FPA refers to intended recruitment at the site following the granting of that consent. This stated that following this approval it was intended to employ an additional 12 no. employees, comprising 2 no. fitters, 1 no. apprentice, 8 no. HGV drivers and 1 no. admin assistant. It has been queried with the applicant whether these employees, in particular the fitters, were employed but this query has not been answered.
73. Whilst it is acknowledged only a log for 1 month has been provided, the number of call outs are to a relatively low level and repairs are generally of a minor nature. The business is a family business, with the applicant's business partner and son also being directors, however it is stated that an additional 31 people are employed out of the Sandy Carr site. Previous correspondence indicates it was intended to employ fitters, who would be responsible for undertaking repairs to the vehicles. As such it would appear feasible for the responsibility for any emergency call outs and repair work to be shared between employees and not solely be reliant upon the applicant. Based on previous correspondence there may be employees with a specific responsibility for vehicle repair, but details have not been forthcoming about whether this is the case.
74. Whilst it is accepted that some of the repairs to HGVs may take place at the workshop on the site, some repairs such as blown tyres or some mechanical issues would appear capable of being repaired by recovery firms on the roadside. More substantial repairs may need to take place at third party premises and some repairs taking place on site are likely to be reliant on the delivery of parts from third parties, which the applicant advises are closed during the evening.
75. From the information provided, given the relatively small number of HGVs currently and intended to operate from the site, the limited number of call outs during the night and potential that some repairs would likely be attended to on the road site by third

parties. It is also noted that the business operates across the north east and beyond, and it would be impractical and uneconomical to return to the Sandy Carr base for every repair. Overall it is not considered there is an existing essential functional need for a dwelling on the site demonstrated on the basis of out of hours repairs/working. Even if a dwelling was provided on the site it is considered unrealistic that a single employee could completely serve all out of hours repairs/maintained and this would need to be shared across the business.

76. One of the primary reasons stated in the application for the need for the dwelling is for security. The applicant states he has previously experienced theft of fuel, batteries and other items from the site, however no detailed log has been submitted in support of the application of such incidents. Durham Constabulary advise they have no records of previous incidents at the site. The applicant advises this is because he previously tried to report an incident to the police but received no response, additionally he claims that fuel and batteries are not insurable items and he cannot recover the cost of these items if stolen from his insurance company. No evidence has been provided to demonstrate that fuel and batteries are not insurable items. Information online recommends in the event of a fuel theft this should be reported to the police and the insurance company contacted.
77. The application states that the applicant has previously caught trespassers on or adjacent to the site on at least 2-3 occasions and has experienced previous thefts, but does not state how many thefts have occurred and what value of losses have been experienced. It is also not clarified over what time period these thefts have occurred.
78. Whilst it is acknowledged that the police may be slow to respond in some instances, and it is unknown whether fuel and batteries are insurable items, it is expected any theft of these items would also result in damage to vehicles and other property on the site which would be insured. In order to proceed with an insurance claim for theft or damage a crime number is usually required from the police, irrespective of whether any investigations are followed up by the police, the crime number is key to being able to claim on insurance. It is therefore unusual that Durham Constabulary have no records of any thefts or break ins at the site where a crime number has been allocated and that the applicant has not provided any evidence of any insurance claims made.
79. It is noted from the accounts that have been submitted that within the last 2 years the business appears to have made a substantial profit. The applicant advises that it would not be viable to employ a night shift mechanic or security guard, however given the extent of profit generated, it would appear there would be scope financially for a night time employee to be taken on, particularly given the number of staff currently employed on site. However, during discussions on site with the applicant he noted that due to the limited incidence of night time call outs, it would not be feasible to employ someone to undertake repair works during the night and provide security. If repairs during the night are to such a low incidence that it is not feasible to employ a permanent night shift worker, this brings into question whether a dwelling is necessary on the site to provide the same function.
80. Even if a night shift worker were not employed, there are security firms within the local area who could assist the business in providing additional security during the night when the site is unoccupied, such as patrols or a temporary presence when no-one else is on site.
81. The access into the site to the south east corner is well secured by 2m high palisade gates. However, whilst there is bunding within the site, the perimeter fencing beyond this consists of either of a low height or a flimsy design. The bunding is of a relatively low height around 1.5m-2m and of a gradient that could be walked across. As such it

is considered that the site could be relatively easily accessed by trespassers on foot and that this could be improved by installation of a taller palisade fence around all sides of the site which would have been expected if security was a significant concern.

82. The applicant also states that despite being located approximately 200m to the east of a telecommunications mast, mobile signal is poor on the site. Additionally it is claimed the telephone line is poor and does not facilitate land line internet. As such the applicant states that it would not be possible to install CCTV at the site due to the lack of internet connection. However during a recent site visit the case officer was able to obtain a full 4G signal at the site and easily access the internet. No evidence has been provided by the applicant with regards the availability of mobile or landline internet and the ability or otherwise to install CCTV to improve security.
83. Furthermore whilst CCTV linked to an alarm or alerting the police or the applicant to any break in may be more desirable, CCTV recording to a video tape or other storage device without an internet connection may also act as a deterrent and provide evidence in the event of a break in. The application does not state why this has not been considered.
84. It is considered likely that someone breaking into the yard to steal fuel or batteries would need a vehicle given the weight of these items. Whilst access on foot may be possible, the site entrance gates do appear to be of more impenetrable design, making unauthorised vehicle access more difficult. It is not stated in the application whether previous thefts and break ins involved vehicle access or whether these were solely by persons on foot or whether damage to perimeter fencing had occurred.
85. The applicant currently has a static caravan on the site which is used as a welfare facility when he has to be on site during the night, planning permission has not been granted for the caravan and this is currently under investigation by the Planning Enforcement Team. The applicant states this is used as a welfare facility and for occasional staying over when jobs are carried out during the night but is also a deterrent to trespassers and thieves. It is advised that when there is no one on site, light and music are left on in the caravan as a deterrent. However, the caravan is situated in a well screened location behind the workshop building. Given its low height and bunding surrounding the site it is not generally visible from outside the site. The top of the caravan would only be seen in limited views within the yard area to the west, it is partly screened by a fence to the west side with only the roof being visible above this. It is screened within the yard by the existing workshop building to the north and storage containers to the east. As such it is considered this is unlikely to be a significant deterrent to thieves and trespassers when it is so well concealed.
86. No evidence is provided in the application to demonstrate the extent to which theft has been a problem at the site, the scale of the losses experienced and that items at risk of theft are not insurable. Having visited the site it appears there is scope for security improvements, including improved perimeter fencing, CCTV and potentially employing someone to work at night or hiring the services of a security company to enhance security. As such it is not considered that security issues demonstrate an essential existing functional need to justify a dwelling on the site.
87. The application also identifies staff welfare and snow clearance from the site access as functional reasons why a dwelling is required. Whilst the site is on high ground, snow clearance is expected to have been an ongoing requirement on a very occasional basis in bad weather since the business was established in 2015 and would also be required to access other properties further west sharing the same access. It is noted the applicant carries out snow clearance at Teesport without requiring a

residential presence and it is not considered this provides a reason to justify a dwelling on the site.

88. In terms of staff welfare, the applicant states that a dwelling on the site would assist in ensuring legal requirements are met in terms of aiding drivers with vehicle roadworthiness, driving hours and tachograph regulations. It is considered that issues of driving hours and tachograph requirements could be met by shift planning and reminding drivers of the need to take breaks after driving for certain periods as legally required. In terms of vehicle roadworthiness, as with any individual driving any vehicle there is a responsibility to ensure the vehicle is roadworthy, ie. up to date MOT certificate, lights working etc before beginning a journey and this would be no different for drivers at Shield Haulage. Similarly it is expected that drivers or other employees would check vehicles at the end of a journey to check for general roadworthiness and to report any minor issues such as a blown light. It is therefore not considered that the proposed dwelling would benefit staff welfare significantly in this regard.
89. Overall it is not considered there is an essential existing functional need for a dwelling in association with the business.

#### *Financial Soundness*

90. The business has been operational on the site since at least 2015 and possibly prior to this. Business accounts have been provided for the past 3 years which generally indicate the business is profitable. However the accounts included a bulk figure for revenue paid to the business, which was not split between work specific to the application site and the work at Teesport. It was requested that the applicant provided further clarification on the split of work for general haulage revenue and revenue from Teesport, however this has not been provided. As such it cannot be ascertained whether the bulk of the business revenue is generated at Teesport or more locally to the site. But for policy purposes it is considered that the business is financially sound.

#### *Landscape Character and Relationship to Activities*

91. Impacts on landscape character are considered below. In terms of the relationship to the business activities, the proposed dwelling would be located to the south west corner of the existing haulage yard. The design of the dwelling is orientated south to overlook the garden, with the northern (rear) elevation facing towards the yard. As the dwelling is intended to be directly related to the haulage business and provide security for it, the orientation of the dwelling, which would back on to the yard is questioned. It would appear more desirable in terms of the business activities and to enhance security to orientate the dwelling to face into the yard rather than away from it. Whilst in general the location of the dwelling is broadly well related to the haulage yard, its orientation facing away from the yard is not considered to be well related. It is considered likely that improvements to the security of the site would still need to be made.

#### *Scale of dwelling commensurate with established functional need of the business*

92. The proposed dwelling is a large 4 bedroom detached property, which would include a double garage and master bedroom with walk in wardrobe and ensuite bathroom. A large domestic curtilage around the dwelling is also proposed.
93. Whilst no functional need for the proposed dwelling is considered to have been established, the scale and appearance of the dwelling is considered grand and is excessive for a rural workers dwelling. Whilst the haulage yard is a relatively large site of 0.21ha, there are a limited number of existing buildings/structures currently on

the site, comprising 1 no. 280sqm workshop building, an unauthorised static caravan and 2 no. unauthorised shipping containers used as offices. The total floor space within the proposed dwelling is approximately 230sqm, which is only marginally smaller than that of the workshop building, a more modest 2 or 3 bedroom property with a smaller domestic curtilage would be more proportionate to scale of the business.

*Functional need fulfilled by another existing dwelling*

94. The applicant currently resides in Teesdale some distance away from the site, meaning he has to travel a long way to attend to any calls outs at the site. There are a number of local properties for sale and rent in Tow Law and Wolsingham within a couple of miles of the site of varying sizes and prices, if the applicant or employee were to reside in one of these existing dwellings he would be able to travel to the site in a few minutes should he receive a telephone call from a driver advising they were returning to the site to undertake a repair.
95. It has been queried with the applicant whether it would be possible to operate the business whilst residing in an existing dwelling in either of these settlements. A definitive answer has not been provided and the applicant reiterated the reasons they wish to have a dwelling on the site.
96. During discussions on site, the applicant advised that Tow Law would not be a preferable location for him to reside and that for the cost of building the proposed dwelling on site only a smaller terraced dwelling with limited parking could be purchased in Wolsingham. Whilst it may be preferable for the applicant to reside on the site for reasons of cost and convenience, given the proximity to surrounding settlements it is considered any need for a residential presence could be met by living in an existing dwelling in Tow Law or Wolsingham.
97. The applicant currently has a static caravan on the site which is used as a welfare facility when he has to be on site during the night, planning permission has not been granted for the caravan and this is currently under investigation by the Planning Enforcement Team. Given the stated security and operational reasons for the proposed dwelling, planning permission could be sought for retention of the caravan as a welfare facility, or accommodation within the proposed office/welfare building could be used whilst waiting for a vehicle returning to the site or as a deterrent to thieves and trespassers. Coupled with residing close by in a local settlement it is considered that such accommodation would enable the business to function equally as well as residing on the site.

*Compliance with policy 12 of the County Durham Plan and para. 80 of the NPPF*

98. Overall it is concluded that an existing essential functional need for the dwelling has not been demonstrated, while it is also considered that the scale of the dwelling is excessive given the extent of the business operation and that any need for a dwelling could be met by residing in one of the adjacent settlements in proximity to the site, together with using proposed welfare facilities on the site. It is therefore considered that the proposal is in conflict with parts a, d and e of Policy 12 and para. 80 of the NPPF.
99. Impacts on the proposal on landscape character and compliance as per Policy 12 part c are considered below. However given the orientation of the proposed dwelling facing away from the yard area, it is not considered this is well related to the business activities and in terms of providing security. It is likely that further investment into security would need to be made.

100. The business has been established for more than 3 years and appears to be financially sound with the prospect of continuing to be so, in accordance with Policy 12 part b.

#### Locational Sustainability

101. Policy 10 part p, states that new development in the countryside should not be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. Policy 21 of the CDP requires new development to deliver sustainable transport, including by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
102. Paragraph 103 of the NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
103. The site is located approximately 2.4 miles from Tow Law and 1.4 miles from Wolsingham. These settlements are accessed from the site via country roads which only contain roadside footpaths for short stretches and are typically unlit. Accessing both settlements on foot would involve walking up a steep hill either on the way there or on the return leg. There are no bus stops in proximity to the site. Given the distance, topography and lack of suitable footpaths, occupants of the proposed dwelling are likely to be heavily reliant on private car journeys to access local services and facilities and the location is not considered to be sustainable for a new dwelling.
104. In terms of the proposed office and welfare building, similarly to the above, the location is not a sustainable location for employees to access and they are also likely to access the site by private car journeys. However the HGV operators centre is an established use, the proposed building would provide welfare facilities for existing employees and would not lead to an increase in the number of employees. As such the locational sustainability of the business would not change from the current situation.
105. Having regard to the above, the site is not considered to be a sustainable location for a new dwelling, in conflict with policies 10 part p and 21 of the County Durham Plan. However there would be no change in the locational sustainability of the business in terms of the proposed office and welfare building.

#### Landscape and Visual Impacts

106. Policy 10 part l requires that new development in the countryside does not give rise to unacceptable harm to, amongst other things, the intrinsic character of the countryside which cannot be adequately mitigated or compensated for.
107. Policy 12 part c requires that rural workers dwellings are not harmful to the rural landscape and character of the area and are well relate to the activities required.
108. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing

valued landscapes and recognising the intrinsic character and beauty of the countryside.

109. The site is located within the North Pennines AONB (AONB). Policy 38 of the CDP states that the AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
110. Section 85 of the Countryside and Rights of Way Act (2000) places a duty on local authorities and other public bodies to have due regard to the purpose of AONB designation (the conservation and enhancement of natural beauty) in the discharging of their functions. Para. 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
111. The proposed dwelling is a large detached dwelling, two storeys in height. It would be constructed externally in stone with a slate roof. Cart style arched openings are proposed to the southern elevation overlooking the garden. A 1.5 storey double garage with bedroom above would be attached to the north western side of the dwelling.
112. The office and welfare building is a linear single storey building, located perpendicular to the existing workshop building. The external walls would be in black timber cladding with a slate roof.
113. The proposed dwelling would be contained within the existing site which is enclosed by bunding to the south and west side and by woodland to the north and east sides. The upper floor and roof of the dwelling would be visible above the existing bunding from the track to the south. The track is used by a small number of other properties for access, it is not an adopted road or public right of way and as such views of the proposed dwelling would be limited to the small number of private users. Given surrounding topography the proposed dwelling would not be visible in the wider landscape.
114. Whilst views of the dwelling would be limited, a condition would be appropriate to remove householder permitted development rights to prevent any future alterations that may affect its appearance and impact on surrounding landscape character and the natural beauty of the AONB.
115. The proposed office and is also well contained within the site and given its single storey height, only the ridge is likely to be visible in views from the track to the south.
116. The Landscape Officer raises no objections to the application. It is not considered the proposals would have an adverse impacts upon the character of the surrounding landscape and special qualities of the AONB, in accordance with Policies 10, 12 part c, 39 and 40 of the County Durham Plan, Parts 12 and 15 of the NPPF and Section 85 of the Countryside and Rights of Way Act (2000).

#### Highway Safety

117. Policy 10 part q of the CDP requires that new development in the countryside should not be prejudicial to highway safety.
118. Policy 21 states that the transport implications of development should be addressed as part of any planning application and that all development shall deliver sustainable

transport. This includes providing well designed routes for walking and cycling, ensuring vehicular traffic generated by new development can be safely accommodated on the highway network and appropriate car parking provision.

119. Part 9 of the NPPF requires new development to provide safe and suitable access to the site for all users and that significant impacts from development on the transport network or on highways safety should be mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
120. The adopted highway lies around 140m to the east of the site access and is accessed via a tarmac track. Planning permission DM/15/03477/FPA required the installation of 3 no. passing places, 2 no. within the unclassified adopted road to the south east and 1 no. on the tarmac track between the adopted highway and site entrance. The carriageway width for the first 20m of the unclassified road at the junction with B6296 (Redgate Bank) was also widened to 7.3m in width as part of this consent.
121. The proposed office and welfare building would relate to the existing use and no additional employees would be taken on in association with the proposed development beyond the 43 no. full time staff already employed. As such the addition of this building is not considered to generate any additional vehicle trips.
122. The proposed dwelling on site would on the one hand save some vehicle trips to the site by the applicant who currently lives in Teesdale, however would also generate a small number of additional vehicle trips to access local services and facilities. Overall any increase in vehicle trips associated with the proposed dwelling would likely be negligible and would not result in significant increased use of the unadopted access track.
123. The condition of the unadopted track is generally satisfactory, with the responsibility for maintenance lying with the land owner and users. As only a low number of vehicle trips would be generated in association with the development, it is considered the access is acceptable and would not result in any adverse impacts on highway safety.
124. Adequate car parking is available within the yard for employees and the proposed dwelling would have its own access off the yard leading to a separate parking area and double garage. As such it is considered adequate car parking would be provided to serve the development.
125. The Highway Authority raise no objections to the application. The proposed development is considered to be acceptable in terms of highway safety and would comply with Policies 10 part q and 21 of the County Durham Plan and Part 9 of the NPPF.

#### Residential Amenity

126. Policy 10 part r of the CDP requires that new development in the countryside should not impact adversely upon residential or general amenity.
127. Policy 29 requires new development to provide high standards of amenity and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
128. Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health,

living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities.

129. The Adopted Residential Amenity Supplementary Planning Document (SPD) sets out expected standards for residential development to ensure a good level of amenity is afforded.
130. Parts 12 and 15 of the NPPF require that new development should maintain a good standard of amenity for all existing and future users of land and buildings and that planning decisions should avoid, mitigate and reduce noise and other adverse impacts on health and quality of life as a result of new development.
131. The closest residential properties to the site are Sandy Carr Farm located around 235m to the north and Redgate Grange Farm around 450m to the west.
132. The proposed development would not generate any adverse noise and disturbance to existing residents. Similarly other than the applicants business, surrounding land uses are typically agricultural and the applicant would not be subject to noise and disturbance from adjacent land if residing in the proposed dwelling.
133. Whilst the dwelling would be located within the haulage yard, given the nature of the proposal and proximity to the commercial use, a condition tying the proposed dwelling to the business would be appropriate to ensure it is not occupied by a third party, who could be disturbed by activities at the site.
134. Given the distance to the closest residential properties there would be no issues of loss of privacy or overlooking.
135. The proposed dwelling would have adequately sized rooms, with natural light and ventilation. It would have a garden of approximately 1374 square meters, with a depth of around 30m, which would significantly exceed the requirements of the Residential Amenity SPD.
136. The Environmental Health Nuisance Team raise no objections to the application. Overall the development would not result in any adverse impacts on residential amenity, in accordance with policies 10 part r, 29 and 31 of the County Durham Plan, the Residential Amenity SPD and parts 12 and 15 of the NPPF.

## Ecology

137. Policy 10 part I states that new development in the countryside should not give rise to unacceptably harm to biodiversity either individually or cumulatively which cannot be adequately mitigated or compensated for.
138. Policy 41 of the CDP states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological.
139. Policy 43 of the CDP states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected.

In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

140. Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
141. There are a number of ponds in proximity to the site, trees and grassland areas which could provide a habitat to protected and priority species.
142. An Ecological Appraisal was originally submitted as part of the application, however the Council's Ecologist raised concerns about the quality and age of the data used in this report. An updated Ecological Appraisal was subsequently submitted, which included up to date surveys for relevant protected and priority species. The updated Appraisal concludes that, subject to the mitigation detailed in the report which includes careful working methods, sensitive lighting, provision of bird boxes and wild flower planting, there would be no adverse impacts on protected or priority species. A net gain to biodiversity would also be provided.
143. The Council's Ecologist agrees with the conclusions of the updated Appraisal and raises no objections to the application subject to a condition to secure the mitigation detailed and to agree an amphibian and reptile method statement, which are considered appropriate.
144. Overall subject to the suggested conditions, the development would not have an adverse impact on protected or priority species and biodiversity, in accordance with policies 10 part I, 41 and 43 of the County Durham Plan and Parts 12 and 15 of the NPPF.

#### Ground Conditions

145. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
146. The site is a former quarry and there is likely to be made ground on or within the vicinity of the site. A Phase 1 Geo Environmental Site Assessment has been submitted as part of the application. The Contaminated Land Officer advises that given the likelihood of made ground and associated contamination on the site which could pose a risk to controlled waters and from ground gas, further site investigations and potentially remediation works would be required as part of the development. A contaminated land condition to secure this is recommended and considered appropriate.
147. Subject to the suggested condition, it is considered that the development could be safely implemented without any risks from contamination, in accordance with policy 32 of the County Durham Plan and Part 15 of the NPPF.

## Flooding and Drainage

148. Policy 10 part s requires that new development in the countryside should minimise vulnerability and provide resilience to impacts arising from climate change, including flooding.
149. Policy 35 of the CDP states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. For all major developments the management of surface water must be an intrinsic part of the overall development.
150. Policy 36 of the CDP advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defense infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
151. Part 14 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
152. The application states that surface water would be disposed of to a soakaway and that foul drainage would be connected to a package treatment plant. This is in accordance with hierarchy set out in policies 35 and 36. Technical details of foul and surface water drainage could be agreed as part of the building regulations process to ensure they are well design and comply with relevant standards.
153. The proposals are considered acceptable in terms of flood risk and drainage, in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF.

## Conclusion

154. The proposed office and welfare building would provide improved facilities for the existing business, it is considered acceptable in principle and would accord with the requirements of policy 10 part b of the County Durham Plan.
155. Policy 10 of the County Durham Plan permits rural workers dwellings in the countryside where they accord with policy 12. In this instance, it is concluded that an essential functional need for a dwelling on the site has not been demonstrated, the dwelling is not well related to the business activities due to its orientation facing away from the haulage yard and the large dwelling proposed is not considered commensurate with the relatively small scale of the site and enterprise. Furthermore, it is considered that the needs of the business could be met if the applicant were to reside in an existing dwelling in Tow Law or Wolsingham, with welfare/office facilities on the site to assist with occasional working during the night. As such the proposal would conflict with Policy 12 parts a, c, d and e of the County Durham Plan and para. 80 part a of the NPPF.
156. Given the remote location of the dwelling, this is not considered to be a sustainable location for new residential development, where occupants would be solely reliant on

private car journeys to access local services and facilities, in conflict with policies 10 part p and 21 of the County Durham Plan and Part 9 of the NPPF.

157. No adverse impacts are identified in terms of landscape and visual impacts, highway safety, residential amenity, ecology, ground conditions and flooding and drainage, in accordance with relevant policies from the County Durham Plan.
158. Overall it is concluded that the development would conflict with the CDP, as it is concluded that there is no demonstrated functional need for a rural workers dwelling on the site, there are no material considerations which are considered capable of outweighing this conflict and therefore the application is recommended for refusal.

---

## **RECOMMENDATION**

---

That the application be **Refused** for the following reasons:

1. In the opinion of the Local Planning Authority it has not been demonstrated that there is an essential need for a full-time rural worker to live permanently on the site, while the dwelling is not well related to the business activities, and the needs of the business could be adequately met by other existing accommodation in the area which is suitable and available for occupation by the worker concerned, contrary to Policies 10 and 12 of the County Durham Plan and NPPF Paragraph 80.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

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.

---

## **BACKGROUND PAPERS**

---

Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>Erection of managers dwelling and office/welfare building</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date 18 November 2021</b></p>	