



Area Planning Committee (South and West)

Date Thursday 17 November 2022
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. Minutes of the Meeting held on 20 October 2022 (Pages 3 - 10)
5. Applications to be determined
 - a) DM/22/01083/FPA and DM/22/01084/LB - Three Tuns Inn, Church Bank, Eggleston, Barnard Castle (Pages 11 - 32)
Conversion of public house to one permanent dwelling and 2 no. holiday lets with alterations including altered windows on the front, rear and side elevation.
 - b) DM/21/03639/FPA - Bowlees Farm, Durham Road, Wolsingham, Bishop Auckland (Pages 33 - 56)
Proposed 15 no. Holiday Lodges
6. Appeal Update
7. 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 November 2022

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

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

Councillors E Adam, V Andrews, J Atkinson, D Boyes, D Brown,
J Cairns, N Jones, L Maddison, M McKeon, D Oliver, S Quinn,
I Roberts, M Stead and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 20 October 2022 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, V Andrews, J Atkinson, D Brown, L Maddison, M McKeon, S Quinn, M Stead and L Brown

1 Apologies for Absence

Apologies for absence were received from Councillors N Jones, D Oliver and S Zair.

2 Substitute Members

Councillor L Brown was present as substitute for Councillor N Jones.

3 Declarations of Interest

Councillor Savory declared an interest in item 5a DM/22/01910/FPA - 35 Gateways, Wolsingham, Bishop Auckland as she was the elected member for the area and a member of Wolsingham Parish Council.

The Chair, Councillor Richardson declared an interest in item 5b DM/21/04249/FPA - Site of former St Peters School, Main Road, Gainford as this was located within his division. He confirmed that Councillor Rowlandson was to speak on the item to provide the Committee with the members point of view.

4 Minutes

The minutes of the meeting held on 22 September 2022 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

6 DM/22/01910/FPA - 35 Gateways, Wolsingham, Bishop Auckland

The Committee considered a report of the Planning Officer which provided details of an application for change of use from public highway to private drive at 35 Gateways, Wolsingham, Bishop Auckland, DL13 3HW (for copy see file of minutes).

J Reed, Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photographs and photographs of the site. He confirmed that the application had been made in retrospect.

L Ackermann, Legal Officer asked Councillor McKeon as she attended after the presentation had started whether she could make a decision on the item based on the information that she had heard. Councillor McKeon confirmed that she could.

Councillor Savory addressed the Committee as local member and stated that many residents had raised concerns regarding the change of use to private drive and noted that the applicant had already commenced work. She explained that there were three turning heads on the estate strategically placed to allow vehicles to turn and were used by residents as well as HGVs and emergency vehicles. She stated that the public, including parents and children walking to school, used the routes regularly and that removing one of the turning heads would increase the highway safety risk to pedestrians, particularly children and the elderly. She highlighted the property had a garden that the applicant could have used to create additional parking as an alternative option to removing a portion of the highway and was concerned that by approving this application, it would set a precedent. In her opinion, the application was morally wrong.

S Pilkington, the South West Team Leader appreciated the difficulties with retrospective applications but confirmed there had been no objections from Highways due to no impact on highway safety. With regards to the remaining two turning heads, he clarified that they served a different purpose to the one in question and believed approving the application would not set a precedent.

The Chair was familiar with the site and the history of the property and agreed that that the works already undertaken by the applicant had caused a great deal of concern with residents. He advised that the applicant had removed the manhole covers that had been installed by the water authority and had replaced them with covers to fit in with his driveway. He was disappointed that planning had recommended the application to be approved and felt strongly that it would set the wrong example.

Councillor Stead felt a site visit would have been helpful for the item, particularly given the application had been made in retrospect. He stated that

he had viewed the location on Google maps and observed that driveways appeared short and that it was difficult to see the footpaths. He asked how much of the land belonged to the applicant and whether he owned the manhole covers. The South West Team Leader clarified that the applicant did not own the turning circle, nor did the council and that ownership was unknown but that the applicant had served the correct notice for ownership.

The Chair explained the background of the road and that it had been adopted by the council. J. Robinson, Principal DM Engineer referred to section 228 of the Highways Act and confirmed that the land registry deemed it deregistered and advised that the applicant could arrange for insurance for protection against the landowner. Councillor Savory believed that the landowner had moved from the area and may have since passed away.

Councillor Adam agreed that it was difficult when applications were submitted in retrospect and that this application was complicated further in terms of ownership of the land. He referred to the presentation and stated that the turning head to the left was still accessible and sufficient to turn a vehicle providing a vehicle was not parked and asked if there was an option to put restrictive parking on the land.

Councillor Savory stressed that the applicant had taken the turning head which was previously used for visitor parking resulting in no visitor parking and vehicles unable to turn.

In response to a question from Councillor L Brown, the South West Team Leader clarified the layout of the site and confirmed that block paving had been put down on top of the tarmac and that manhole covers had been replaced.

Councillor Andrews asked what the cost would be of rejecting the application and whether the Council or the applicant would be liable. The South West Team Leader explained that they would need to review this if the application was rejected as the applicant did not own the land, but that the council would not resort to default action.

Councillor Atkinson commented that he was minded to go against the application due to the application being submitted in retrospect and causing distress to the local residents.

The Legal Officer clarified that as Highways had not objected to the application, it would be difficult to sustain a refusal reason on the basis of highway safety and advised Councillors that if they did decide to refuse due to highway safety there was a risk that the Council could be liable for costs. The Legal Officer reminded the Committee that any alternative reasons for refusal had to be on the basis of material planning considerations.

With regards to the replacement of manhole covers, Councillor McKeon asked if the application had the potential to cause havoc in the future with utility servicing. The South West Team Leader stated that the application would need to go through a separate process to the planning process and there was potential for it to result in a public enquiry if the utility company objected to it. Councillor McKeon commented that in her opinion the two processes were linked, however appreciated the systems in place.

Councillor L Brown gave examples of a small number of similar applications that had been approved in her division retrospectively. She felt that unfortunately there were no material grounds to refuse the application but asked for a condition to be imposed for a timescale for the land to be deregistered.

Councillor D Brown asked what the situation would be if the Committee approved the application but the 'stopping up' process subsequently failed. The South West Team Leader clarified that you could not have one without the other, therefore if the Committee did approve the planning application but the Department for Transport failed the 'stopping up' process, the applicant would be unable to pursue the application.

In response to a question from Councillor McKeon, P Harrison Highway Development Manager advised that currently the turning head was an adopted highway with no traffic regulation in place and not owned by an individual and could therefore be used by anyone to park their vehicle. Considering this, the Chair stressed that the applicant should not be able to claim this land. The Highway Development Manager accepted that the due process had not been followed by the applicant until recently.

Councillor Andrews asked what would stop the applicant from continuing to park in the two bays if the application was rejected. The South West Team Leader confirmed that no traffic regulation order was in place to stop vehicles parking in the turning head and that whilst appreciating the concerns expressed by residents, cars had historically always been parked there. He went on to advise that if members chose to refuse the application it would leave the Local Authority open to the appeal stage due to there being no impact on highway safety.

Councillor L Brown felt that there were no planning reasons to refuse the application and **moved** it for approval in line with the officer's recommendation.

Councillor Adam commented that the applicant was taking a larger area of the turning head than he had originally thought and felt that Policy 6 and 21 of the County Durham Plan (CDP) could warrant a refusal in relation to

highway safety. He referred to Para 35 and asked whether Policy 6 and 21 of the CDP was strong enough to stand up at appeal given that residents had concerns and whether it was possible for Highways to be convinced to reject the application. The Principal DM Engineer explained that the purpose of a turning head was to allow large vehicles to turn in a couple of swift movements. He advised that in this instance, a large vehicle would still be able to turn however the manoeuvre would not be as swift. If the application was approved and other residents subsequently submitted similar applications to alter the remaining turning heads, he advised that they could be refused as there would then be less space.

The Chair advised the Committee that the road was extremely narrow making it difficult for two cars to pass and that the other turning heads were not as large as the one in question.

Councillor Savory expressed concern with regards to the remaining turning heads and the situation that would arise if these turning heads were taken. Large vehicles would have no option but to attempt to reverse back out of the estate as no turning space would be available.

Councillor Quinn advised that whilst she understood that residents were upset and appreciated their concerns, the applicant was likely to continue to park vehicles in the turning head regardless of the decision and was therefore minded to approve the application.

The Legal Officer clarified that with planning matters, it was not about the applicant and that the focus needed to be on the development that was put forward.

Councillor Stead pointed out if a larger sized car were to park on the drive, it had the potential to block some of the turning head due to the size of the applicants drive. He felt there were no material planning grounds to refuse and **seconded** that the application be approved.

Councillor McKeon felt that the application highlighted floors in the planning process and that there should be grounds to reject such applications or a national policy to prevent retrospective applications that affect the highway. She believed that the original developer installed a turning head for a reason and noted that roads now have a lot more larger vehicles and industrial traffic. She stated that it was an amenity for residents to have delivery vehicles being able to turn and asked if the application could be rejected on the loss of this amenity.

The South West Team Leader advised that in his opinion, the loss of amenity did not warrant the application to be refused but that members could make their own judgement on this. Councillor Quinn commented that residents'

concerns may have carried more weight if they had been submitted in a more formal manner.

Councillor L Brown asked if the application could include a third condition regarding the timescale for getting the highway deregistered. The Highway Development Manager advised that it was impossible to determine the length of time this process could take, and it was difficult to condition something when a third party was involved. Councillor L Brown stated that she would like to see an application for deregistration to be submitted within one year. Councillor McKeon asked if there was any possibility to call the process for deregistering to the Highways Committee. The Highway Development Manager advised that the Department for Transport was responsible for this process and explained that it was similar to the process for planning, where applications had to be advertised and sufficient time given for the public to register an objection.

The Chair referred to Councillor Savory's earlier comments regarding the application being morally wrong and agreed with this. He noted the loss of parking and felt there was an impact on highway safety and further grounds on amenity.

Councillor Stead referred to Councillor McKeon's comment regarding delivery vehicles and felt this would not be an issue unless an additional delivery vehicle approached.

Councillor Stead went on to ask whether Councillor McKeon should participate in the vote as she had attended the meeting late. The Legal Officer clarified that this had been addressed with Councillor McKeon following the presentation and she was satisfied with her response. Councillor McKeon stated that she was present for most of the presentation and for the full debate and therefore felt she could make an informed decision on the application.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the conditions listed in the report.

7 DM/21/04249/FPA - Site of former St Peters School, Main Road, Gainford

The Committee considered a report of the Senior Planning Officer which provided details of an application for residential development of 37 units with associated access and landscaping (resubmission of application

DM/20/01603/FPA) at site of former St Peters School, Main Road, Gainford (for copy see file of minutes).

G Spurgeon, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and the proposed street scene.

Local member Councillor Rowlandson spoke on behalf of himself and the Chair and stated that the development was poor and did not include St Peters School building which was part of the original planning permission. In his opinion leaving the building would be detrimental to the area and to the development and he therefore supported the officer's recommendation to refuse the application. He felt that the residents of Gainford had been let down and that the building was a target for vandalism and hoped that the owner of the building would come forward in the future with a plan for it.

The applicant Louise Wood addressed the Committee and thanked them for the opportunity to speak on the item. She advised that she worked for ELG Planning who represented Kebbell Homes. She pointed out that Kebbell Homes did not own the building of St Peters School, and this was why the application was solely to develop the land surrounding it. She explained that Kebbell Homes had been working with the landowner to try and reach an agreement, but after years of discussion they had not been successful. In an ideal world they would have liked to develop the site as a whole but unfortunately this was not an option and an alternative proposal needed to be considered.

Kebbell Homes proposal was therefore to seek a standalone planning permission for their part of the site and hoped that this would encourage the landowner to bring their site forward too. She explained that the development would include 27% affordable housing, a two-storey apartment block with lift access and deliver open space for all residents to enjoy.

She hoped that members could appreciate the difficult situation the applicant was in and assured the Committee that they would do their best to address the outstanding issues with St Peters School. She believed this proposal was the best solution and felt there was no planning policy basis for resisting development on the Kebbell land in isolation. With regards to the officer's third reason for refusal, she clarified that none of the properties would look onto St Peters School and noted that existing vegetation would be retained. She requested that members supported the application and granted approval.

Councillor McKeon noted that St Peters School was owned by a different landowner to the rest of the site and questioned why the landowner did not want to sell the building. The South West Team Leader referred to the

presentation which showed the proposed site layout and explained that they could not come to a contractual agreement to sell the land.

In response to a question from Councillor Adam regarding Policy 6 of the CDP. The Senior Planning Officer clarified that the previous application was approved before the adoption of the CDP but stated that if it had been in place, the benefits outweighed the harm at that time.

Councillor L Brown was frustrated that they were debating the same application that had been refused the previous year. She noted that permission granted in 2018 was for the whole site and included St Peters School. She explained that this application conflicted with seven policies of the CDP in addition to parts of the National Planning Policy Framework (NPPF). She advised that building for life had given the application two red and three ambers and stressed that in her opinion, the application was not good.

Councillor McKeon was grateful that the officers had recommended the application to be refused and commented that it was positive to see non designated heritage assets taken seriously and that St Peters School had the capacity to be a beautiful building and could potentially be brought back into use. As it stood, the building was a magnet for vandalism and anti-social behaviour and stated that houses should not be allowed to be built around it. She hoped that they could all come together to save the heritage asset and build an appropriate development that the residents of Gainford could be proud of.

Councillor Stead agreed that the planning officers were correct to refuse the application and **moved** the application to be refused. This was **seconded** by Councillor L Brown.

Upon a vote being taken it was:

RESOLVED

That the application be **REFUSED**.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS: JOINT PLANNING and LISTED BUILDING CONSENT REPORT

APPLICATION No:	DM/22/01083/FPA DM/22/01084/LB
FULL APPLICATION DESCRIPTION:	Conversion of public house to one permanent dwelling and 2 no. holiday lets with alterations including altered windows on the front, rear and side elevation.
NAME OF APPLICANT:	Mr & Mrs P & B Bewley
ADDRESS:	Three Tuns Inn, Church Bank, Eggleston, Barnard Castle. DL12 0AH
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Susan Hyde, Planning Officer, 03000 263961, susan.hyde@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site is located within the small Durham Dales village of Eggleston, located to the north west of Barnard Castle. The property forms a generous two storey natural stone public house dating back to 1840, situated in the centre of the village. The ground floor of the building forms the public house, although it is noted that trading has now ceased, associated residential accommodation is located on the first floor. The building benefits from a garden area to the rear and to the north is a private, in curtilage, parking area.
2. The building is attached to residential dwellings to the south and fronts onto an area designated as village green to the east, which is currently hard surfaced, with an attractive grassed green beyond the highway which benefits from trees. The Village Hall is located to the north east offering community facilities.
3. The building is grade II listed and located prominently within the Eggleston Conservation Area and the application site and most of the village is washed over with an area of higher landscape area designation set out in the County Durham Plan.

Proposal

4. Planning permission is sought for the conversion of the public house to form one permanent dwelling and 2 holiday lets (a one bedroom unit and a two bedroom holiday let unit). The two holiday lets are proposed to be located on the ground floor and converted from the existing fabric of the public house with one unit located to the south of the building and one located to the north with the applicants ground floor living facilities in the central area. The first floor is proposed to be used for the applicant's living accommodation, providing 5no. bedrooms. Off street parking is proposed to be provided to the north of the site, and the garden area to the rear would be retained.
5. A concurrent listed building consent seeks permission for internal alterations on the ground floor to form internal stud to form two holiday cottages and replace the windows on the front elevation with timber sliding sash windows with slim line double glazing. The new owners have also inherited some unauthorised uPVC windows in the rear and side elevation of the listed building and this application seeks to replace these windows with timber slim line double glazed units within a 12 month timescale. One new window is proposed on the ground floor side elevation which is a modern extension to the listed building to form a window into the bedroom in the two bedroom holiday let.
6. The application is being reported to the Planning Committee at the request of Eggleston Parish Councillor and Councillor Bell due to concerns regarding the loss of an important community facility and lack of evidence on viability of the previous enterprise.

PLANNING HISTORY

7. In 2003 planning permission and listed building consent were granted for extensions on the public house. (6/2003/0139/DM and 6/2003/0106/DM/LB)
8. In 2002 advert consent was granted for new signage on the public house.
9. In 2000 planning consent and associated LBC consents were granted for the conversion of redundant residential accommodation into 4 letting bedrooms (6/2000/0383/DM and 6/2000/0382/DM/LB)
10. In 2000 planning permission and LBC granted for the conversion of 3 no. flats to provide 1 no. Dwelling and additional accommodation to Inn (6/2000/0193/DM/LB and 6/2000/0192/DM)

PLANNING POLICY

National Policy

11. 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.

12. *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.
13. *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.
14. *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.
15. *NPPF Part 7 Ensuring the vitality of town centres* - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.

21. *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
22. *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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

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 historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; 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 that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
25. *Policy 8 - Visitor Accommodation* - states that all new visitor accommodation will be supported where it is appropriate to the scale and character of the area and it is not

used for permanent residential occupation. Proposals for visitor accommodation in the countryside will be supported where they are also necessary to need identified visitor need, it is an extension to existing visitor accommodation and helps to support future business viability or is conversion of an existing building and it respects the character of the countryside and it demonstrates clear opportunities to make its location more sustainable.

26. *Policy 9 – Retail Hierarchy and Town Centre Development.* This policy seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
27. *Policy 21 - Delivering Sustainable Transport* - states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
28. *Policy 29 - Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
29. *Policy 31- Amenity and Pollution* - 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. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
30. *Policy 39 - Landscape* - states that 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 and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
31. *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
32. *Policy 44 - Historic Environment* - seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

Neighbourhood Plan:

33. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

34. *Eggleston Parish Council* – Have provided a strong letter of objection to the applications, advising that the Three Tuns is within the centre of the village and been at the heart of the village of Eggleston for more than a century. It has been used by thousands of people from the village and the surrounding area. It has provided a convivial meeting venue for people of all ages and hosted quiz teams, darts teams, pool teams, fund raising events, ‘Meet and Eat’ dinners, wakes (as it’s located close to the Church).
35. A public house is for the public. A private home and two holiday lets cannot be considered as a public amenity. The feeling within the majority of the Parish of Eggleston is strongly against the loss of the public house. The permanent closure of the public house will diminish the character and attractiveness of the whole of the parish.
36. The Parish Council raise no objection to the upgrading of the listed building but do object to the loss of the valued amenity of the public house. The Parish Council wish the request for the outcome of the public house to be listed as a community asset to be considered. (This is discussed below).
37. Following re advertisement after the receipt of the viability report Eggleston Parish Council provided a further objection. Firstly, it requested clarification about the number of holiday cottages – and officers confirm this is two as detailed in this report. Comments on the viability report include that the standard of food was always good and drew visitors from outside Eggleston. That information within the report being partly out of date with the pub in Mickleton now being closed and Eggleston Village Hall offering limited facilities. Extra holiday accommodation is not required in Eggleston – whereas a public house that serves the community within the centre of the village has always been a big asset and should remain so.
38. *Highway Authority* – Welcome the provision and location of the bin refuse store and the proposed 7no. parking bays which accords to DCC's parking standards. Subject to the provision of EV charging facility, no objections on highways safety issues are raised.

Internal Consultee Responses:

39. *Environmental Health (nuisance)* – Advise that the proposal relates to the introduction of sensitive receptors, however the site area is primarily residential. Whilst there can be an increase in noise from properties used as holiday lets, it is anecdotal as the potential for impact is associated with the individuals residing there and as such might differ greatly. Given this, the nature and scale of the development, including the proximity of the applicants own dwelling, no specific controls are recommended. A condition, is however requested limiting working hours to reduce the impact upon neighbouring amenity during construction.
40. *Visit County Durham* – Whilst it is always disappointing to see a pub close, we would in principle be supportive of the visitor accommodation element of this proposed development. We are not in a position to comment on the residential concept. There is an undersupply of visitor accommodation in the county.
41. *Design and Conservation* – Notes that additional plans have been received during the course of the application that reveal that no features of historic interest are affected by the internal alterations. The replacement windows on the front elevation replace either windows that have been heavily repaired or are replacement windows

with no historic interest. The conservation officer considers the replacement windows are justified and the submitted joinery details showing slim profile double glazed windows with sliding sash and glazing bars are acceptable. Details of replacement windows to replace the unauthorized uPVC windows on the rear and side elevation are also considered satisfactory with the timeframe for replacement being within 12 months.

42. *Archaeology* – Concur with design and conservation comments.

Public Responses:

43. The application has been advertised by neighbour notification, site notice and press notice and 14 letters were received with 10 letters of objection and 3 letters of support and one neutral comment.

44. The main points of objection are:

- The pub provides a valued community asset in the village and should be protected. Eggleston has lost its local shop and post office and bakery and the public house is the last community facility.
- A request for the pub to be listed as a community asset has been made and the outcome of this request should be received before the planning decision is made. (This has now been received and is considered within the report.
- The property is centrally located in the Conservation Area, Grade II listed and easily accessible. It has provided a valued location for a variety of sports events like darts and pool, fundraising events and social events.
- The closest alternative pub is the Moorcock Inn which is a mile away and forms a very different offer with its provision of glamping pods.
- Eggleston forms a village on the Tees that forms a visitor attraction and the historic public house should form part of that offer.
- The claim that the pub is not viable is not true. It could be viable if it was run well. The pub previously ran profitably between 2001-2012 when the landlords retired. Prior to 1991 one objectors family ran the public house profitably and considers it could still be viable with a good chef and letting rooms. The pub could continue to be viable if it was run well. The pub was open during the pandemic and therefore the applicants statement about it having been closed for 2 years prior to purchase is not correct.
- There is no need for additional holiday let accommodation – Eggleston has too many second homes and holiday homes and not enough affordable housing for local residents.
- There was never a for sale sign on the building and the public house was offered for sale on a specialist website as a going concern.
- Darlington CAMRA object to the application as it is contrary to Policy 6 of the County Durham Plan and forms a community asset in the village and the public house could be viable.

45. Comments in support of the application.
- The former owner and landlord of the Three Tuns from 2015 has written in to say the public house was not financially viable despite having a good chef and that community events in the pub were not well supported. When the pub was open over the covid they offered take away food but the take up from the village was low.
 - Although resident wishes the Three Tuns could still be open, they recognised times have changed and they offer support for the application.
46. The application was re advertised following the receipt of the viability report and in addition to Eggleston Parish Councils comments one further objection was received raising the following response:
- The viability is not objective and doesn't consider options for how the public house could run in a viable way. Marketing was not done locally and no for sale board was outside the public house so the village was not aware of its sale. Eggleston is more attractive both physically, economically and in its offer to tourists if the Three Tuns was retained and so he continues to object to the loss of the pub.

APPLICANTS STATEMENT:

47. We first saw the pub advertised on Rightmove in July 2021 and believe it was on this site from the beginning of 2021, however it had been marketed on a commercial site from August 2020, so it had been for sale for approximately a year before we saw it. We purchased the building in February 2022 with no stock, goodwill or fixtures and fittings. Business had ceased completely in April 21. We made an offer and received a call several weeks later to say we had been successful. The vendors and agent knew it was our intention to change the use from a defunct pub into a home for ourselves, disabled elderly relative and a small holiday/BnB business as we approach retirement.
48. The agents had received interest from several parties, mainly developers, however the cost of restoration was prohibitive. There was one party who wanted to run it as a pub but failed to get financing because of the pubs unsuccessful history and non-viability.
49. The property requires major refurbishment, both structurally and cosmetically. We have completed essential maintenance work for safety reasons as well as decorative and estimate the overall cost to be 150 -200k to restore it in its entirety. Being a listed building, it requires sympathetic renovation. The windows to the front to the standard required for a listed building is in the region of £38k alone, and the central heating, electrical system, wooden structures all require immediate attention. No significant investment has been made into the building during the last four decades, so it is not without some apprehension that we are prepared to invest our hard-earned money to save a valued listed building.
50. We sincerely hope the planning department will pass this application for the sake of preserving a loved and historic Listed Building.

PLANNING CONSIDERATION AND ASSESSMENT

51. 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, impact on heritage assets, highways, amenity/noise and odour, and ecology.

The principle of the development:

52. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise with the NPPF representing a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
53. The proposal therefore needs to be assessed for conformity with the CDP unless material considerations dictated otherwise. One such material consideration is the National Planning Policy Framework (NPPF).
54. The application seeks full planning permission and listed building consent to convert a closed public house to a dwelling on the ground and first floor and two separate holiday lets on the ground floor. The site lies within the village of Eggleston which does not have a defined local centre. Therefore, CDP Policy 6 (Development on Unallocated Sites) is relevant which sets out the following criteria:
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:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration
55. It is considered that criteria a), d), e), f), g) and i) will be the most relevant considerations to these current proposals.
56. With regards to criterion f), there is a bus stop by the application site which provides an infrequent service to Barnard Castle and into the Durham Dales to Langdon Beck Hotel near High Force. The scale of the development is considered commensurate with the size and function of the settlement.
57. In terms of criterion g), the proposal would result in the loss of a public house, this is the key consideration in the application and consideration of viability is addressed within the report.
58. In addition the supporting text to CDP Policy 9 advises at paragraph 5.57 that 'In some of our smaller settlements, where there are not sufficient shops for a local centre to be defined, a local shop/convenience store or community facility is of even greater importance to the local population. It is important that the unnecessary loss of shops, community or cultural facilities within the county's smaller settlements is avoided. In assessing applications that would potentially see the loss of such facilities, particular consideration will be given to the accessibility or availability of equivalent facilities nearby and the role that facility plays within the settlement. The views of local people and relevant town or parish councils will be of particular importance in assessing such applications.'
59. CDP Policy 6 requires all losses of 'valued facilities' to be justified. This is mirrored within the NPPF which gives support for the retention of existing village services and facilities. The NPPF states under Part 6 on 'supporting a prosperous rural economy' that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. In addition, NPPF paragraph 93 (c) states that to provide the social, recreational, and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
60. In this case, the Three Tuns forms a public house in a central location within the village. The closest alternative public house is the Moorcock Inn which is a public house located 0.5 miles to the northwest adjacent to the B6278 that forms a detached pub with car parking and glamping pods to the rear. The highway does benefit from a footway that links the central areas of the village of Eggleston to the Moorcock Inn, but street lighting only illuminates part of the route. As such the

Moorcock Inn is considered to provide an available public house to the residents of Eggleston.

61. The Parish Council has provided a strong objection to the loss of the public house which is put forward in the representations above along with 9 letters from residents and one from CAMRA.
62. In accordance with the requirement in CDP Policy 6 the following evidence regarding viability has been received, including a viability assessment.
63. The applicant has provided details of the history of the ownership / tenancy of the pub over the last 10 years and this reveals that Enterprise Inns owned the pub up until 2014. The viability report clarifies that between 2013-14 Enterprise Inns, carried out a major review of the tenanted estate and those outlets which were not generating the returns expected were disposed of on the open market so as to reduce the company's overall debt. It is evident that between 2012 – 2014 the Three Tuns tenancy was operating under a subsidised rent and preferential purchasing terms. In 2014 the pub was identified for disposal and subsequently purchased by a private individual. However, the business appears to have failed to fulfil expectations and the freehold property was shortly sold again.
64. In 2015 the pub was purchased by two local individuals who then owned the public house until it was sold in February 2022. They had extensive experience in the hospitality business by way of operating Clarendon's Café and Tea Room at Barnard Castle and the Coach House Café and Gift Shop at Eggleston Hall. They have provided a letter of representation and a letter via the applicant explaining that they ran the public house and despite their best endeavours running social events, sports nights etc they had to reduce the opening hours and due to personal circumstances then leased the property, their first tenants filed for insolvency and then the second tenants who took over the lease also filed for insolvency.
65. The submitted viability appraisal clarified the owners financially subsidised the Three Tuns from the Coach House Café over the years. Wages were also subsidised by doing the majority of the work themselves and therefore not taking any financial reward which allowed them to pay bills. Even then the owners were not able to make a commercial profit. After the 2016 and 2017 leases, the pub was then leased again in 2018 to another small company but after a short while, that company vacated the property leaving the owners with unpaid rent invoices and unpaid bills.
66. The owners took back the daily running of the pub until March 2020 when Covid 19 restrictions were announced. When the hospitality industry was permitted to re-open under certain restrictions in July 2020 the Three Tuns traded a 4-day week until Christmas 2020 but the turnover was below the level required to cover the overheads and pay the staff and mortgage commitments and never showed a profit. In January 2021 take-away Sunday Lunches was offered. This was supported predominantly by people from outside the village and the service ran until April 2021 when demand decreased. The pub closed finally on 2nd April 2021.
67. The letters from the owner of the pub from 2015 – 2022 is open and explains the problems that have encountered both since March 2020 and the impact of Covid – but also prior to that with two leaseholders becoming insolvent, and their own struggle to run the public house in a financially viable way since 2015.
68. With regard to marketing the property the viability report clarifies in paragraph 15 that the public house was marketed by a proprietary licensed property agent at a price "appropriate to the market at the time". The campaign lasted for 18 months during

which there were several interested parties but mainly for alternative use. Prospective pub operators were deterred by the poor condition of the building, inadequate trading accounts and the existence of a second pub in the small village.

69. In addition, the current owners and the viability report has provided evidence that the condition of the listed building when they purchased it was poor. Estimate of costs have been included for the commercial kitchen to be brought up to an operational standard and trade fixture and fittings throughout the trade area at an approximate cost of £175,000. In addition, due to the prolonged financial trading problems the fabric of the historic building had also deteriorated with the building suffering from water ingress and wet rot, extensive woodworm, antiquated plumbing and heating system, all flat roof sections require replacement due to ingress of water, repointing, new guttering, window replacement and replacement uPVC windows that are not authorised on the listed building. The estimate for repairs is almost £160,000 excluding fixtures and fittings and furnishings. The condition of the building also reflects the former owner's comments that finances did not afford sufficient funds to invest in the building.
70. The property was marketed from August 2020 with a specialist company and then on Rightmove and the current owners purchased the property in February 2022.
71. The submitted information on viability is considered to be adequate to demonstrate that the Three Tuns has not been financially viable since 2015. The trading accounts verify the narrative provided above. The business failed at least five times during the last ten years. The last owners were very experienced in the hospitality sector and tried all means of operating systems in an effort to make the business viable but were not successful. The property was advertised on the open market from August 2020 with a specialist company that advertises commercial properties with only one interested purchaser to run the property as a public house who withdraw due to financial viability concerns from progressing the sale. This demonstrates there was little interest for the pub to be purchased for the established planning use.
72. It is also noted that a request from the local community was made for the building to be listed as an 'Asset of Community Value' and this request was considered on the 3rd May 2022 and the request was carefully assessed against the current relevant legislation and rejected by the Head of Corporate Property and Land and as such the public house is not included within the list of community assets.
73. This is relevant as the justification within Policy 6 clarifies that Under the Localism Act 2011, communities can nominate important local buildings and facilities as 'assets of community value' (e.g. shops, public houses, cultural buildings) for inclusion on a central list held by the council. If the owner of a building on this list wishes to sell it, they must then conform to the Community Right to Bid procedure. This means that if the community are interested in buying the asset they have six months to prepare a bid to buy it before the asset can be sold. Policy 6 in paragraph 4.112 states that proposals which would result in the loss of a community facility which has been included on that list or is the last remaining facility of that type which is considered essential to the continuing sustainability of the settlement or neighbourhood will be resisted unless it can be demonstrated that the facility is no longer viable.
74. The background report from the Head of Corporate Property and Land on the decision not to include the Three Tuns as a community asset concluded that there was a 'lack of evidence of an existing or recent non-ancillary use of the building which furthered the social wellbeing or social interests of the local community. Also, there was little evidence of support from the local community and insufficient details

on the proposed future use. Therefore, it was not possible to determine whether there could be a non-ancillary use of the building, in the next five years, which would further the social wellbeing or social interests of the local community.'

75. The public house is therefore considered to form a historic asset within the village of Eggleston that has historically been well used and regarded by the community. However, the evidence submitted in the viability report, by the agent, applicant and previous owners have demonstrated the public house has struggled with being viable since at least 2015 and the physical condition of the listed building had also started deteriorating. Whilst locationally the Three Tuns is much more central within the village, the Moorcock Inn does also form a public house within the village and is half a mile away from the heart of the village. The objections and concerns from local residents about the loss of the public house have been carefully considered but in accordance with Policy 6 of the County Durham Plan it is considered that adequate justification has been provided in this case to demonstrate that the public house use is not financially viable and advertising the property on the open market has not generated commercial interest. In addition, the Moorcock Inn is available on the outskirts of the village and is linked to the village by a footway.
76. With regard to the proposed holiday let use, CDP Policy 8 states that all new visitor accommodation will be supported where it is appropriate to the scale and character of the area and it is not used for permanent residential occupation. In this case the proposal is for the conversion of an existing building into a 1 bed unit and a two bedroom unit within the village without external alteration and as such the scale and appearance is acceptable in the village setting. Visit County Durham have provided a consultation response supporting the visitor accommodation and identifying a need for holiday accommodation.

Impact on the street scene/ Visual impact / Heritage Assets

77. Part 12 of the NPPF seeks high quality design, with paragraph 30 stating 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents' CDP Policy 29 (Sustainable Design) seeks to ensure that all development proposals will achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions.
78. Policy 39 states that within the allocated Areas of Higher Landscape Value (AHLV) development should not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. In addition, development should conserve and where appropriately enhance, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm. In this case all the village of Eggleston to the south of the B6278, which includes the application site, is all included within the AHLV. As there is no alteration proposed to the curtilage of the property, and the mass and appearance of the property is retained the special qualities of the landscape are not in this case considered to be materially affected.
79. CDP Policy 44 states that development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by

their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. Great weight will be given to the conservation of all designated assets and their settings, and such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Substantial harm or total loss to the significance of a designated heritage asset will be permitted only in exceptional circumstances. In the case of designated heritage assets of the highest significance, development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal.

80. The aforementioned policies and guidance require the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
81. The application site lies within Eggleston Conservation Area and the building is grade II listed. NPPF Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be.
82. The application proposes very limited alterations to the building over and above the proposed replacement of windows and doors. The internal layout of the historic elements of the building would be retained intact with limited alteration in the form of stud walls predominantly in the later extensions to the rear of the property. The conservation officer notes that the building has been heavily altered over time with extensions on the rear and side. However, he does note that the internal features that are of historic significance such as beams and flooring are not affected by the proposed alterations.
83. A joinery report has been submitted with the application to support the replacement of windows on the front elevation and this explains that the existing windows have been either repaired extensively over their lifetime or they form more modern windows that are not of conservation interest. The proposed joinery details have been amended during the course of the application and are for thin profile double glazed units with an integral glazing bar of the same design, appearance and method of opening, being sliding sash windows as the existing windows.
84. During officers site visits to this property, it was also noted that unauthorised works on the listed building had been undertaken that involved the insertion of uPVC windows on the rear and side elevation of the listed building. Discussions have taken place during the course of this application and the proposal does now include these windows on the rear and side being replaced with joinery details showing timber double glazed windows in a suitable design and an agreement that this work will be undertaken in a 12 month time period. The Conservation Officer considers this would rectify the unauthorised works and this is conditioned accordingly.
85. Whilst the conservation officer has noted that the loss of the use of the public house is disappointing, he notes that the impact on the street scene, Conservation Area and to the listed building is considered to be acceptable. It is also noted that the condition of the heritage asset had been deteriorating with the costs within the viability report to bring it up to standard are almost £160,000. The viability report also highlighted the causal link between the public house not being financially viable and

the lack of investment in the historic fabric over many years. The current application seeks to address this and ensure the essential maintenance on the heritage asset is undertaken so that the listed building is maintained for future generations.

86. The building is retained as existing in the street scene, the replacement windows on the front elevation are considered to be justified and the submitted joinery details are acceptable. Replacement windows for the unauthorised windows on the rear and side elevation have been negotiated and no objection is raised to the internal works that retain the historic fabric of the listed building. The proposal is therefore considered to accord with Parts 12 and 16 of the NPPF and Policies 29 and 44 of the County Durham Plan.

Access and Highway Implications

87. NPPF Part 9 seeks to ensure that development is only 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.
88. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for 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.
89. CDP Policy 29 also places great importance on safe sustainable modes of transport, in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles.
90. The existing vehicular access and off street parking arrangements serving the building would not change as a result of the proposed development. The Highway Authority has raised no objection to the application and consider that the access and parking is adequate for the proposed use.
91. The proposal would satisfy the provisions of Part 7 and 9 of the NPPF and Policy 21 of the CDP.

Residential Amenity / Amenity of neighbouring uses.

92. Paragraph 127 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Para. 180 of the NPPF specifies that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
93. Policy 29 of the CDP seeks to secure high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties. Policy 31 also states that where it is considered that the proposal would give rise to unacceptable impact, the application should be refused.

94. The application proposes the application site will form one private dwelling on the ground floor and first floor, and two units of holiday accommodation that form flats on the ground floor. The Council's adopted Residential Amenity Standards SPD advises that there should be a separation distance of 21m between two storey main facing elevations that contain habitable room windows, 13m from a habitable room window to a blank two storey gable, and 10m to a single storey gable. There is a distance of over 21m to the front and rear of the property and as such the minimum standards in the policy area met.
95. In addition, CDP Policy 29 requires all new residential development to comply with the Nationally Described Space Standards (NDSS) and the application proposes one permanent dwelling with 5 bedrooms that generously exceeds the minimum space standards. A one-bedroom unit with 40m² of floorspace and a two-bedroom flat with 70m² of floorspace. Whilst the two-bedroom unit would meet the minimum requirements of the national technically described space standards the one bedroom unit does not meet the minimum requirement of 50 m² for a two person, one bed unit. However, as the use will be for short holiday lets only the reduced space standard is considered acceptable on this occasion.
96. Whilst this application is for the creation of the two holiday units it is considered that the property should be retained as one 'planning unit' so that the two holiday units are owned and managed by the residential dwelling on the site and cannot be sold as separate holiday lets. This is because the parking and garden area is communal, and the proximity to the host dwelling could create noise and disturbance if the holiday units were separate. The retention as one planning unit will also reduce pressure for additional alterations to the listed building. Condition 8 is therefore proposed on the planning consent.
97. Environmental Health Officers have considered the submitted application and subject to conditions on construction hours do not consider the proposed use would raise any material residential amenity issues from noise and nuisance.
98. Subject to the conditions regarding construction it is considered that the proposal would therefore satisfy Part 15 of the NPPF and Policies 29 and 31 of the CDP.

Ecology

99. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
100. In this case the proposal retains the existing first floor as existing and no works are proposed to the roof structure and therefore the application does not introduce an additional risk to bats. An informative regarding bats though is added to the application to ensure the applicant is aware that any repair work is undertaken with due diligence to protected species.
101. Under the Habitat Regulations, the Local Planning Authority must consider the nutrient impacts of any new plans and projects (including new development proposals) on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. Only certain development types are impacted, but as the application site

falls within the Tees catchment area, there may be a requirement for the potential impacts of this development to be considered in terms of nutrient neutrality.

102. Nutrient Neutrality advice is provided by Natural England. The Nutrient Neutrality Methodology enables a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system. It includes tourism attractions and tourist accommodation which would give rise to new overnight accommodation such as hotels and self-catering holiday facilities. Other types of proposals should be considered on their individual merits such as conference facilities that generate overnight stays although other types of business or commercial development not involving overnight accommodation will not generally need to be included. For the purposes of the Methodology, it is assumed that anyone living in the catchment also works and uses facilities in the catchment, and therefore wastewater generated can be calculated using the population increase from new homes and other accommodation which removes the potential for double counting of human wastewater arising from different planning uses.
103. In this instance, the application is for the change from a 5-bedroom public house to a 5 bedroom dwelling with two holiday lets – one with one bedroom and one with two bedrooms. Advice from Natural England relates to considering any potential net increase in nutrient neutrality. In this case, there is no proposed extensions to the host building and the planning history shows there were previously 4 letting bedrooms and managers accommodation and the restaurant and pub use. The holiday let accommodation would therefore be of a similar size to the established planning use for 4 letting bedrooms. Whilst the private dwelling will be a larger size than the managers accommodation the impact on nutrient neutrality is balanced in favour of the dwelling compared to the loss of the public house and restaurant. Officers also assess that whilst the restaurant /bar could attract a high proportion of locals/ people from the Tees catchment, given the scale and location of the pub it is reasonable to assume that there would also be a large number from outside of the catchment area that would offset the proposed visitor accommodation. As such in this case there would be no requirement to address the Nutrient Neutrality impacts of the development any further.
104. Permitted development rights to prevent further extensions (and therefore further impact on nutrient neutrality) do not need to be removed in this case as the building is a listed building and therefore extensions would require planning permission and listed building consent.

Other Matters

105. Objections have made reference to the parking area being on the village green to the front of the public house. Officers note that the land to the front does benefit from a village green designation and the officer site visit and historic images of the public house appear to show this area has been hard surfaced and used for parking both currently and historically. The application submitted shows a vehicular access across the village green to the private car park to the north of the host building and supporting evidence that a legal right of access to this well-established parking area. No other works or development on the village green area proposed as part of this application.

CONCLUSION

106. The application is to be determined in accordance with relevant policies set out within the CDP and therefore the application falls to be determined in accordance

with Paragraph 11c of the NPPF which requires applications which accord with an up-to-date development plan to be approved without delay.

107. The principle of development forms the primary planning consideration and has been carefully considered in this case. Whilst officers have sympathy with the Parish Council and local residents' objections about the loss of the public house in the central location in the village it is considered that the evidence submitted is sufficient to demonstrate that the public house has not been financially viable for many years despite a variety of owners. The public house had also been advertised on the open market since August 2020 and received no interest in taking the pub on as a business concern and as a result of a lack of investment the applicants have demonstrated the condition of the listed building was deteriorating. An application to list the building as a community asset was not successful. In addition, there is another public house within the vicinity that, whilst it is not as central, can serve the local need. As such adequate information has been submitted to accord with Policy 6 and Policy 9 and support an alternative use for the building.
108. It is also material that there are heritage benefits from investing in the repairs, maintenance and replacement of the unauthorised windows on the heritage asset. The viability report included costings of just short of £160,000 to bring the building back up to standard and the applicant has provided a commitment to undertake this work. In addition, officers have negotiated the unauthorised uPVC windows on the rear and side elevation to be replaced with suitable timber windows within a 12 month time period. It is also relevant that the viability report highlighted the causal link between the unviable public house and consequent lack of investment in the fabric of the fabric over many years leading to the fabric of the building deteriorating.
109. The proposed use for holiday accommodation is considered to meet an identified need for tourist accommodation within the Durham Dales by Visit County Durham. The central location within Eggleston provides a range of walks and facility that would be easily accessible from the property and a limited public transport system. The approval also requires an EV charging points to be available to the holiday lets to improve the sustainability of the site.
110. Access and parking is considered acceptable and the proposed use is not considered to materially impact residential amenity subject to conditions regarding construction hours.
111. The applications are therefore considered to satisfy the provisions of Parts 2, 4, 6, 7, 8, 9, 11,12, 15 and 16 of the NPPF and in particular Policies 6, 8, 9, 21, 29, 31, 39, 41, 44, of the CDP. There are no material considerations which indicate otherwise and therefore the planning application and the listed building consent application are recommended for approval subject to the following conditions and the proposed conditions are listed separately below.

RECOMMENDATION

112. That the **planning application** be **APPROVED** subject to the following conditions
 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.

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

Location plan Drawing no. NB22_02/01A Received on the 5th May 2022

Proposed site plan NB22_02/02A Received on the 28th April 2022

Proposed floor plans NB22_02/02A Received on the 28th April 2022

Proposed elevations NB22_02/06A Received on the 14th July 2022

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 2, 4, 6, 7, 8, 9, 11, 12, 15 and 16 of the NPPF and in particular Policies 6, 8, 9, 21, 29, 31, 39, 41, 44, of the County Durham Plan.

3. The replacement of the uPVC windows with timber windows in accordance with elevation plans NB22_02/06A Received on the 14th July 2022 and the joinery details received on the 14th July 2022 shall be completed in full within 12 months of this consent and in accordance with the approved details.

Reason: To ensure the unauthorised windows in the listed building are replaced with sympathetic windows in an appropriate time frame in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.

4. The windows on the front elevation shall be replaced in accordance with the joinery report by Manor Woodcraft Ltd and details of proposed replacement windows on the front elevation with slim line double glazing and an integral glazing bar received on the 14th July 2022.

Reason: In the interests of visual amenity and historical accuracy in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.

5. The holiday let use shall not commence until one electric vehicular charging point has been installed and brought into use. The vehicular charging point and the 7no. parking spaces depicted on the approved plans should be retained and made available for the lifetime of the development.

Reason To ensure adequate off street parking is available and sustainable charging is available at the site in accordance with Policy 21 of the County Durham Plan and Part 2 and 9 of the NPPF.

6. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of the aural amenity of neighbouring dwellings in accordance with Policy 31 of the County Durham Plan

7. The holiday accommodation as approved is limited to commercial holiday accommodation only and shall not be used as a person's sole or main place of residence, or as a second home. No holiday let shall exceed a continuous period of 31 days, there shall be no return to the let by the same individual until a period of at least 14 days has elapsed between lets. The owners/operator of the development shall maintain an up-to-date record of all holiday let listings and of the names of all occupiers, including their main home addresses and contact details. This information shall be made available upon request to the Local Planning Authority.

Reason: To ensure that the development is occupied as holiday accommodation only and in order to achieve the benefits of providing holiday accommodation in this location to comply with Policy 8 of the County Durham Plan.

8. The planning unit shall form the red line application site and comprise of the two holiday units and the residential dwelling. The 2 holiday units shall be owned by and always managed by the residential dwelling.

Reason: For the avoidance of doubt and in the interests of residential amenity, highway safety and to retain the character of the heritage asset in accordance with Policy 21, 31, and 44 of the County Durham Plan and Part 15 and 16 of the NPPF.

That the **listed building consent application** be **APPROVED** subject to the following conditions

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Location plan Drawing no. NB22_02/01A Received on the 5th May 2022

Proposed site plan NB22_02/02A Received on the 28th April 2022

Proposed floor plans NB22_02/02A Received on the 28th April 2022

Proposed elevations NB22_02/06A Received on the 14th July 2022

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. The replacement of the uPVC windows with timber windows in accordance with elevation plans NB22_02/06A Received on the 14th July 2022 and the joinery details received on the 14th July 2022 shall be completed in full within 12 months of this consent and in accordance with the approved details.

Reason: To ensure the unauthorised windows in the listed building are replaced with sympathetic windows in an appropriate time frame in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.

4. The windows on the front elevation shall be replaced in accordance with the joinery report by Manor Woodcraft Ltd and details of proposed replacement windows on the front elevation with slim line double glazing and an integral glazing bar received on the 14th July 2022.

Reason: In the interests of visual amenity and historical accuracy in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.

5. Before any repointing works commence details of the method, composition and colour of pointing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

6. No replacement rainwater goods shall be installed unless details of materials, hoppers and junctions, and existing sections to be retained, have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

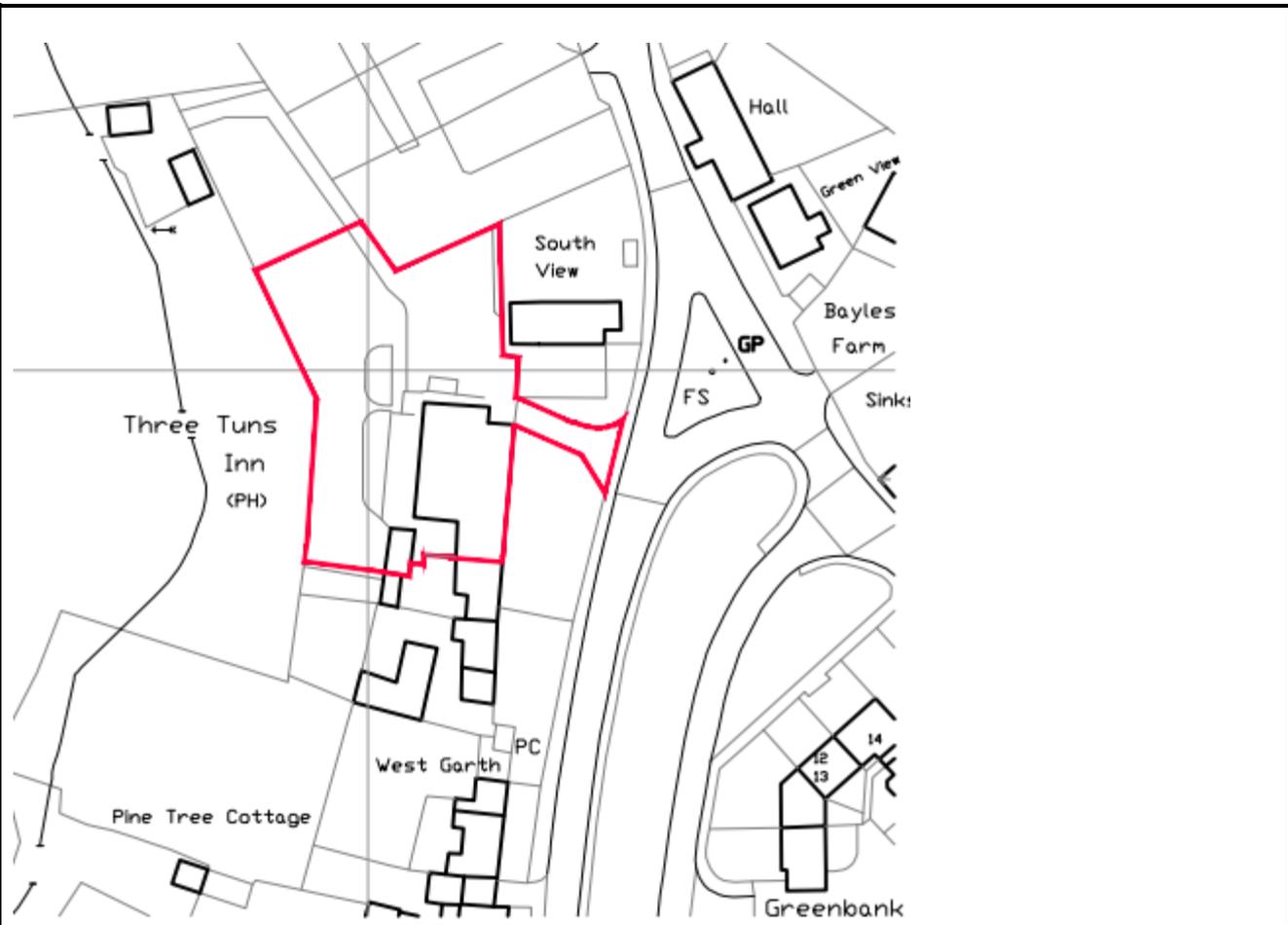
Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

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>Planning Services</p>	<p>DM/22/01083/FPA and DM/22/01084/LB Conversion of public house to one permanent dwelling and 2 no. holiday lets with alterations including altered windows</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>Comments</p>	
	<p>Date September 2022</p>	



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/03639/FPA
Full Application Description:	Proposed 15 no. Holiday Lodges
Name of Applicant:	Mr Anthony Smith
Address:	Bowlees Farm, Durham Road, Wolsingham, Bishop Auckland, DL13 3JF
Electoral Division:	Weardale
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to approximately 6.2ha of land to the south of Bowlees Farm, located 540m to the eastern boundary of the settlement of Wolsingham in the west of the County. Bowlees Farm now operates as Bowlees Holiday Cottages, providing 6 self-catered holiday lodges sleeping between 6 to 13 guests within a group of former agricultural buildings directly to the north of the application site. The site is accessed from the A689 via an unadopted single width road.
2. The application site comprises two fields: the main field measures 2.9ha in area and lies approximately 250m south of Bowlees Farm, with the other to the north west of this and measuring 3ha in area. Both fields are grassed and bordered by hedgerows. The main southern field features an engineered pond and an electricity pylon, with a gravel track approximately 160m in length connecting to the unadopted single width road to the west. Gallows Beck watercourse lies to the east.
3. The site occupies an isolated position within the open countryside, located within an Area of Higher Landscape Value (AHLV) and 865m outside the North Pennines Area of Outstanding Natural Beauty (AONB) which lies to the north.

4. To the east of the site lies New Hall Farm 390m away and to the south lies Hunters Field Farm comprising a dwelling and three agricultural buildings 190m away. To the south west is Lovesome Hill Bungalow 200m away, and to the west there are agricultural buildings 400m away. Distances are taken from the southern field. PRow no.25 lies 255m away from the closest edge of the southern field.
5. The land slopes significantly down from the north to the south resulting in the site occupying an elevated position above the A689 and below the main Bowlees Farm site.

The Proposal

6. The application seeks full planning permission for the siting of 15no. holiday lodges to the southern field, along with associated grass, hedge and tree planting. Two large scrapes and a new pond are also proposed to the field to the north west to provide ecological mitigation.
7. 6no. lodges would be sited in a linear arrangement across the north of the field, with the remaining lodges to be clustered around the pond which is to be used as a fishing lake. Each lodge would have its own timber decked area and be served by 2no. car parking spaces. A new track is proposed to connect from the existing gravel track and span the western and northern boundaries of the site, with informal overflow parking spaces to be provided either side of the track to the north west corner of the site. The track and parking spaces are to be finished in limestone gravel, with the overflow spaces to consist of reinforced grass. Informal gravel footpaths are proposed to run through the site. A new pond is proposed to be created to the north east of the site and a bin store area would be created off the existing access road 140m along from the entrance from the A689.
8. The lodges are proposed to be finished in timber and consist of a simple rectangular form with dual pitched roofs. Internally, they would comprise of a kitchen, dining area, lounge, study, bathroom and either 3 or 4 bedrooms to allow up to 6 or 8 guests.
9. The majority of the trees on site would be retained, but 2no. tree groups (rated category U) would need to be removed due to their poor condition. An embankment is proposed to be constructed to a depth of 300mm on the southern side of the existing pond to provide attenuation, with surface water to discharge via this to the watercourse to the east.
10. The applicant has submitted a Phasing Plan whereby planting, ecological mitigation, works to the existing pond, and the siting of 5 lodges and associated access, parking and footpaths would take place within the first 4 years after the receipt of planning approval. A further 5 lodges and associated access and parking would then be sited between 5-7 years after the receipt of planning approval, with the remaining 5 lodges to be sited in years 7-10.
11. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as the proposals represent major development with the application site area exceeding 1ha.

PLANNING HISTORY

12. There have been numerous applications relating to land at Bowlees Farm which have sought to convert and/or extend former agricultural buildings for use as holiday cottages. One of the most recent (DM/16/03666/FPA) was granted consent to convert a barn to 2no. dwellings in January 2017.

PLANNING POLICY

National Policy

13. 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.
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 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.
18. 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.

19. 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.
20. 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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

National Planning Practice Guidance:

21. 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; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; 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)

22. *Policy 8 (Visitor Accommodation)* states that all new visitor accommodation will be supported where it is appropriate to the scale and character of the area and it is not used for permanent residential occupation. Proposals for visitor accommodation in the countryside will be supported where they are also necessary to need identified visitor need, it is an extension to existing visitor accommodation and helps to support future business viability or is conversion of an existing building and it respects the character of the countryside and it demonstrates clear opportunities to make its location more sustainable.
23. *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.

24. *Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources)* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
25. *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.
26. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
27. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* states that residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
28. *Policy 28 (Safeguarded Areas)* states that consultation should take place with the National Grid and regard should be had to their design guidelines for development near pylons and high voltage overhead power lines.
29. *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.
30. *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.

31. *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.
32. *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.
33. *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 wastewater 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 defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
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.

38. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

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

Neighbourhood Plan:

39. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

40. *Wolsingham Parish Council* – No response received.
41. *Environment Agency* – Offer no objections, it is advised that the applicant would need to secure an Environmental Permit for the discharge of foul water. This is a separate process to the planning application.
42. *Lead Local Flood Authority* – Consider the submitted Drainage Statement to be acceptable, however request construction details for the filter drains and swales proposed and a key relating to these to be added to the Drainage Strategy Plan to be secured by condition.
43. *Highways Authority* – Advise that it would be beneficial for the applicant to install additional passing places on the access track to lessen the chances of conflict occurring between two vehicles meeting each other, however raise no objections to the application on the grounds of highway safety.
44. *Natural England* – Consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Non-Statutory Responses:

45. *Spatial Policy* – Advise that the key determining factors will be the economic and tourism benefits of the proposals balanced against the potential impact on landscape and the natural environment. In addition, issues around access,

water management, infrastructure, archaeology and soil resources will need to be fully addressed by the applicant.

46. *Landscape Section* – Advise that the proposals would cause harm to the local landscape and the special qualities of the AHLV and that it is unlikely this harm could be reduced through design changes or additional mitigation, in conflict with CDP Policy 8 and 39.
47. *Ecology* – Object to the application on the grounds that there is insufficient information to provide certainty that the degree of biodiversity net gain suggested is achievable.
48. *Archaeology* – Advise that as the site comprises a greenfield over 1 hectare in size an archaeological field evaluation comprising a geophysical survey, trial trenching, and an element of desk based research is required prior to the determination of the application.
49. *PRoW Section* – Comment that the proposed access follows the route of Wolsingham Footpath 25 and advise that any surface improvements required for the surface of this path for increased vehicle traffic use associated with this application would be for the applicant / landowner / private vehicular users to undertake. It is advised that passing places would be desirable to provide a refuge for pedestrians using the access route.
50. *Environmental Health Nuisance* – Advise that the submitted Lodge Management Plan is acceptable and raise no objections to the development.
51. *Environmental Health Contamination* – Advise that the Phase 2 contaminated land report is acceptable and there is no requirement for a contaminated land condition.
52. *Tree Officer* – Offer no objections, advising that the conclusions of the Arboricultural Impact Assessment are sound. The loss of 3 no. trees and 3 sections from two tree groups is noted.

External Consultees

53. *Visit County Durham* – Indicate their support for the proposal commenting that there is a general undersupply of visitor accommodation in the county to meet market demand, with the limited offer holding back the attraction of higher spending overnight visitors and this in turn is limiting visitor spend and employment. Note that there has been considerable visitor attraction investment within the county recently i.e. Raby Castle, Beamish, the Auckland Project and Durham City which will enable the county to compete better with nearby destinations.

Public Responses:

54. The application has been advertised by way of a site notice and an advertisement in the local press. Notification letters were sent to neighbouring properties.

55. One objection has been received from the Countryside Charity (CPRE) who note that the site is in a relatively exposed position within an Area of Higher Landscape Value and visible when travelling in an eastwards direction along the A689. The site would be accessed via a PRoW, and that whilst the development is outside of the AONB to the north consider it is likely to have an impact into and from the AONB. Question whether there is an identified need for the visitor accommodation and raise concerns over the increased vehicular use of the PRoW.

Applicants Statement:

56. No statement provided prior to publication.

PLANNING CONSIDERATION AND ASSESSMENT

57. 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, Landscaping and Visual Impact, Highway Safety, Flooding/Drainage, Ecology, Archaeology, Residential Amenity, Ground Conditions, Sustainability, and Other Matters.

Principle of Development

58. 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.
59. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
60. CDP Policy 8 states that proposals for visitor accommodation that are in the countryside will be supported where they are appropriate to the scale and character of the area and are not used for permanent residential accommodation. In addition, it states that proposals will also only be supported where they are necessary to meet identified visitor needs; or is an extension to existing visitor accommodation and helps to support future business viability or is a conversion of an existing building; and it respects the character of the countryside; and it demonstrates clear opportunity to make its location more sustainable.

61. CDP Policy 10 is also relevant and relates to development in the countryside. It states that development in such locations will not be permitted unless allowed for by specific policies in the Plan (such as Policy 8 relating to visitor accommodation), relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to stated exceptions.
62. The approach contained within CDP Policy 8 is considered to display a broad level of accordance with NPPF Paragraph 84 which advises that decisions should enable; the sustainable growth and expansion of business in rural areas, the development and diversification of agricultural and other land-based rural business; and sustainable rural tourism and leisure developments which respect the character of the countryside.
63. The application proposes the siting of 15no. holiday lodges with associated soft and hard landscaping.
64. CDP Policy 8 notes that development for visitor accommodation in the countryside will be supported where it is necessary to meet identified visitor needs or it is an extension to existing visitor accommodation and helps to support future business viability.
65. In this regard Visit County Durham have been consulted and offer support for the proposals noting that the development is consistent with current market and visitor intelligence which identifies a need for overnight accommodation in the County, detailing the associated benefits that this would have on the County's tourist economy.
66. Overall, the benefits of the proposal in terms of meeting identified visitor needs and supporting the local economy should be weighed against the landscape and visual impact of the development in the planning balance.

Locational Sustainability

67. Criterion p) of CDP Policy 10 does not permit development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
68. In addition, CDP Policy 21 requires all developments to deliver sustainable transport 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. CDP Policy 29 also requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.

69. NPPF Paragraph 105 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. NPPF Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
70. The site lies approximately 2.15km from the edge of Wolsingham town centre, as defined by CDP Policy 9, which is beyond what would normally be considered within a reasonable walking distance. Furthermore, the only route is via a steep, unlit PRow and there is no roadside footpath until reaching the edge of the built up area of Wolsingham. There are also no frequent bus services serving the site. Therefore, the occupants of the lodges are likely to be heavily reliant on the private car.
71. Criterion f) of CDP Policy 8 aims to mitigate the impact of increased car journeys to an area by taking advantage of opportunities to make the site more sustainable in other ways, for example by including links to nearby footpaths or by using more sustainable building materials, incorporating elements of renewable energy, etc. The method of making a site more sustainable will depend on what is most appropriate in any given case. In this instance, it is noted that there is an extensive network of PRows within the vicinity of the site, including the Weardale Way, which links Cowshill in Weardale to Sunderland Bridge (Croxdale) within County Durham. This is considered to provide a walking option for the future occupants in addition to the private car and is considered to be sufficient to accord with the above policies in this instance.

Landscaping and Visual Impact

72. The site lies in an area identified as an AHLV and 865m to the south of the AONB. Whilst outside the AONB, it is viewed from the south within its immediate setting.
73. NPPF Paragraph 130 advises that planning decisions should ensure that developments will function well and add to the overall quality of the area for the lifetime of the development; are visually attractive; and are sympathetic to local character including the surrounding built environment and landscape setting. NPPF Paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
74. CDP Policy 8 h) states that proposals for new, and extensions to existing, sites for static caravans, along with associated storage and infrastructure, will be supported where they are not unduly prominent in the landscape from either long or short range views by ensuring:
 - (i) adequate year-round screening through existing topography, vegetation or other features which are compatible with the landscape. Where new or additional screening is required this must be suitably established before development can take place;

- (ii) the layout would not adversely affect the character of the area; and
 - (iii) the materials and colour of chalets or static caravans, site services and infrastructure are designed to blend with the surroundings of the site and are limited in scale to the needs of the site occupants only.
75. CDP Policy 10 l) states that new development in the countryside must not, by virtue of their siting, scale, design and operation, give rise to unacceptable harm to the intrinsic character, beauty or tranquillity of the countryside which cannot be adequately mitigated or compensated for.
 76. CDP Policy 39 states that 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 will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
 77. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
 78. In addition, CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
 79. The site occupies an exposed, elevated position within the open countryside which is separate and distinct from the holiday cottages at Bowlees Farm, approximately 250m to the north. The local landscape character consists of isolated large farm buildings with associated agricultural buildings, set within hedge bounded fields. This is backdropped by agricultural and forested valley sides rising to the north and south. The proposed development would be isolated from the existing building group of Bowlees Farm and result in local intensification of use separate from any associated farm building(s).
 80. The application is supported by a Landscape and Visual Impact Assessment (LVIA) and a Landscape Strategy drawing, as well as a more recently submitted Phasing Plan for the development of the site. The LVIA identifies that views of the site would be available from several viewpoints (most notably 2, 4, 6, 9, 13, and 14) ranging from short and long distance.
 81. In terms of short to middle distance views, viewpoint 2 is from PRow no.25 to the north of Bowlees farm approximately 580m away from the main site. Due to its elevated position relative to the site views into the field are available and are unlikely to be effectively screened by planting. Viewpoints 13 a) and b) are taken from the north west of viewpoint 2 from PRow no.31. Clear views into the site are available from these areas which could not be mitigated due to their elevated position.

82. In addition, viewpoint 4 relates to the junction between Wolsingham Road and PRoW no.22 leading to Newholme Farm, just under 600m to the south east of the site. Views of the site would be available, particularly during the winter months, until planting becomes established. Viewpoint 14 is taken from the junction of Wolsingham Road and PRoW no.128, approximately 270m to the south of the site. Views of the development would be available on the approach to the North Pennines AONB along the A689, particularly during winter months when foliage is minimised. Due to the lower level of this area the intervening topography provides some screening although views of the lodges are still likely to be possible until planting becomes established. Landscaping Officers have advised that it would take at least 10 years before planting would become effective with it being unlikely to ever fully screen lodges and infrastructure, particularly in winter.
83. In terms of long distance views, viewpoint 6 is taken from PRoW no.148 at Friarside, approximately 1.64km to the south west of the site. Given its elevated position clear views are available into the site which are unlikely to be mitigated by planting even when established. Viewpoint 9 is taken from PRoW no.149 to the west of Black Bank Plantation, approximately 1.94km away to the south. Again, given its elevation position clear views are available into the site which are unlikely to be mitigated by planting even when established.
84. In addition, the LVIA includes models added to the photographs taken from viewpoints 6, 9, and 13 a) and b). Images are provided on the basis of the expected level of planting growth after 4 years (end of Phase 1) and 10 years (end of Phase 3). The models indicate that the lodges would be visible after the planting has established, in particular from viewpoints 13 a) and b). The models do not include the glazing of the lodges, parked cars, or lighting and so the impact would likely be greater than shown. Potential for light spill from the development would negatively affect the night time scene, particularly from any elevated viewpoint. Whilst the external materials for the lodges could be designed to utilise dark tones to reflect the colours of the landscape, this is not considered to sufficiently mitigate against the landscape harm identified.
85. After being informed of officers' concerns, the applicant submitted a phasing plan for the proposals. However as considered above, Landscaping Officers have advised that the planting even after 10 years is unlikely to mitigate the views available from multiple viewpoints due to the topography of the surrounding landscape and the sites separation from existing built form. Therefore, a phasing plan is not considered to adequately mitigate against the identified landscape harm.
86. To summarise, it is considered that the proposals would be unduly prominent in the landscape from short and longer range views due to the sites exposed, isolated location on a slope and the need for new planting which would take many years to become suitably established, contrary to CDP Policy 8 h). The proposals would also harm the intrinsic character and beauty of the countryside which could not be adequately mitigated or compensated for and fail to contribute positively to an area's character and landscape features, contrary to Policy 10 I) and Policy 29. In addition, the proposals would cause unacceptable harm to the special qualities of the AHLV contrary to Policy 39.

87. In conclusion, given the exposed, elevated position of the site distinct from existing built form, it is considered that in this instance the proposed development in this location would cause unacceptable harm that it would not be possible to mitigate. This harm should be attributed significant weight in the planning balance. This exercise is undertaken in the conclusion.

Highway Safety and PRow

88. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criterion q) of Policy 10 does not permit development in the countryside where it would be prejudicial to highway safety.
89. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
90. Highways Officers have commented that the proposals would not adversely affect highway safety. They have advised that the proposals would intensify the use of the site and increase the number of vehicular trips, and as such recommend that it would be beneficial for the developer to improve the existing, or install additional, passing places along the access road to lessen the chances of conflict occurring between two vehicles. These details could be secured via a suitably worded condition.
91. In relation to the position of the proposed bin store, Highways Officers advise that this would not be suitable to be served by the Council's Refuse Lorry and so the applicant would either have to arrange for private collection or take the bins to the nearest adopted highway on the day of collection and return them to the site once collection has taken place.
92. CDP Policy 26 relates to PRow's and states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing PRow's will not be permitted unless equivalent alternative provision of a suitable standard is made.
93. PRow no.25 is proposed to be utilised as the access road to the site and currently already provides access to the 6 holiday cottages at Bowlees Farm to the north. The Council's PRow team have advised that any surface improvements required for the surface of this path for increased vehicle traffic use associated with this application would be for the applicant / landowner / private vehicular users to carry out. This could be included as an information on the decision notice if the application were to be approved.
94. The PRow team also question the need for additional passing places along the access road in order to provide a refuge for pedestrians using this route. As above, details in this regard could be secured via a suitably worded condition.

95. Overall, the proposals are not considered to adversely affect highway or pedestrian safety and would accord with CDP Policies 10 and 21 and Part 9 of the NPPF.

Drainage

96. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
97. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
98. Part c) of Policy 35 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. Development will not be permitted unless it can be proven through a Flood Risk Assessment that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere, any residual risk can be safely managed and where possible will reduce flood risk overall.
99. The application is supported by a Flood Risk Assessment and a Drainage Strategy Statement and Plan. Ground investigations have been undertaken and infiltration has been discounted due to the ground conditions being unsuitable. The approach proposed to address surface water drainage involves surface water being held by the existing pond before discharging to Gallows Beck watercourse to the east. As the southern side of the pond currently overflows, an embankment is proposed to be constructed to a depth of 300mm to facilitate the use of the pond as attenuation. The proposed new pool to the north east of the site is to have a dual function as a basin, with swales proposed to the north of the lodges adjacent to the north of the existing pond. Filter drains will be installed to footpaths and roads. The application is supported by hydraulic calculations and a maintenance schedule, which confirms that the applicant will be responsible for the future management of the SUDs.
100. The principle of the SUDs proposed is in accordance with the hierarchy set out by Policy 35 and the Council's Drainage team have indicated their satisfaction with this. They have however requested that construction details for the filter drains and swales are provided and a key relating to the position of the swales

and filter drains included on the Drainage Strategy Plan. In this instance, given that the principle of the strategy is considered to be acceptable, these further details could be secured via a suitably worded pre-commencement condition.

101. Foul water is proposed to be discharged to a newly installed package treatment plant and then the Gallows Beck watercourse. Given the rural location of the site the principle of this is considered to be acceptable and the Environment Agency have raised no objections to the completed Foul Drainage Assessment form provided by the applicant. It is however advised that an Environmental Permit would need to be secured, a separate process to the planning application.
102. Subject to a condition requiring construction details of filter drains and swales, the application is considered to accord with CDP Policies 35 and 36 and Part 14 of the NPPF.

Ecology

103. NPPF Paragraph 179 b) seeks to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 d) goes on to advise that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
104. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. The application is supported by an Ecological Impact Assessment, Breeding Bird Survey, Biodiversity Net Gain Assessment, Outline Landscape Management and Monitoring Principles document, and Defra Biodiversity Net Gain Metric in excel format.
105. The submitted Ecological Impact Assessment identifies that the trees to be felled as part of the proposals are of low suitability to support roosting bats, with the development considered to have a very low risk of harm and/or disturbance to bats. The Environmental Records Information Centre North East (ERIC NE) were consulted by the applicants Ecologist which provided records within 2km of the site of common reptile species, common toad, brown hare, badger, otter, hedgehog, up to six bat species and 168 records of birds.
106. The submitted Biodiversity Net Gain Assessment identifies that the proposals would result in net gain in biodiversity of 13.77% in the habitats category, 140% in the hedgerow category, and 64.77% in the river units category. This would be achieved by the planting of woodland, mixed scrub, wildflower grassland, species rich grass seed, and trees to the southern field, as well as two scrapes and a pond to the north western field.
107. The Breeding Bird Survey identified 22 pairs of 17 species within the site, with a further 12 pairs of an additional 5 species observed within the wider study area. In terms of species classified as red concern under the Birds of Conservation Concern 4: the Red List for Birds 2021, one pair of Grey

Partridges were observed within the site, with one pair of Curlews within the wider study area. In addition, a total of 17 pairs of Amber classified species were observed. The survey considers that the Grey Partridge, Red-legged Partridge, Meadow Pipit, Reed Bunting and Oystercatcher are most likely to be significantly impacted by loss of breeding habitat as a result of the development. Scrapes and a pond are proposed to the north western field to enhance the breeding and foraging opportunities to the bird species found during the survey. Six bird nest boxes are also proposed to be installed to provide nesting opportunities.

108. The County Ecologist has requested clarification over the extent of the tree works proposed and the impact of this on the amber classified Redstarts, of which one pair was observed within the site and another pair within the wider study area. It is noted that 3 no. trees and 3 sections from two tree groups would be felled or removed to facilitate the proposals, with various works proposed to 12 other trees, hedgerows, or tree groups. Table 3 within the Ecological Impact Assessment provides an assessment of the suitability of trees for bat roosting, but no such assessment has been provided for birds.
109. CDP Policy 43 relates to protected species and their habitats. It is stated that all development which, alone or in combination, has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless appropriate mitigation, or as a last resort compensation, can be provided, which maintains a viable population and where possible provides opportunities for the population to expand; and where the species is a European protected species, the proposal also meets the licensing criteria (the 3 legal tests) of overriding public interest, no satisfactory alternative and favourable conservation status.
110. In this instance, the application has not satisfactorily demonstrated that the proposals would conserve habitats utilised by birds identified as having a conservation status of moderate concern. Consequently, it is unknown whether the mitigation proposed is appropriate and sufficient to maintain a viable population. This is contrary to CDP Policy 43 and Part 15 of the NPPF.
111. In addition, the County Ecologist requested clarification as to whether the grazing density on the north western field included in the Defra Metric will be adjusted at all to ensure breeding success of focus species. Such clarification was requested of the applicant but has not been provided. Without these details the effectiveness of the mitigation measures proposed to the north western field, in terms of being sufficient to maintain a viable population, is unclear.
112. The Ecologist also advised that the Landscaping Plans must reflect the habitat types and areas stated in the Defra Metric and other supporting ecological reports, with particular reference to the proposed tree planting and woodland creation. The Outline Landscape Management and Monitoring Principles document states that 242 trees are to be planted but that full details of the planting plan are not yet provided. It goes on to recommend a selection of 13 different tree species. Of these recommended species only 7 are proposed in the landscaping scheme, amounting to 40% of the woodland mix. Because of this, the Ecologist considers that there is insufficient information to provide certainty that the degree of biodiversity net gain calculated is achievable.

Notwithstanding this, given the amount of planting proposed and that some of the recommended tree species are proposed, the scheme would still be expected to achieve some net gains in biodiversity in line with the requirements of CDP Policy 41 and Part 15 of the NPPF. A condition could be imposed to secure revised details of a landscaping scheme in order to address the Ecologists concerns.

113. Finally, the County Ecologist requested confirmation that there would be no access to the north western field for users of the lodges. It is considered that a suitably worded condition could be imposed to secure details of measures to prevent public access to the north western field.
114. Overall, concerns are raised that insufficient information has been provided to demonstrate that the tree works would not remove or adversely affect habitats used by birds, specifically Redstarts. Concerns are also raised regarding the whether the grazing density on the north western field would be adjusted to ensure breeding success of focus species. Therefore, the proposals are considered to be in conflict with CDP Policy 43 and Part 15 of the NPPF.

Archaeology

115. CDP Policy 44 states that a balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets. Archaeological features are considered to be non-designated heritage assets. In determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to ensuring that archaeological features are generally preserved in situ; and in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available. This is in line with NPPF Paragraph 203.
116. The County Archaeologist has advised that fieldwork and research over the last ten years has demonstrated that the geospatial density of archaeological sites in the county is far higher than thought previously and thus the possibility of any development encountering an unknown archaeological site has increased. As the site comprises greenfield land over 1ha in size an archaeological field evaluation comprising a geophysical survey and an element of desk based research is required. Trial trenching of the site would also be needed to confirm and test the results of the geophysics. The results of this evaluation would be expected to inform any necessary mitigation strategy, or any potentially required amendments to the proposed layout of the development if extensive and/or nationally important remains are discovered. This information is necessary prior to the determination of the application in order to ensure the archaeological issues of the site are understood and can be mitigated without damage.
117. The application is not supported by any archaeological information and so it is unknown whether there are any archaeological features at the site. Given the size of the site and the comments received from the County Archaeologist, further details are required in order to establish this. Without this information, the application is in conflict with CDP Policy 44 or NPPF Paragraph 203.

Residential Amenity

118. 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.
119. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
120. Criterion r) of Policy 10 does not permit development in the countryside that would impact adversely upon residential or general amenity.
121. The site lies within the open countryside with few sensitive receptors nearby. Environmental Health Officers have advised that they do receive noise complaints concerning holiday accommodation and requested a noise management plan to help mitigate noise from people using the lodges, particularly during late evening and night-time hours.
122. A Lodge Management Plan was subsequently submitted which addresses lodge and noise management in general terms. Environmental Health Officers concur with the details and request that a condition to ensure adherence to them are secured via a condition should the application be approved.
123. Due to the isolated position of the site, there are not considered to be any issues arising from loss of light or privacy arising from the lodges and their occupants and the construction phase is not considered to cause significant disruption taking into account the scale of the proposals.
124. The lodges themselves would fall short of the Gross Internal Area set out by the Nationally Described Space Standards (NDSS), however each lodge would be served by its own decked area and the occupants would likely be visitors looking to explore the surrounding area who would have the option of choosing alternative accommodation elsewhere if desiring a larger lodge. Therefore, whilst the lodges would not comply with the NDSS they are considered to provide a good standard of amenity given their intended use.
125. Therefore, the proposals are considered to provide good, and not prejudice, standards of amenity according with CDP Policies 10 r) and 31, as well as Parts 12 and 15 of the NPPF.

Ground Conditions

126. CDP Policy 32 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.

127. The application is supported by a Phase 2 Site Investigation Report. The Contaminated Land Officer has indicated their satisfaction with the details within this report and confirmed that no further information is required. They advise including an informative on the decision notice in relation to unforeseen contamination if the application is to be approved.
128. Therefore, the proposals are considered to comply with CDP Policy 32 and NPPF Paragraph 183.

Sustainability

129. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
130. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
131. The application is not supported by any information to demonstrate accordance with the above criteria, however in this instance it would be considered appropriate to secure further details via a suitably worded pre-commencement condition.
132. Subject to such a condition, the proposals are considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

Other Matters

133. CDP Policy 14 (Best and Most Versatile Agricultural Land and Soil Resource) seeks to protect the best and most versatile agricultural land. It is noted that the site has a Grade 3 Provisional Agricultural Land Classification, which means that it is classified as good to moderate. Grade 3 is subdivided into two sub grades 3a – good and 3b moderate and only grades 1 to 3a are classified by the ALC system as Best and Most Versatile (BMV) agricultural land. Although the site is over 1ha in size, even in the unlikely event that the land is classified as BMV agricultural land this is unlikely to be a decisive factor in determining the application given that the site is not in a productive agricultural use and the relatively limited area of the main field to be developed.
134. CDP Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) states that new residential and commercial development should be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate

infrastructure to enable future installation. No details of broadband connection have been provided with the application, however these details could be secured via a suitably worded condition.

135. It is noted that pylons and overhead lines cross the site. Paragraph 5.277 of the supporting text to CDP Policy 28 (Safeguarded Areas) states that the consultation should take place with National Grid and regard should be had of the National Grid design guidelines for development near pylons and high voltage overhead power lines.
136. The application is supported by a GS6 Safe Clearance Assessment Report which has been completed and issued to the Applicant. The recommendations states that the safe clearance, measured from the existing ground level is to be set at 7.3m. The wires are at 12.2 therefore a 4.3m minimum must be kept to building for a distance of 9m either side. The submitted Planning Statement confirms that the proposal has considered all aspects of this within the design and as such there are no conflicts expected to arise from the proposal with regard to the overhead cables.

CONCLUSION

137. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
138. In this instance, it is concluded that the proposals would conflict with CDP Policies 8, 10, 29 and 39. This is because the lodges and associated infrastructure would appear as unduly prominent features in the landscape from short and longer range views due to the sites exposed, elevated position distinct from existing built form. New planting would take many years to become suitably established and in any event is unlikely to provide suitable screening from multiple viewpoints. Consequently, the proposals would harm the intrinsic character and beauty of the countryside which could not be adequately mitigated or compensated for, fail to contribute positively to an area's character and landscape features, and cause unacceptable harm to the special qualities of the AHLV. This is contrary to Policy 8 h), 10 l), 29, and 39 of the CDP.
139. The potential benefits of attracting new overnight visitors to the County and the boost to the local economy through increased expenditure is recognised. However in this instance, it is concluded that these benefits would not outweigh the identified landscape harm and conflict with the CDP.
140. In addition, the application has failed to demonstrate that there would not be an adverse impact on specially protected birds, and does not demonstrate that there would be no adverse impact on potential underground archaeological remains. The application is therefore in conflict with CDP Policies 43 and 44 and NPPF Paragraphs 179, 180, and 203.

141. Given the harm and policy conflict identified above, the application is recommended for refusal.

RECOMMENDATION

That the application be **REFUSED** subject for the following reasons:

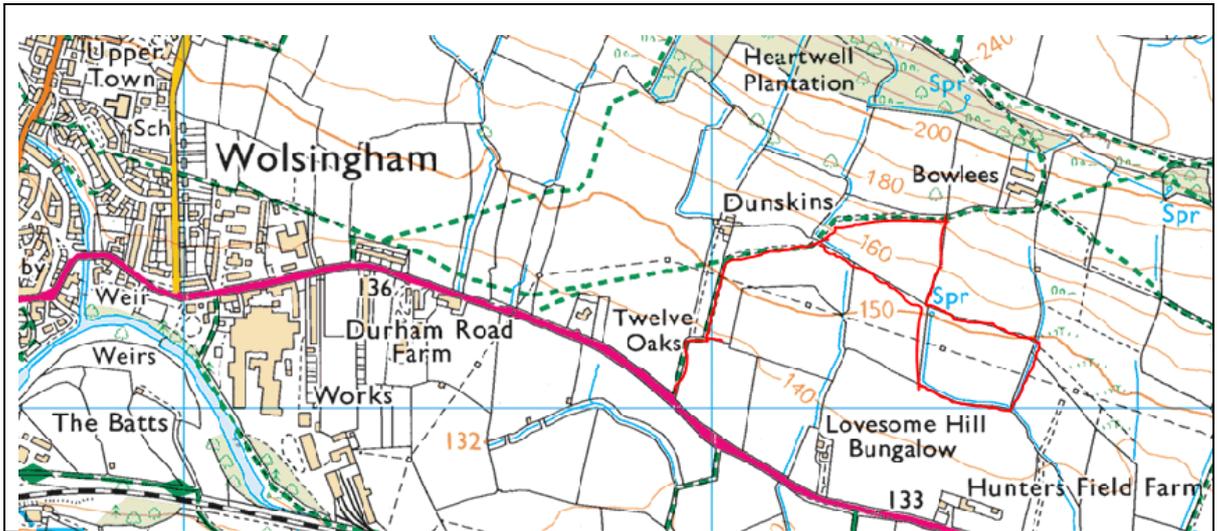
1. Due to the sites exposed, elevated position distinct from existing built form the development would appear unduly prominent, thereby harming the intrinsic character and beauty of the countryside and the special qualities of the Area of Higher Landscape Value. New planting would not adequately mitigate or compensate for this harm. The proposals would also fail to contribute positively to the area's character and landscape features. The development conflicts with Policies 8, 10, 29, and 39 of the County Durham Plan and Paragraphs 130 and 174 of the National Planning Policy Framework.
2. The application has not satisfactorily demonstrated that the proposals would conserve habitats used by important birds or that the mitigation measures in this regard are appropriate and sufficient to maintain a viable population. This is contrary to Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
3. Insufficient information has been submitted to demonstrate that the development would not have an adverse impact on any underground archaeological remains are present underground in conflict with County Durham Plan Policy 44 and Paragraph 203 of the National Planning Policy Framework.

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)
Residential Amenity Standards Supplementary Planning Document 2020
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Proposed 15 no. Holiday Lodges</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>Comments</p>	
	<p>Date: 7th November</p>	

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