

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 19 October 2023 at 10.00 am**

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), V Andrews, J Atkinson, D Brown, N Jones, M McKeon, S Quinn, G Richardson, I Roberts, M Stead and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillor E Adam, Councillor J Cairns and Councillor L Maddison.

2 Substitute Members

There were no substitutes.

3 Declarations of Interest

There were no Declarations of Interest.

4 Minutes

The minutes of the meeting held on 20 July 2023 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/23/01617/FPA - Field Centre, Baldersdale, Barnard Castle, DL12 9UU

The Committee considered a report of the Planning Officer for the change of use from a former field centre (C2 Use Class) to single private dwelling (C3 Use class) (for copy see file of minutes).

S Pilkington, Principal Planning Officer gave a detailed presentation of the application which included the site location, photographs of the site, aerial images (that showed the building to the North East corner, the car park and amenities that were on site) and the proposed site plan that showed there would be no changes to the site. Upon consultation the spatial planning team raised concern that any decision should guard against the loss of community facilities and services. The building had been last used as an education centre and was not deemed a community facility. There were eight letters of objection and five letters of support. The property had deteriorated over the years and was considered a Non-Designated Heritage Asset. The property would provide three large bedrooms, a bathroom, a home office, a kitchen, a snug and a lounge.

Mr Atkinson, neighbour addressed the committee in objection to the application. He informed the committee that he had lived in Teesdale from childhood and had settled as an adult in the village to raise a small family. He worked with schools and scout groups to provide outdoor activities. He did not operate his business for profit but to share his passion of the outdoors and sought reward in children's achievements and accomplishments. He gave an example of working with a child who had feared water but through paddle boarding the child had lost that fear. He felt that the less time children spent outdoors their mental health issues doubled.

Mr Atkinson had offered to purchase or lease the property from the church to extend the affordable service he provided to schools but he had been refused. He was saddened that the building had closed seven years ago and he believed the building should be given a chance to serve the community as an activity centre. He had planned to renovate the property as he saw a need and value for the area to provide an idyllic spot where children could experience the outdoors. He felt that if the application was approved there would be fewer opportunities like his proposal in the area for children to experience the outdoors as other enterprises had closed.

Mrs Sparrow addressed the committee on behalf of herself and her husband as joint applicants for the change of use of the disused field studies centre in Baldersdale, back to a residential dwelling. She explained that the reason for their application was to enable them to purchase the property as their home. She noted that this had been something that the pre-application advice had given that stated that the council would foresee no objection in principle to and therefore, they made their offer to purchase the property. She explained that her husband was from Teesdale and that they wanted to make their home and life in the area. She clarified that they both loved being outdoors and could not think of a more brilliant place to call their home.

Mrs Sparrow informed the Committee that they had built connections as a couple within the wider community in Cotherstone, where they were currently renting. She hoped that if they could make the property their long-term home, they would become part of the Baldersdale community as well. The property was being sold by the local Church to fund a children and family worker for the area, which they were keen to see moved forward.

She informed the committee that historically the building had been a schoolhouse that served Baldersdale, but the school had closed in the 1950s. After the closure, the property was a private home, and they aimed to make this a home once again. The property had never been run commercially and there were commercially run groups and hostel type accommodation in both Teesdale and Weardale. The property was a non-designated heritage asset and in need of repairs and updating and they believed that their application would result in the ability to conserve the property and invest in it for the future.

With regard to the accessible features of the property, Mrs Sparrow worked as an Occupational Therapist in Social Care with disabled people. Disabled people were disenfranchised from the countryside due to lack of facilities and support. The accessible features would be kept and improved for their longer-term plans as outlined in the supporting documentation.

Mrs Sparrow was keen to continue to support local businesses and economies of the local villages around Baldersdale as she wanted to see the place and its people do well. She thanked the committee for their time and consideration of the application and acknowledged the frustration that would have been felt by the other party initially having their offer accepted for the property but later withdrawn. However, this only happened because the estate agent had failed to submit her final offer to the vendor.

Mrs Tiplady, neighbour spoke in support of the application. She explained that she had lived in the farm next to the property for twelve years. The farm had been run by several generations of her partners family. Her partners father had attended the school that had operated from the premises. She noted that after the school closed it was changed into an education centre but had never been an outdoor centre as the garden was not big enough for activities. The area was isolated and she had welcomed the news as did her children that they would have new neighbours. She stated that with rural crime the additional neighbours would create extra vigilant support with someone living in close proximity.

The Principal Planning Officer clarified that Policy 10 (development in the countryside) within the County Plan could be key to protect an existing community facility. This had been considered by Officers and it was felt that the building was not deemed to be a community facility and had not met the day to day needs of the community as it had been closed for seven years.

Councillor S Quinn could see both sides of the debate. She noted that the building was derelict and had not been used for several years. Although it was a beautiful area she could understand the need for security for the nearby dwelling and **Moved** that the application be approved. She believed it would be a shame if the property fell into further disrepair to the point that it could not be recovered.

Councillor G Richardson queried if the application was overturned how Mr Atkinson would fund the outdoor centre.

Mr Atkinson explained that he had submitted an offer to buy the property but was refused at the last minute. He had planned to finance the outdoor centre through his father's pension and through monies paid by organisations like schools, girl guide groups and scout groups that used the facilities. It would be run as a business with a commercial mortgage that would offer activities at competitive prices that organisations could afford.

Councillor D Brown asked if the Public Right of Way (PROW) that ran through the grounds of the property could be diverted if it was deemed necessary.

The Principal Planning Officer responded that there would a separate procedure for the applicant to follow should they require the PROW to be diverted.

Councillor J Atkinson did not see the building as a community asset. He sensed that the renovations required to the building would be expensive. He **Seconded** Councillor S Quinn to approve the application.

Councillor A Savory remarked that the building was derelict and had not been used as an outdoor centre in the past. She thought the property would need a lot of repairs. She felt that the Children and Family worker that would be employed in the area by the sale of the property would be a much needed provision for children and families in the vicinity. She was in support of people who moved to the Dales to help sustain the area.

Councillor S Zair stressed that the Committee should determine the application that had been presented. He felt for Mr Atkinson but stated he would vote for the officer's recommendations to approve the change of use of the property into a residential dwelling.

Councillor M McKeon queried if the building could fit into the traditional idea of what a community building was. She questioned how the application fit within planning policy around tourism and the reduction in tourist accommodation. She thanked Mr Atkinson for his presentation but explained that Members were restricted by the planning framework.

The Principal Planning Officer stated that within the Durham County Plan the building could be recognised as a community building but it was never used as accommodation and therefore the tourism element could not be applied.

Councillor G Richardson was saddened by the application that the Dales would lose such a building and as such he would vote against the recommendation.

Upon a vote being taken it was:

Resolved

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

b DM/23/01275/PA - Land Northwest of South Thorpe, Wycliffe, DL12 9TU

The Committee considered a report of the Planning Officer regarding prior approval for the provision of a lagoon for the storage of slurry 60m by 40m with 3.5-metre-high bund. The application was for Prior Approval under Article 3 Schedule 2 Part 6, Class A (b) of the Town and Country (General Permitted Development) Order 2015 (as amended) for the siting of the development (for copy see file of minutes).

S Pilkington Principal Planning Officer gave a detailed presentation of the application which included aerial photographs, site images that showed the level changes to the land, hedge rows and a site location map that highlighted a large caravan park and the village of Wycliffe nearby. The site was of an agriculture nature and an arable field with an access track from the South. The proposed lagoon would be hidden behind a hedge row with a floating cover. The application was subject to consultation where twelve letters of objections had been received along with an objection from the Parish Council.

The main summary of objections were on the grounds of odour, water pollution and visual impact. The site location bordered North Yorkshire and not Darlington Borough Council as stated in the report. The siting of the lagoon was necessary for agricultural purposes. A separate application was required to establish the impact on ecology and nitrate neutrality as the land was in an area of constraint for the Tees Valley catchment area.

Mrs Bayles, neighbour spoke on behalf of herself and the community in opposition to the application. She thanked Councillor G Richardson for requesting the application be brought to committee for debate. She was concerned that the lagoon once constructed would contain 8,146 cubic metres or 1.7 million gallons of pig slurry in one specific area supposedly from single use. She thought that the size and design of the proposal was more in keeping for industrial use. She noted that in 2010 the applicant had applied to Richmond Council for retrospective planning to increase the number of pigs from 4,000 to 10,000. To date the applicant had 7500 pigs and as such his storage facilities were deemed inadequate and out of date to deal with the slurry. She queried why it had not been incumbent for the applicant to improve and extend his storage facility at the current location away from residential dwellings when he increased the number of pigs he had.

Mrs Bayles was worried that issues with the Environment Agency and ecology as stated in the report had not been addressed. She was troubled that Environmental Health had not identified odour as a statutory nuisance in the long term use of the site. She was concerned that heavy rain caused by climate change would create water egress into the lagoon and create a significant negative impact on the environment. She was apprehensive that highways had deemed the road in the area as inadequate but had then contradicted itself to state that it would be adequate for 300 tankers to navigate the A66. She felt that the applicant had not articulated the lives of residents who were only 400 metres away from pig faeces.

Mr Salvin, agent addressed the Committee in objection to the application. He informed the Committee that he had been a local councillor at Teesdale District Council for the South Thorpe area and was accustomed to making decisions on planning committees. He thought that the engineered structure of the lagoon would be alien to the unspoilt landscape of the area. The lagoon would be visible with a short section being seen on the skyline above the hedge row. He did not feel that the site was sufficiently distanced from the A66 or the dual carriage. He was concerned that there would be 8,146 cubic metres of slurry which should halved in principle in relation to the production unit.

Mr Salvin was concerned that the lagoon and the main farmhouse were in two different counties and that highways, Natural England, Environmental Health and planning had not raised any issues with the siting of the lagoon that would be close to the Yorkshire Dales on high land. He thought a full planning application should be submitted to ensure a full range of consultees was accessed. He requested that the application be refused.

Mr Derby, agent spoke on behalf of the applicant in support of the application. He stated that under the General Permitted Development Order 2015 (GPDO) for agricultural use the construction of the lagoon did not require full planning application to be submitted. The GPDO allowed planning permission on agricultural land of five hectares or more and he confirmed that Newsham Hall Farm was 900 hectares. There were storage facilities close to the existing farmhouse but these were now outdated and did not provide the five month storage capacity to comply with the nitrate vulnerable zone or the six month storage capacity to comply with the farming rules for water regulations. Slurry was imported to be spread on the fields but this was not always available in bad weather.

Mr Derby noted that the proposed new storage capacity would meet regulations and sited in a more central location would allow slurry to be spread in any weather conditions. As the proposed location was in an area of high land value the lagoon would need to ensure that it would not harm the heritage of the site. The excavation of the land would create bunding around the lagoon that would be grassed to prevent erosion of the banks. There was limited public viewpoints of the lagoon within an existing field and any views from the PROW due to the topography of the land would not be visible or intrusive. There had been no objections in relation to the landscape. He deemed that the request for a full planning application to be submitted should not be considered. He also stated that highways had found that there would be no impact on highway safety as it would reduce the farm traffic in transferring the slurry from elsewhere. There were mitigated measures in place to deal with gas emissions and water runoff. The lagoon was reasonable and necessary for the purpose of agriculture legislation. He requested that members support the recommendation.

The Principal Planning Officer stated that the approval process for the application was highlighted in the report. The GPDO gave permission for the provision for the storage of slurry and did not require full planning application. The GPDO set out permissions for different groups that included agriculture that was reasonably necessary. He stressed that the application for prior approval was to consider the siting of the development only.

The Environment Agency had different regulations and legislation for the storage of slurry that would require a separate application for technical sign off. Environmental Health would investigate and instil enforcement if smells generated from the lagoon constituted a statutory nuisance. He noted that highways had considered the safety aspects and had raised no issues. He advised that the prior approval application had relied on internal consultees to assess the recommendation.

Councillor M McKeon agreed with Cllr Richardson that the application would increase the number of car journeys with 300 vehicles to fill the lagoon which she considered to be excessive. She was not sure about the workings of a farm and was concerned that the pigs were in another county. She thought the structure was very large in relation to the landscape.

Councillor G Richardson spoke on behalf of himself and Councillor J Rowlandson, who could not attend, as local councillors. He had requested the application to come to Committee for the local community to voice their concerns without pre-empting his decision on the application. He did however have grave concerns about the size of the structure. He noted that the applicant had pigs not only in Yorkshire but sited all over County Durham and not just in one location. He was concerned about the volume of slurry that the lagoon would hold that was near to a caravan holiday park even though the owners had not objected. He declared that his wife had a connection to the owners of the caravan site and thought that to be the reason as to why they had not objected. He felt it would affect tourism. He stated that there was upcoming law from 2027 on the storage of slurry that the applicant would need to adhere to. He believed that the size of the lagoon would be visible and should require full planning permission. He **moved** to recommend that the application for prior approval for the provision of a lagoon on the proposed site should be refused.

Councillor M Stead **seconded** the recommendation to refuse the application for prior approval.

The Principal Planning Officer clarified that the main farm was south of the A66 and the application had been registered with Durham County Council. The number of trips to fill the lagoon would be regulated in relation to the spreading of the fields over time when the slurry was produced. The spreading of slurry would still take place whether the lagoon was there or not. He remarked that there was a need for the proposed size and legislation stated that it would need to be reasonably necessary for the development. The planning authority could not insist on a full planning application be submitted and if the application was refused the applicant had the right to appeal. The prior approval was either to be refused or approved. Upon appeal the inspector would just look at the siting of the lagoon.

Councillor M McKeon thought the construction seemed too big for where it was proposed to be sited close to a village. She was unsure where the appropriate location to site it would be. She thought that the volume of the slurry stored was also too big for spreading on specific fields. The design of the lagoon for the storage of slurry was based on 7000 pigs and found it strange that the application to keep pigs initially had been made with a different authority. She agreed with both Councillor G Richardson and Councillor M Stead that the application should be refused.

Councillor M Stead was sceptical on the size of the lagoon based on only 7000 pigs producing slurry to spread over the fields. He was concerned over the number lorries that would be used to bring slurry in if there was not enough to spread. He struggled that Highways had not flagged this up as a safety concern.

The Principal Planning Officer emphasised that members should decide on the application as slurry would be generated either way. There was a required need for the storage facility to fit in with the regulations associated with agriculture. Highways had not found any safety issues as the lagoon would reduce the number of trips required when spreading slurry.

J Robinson, Principal DM Engineer (Highways) reiterated that highways had assessed the application for the end use. He confirmed that there would be fewer trips during the operation that had less impact on the highway network. During construction of the lagoon the 300 tankers would not appear on the same day and would be managed as there was a residential area nearby. Highways had looked at the data on traffic accidents and collisions over a five year period on the stretch of road that turned off the A66 on to the C road and found that there was no pattern of accidents or personal injuries.

Councillor S Zair asked if there were any slurry pits of a similar size constructed in the County as members were concerned over the actual size of the lagoon.

The Principal Planning Officer replied that there were comparable sized slurry pits in existence within County Durham.

Councillor D Brown enquired if the application was refused if the applicant had the right to appeal.

The Principal Planning Officer responded that the applicant had the right to appeal similar to that of a planning application.

Councillor D Brown emphasised that the Committee would need to have substantive reason to refuse the application.

The Principal Planning Officer highlighted that a justifiable reason would be required to refuse the application on the siting of the lagoon only.

Councillor D Brown mentioned that slurry was required to be spread from the start of November until end of February and that everyone would have storage as an ongoing cost. He confirmed that slurry should have a cover which would be enforceable with legislation from 2027. The applicant did propose to install a floating cover. He noted that this new technology really worked and kept the rain out but during construction there would be a dip that would collate water on top of the slurry and there was no mention in the report of the water being pumped out over time.

Councillor G Richardson pointed out that the A66 was busy and it was an accident waiting to happen if more slow agricultural vehicles were introduced that tried to cross the road to the location of the field. He mentioned that history showed that an application had been submitted for the construction of a lagoon for the same area that had been refused.

Councillor N Jones asked for clarity on how big the tankers would be that would transport the slurry to fill the lagoon.

The Principal Planning Officer replied that the tankers would be smallish and would be pulled by agricultural vehicles that were used to spread the slurry.

Councillor V Andrews queried if the farmhouse was in North Yorkshire and if there was land near the farmhouse that would be appropriate for the lagoon instead of the proposed site.

The Principal Planning Officer confirmed that the farmhouse was a mile away in North Yorkshire and there was slurry storage on this site but spreading slurry from this location intensified vehicle movement. He noted that the application was to upgrade storage facilities and move them to a more central location that would decrease vehicle movement.

Councillor S Quinn had welcomed guidance from her farming colleagues on the matter and agreed with Councillor Brown that there was a requirement to have the proposed storage. She was pleased that further legislation was imminent for farming regarding covered storage.

Councillor J Atkinson advised that he did not know a great deal about slurry and tried to understand the application. He knew the applicant required the storage and did not feel that the Committee were able to reject it.

The Principal Planning Officer confirmed that planning permission had been granted for this type of construction and the applicant had the right of appeal if the application was refused. Legislation did not allow for the requirement of a full planning application to be submitted.

L Ackermann, Legal Officer (Planning and Highways) asked Councillor G Richardson what reasons he had for refusal.

Councillor G Richardson responded that his reasons were on the grounds that the siting of the lagoon would affect the visual amenities and create danger on the roads.

The Legal Officer (Planning and Highways) stated that highways had not reported any safety issues with the roads and queried if he was sure about this reason as it would not be sustainable if the decision was appealed.

Councillor G Richardson withdrew the highways reason even though he knew it was a fast road that would become more dangerous when more slow-moving vehicles were added.

The Principal DM Engineer (Highways) clarified that section 111 of the National Planning Policy Framework (NPPF) justified that highway could refuse a planning application if proved that the impact would make the highway unsafe. He confirmed that this would not be the case with this application as the traffic movement would be less than what was current.

Councillor G Richardson disagreed with the Highways Officer but gave another reason for refusal on the grounds that it would create smells and odours.

The Principal Planning Officer noted that members could refuse the application if they were concerned with local residents and the amenity of the site.

Councillor M Stead agreed with Councillor G Richardson that the application should be refused on the grounds of smell as there was an enterprise in the form of a holiday park in the area whose business would be affected.

The Legal Officer (Planning and Highways) suggested that residential amenities should be changed to local amenities to include both residential and businesses.

Councillor G Richardson agreed to include the wording local amenities as the smell would not only affect residents but the holiday park as well.

Upon a vote being taken to refuse the recommendation for prior approval for provision of a lagoon for the storage of slurry it was:

Resolved

That the application for prior approval be **REFUSED**.