



Area Planning Committee (South and West)

Date Thursday 19 October 2023
Time 10.00 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 July 2023 (Pages 3 - 18)
5. Applications to be determined
 - a) DM/23/01617/FPA - Field Centre, Baldersdale, Barnard Castle, DL12 9UU (Pages 19 - 40)
Change of use from former field centre to single private dwelling.
 - b) DM/23/01275/PA - Land Northwest of South Thorpe, Wycliffe, DL12 9TU (Pages 41 - 58)
Prior Approval for provision of lagoon for the storage of slurry 60m by 40m with 3.5-metre-high bund.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
11 October 2023

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

Councillor J Quinn (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, S Quinn,
G Richardson, I Roberts, M Stead and S Zair

Contact: Amanda Stephenson Tel: 03000 269703

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 20 July 2023 at 9.30 am**

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, V Andrews, J Atkinson, D Brown, J Cairns, N Jones, L Maddison, M McKeon, G Richardson, S Zair and L Brown (substitute for M Stead)

Also Present:

Councillors J Cosslett, O Gunn and M Wilkes

1 Apologies for Absence

Apologies for absence were received from Councillors M Stead and S Quinn.

2 Substitute Members

Councillor L Brown substituted for Councillor M Stead.

3 Declarations of Interest

There were no Declarations of Interest.

L Ackermann, Legal Officer (Planning and Highways) was satisfied that it was not necessary for Cllr S Zair to declare an interest on agenda item 5b because he owned a business in Bishop Auckland Town centre.

4 Minutes

The minutes of the meeting held on 22 June 2023 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/22/01647/FPA - Land East of Roundabout at Junction of Pease Way and Greenfield Way, Newton Aycliffe

The Committee considered a report of the Senior Planning Officer regarding an application for the development of 23no. affordable dwellings (for copy see file of minutes).

The Senior Planning Officer, Gemma Heron gave a detailed presentation of the application which included a site location, photographs of the site and a site plan. She provided a verbal update to Members in relation to Affordable Housing as a point of clarification. Paragraphs 148 to 155 of the committee report set out the consideration of the application in the context of affordable housing provision. This section recognised that the scheme was presented as a 100% affordable housing scheme. However, only 15% of the dwellings were offered to be secured as affordable units in perpetuity under County Durham Plan (CDP) Policy 15 through a Section 106 Legal Agreement and the remaining provided as affordable on a voluntary basis. This was due to complexities around Homes England Funding on such matters.

Since the CDP was adopted, the Government's First Homes policy had come into force and required as a minimum of 25% of all affordable housing units secured to be as First Homes. A First Homes was a discounted market sale unit, discounted by a minimum of 30% against the market value. To comply with the NPPF, one first home unit would need to be provided on the site.

The applicant as an affordable home provider confirmed that a discounted market sale product was not a product they could offer and would not align with their Homes England grant bid. In considering this matter although recognising the deviation from the requirements of the NPPF, the benefits of the scheme, particularly through the provision of seven bungalows, over and above the two-bungalow requirement by the planning development plan policy this would be sufficient to outweigh this NPPF policy conflict. Therefore for clarification the 15% affordable home obligation within the S106 would equate to four units, with a breakdown of one affordable home ownership unit and three affordable rent units.

Cllr M McKeon entered the meeting at 9.38am

Mr Ridgeon, Hedley Planning Services addressed the committee on behalf of the applicant Adderstone Living who were a specialist developer of affordable homes, building affordable housing developments across the North East. Once built, the new homes would be managed and maintained by North Star, a local Registered Provider.

The application proposed the delivery of 23 affordable homes, including seven bungalows, which would significantly contribute to meeting an identified housing need within a sustainable location, within the Newton Aycliffe settlement boundary and with nine bus stops within 250m, that would provide access to the full range of services and amenities. All proposed dwellings met both level access standards and space standards.

The application was fully policy compliant and demonstrated an effective use of under-utilised land. The site was not allocated as open space, nor was it publicly accessible. Amendments were made to the scheme where possible to address local resident and consultee comments. A financial mitigation was agreed where required, to provide extra NHS provision and open space improvements in the area. This included the required Nutrient Neutrality mitigation, which wasn't a requirement when the project was started. This required credits to be purchased from Natural England. In addition to the over £47,000 required to be paid to comply with the County Durham Plan policies, an additional £89,425 had to be paid to secure nutrient neutrality mitigation that had a significant effect on viability.

The applicant had worked with the Local Authority to address all outstanding design and consultee comments. As detailed within the report, the latest Design Review concluded to highway matters and potential overshadowing of future dwellings. Subsequent work was undertaken and these had been fully addressed. The Highways Authority had no objection to the proposal as there was no adverse impact upon the safety or usability of the highway network. The proposal complied with County Durham Parking Standards and the internal highways layout had been considered appropriate and safe, including all bin collection point locations.

The concerns regarding overshadowing had been overcome through the re-positioning of properties on the southern boundary, that included rotating properties to ensure they had access to sun in the rear gardens. The acceptability had been demonstrated through the submission of a Daylight and Sunlight Assessment.

To ensure an attractive outlook for those residing in dwellings, two areas of public open space had been designed into the scheme. The first area adjacent to the site entrance would be utilised as a dry SuDS basin and second central area had been designed as a rain garden, which would also provide residential amenity value. Alongside a detailed landscape scheme and proposed features, the applicant would provide off-site net gain in biodiversity which would be controlled by a Section 106 Legal Agreement. The submission of technical information such as landscaping plans, ecology reports and drainage assessments have all concluded that the proposed development would have limited impact on the surrounding area and its residents.

Councillor J Atkinson was unclear on what affordable housing was and how the bungalows outweighed any policy concerns.

The Principal Planning Officer explained that the developer was a registered affordable housing provider but under the conditions of the Homes England funding they could not exceed the number of affordable housing on the site. Although the site was 100% affordable housing only 15% could be accounted for through policy and the remainder would be built on a voluntary basis by the developer which could not be considered by policy but was recognised as such. The NPPF also stated that a developer would need to provide a First Homes property that would be offered at a discount by 30% of the market value to adhere to the criteria. This would not be viable for the applicant and would provide more bungalows above what was set out in policy instead.

Councillor E Adam requested clarity on the biodiversity net gain and ecology for the site. There had been changes with the design and conservation within the updates that he had found difficult to oversee in particular the RAG (red, amber green) rating within the report. He was unsure as to why there were four reds and three amber ratings.

The Senior Planning Officer clarified that there had been issues identified within the internal assessment of the properties within the design review that had been highlighted by Highways. These had since been addressed and amended within the report. The red ratings were to do with the working site in its context as there was not enough proposal impact on the surrounding trees. Additional information had been submitted that had been considered within the report.

The Principal Planning Officer explained that the latest amendments to biodiversity net gain and ecology were that the mitigation would need to be offered off site. This would be offered via the Wildlife Trust offsite which was a common approach.

Councillor E Adam expressed concerns over the waste bin collections and the turning circle. It appeared that residents would have to pull their bins from the rear of the property to the bin collection site. He also wanted to know how many bungalows this would affect.

The Principal Planning Officer responded that within linked terraced properties not every resident would have garden access for waste bin collections. There had been a bin storage area allocated within the design to ensure bins were not left on the street and could be returned to the rear of the property. He noted that this would affect the bungalow at plot 20 but the rest of the bungalows would have direct access from their garden to the front.

Councillor E Adam queried the safety of the disused railway footpath at the rear of some of the properties. He thought this could attract Anti-Social behaviour and residents could use the path as a through route to the site that would create a nuisance. As this was not a designated path he wondered if this could be blocked off.

The Principal Planning Officer stated that some of the footpath was recognised and was within the balance of permeability and safe design. As two bungalows faced on to the path there would be a high degree of surveillance to prevent Anti-Social behaviour. The railway footpath would not be blocked.

Councillor E Adam noted that he had not seen any statement within the planning application for renewable energy to be installed in the properties to address climate change.

Mr Ridgeon explained that renewable energy elements would be installed in all properties as defined in the building regulations. He also responded to Councillor E Adam's query about the installation of broadband and electric vehicle charging points that were also sited in the building regulations that would be adhered to. A broadband provider had not yet been appointed as this would be arranged later in the development of the site.

The Senior Planning Officer noted that section 181 of the report referred to the installation of broadband. This information would be submitted to planning by the applicant at a later stage.

Councillor E Adam referred to the cultural assessment within the report and asked about the tree and hedgerow removal and the shadowing of the properties by trees at the southern end of the site. As a Local Councillor he received many complaints from residents about trees whether it be from the roots that caused damage, leaves or the lack of light. He asked what action had been taken to alleviate these potential future issues.

Mr Ridgeon confirmed that many of the trees and hedges within the red line boundary had been retained. The design of the properties at the southern end of the site had been re-evaluated in relation to the trees to minimise the issues the retained trees may cause. The properties had been moved further north and some had been rotated to reduce over shadowing. A daylight and sunlight assessment had been carried out and had not highlighted any major concerns. North Star were happy they could manage the maintenance of the trees that had been taken into consideration when designing that area. The developer was required to pay an additional £90,000 for offsite mitigation for the Nutrient Neutrality credits from Natural England.

Councillor G Richardson had attended the site visit the previous day and considered the site to be very small at less than two acres with too many properties for the area and had a narrow access. He reiterated concerns about overshadowing with properties potentially only getting light when there were no leaves on the trees.

Councillor L Brown queried the number of parking spaces and thought there was not enough visitor spaces within the site around the bungalows where if residents were elderly may have carers in attendance.

The Highway Development Officer, Phil Harrison confirmed that the number of parking spaces adhered to current parking policy, adding that this was currently under review.

Councillor D Brown asked who the affordable housing team were that had been referred to in the report and requested that the affordable housing slide was re-presented to explain what affordable housing was.

The Legal Officer (Planning and Highways) explained that the scheme was 100% affordable housing but only 15% could be recognised within the section 106 agreement to access grant funding from Homes England. The remainder of the properties would be affordable housing on a voluntary basis by the applicant. The Government had introduced a new initiative First Homes that offered first time buyers the chance to buy affordable newly built homes at a discount of at least 30% of the market value. To meet this requirement the applicant would have had to supply 25% First Homes on the site but as this was not financially viable the applicant had agreed to supply seven bungalows above the requirement that mitigated the conflict with the policy within the PPG.

The Legal Officer (Planning and Highways) also explained that the Affordable Housing Team sat with the Spatial Policy team who analysed planning applications to determine what the policy would mean to a developer and advised them accordingly.

Mr Ridgeon advised that North Star had worked with the Affordable Housing Team to look at the key options for them in relation to the application. This was to prevent house builders from applying for grants when building for registered providers.

Councillor J Atkinson had not been aware of the money that had to be paid for mitigation off site for ecology. He questioned how the applicant could draw this money back since it had not been envisaged when the project first commenced.

Mr Ridgeon confirmed that this was the first scheme within the North East Tees Valley catchment area where nutrient neutrality had to be factored into the planning application. This had been done by buying credits from Natural England.

The Principal Planning Officer explained that it was £2500 per credit from Homes England. A Daylight and Sunlight Assessment had been carried out that showed sufficient sun in the gardens. The site offered bungalows that addressed a need in the area and would provide a significant benefit.

Councillor N Jones was in support of the application as this would develop brush land and would be all the better to provide affordable housing in the area. He did feel that the trees would cause issues with shadowing as within his ward he received many complaints about trees blocking light.

Councillor J Atkinson felt this was a good development for Newton Aycliffe and **moved** the application.

Councillor E Adam also thought the development was a benefit for Newton Aycliffe that utilised the land that included bungalows. However he thought the design was very dense for the small plot of land. He was concerned about the removal of hedges and trees from the site and the impact of shadowing to the properties. He was worried about Durham County Plan policy 41 and NPPF part 15 relating to the biodiversity being mitigated by a third party.

Councillor L Brown wanted to know what type of species of trees were to be removed as if they were Ash they potentially would be felled anyway if they were diseased. She **seconded** the application.

The Principal Planning Officer was unsure what species of trees would be removed but the trees that would be lost were not of significant value and were not protected by Tree Protection Orders. The hedgerows would be retained on the boundary line. Upon a vote being taken it was:

Resolved

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

b DM/23/01204/FPA - Kynren, Flatts Farm, Toronto, Bishop Auckland, DL14 7SF

The Committee deliberated a report of the Senior Planning Officer which consisted of the erection of six aviaries (three round and three longitudinal) (for copy see file of minutes).

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

Councillor Sam Zair commented that there had been no negative responses to the application from any consultees. He welcomed the opportunity for the Kynren show to grow to become bigger and better as a worldwide destination. He felt that this went hand in hand with the development within the Bishop Auckland Town Centre that had benefitted from huge investment. He supported and **moved** the application but was disappointed there had been no statement from the applicant. Councillor G Richardson **seconded** the application.

Upon a vote being taken it was:

Resolved

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

c DM/23/00910/FPA - Richys Stables, Rowntree Lane, Hamsterley, Bishop Auckland, DL13 3RD

The Committee considered a report of the Planning Officer that consisted of the change of use of land to accommodate 24 No. camping and caravanning pitches including provision of portable toilet/shower facilities, external sinks, drinking water standpipes and associated parking (for copy see file of minutes).

The Planning Officer, Jayne Pallas gave a detailed presentation of the application which included a site location, photographs of the site and a site plan.

Councillor J Cosslett, Local Member addressed the committee in support of the planning application. He confirmed that the site was kept neat and clean and it was not visible from the main road. The site had no adverse impact on the landscape and although classified as isolated the site was a short distance from neighbouring properties and Hamsterley Forest. He noted that there was a need for this type of facility in the area as there was an urgent need for visitor accommodation in general to encourage tourists.

Councillor Cosslett mentioned that the Government would issue Permitted Development Rights that would come into force on 26 July 2023 that would allow camping on the land for 60 days in any calendar year for up to 50 pitches that did not require planning permission. He stated that the applicant had liaised with St Andrew's Primary School to allow children to visit for free giving children from deprived backgrounds an opportunity they would not normally have.

Mark Ketley spoke on behalf of the applicant and felt that that policy 8 was supportive of the application to support tourist accommodation. The increase in the cost of living had seen people not having disposable income for holidays where this offered a cheap alternative. He advised that the applicant had offered free school visits that provided a community benefit for the area for deprived children.

Mr Ketley acknowledged that there had been concern shown from the Environment Agency about the septic tank and the drainage system. These would be addressed by regular emptying and cleansing as required. The loss of grazing land would be relieved by a lease agreement for grazing off site on neighbouring farmland. He added that planning permission had previously been granted for the erection of two chalets (one had already been built) on site that would be used for holiday lets.

The Principal Planning Officer, Steven Pilkington stated that the permitted development rights would offer camping for 60 days but this would be for tents and not caravans and would not be a permanent arrangement. The site would still require portacabins and the septic tank issues resolved before going ahead with the proposal. It was commendable to offer free school visits but there were no mechanisms in planning policy to give any weight to this. There would also be no weight within planning policy to offsite grazing.

Councillor M McKeon echoed views of the other Members about the Environment Agency concerns around drainage and the septic tank which should be addressed before moving forward. She felt the site with 24 pitches would be too dense that would create manoeuvrability issues for caravans on the narrow land. She was mindful of previous sites that had received planning permission but had been badly maintained.

Councillor E Adam wondered if the ecology report for policy 41 for biodiversity net gain had been updated.

The Planning Officer confirmed that information had been shared with ecology and was subject to conditions.

Councillor E Adam recognised that the turning circle and toilet facilities may be problematic and requested further information on what other solutions were to be put in place as it was considered the site would not cope with the proposal.

Mark Ketley responded that the density originally was for 30 pitches and this had been changed to 24 pitches following discussion with the licensing team who had raised 40 points to address to ensure compliance for the license. The drinking stands, toilet and shower facilities although basic complied with the license. The site was not intended to be aimed at the luxury end of the market as it was in a rural area and the applicant did not want to cause any unnecessary harm to the countryside. It was proposed that the site would be at the lower end of the market with a charge of £10 per night. The applicant had also applied to the camping and caravanning club for approval for a license. This license was not granted as Durham County Council had wrongly stated there was a live enforcement notice on the site but this was in fact a pending notice.

The Principal Planning Officer clarified that the Camping and Caravanning club could not issue land licenses for sites for caravans.

Councillor E Adam questioned that as it was a small site if the septic tank would be sufficient for the proposed 24 pitches if the Environment Agency had raised concerns. He wanted to know how the applicant would manage the disposal of the waste and any chemicals that would be used in the cleansing of the tank.

Mark Ketley responded that the septic tank had a 1,000 gallon capacity that would be adequate for the site. It would be emptied as frequently as deemed necessary and the applicant was liaising with three companies regarding the cleansing and emptying process.

Councillor G Richardson believed the 1,000 gallon tank was not very big but if it was cleansed on a regular basis it could be suitable. He attended the site visit and had observed a very well maintained site. He noted that grazing would be provided by the farm next door. As the site was set back from the road, he did not think there would be an issue with access or turning. He wanted to know if there would be any electric hook up points. He did consider that the charge of £10 per night seemed very low. He was aware of two planning applications that had been submitted in the area for a similar proposal that may create competition. Overall he deemed the proposal to be a fine investment.

Councillor V Andrews judged that the foul waste disposal was a significant issue if the Environment Agency had queried it which may lead to polluted water ways in the area. She deemed it unsuitable for approximately 100 people on the site.

Councillor J Atkinson advised that he had not attended the site visit but had seen photographs of the tidy site. He liked the idea of free visits for local school children and that it was a cheap tourist accommodation proposal.

Councillor G Richardson was concerned about the waste but there were a number of residents living in the country that had a similar set up and if cleaned weekly it would not be a problem.

Councillor M McKeon agreed that the site was well maintained but speculated as to whether the site would be sustainable if the site was sold. She thought the site should be less dense and the volume of the septic tank increased. She believed the applicant should take on the recommendations given and resubmit the planning application. She **moved** the application.

Councillor S Zair was also concerned about the issue raised by the Environment Agency and the turning circles. He questioned whether further negotiations could be made to address the issues that had been highlighted.

The Principal Planning Officer responded to Councillor M McKeon and Councillor S Zair that the application had been submitted for a time and information that had been requested had not been supplied by the applicant.

Councillor E Adam stressed that the application should not go against the concerns raised by the Environment Agency. He suggested that a test market could be carried out to establish whether there would be viability for the small site for camping and caravanning. Councillor E Adams **seconded** approval of the application.

Councillor N Jones supported the application and if the septic tank was cleaned regularly, he did not see this as an issue. He believed that the site would promote tourism in County Durham.

Councillor J Cairns recommended the scheme to build local business in the area and felt that the applicant should be given the opportunity to grow his business.

Upon a vote being taken there was an equality of votes. The Chair exercised his casting vote and it was

Resolved

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

Councillor L Maddison left the meeting at 11.27am

d DM/23/00921/VOC - Richys Stables, Rowntree Lane, Hamsterley, Bishop Auckland, DL13 3RD

The Committee considered a report of the Planning Officer regarding an application for a variation of condition 2 (occupancy restriction) pursuant to planning permission DM/20/01153/FPA to allow Chalet 1 to be occupied as a manager's dwelling linked to the proposed use of the site for camping/caravanning (for copy see file of minutes).

The Planning Officer, Jayne Pallas gave a detailed presentation of the application that included a site visit, photographs of the site and a site plan. She informed members that the applicant was in breach of the occupancy conditions as he and his family had occupied Chalet 1 since April 2022.

Mr Ketley, Planning Consultant addressed the committee on behalf of the applicant in support of the variation of condition to allow Chalet 1 to be occupied as a manager's dwelling for three years. He was disappointed at the decision for the previous planning application. He stressed that the applicant was under pressure to secure a future for his family and it was probable that they would adhere to the permitted development rights in the short term but in doing so would need to occupy Chalet 1 as a manager's dwelling to run the business. He informed the committee that the applicant had suffered financial hardship as his roofing business had suffered due to the rise in the cost of living and the after effects of the Covid pandemic. The family home had been sold and the family had moved into chalet 1 following difficulties in living with family long term.

The applicant felt he had had no choice as he had been offered very little help from Durham County Council's Housing Team or the registered housing providers in the area.

The Principal Planning Officer stated that chalet 1 could not be justified for a Managers accommodation as there was no function to be managed by a full time worker and the financial viability of the business had yet to be established. He affirmed that living on the site was unsustainable due to its location that did not outweigh the planning policy to provide a dwelling in a rural location.

Councillor Adam felt that the request had to be considered sensitively as he did not condone putting some one out on the street irrelevant of the planning framework. He questioned whether the family home was sold in 2019 due to the business struggles.

Mark Ketley confirmed that the family home had been sold prior to covid and the applicant had resided with family whilst waiting for a property he had made an offer on. Covid had a negative impact on the applicant's business so the applicant had to pull out of the new property and remain living with family which was not sustainable so decided to reside at the chalet.

Councillor E Adam queried whether it was normal to grant a three year request and if that would be ample time for the applicant to make plans to make the situation better.

Mark Ketley admitted that there had been no sign of improvement within the roofing business therefore the applicant had pre-empted the camping and caravanning proposal to achieve an alternative source of income. The applicant was hopeful that the time frame would be sufficient to help him find his feet and to find an alternative housing solution nearby.

The Principal Planning Officer stated that policy 12 set out criteria for rural dwellings to have a functional need where a site needed to be covered for twenty-four hours to meet the needs of the business. The conditions set out that the business would need to accommodate a full-time worker and the business would need to have been established for at least three years. The applicant could provide no evidence that the camping and caravanning business could sustain the family financially, the business had not been established for three years and the business could not meet the functional need to have a full time worker on site for 24 hours. The length of time requested had been put forward by the applicant. He felt that the applicant could still be in the same position in three years. Planning Policies did not allow for dwellings in rural areas to be isolated as in this case and thought the applicant should explore rental sites in the area or sell the land.

Councillor L Brown queried why the variation of condition (VOC) had been refused twice and whether an enforcement notice had been served. If there was evidence that the family had been made homeless could the council not provide support.

The Principal Planning Officer confirmed that the variation to the VOC had been refused twice. If an enforcement notice was to be served the applicant would be given a lead in time to move from the chalet and for the Council to offer help and support with accommodation.

Councillor M McKeon was concerned that some applicants had previously submitted planning applications for holiday lets which had been turned into resident accommodation. She was doubtful this was the case with the applicant. She declared that she would not feel safe if she was camping on this site as a single woman if there was not a 24 hour presence on site.

The Principal Planning Officer reiterated that there was no business on the site and policy could not justify the use of chalet 1 as accommodation.

The Planning Officer replied to Councillor E Adam's enquiry regarding the planning history as to why previous applications had been refused in that the previous applications had requested different things and it was this application now that had requested the link for the managers accommodation for a three year period.

The Principal Planning Officer acknowledged that enforcement action could not be taken if a planning application had been submitted. If the application was refused planning enforcement action would be taken with time built in for the applicant and his family to find suitable accommodation. This would allow the applicant to also seek help from other Council services that he may not have access to at present.

Moved by Councillor G Richardson, **Seconded** by Councillor J Atkinson
and:

Resolved

That the application be approved as a personal permission subject to Conditions as agreed between the Planning Officer and the Chair of the Committee.

e DM/23/00298/VOC - Bracken Hill Farm Cottage, Bracken Hill Road, Hunwick, DL15 ORF

The Committee considered a report of the Planning Officer regarding an application for the removal of condition 9 on planning permission ref: 3/2022/0038 to allow an approved holiday cottage to be occupied as a permanent dwelling (use class C3) (for copy see file of minutes).

The Principal Planning Officer, Steven Pilkington gave a detailed presentation with site location, photographs of the site and a site plan.

Councillor O Gunn, Local Member spoke in support of the application. She informed the Committee that she had lived in Hunwick for seventeen years and knew the area well. She did not agree with the reasons given for refusal of the application that the dwelling was isolated. Councillor Gunn informed the Committee that her residential house was further away from Hunwick village than the applicant's cottage and was not considered isolated.

Councillor Gunn provided the Committee with details of how the settlement of Hunwick was established. People chose to live in Hunwick because it was a quiet location. Facilities in the village consisted of a local pub and a little shop that delivered milk and newspapers daily. The removal of the condition would not affect tourism in the whole of County Durham as there were plenty of holiday cottages within the area and the loss of one property would not have a significant impact on tourist accommodation.

Councillor O Gunn added that she did not consider the cottage to be unsatisfactory in terms of living conditions. The cottage was large with an open plan kitchen, garden area and an area with parking. Councillor Gunn considered that the removal of the condition would not damage the local economy or quality of life for the person living at the cottage.

Mr Mark Ketley, Planning Consultant addressed the committee in support of the removal of condition 9 from the planning application. He stated that Hunwick had developed over time with a cluster of three villages that had merged over time into one single sporadic settlement. In 2011 Mr and Mrs Fielding applied for a change of use to the property to a holiday let and in 2014 had the cottage converted to holiday accommodation. The cottage had been successful as a holiday let but with the cost of living rising and the impact of Covid people surveys showed that there was less demand for the holiday cottage. Mr and Mrs Fielding had seen a significant drop in bookings. Upon monitoring their website, in 2016 it showed it had received 6000 views that dropped to 1900 in 2022 that reduced even further to 1600 in 2023.

The Principal Planning Officer stated that planning policy considered the cottage to be an isolated dwelling in the countryside and not ideal for a residential property.

Councillor M McKeon considered that the cottage was not isolated as someone could walk to the local amenities/bus stop within 13 minutes She noted that when the couple bought the cottage they knew their surroundings that did not deter them. She thought it would be better that someone was living in the property rather than it become another white elephant if not viable in its current form.

Councillor E Adam requested that the Planning Officer expand on the reason for refusing on policy 29 and 31 as the business would need to be sustainable if it came up for sale and what the impact would be.

The Principal Planning Officer had recommended that the request be refused as the NPPF set out the minimum standard space for old dwellings. The dwelling if residential would have shorting comings with the recommended floor space set out by the government. In response to Councillor E Adams query about space he stated that the national space standard set out in the policy what the minimum floor space should be for a single person and the property fell short. It was a small property and as set out by the Government was adequate for a holiday let but not as a permanent residence.

Moved by Councillor V Andrews, **Seconded** by Councillor M McKeon
and:

Resolved

That the application be approved as a personal permission for the remainder of the length of time the property was in the ownership of the applicant and subject to Conditions agreed between the Principal Planning Officer and the Chair of the Committee.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/01617/FPA
Full Application Description:	Change of use from former field centre to single private dwelling
Name of Applicant:	Mr and Mrs Sparrow
Address:	Field Centre, Baldersdale Barnard Castle DL12 9UU
Electoral Division:	Barnard Castle West
Case Officer:	Jill Conroy Planning Officer 03000 264 955 jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a disused residential centre for educational purposes (field centre), located in Baldersdale to the southwest of the County. The site occupies an isolated location, sited some 2 miles to the west of Cotherstone Village, with Blackthorne Reservoir lying approximately 470m to the south of the site.
2. The field centre is set within a triangular plot of land measuring 0.25 ha in area and comprises a stone building, a car park and a modest garden space. The original building has been previously extended with the addition of a flat roof to the rear (roadside elevation), which provides additional first floor accommodation. The building has also been extended to the side, adjacent to the parking area, with a single wing providing toilet and shower facilities and a rear annex providing additional bedroom accommodation.
3. The building currently provides 7no bedrooms, 3no of which are located on the first floor, along with W.C and showering facilities. The building also contains a

meeting room, boot room and a classroom. Externally there is a car park to the west, which can accommodate a minimum of 3no vehicles and a small parking area to the east of the building which can accommodate a further vehicle. Directly to the south is a timber decked area.

4. In terms of planning constraints, the building is considered a Non-Designated Heritage Asset (NDHA), it is also located within the North Pennines Area of Outstanding Natural Beauty (AONB) and also lies within the Teesmouth and Cleveland Nutrient Neutrality constraint area. Public Footpath No. 24 (Hunderthwaite) passes through the car park, whilst Public Right of Way No 28 (Hunderthwaite) lies directly to the south of the site.

The Proposal

5. Full planning permission is sought for the Change of Use of the Field Centre (C2 Use Class) to a single residential dwelling (C3 Use Class). There are no external changes proposed as part of the application other than repair works to the building which in themselves wouldn't require planning permission.
6. The resultant dwelling would provide 3no large bedrooms, 2no of which would be located on the ground floor along with a bathroom, a home office, a kitchen, snug and a lounge. The upper floor would contain a bedroom with en-suite, a dressing room and a second home office. The car park and external areas are proposed to remain unchanged.
7. The application is being reported to planning committee at the request of Councillor Bell, to allow consideration of the issues around the loss of a community facility and impact on local businesses.

PLANNING HISTORY

8. No relevant planning history.

PLANNING POLICY

National Policy

9. A revised National Planning Policy Framework (NPPF) was published in July 2023. 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
10. *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.

11. *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.
12. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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:

19. 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; design process and tools; determining a planning application; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public rights of way and local green space and use of planning conditions.

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

Local Plan Policy:

The County Durham Plan (CDP)

20. *Policy 10 (Development in the Countryside)* states the 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.

Provision for development of existing buildings includes; changes of use of existing buildings, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

21. *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.
22. *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.

23. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

Any 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.

24. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
25. *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.
26. *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.
27. *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.

28. *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.
29. *Policy 38 (North Pennines Area of Outstanding Natural Beauty)* states that the North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Major developments will only be permitted in the AONB in exceptional circumstances and where it can be demonstrated to be in the public interest, in accordance with national policy. Any other development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB Moorland Tracks and Access Roads Planning Guidance Note as material considerations.
30. *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
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 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.
33. *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.

34. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
35. The Council's Parking and Accessibility Supplementary Planning Document (SPD) provides guidance on parking standards which new development should achieve.

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

Neighbourhood Plan:

36. 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:

37. *Highways Authority* – Offer no objections, advising that the proposed parking, cycle storage and EV charging are in accordance with the DCC Parking Standards and that there is sufficient manoeuvrability area so that vehicles can enter and exit in a forward gear.

Non-Statutory Responses:

38. *Spatial Policy* – Advise that paragraph 93(c) of the NPPF 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. Based on the information available to date it would be difficult to conclude that the loss of the facility would impact day-to-day needs, however, this would need to be balanced against the loss in general of the community facility. Whilst there is no clear definition in the CDP as to what constitutes a community facility, from a policy perspective it would be reasonable to use Paragraph 93 of the NPPF as a starting point. Community facilities would therefore be defined as a physical facility for different individuals and communities, including the private, public and voluntary sector.
39. It could be reasonable to view the field centre as a community facility given the types of activities that have been provided in the past, however, the final decision on this would ultimately be with the decision maker to reach a view based on all the information and evidence available if it constitutes a community facility.
40. *Ecology* – No objection subject to condition and inclusion of acquisition of relevant bat licence.

41. *Landscape Section* – Advise that the site lies in a prominent roadside location within the AONB. The change of use to a dwelling is acceptable from a Landscape perspective; the design and access statement states that there would be no alterations to the external appearance of the building with plans suggesting that the external area/curtilage will remain as existing.
42. *Environmental Health Nuisance* – The housing development is noise sensitive. The locality maybe regarded as rural setting with both residential housing and agricultural fields being near the site. There are no major roads near to the site, therefore relevant noise levels should be relatively low and comply with the thresholds, stipulated in the TANs (Technical Advice Notes)
43. *Environmental Health Land Contamination* – Advise that there is no requirement for a contaminated land condition.
44. *Design and Conservation* – The building in question is unlisted, but of some notable age, being shown on the 1st edition OS map of the mid-nineteenth century and part of the historic built fabric of the North Pennines AONB. Early mapping identifies the building as a Chapel and School, which would give the building additional social significance within the dale. However, it has been quite extensively altered over the course of its history in line with its changing uses. There would be no alterations to the external appearance of the building, and the curtilage appears to mirror the existing. No objections are raised.
45. *Public Rights of Way* – Public Bridleway No 28, Hunderthwaite lies to the south of the Red Line Boundary and as such should remain unaffected by any proposal. Public Footpath No 24, Hunderthwaite crosses the gravelled parking area of the site and it is noted in the design and access statement that structures and signage will be improved, which is welcomed. Given the change of use and the probability of vehicles being parked in this area for longer timespans, the applicant should arrange the parking to not obstruct the footpath and cause future issues for path users. No objections are raised.

Public Responses:

46. The application has been advertised by way of a site notice and individual notification letters sent to neighbouring properties.
47. Eight letters of objection have been received raising concerns over the following issues summarised below: -
 - The proposed development would result in the loss of a community service/facility, without sufficient justification. The building is an asset which is valued by local residents in the barnard castle area and around.
 - The benefits of field centres to the children and young people is highlighted, allowing them to experience the outdoors.
 - There was insufficient public consultation carried out by the vendor before the decision was carried out to dispose of the asset.
 - Six outdoor centres in Teesdale have been closed over a period of 15 years.
 - An inappropriate level of consultation has been carried out as part of the planning application process. The proposal could benefit up to 12,000 young people a year.

- The building is not vacant due to a lack of demand, but due to circumstances around its prior lease, local schools and groups are interested in using the facility.
- An offer was made and accepted on the building to retain its current use, but later the acceptance was withdrawn.

48. Five letters of support have been received. The comments have been summarised below: -

- The building is beginning to deteriorate. Given its roadside position it would be of benefit to be improved to prevent it dilapidation any further.
- The building has history as a residential dwelling up until 1960's.
- Blackton Grange and Water Knott have been recently changed to dwellings with no objection from the wider community.
- The field centre cannot be described as a loss to the local community as it was never used in any meaningful way by the community.
- The building was used as a field study centre, not an outdoor activity centre which are two very different uses.
- The number of children cited to benefit from the building would involve large number of journeys along the dale road, as opposed to the number of journeys by one family.
- The property being occupied as a family home would help against rural crime, given the isolated nature of the properties in Baldersdale.
- The use of the isolated building as a home will help provide much needed investment into the local community, spending locally and boosting the economy.
- The building has no surrounding land and is not ideal for children. There are no amenities or outdoor activities to keep users occupied.
- An objector 'Wilderness Outdoors' is a private business not a charity which is not a community asset.

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

Applicants Statement:

49. The application is for the change of use of an extended Victorian schoolhouse back to a dwelling. The building is a non-designated Heritage Asset. The school closed in the 1950s and then became private family residence. The building has been empty for 8 years, but most recently it was leased to a Middlesbrough school as a Field Centre (not an Outdoor Activity Centre). Pupils and staff were transported in a minibus directly from Middlesbrough providing minimal economic benefit. No viable alternative has been proposed for the property in its current use. The vendor undertook a feasibility calculation (provided). The property cannot accommodate an average sized class of children.
50. Preplanning (PRE42/22/03244) states: "The current use of the building is not a community service or facility, as such there can be no loss of such a facility." As the application has been called to committee citing loss of community facility, we respectfully ask that the committee provide details if they are take a different view to that of the officer's advice.

51. The property has never been used for commercial purposes, and until 2015, its primary function was to serve Middlesbrough pupils. The building has not provided a facility for Baldersdale since it was the local school in the 50s. The objections are statements from individuals stating their preference and don't relate to the loss of a facility. Many of the objections raised are linked to another party who also bid for the property.
52. The other bidder states they could use the property as a 'base' for their Outdoor Activity business which would not be a 'Residential Institution' (C2 use class). Their services include Birthday/Stag/Hen parties which are not permitted under C2 and therefore would also require a change of use. They claim the property could provide access to 12,000 people/year which is unfeasible as this would far exceed the property's capacity. The other bidder's website offers Water Sports, Archery, Abseiling and Canyoning, which cannot be done on site. As far as we know, the other bidders have not submitted a pre-app enquiry, so it is not known if their proposals are likely to be acceptable to the planning authority.
53. School Outdoor Activities are currently provided less than a mile away at Low Birk Hatt farm. Also, contrary to one statement, the Kingsway Centre in Middleton-in-Teesdale is for sale/lease as a going concern. The YHA at Langdon Beck is also open.
54. This application is consistent with CDP(10h) and NPPF 80b covering change of use and heritage assets. Details of the unsatisfactory condition of the property have been provided and mentioned in supportive comments. Reverting the property to its former use as a house represents the "optimal viable use of that asset" and allows the for investment needed to conserve the property. There have been supportive comments from local residents, worried about the long-term sustainability of the remote community. NPPF 79 requires promotion of development to "maintain the vitality of rural communities" and states the economic benefits to neighbouring settlements.
55. Our application states our intention to move to low-carbon energy sources and adding insulation.
56. Finally, we draw your attention to approved application DM/16/02297/FPA which was a carbon copy application for a former school field studies centre 2 miles away, and to our future plan for the property outlined in prior submissions.

PLANNING CONSIDERATION AND ASSESSMENT

57. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations, including representations received, it is considered that the main planning issues in this instance relates to the principle of development, locational sustainability, historic and landscape impact, residential amenity, highway safety, Public Rights of Way, ecology, nutrient neutrality, drainage, ground conditions 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 in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out 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. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
60. CDP Policy 10 is considered the starting point for the consideration of development in the countryside. The policy sets out that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to a specific exception set out within Policy 10. Relevant to this case is the exceptions listed in Policy 10 relating to the development of an existing building where the building already makes a positive contribution to the character and appearance of the area and is capable of conversion without complete or substantial rebuilding or unsympathetic alterations. This is providing the development results in an enhancement of the buildings immediate setting and does not result in the unjustified loss of a community service or facility.
61. The approach of CDP Policy 10 replicates the approach for Paragraph 93(c) of the NPPF, which 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.
62. In this respect the proposal seeks to change the use of an existing Field Centre (Use Class C2) to a single residential dwelling, no external changes are proposed. As such, the key considerations relating to the principle of development is the whether the current use is considered a community facility and if so whether the loss of the use is justified.
63. The CDP does not provide a definition of the term '*community facility*'. However, it is considered reasonable to use Paragraph 93 of the NPPF as a starting point. Paragraph 93 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. It is therefore considered that community facilities can therefore be defined as a physical facility for different individuals and communities, including the private, public and voluntary sector that assist in meeting their day to day needs.
64. In order to determine whether the Field Centre is considered a community facility, it is important to understand its function and service that it provided. The Field Centre was a former school room and house which was constructed circa 1870's. The school closed around the 1950's and subsequently become a residential dwelling and then latterly a residential field centre for Ormesby School in Middlesbrough from around 1970. Since the property was originally built it has been owned by the local Parochial Church Council (PCC). It is

advised that the school ceased paying rent for the building in 2017 and the property has been vacant from this period.

65. The planning statement advises that when operational the site was principally used by Ormesby School in Middlesbrough. Children were transported to the Field Centre where academic activities were undertaken. The supporting statement suggests that the building was not used as an outdoor type centre due to the limited garden space and steep sloping grounds at the site. It is also suggested that indoor recreational activities were limited, given the size of the building. It is advised that when the school weren't utilising the building, other groups from the region did use the building, including local scout groups however this was infrequent.
66. Based on the information put forward, officers' observations of the site (including accommodation on offer and size of amenity land). On the whole, whilst recognising that the building may have been occasionally utilised by other local groups, it is considered that the Field Centre is not categorised as a community facility. This is recognising that the building hasn't served the needs of the local or wider community since it was used as a School by the local residents of Baldersdale and has been used in a private capacity with limited wider public access.
67. Although it is deemed that the building is not categorised as a community facility, it is accepted that the proposal would result in the loss of a building in a C2 use. It is however recognised that the building has not been in an active use since 2017 when the school that leased the building gave up the lease. The Parochial Church Council, the current owners of the property, have advised that they have been approached by external businesses to rent the building. However, the proposed rental income would not meet the financial and charitable objectives of the church and would not cover the day-to-day costs of operating the building and required continued necessary financial investment into the property. The building internally is dated, and services require updating to order to meet required minimum safety standards. It is also recognising that the building in its current form can only accommodate up to 22 children at a time, which is significantly less than the average school class size. The building would therefore likely require extensions and refurbishment in this respect to continue its current use, while it is also recognised that there is limited external amenity space meaning that outdoor activities on the site would be restricted.
68. The property has been advertised on the open market for purchase. Based on the objections received a local outdoor education business was unsuccessful in their offer for the premises. It is unclear what the level of the offer was or how the business intended to utilise the property moving forward with other activities linked to their business falling outside of the C2 use class of the property. However, ultimately given that the development would not result in the loss of a community service or facility there is no policy requirement to prove viability or demonstrate that suitable offers have been discounted. In terms of other facilities in the area, it is recognised that the number of traditional field centres have significantly reduced, however other outdoor activity centres remain, including the Teesdale Activity Centre in Ireshopeburn, The Kingsway Activity Centre in Middleton-in Teesdale is not understood to be currently operating but

business is up for sale, with other pop-up activity sites are in operation including at Low Birk Hat.

69. Overall, it is considered that as a result of how the building has been previously used, and its historical limited use by the local community, the development would not result in the loss of a community facility for the purposes of Policy 10 of the CDP. Notwithstanding this, given the length of time the building has been vacant it is considered that any loss would have limited harm, it is also recognised that there needs to be substantial investment into the building while its size and extent of outdoor space would limit the scale and nature of activities which could be undertaken at the property. In principle it is therefore considered that the proposal would conform with Policy 10 of the County Durham Plan and Paragraph 92 of the National Planning Policy Framework, the detail impacts/merits of the development are considered below.

Locational Sustainability

70. As identified above, the site is beyond any recognised settlement and would therefore be classified as being located within the open countryside. The provision of new houses in the countryside is strictly controlled unless there are special circumstances. The NPPF makes clear (paragraph 80) that these special circumstances could involve instances where the development would re-use redundant or disused buildings and enhance its immediate setting.
71. CDP Policy 10 Criteria h (1) does permit development necessary to support the change of use of an existing building or structure which already makes a positive contribution to the character and appearance of the area and is capable of conversion without complete or substantial rebuilding, disproportionate extension or unsympathetic alterations, and results in an enhancement of the building's immediate setting.
72. The building, although having undergone various extensions and alterations over time could be considered a Non-Designated Heritage Asset (NDHA) in recognition of its detailing on the first edition OS map of the mid nineteenth century and also that it is noted as being a Chapel of Ease and school. As such, it is considered to make a positive contribution to the area. Whilst no structural report has been submitted in support of the application, it is recognised that various maintenance works are necessary to be undertaken in order to bring back the building into a usable function, however the general structural integrity of the building appears sound and capable of conversion without any substantial rebuilding or extension.
73. In terms of its location, the site is acknowledged to have poor access to, and is remote from services, shops, employment and education facilities. Criteria p of CDP Policy 10 stipulates that new development in the countryside must not be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that are not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
74. The site is remote and at an approximate distance of 6.6km (as the crow flies) from Cotherstone, the closest service centre which provides the necessary

services and facilities. The site is however linked by a network of Public Rights of Way and whilst they link up with the application site and Cotherstone, it is considered that it is of too great a distance to expect future occupiers of a dwelling to walk, in order to access these provisions. The site does not benefit from public transport provision either, with the closest bus stop being some 4km away at Hunderthwaite, however it is reasonable to expect that the transport provision will be limited in this area and therefore future occupiers are likely to be largely reliant on their private vehicle to access necessary services.

75. Overall, the site is recognised to be unsustainably located, however it is acknowledged that the Field Centre is an attractive, traditional building which is currently vacant, therefore the merits of the conversion and re-use of the building for residential use would be sufficient to outweigh the locational harm of the development. The re use of the building would result in improvements through maintenance and general repair which would improve the buildings setting. The proposal is therefore considered to comply with Policy 10 of the County Durham Plan and Paragraph 80 of the National Planning Policy Framework.

Historic and Landscape Impact

76. CDP Policy 10 under the general design principles states that development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for;
77. CDP Policy 38 states that the North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions great weight will be given to conserving landscape and scenic beauty. Any other development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
78. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. 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.
79. CDP Policy 44 states that a balanced judgement will be applied where development impacts upon the significance and setting of a non-designated heritage asset. In determining applications that would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard would be had to ensuring the archaeological features are preserved.
80. The site is rurally located, set within an Area of Outstanding Natural Beauty (AONB). The property is of a general high visual standard and proposes no external alterations as a result of this application, only minor maintenance works. The applicant has confirmed that internal alterations will be required to

facilitate the conversion, including the introduction of further insulation and underfloor heating and the provision of a further log burning stove, which would share the same flue and chimney as the existing.

81. Overall, it is deemed that the proposal would not adversely impact upon the rural character of the property or the wider Area of Outstanding Natural Beauty, the proposal will also conserve the Non-Designated Heritage Asset. The development is therefore considered to comply with Policies 10, 29, 38, 39 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework in this respect. The withdrawal of permitted development rights would allow control of any future alterations to the property to ensure the wider landscape character and quality of the building is retained.

Residential Amenity

82. 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.
83. 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.
84. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which provides details of appropriate separation distances to other properties amongst other standards, to ensure an appropriate level of amenity for both future occupiers and neighbouring dwellings.
85. The building is relatively isolated, being removed from other surrounding dwellings, with the closest neighbour being some 200m (approximately) distance removed. In the context of residential amenity, it is therefore considered that the proposal would not have an adverse impact on both future occupiers of the property or neighbouring properties.
86. In terms of the amenity of future occupiers, the dwelling would provide three bedrooms and would be compliant with the Nationally Described Space Standards (NDSS) which requires a 3-bedroom, 6 persons dwelling to have a 102m² gross internal floor area. Each of the bedrooms exceed the minimal floor area of 11.5m².
87. Environmental Health Officers have been consulted as part of this application and advise that the proposal is noise sensitive with the location being regarded as a rural setting with both residential housing and agricultural fields near to the site. There are however no major roads, therefore relevant noise levels should be relatively low and the development would comply with standards stipulated in the Technical Advice Notes.
88. Overall, the proposals are considered to provide a good standard of amenity for existing and future residents, in accordance with Policies 29 and 31 of the

Highway Safety

89. 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, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 10 criteria (q) requires development not to be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
90. The Highway Authority has been consulted on the application and have advised that there is proposed parking, cycle storage and EV charging provision in accordance with the DCC Parking Standards. The property has sufficient manoeuvrability space to permit vehicles to enter and exit in forward gear. As such, the proposal gives rise to no serious highway safety or network capacity issues.
91. Overall, the proposals are not considered to adversely affect highway or pedestrian safety and therefore accord with Policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Public Rights of Way

92. CDP Policy 26 states that development is expected to maintain or improve the permeability of the building environment and access to the countryside for pedestrians, cyclists, and horse riders. Proposals which would result in the loss of, deterioration in the quality of, existing Public Rights of Way (PROW's) will not be permitted unless equivalent alternative provision of a suitable standard is made.
93. The site is surrounded by a network of Public Rights of Way, including route No's 24 and 28. Public Bridleway No 28, Hunderthwaite lies to the south of the site and as such, should remain unaffected by the proposed development. Public Footpath No 24, Hunderthwaite passes through the gravelled car park to the west of the building. The submitted Design and Access Statement advises that structures and signage are to be improved as part of the application.
94. DCC's PROW Officer has been consulted on the application and notes the location of PROW No 24. Overall, no objections are raised to the development providing that parked cars do not obstruct the footpath or cause issues for future users of the path. This matter can be brought to the attention of the applicant by means of an appropriate informative.
95. Overall, subject to the informative, the proposed development would not adversely impact upon the network of existing PROW's in accordance with CDP Policy 26.

Ecology

96. CDP Policy 41 seeks to ensure new development minimises 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.
97. CDP 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.
98. NPPF Paragraph 180 d) advises 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.
99. In line with this the applicant has provided a Preliminary Ecological Appraisal together with a Bat Report as part of the submission which advises the existence of a bat roost within the existing building. DCC's Ecologist has been consulted on the application and advises that there are no objections to the development subject to the conditioning of the Recommendations section detailed within the Bat Report of which to include the acquisition of a relevant bat mitigation licence, prior to works commencing on site and the retention of nesting opportunities/sensitive timing of works to avoid impact on breeding birds.
100. Subject to the above, the proposal would accord with Policy 41 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework.

Nutrient Neutrality

101. CDP Policy 42 states that development that has the potential to have an effect on internationally designated site(s), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site.
102. Natural England have recently provided guidance for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites.
103. In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels is one of the primary reasons for habitats sites being in unfavourable condition. Excessive levels of nutrients can cause the rapid growth of certain plants through the process of

eutrophication. The effects of this look different depending on the habitat, however in each case, there is a loss of biodiversity, leading to sites being in 'unfavourable condition'. To achieve the necessary improvements in water quality, it is becoming increasingly evident that in many cases substantial reductions in nutrients are needed. In addition, for habitats sites that are unfavourable due to nutrients, and where there is considerable development pressure, mitigation solutions are likely to be needed to enable new development to proceed without causing further harm. They advise the LPA, as the Competent Authority under the Habitats Regulations, to carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.

104. Natural England have undertaken an internal evidence review to identify an initial list of water dependent habitats sites (which includes their underpinning Sites of Special Scientific Interest) that are in unfavourable condition due to elevated nutrient levels (phosphorus or nitrogen or both). The Teesmouth & Cleveland Coast is a designated Special Protection Area (SPA) and Ramsar site (Wetlands of international importance) and is identified as a habitat site in unfavourable condition due to excessive nitrogen nutrients.
105. However, in this instance the building currently comprises of 7no bedrooms and according to supporting information, the building can accommodate up to 22 people at one time. The proposal would seek to reduce the number of bedrooms to 3no in total, therefore it is not considered that the proposal would generate additional wastewater compared to that which is possible under the current use of the building and so nitrate levels in the Teesmouth & Cleveland Coast SPA would not be increased as a result of this development. Consequently, in this instance no further consideration regarding nutrient neutrality is required.

Drainage

106. 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.
107. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP 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. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
108. The site is not located within a flood zone. Information has been submitted to advise that the site is served by an existing septic tank and surface water would

run off into an existing soakaway. No other permeable surfaces are proposed as part of this application therefore the proposal would not lead to a surface water increase.

109. The proposal is considered to comply with the drainage requirements of Policies 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

Ground Conditions

110. 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.
111. In this regard, the Council's Contaminated Land Team have been consulted and they confirm there is no requirement for a land contamination condition on the scheme.

Other Matters

Broadband

112. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
113. In considering this policy requirement, due the location of the development, according to the Ofcom availability checker, the broadband provision is limited in this area, therefore a condition will be required to secure a connection before the property is occupied. Accordingly, subject to condition, the proposal will comply with Policy 27 of the County Durham Plan.
114. Objections have been received raising concern with respect to a lack of public consultation for both the sale of the asset and around the planning application. The consultations concerning the sale of the property is not a material planning consideration and will have no bearing on the outcome of the decision. In terms of the consultations carried out for the planning application, a site notice was erected, and immediate neighbouring properties were notified. This is in line with statutory requirements for such matters.

CONCLUSION

115. The key considerations in this case relate to the principle of development, historic and landscape impact, residential amenity, highway safety, Public Rights of Way, ecology, nutrient neutrality, drainage, ground conditions, broadband and other matters.
116. Concerns have been raised by members of the public in terms of the loss of a community facility, however it is concluded that the Field Centre is not a community facility and therefore there would be no conflict with Planning policy

in this respect. The change of use to a dwelling would secure the future use of an otherwise deteriorating vacant building which could be deemed as a Non-Designated Heritage Asset, thus ensuring the special landscape AONB designation is suitably protected and retained.

117. The proposal is considered to comply with the requirements of Policies 10, 21, 26, 27, 29, 31, 32, 35, 36, 38, 39, 41, 43 and 44 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 12, 14, 15 and 16 of the National Planning Policy Framework. There are no material considerations which indicate otherwise, and the application is recommended for approval.

Public Sector Equality Duty

118. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
119. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the 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 plans and documents:

- OS Location Plan, ref 367/01, received 05.06.23
- Proposed Site Plan, ref 367/10, received 05.06.23
- Proposed Ground Floor Plan, ref 367/08 (Rev A), received 13.06.23
- Proposed First Floor Plan, ref 367/09, received 13.06.23

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 21, 29, 29, 31, 32, 35, 36, 38, 39, 41, 43 and 44 of the County Durham Plan and Parts 2, 4, 8, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The development shall take place in strict accordance with the Recommendations detailed in Section 6 of the submitted Bat Report, produced by All About Ecology, dated August 2023. Works shall include, but not be limited

to the acquisition of a bat mitigation license, prior to any works commencing on the site and the retention of nesting opportunities/sensitive timing of works to avoid impact on breeding birds. All works thereafter to be undertaken in strict accordance with the conditions of the license.

Reason: To conserve protected species and their habitat in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

4. Prior to the first occupation of the dwelling hereby approved, a scheme detailing the precise means of broadband connection to the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan.

5. Prior to the first occupation of the dwelling hereby approved, an Electric Vehicle Charging Point shall be installed and brought into use in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority.

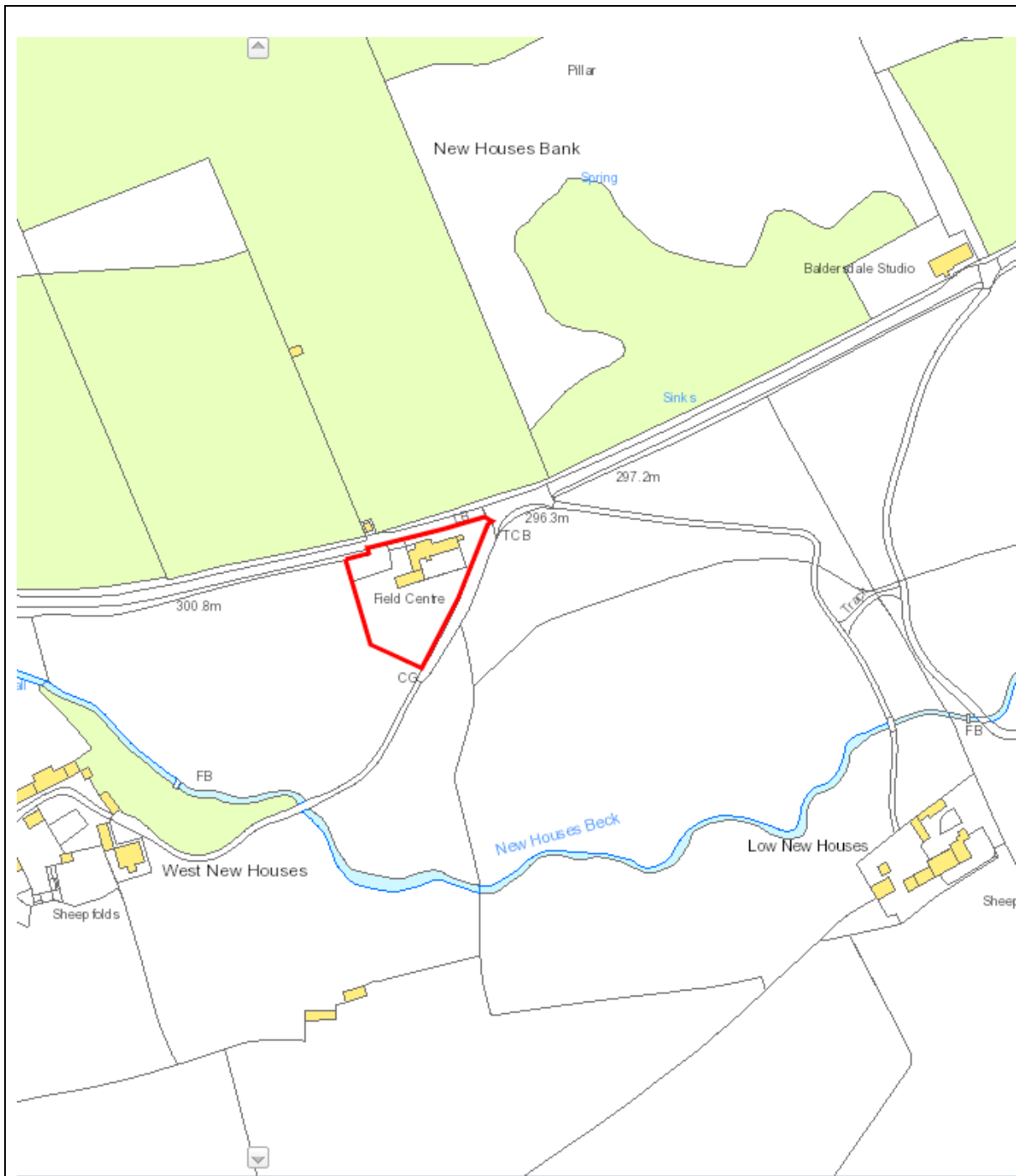
Reason: To comply with the Council's Parking and Accessibility Supplementary Planning Document

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development within schedule 2 Part 1 A, AA, B, C, E, F and Part 2, A and Part 14 A shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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
Parking and Accessibility Supplementary Planning Document 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

Proposal: Change of use from former field centre to single private dwelling

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Comments:

Date: October 2023



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/01275/PA
Full Application Description:	Prior Approval for provision of lagoon for the storage of slurry 60m by 40m with 3.5-metre-high bund
Name of Applicant:	Mr Mark Westgarth
Address:	Land Northwest of South Thorpe Wycliffe DL12 9TU
Electoral Division:	Barnard Castle East
Case Officer:	Jill Conroy Planning Officer 03000 264 955 jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located in open countryside, approximately 1 mile to the southwest of the village of Whorlton and 1000m to the north of the A66, to the south west of the county.
2. The site lies some 650 metres to the west of Southorpe Farm, a former working farm now consisting of a small grouping of residential dwellings. The site also lies 680 metres north of a caravan and camping site at Thorpe Farm, and 720 metres to the southwest of Thorpe Hall, a Grade II* listed building.
3. The site forms part of a wider agricultural unit operating out of Newsham Farm, located to the south of the site and the A66 located in the Borough of Darlington. The site itself consists of agricultural fields containing arable crops, enclosed by mature hedgerows.
4. The land is allocated as being within an Area of Higher Landscape Value (AHLV). There is a network of Public Rights of Way adjacent to the site,

including Public Right of Way (Rokeby No.1), which lies 600 metres to the west and Public Right of Way (Rokeby No.2) which also doubles as the Teesdale Way, some 350 metres removed to the north.

5. Vehicular access to the site is by means of an existing agricultural access track taken from the adopted highway (C186) to the south of the site.
6. In terms of planning constraints, the site is within the Teesmouth and Cleveland Nutrient Neutrality Constraint area.

The Proposal

7. This is an application 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.
8. The development relates to the formation of a slurry lagoon, measuring 60m x 40m and includes associated landscaping. The lagoon would have a maximum capacity of 8146 cubic meters.
9. The lagoon would be encompassed by bunding, made up of excavated material and seeded with grass. The bund would measure approximately 3.5 metres in height from the natural ground level. The lagoon would be surrounded by a standard 1.3-metre-high post and rail fence, topped with two strands of barbed wire spaced at intervals of between 100mm and 150mm. The lagoon would be covered by means of a reinforced PVC (polyvinylchloride) slurry resistant material, laid over floats which are positioned underneath the cover to enable it to float on the surface of the slurry. This would be tied into the lagoon embankment to hold the cover in place and to prevent the egress of rainwater into the lagoon.
10. The application is being reported to planning committee due to concerns raised by Councillor Richardson, with regards to the impact on visual amenity, siting and odour nuisance.

PLANNING HISTORY

11. Prior Notification was received, reference DM/23/00813/PNA and it was deemed that Prior Approval was required for the siting of the development to further consider the issues relating to the development.

PLANNING POLICY

National Policy

12. A revised National Planning Policy Framework (NPPF) was published in July 2023. 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.

13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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:

19. 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; design process and tools; determining a planning application; flood risk; healthy and safe communities;; natural environment; noise; public rights of way and local green space;; use of planning conditions.

Local Plan Policy:

The County Durham Plan (CDP)

20. *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.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

21. *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.
22. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
23. *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.
24. *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.

25. *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.
26. *Policy 42 (Internally Designated Sites)* states that development that has the potential to have an effect on internationally designated sites, either individually or cumulatively with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely, and, if so, will be subject to an Appropriate Assessment.
27. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

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

Neighbourhood Plan:

28. 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:

29. *Whorlton and Westwick Parish Council* – Raise concerns based on the size of the lagoon, traffic generation and an overall lack of information in which to determine the Prior Approval. A full planning application should be made in which to consider more details including the environmental impacts of this proposal to neighbours and residents within the Parish.
30. *Highway Authority* – Following confirmation of traffic movements associated with the development, it is considered that the proposal would be acceptable from a highway safety perspective.

Non-Statutory Responses:

31. *Ecology* – It is noted that the proposed site falls within the risk area for the Tees Catchment (NE advice regarding Nutrient Neutrality). As such further

information is required as to whether the proposed lagoon would result in an increase in nitrate loading on the adjacent fields (area where the resulting slurry would be spread).

32. *Landscape Section* –There would be a benefit of tree planting to help soften the lagoon embankment outline and horizontal emphasis, however the visibility of the proposal and its effects are localised and there would not be a wider visual impact. No objections have been raised.
33. *Environmental Health Nuisance* – It is noted the proposed lagoon does have a floating cover and it is assumed it would be used for approved fertilisers in line with current guidance and legislation. In terms of statutory nuisance and associated amenity matters, based on its given location; this would indicate that the development would not lead to an adverse impact providing relevant good practice and guidance is complied with. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development would not lead to an adverse impact. It is also advised that the development is unlikely to cause a statutory nuisance.

Public Responses:

34. The application has been advertised by way of a site notice erected by the applicant and individual notification letters sent to neighbouring properties.
35. As a result of this consultation exercise, 12no objections have been received with a further 3no letters from existing objectors, raising concerns over the following issues, as summarised below: -
 - Concerns are raised with respect to insects, odour, and gas emissions from the lagoon, particularly due to the prevailing wind.
 - The lagoon is to be located not far from the river Tees, there are concerns with respect to a discharge of pollution into the water course.
 - The lagoon should be sited close to the applicant's farm where there is a greater proportion of land holding rather than new development in open countryside.
 - The lagoon is larger than an Olympic size swimming pool and would undoubtedly go unnoticed in an Area of Higher Landscape Value.
 - There are concerns that the lid might go unused.
 - It is considered that the development does not comply with the provisions of Part 6, Class A as it would involve a new structure. Also, there may be a requirement for further buildings.
 - The development would increase traffic movements and impact highway safety in the locality.
 - There are no details of the materials to be stored other than the term 'slurry' nor where it emanates from.
 - There are no details regarding the management of foul or rainwater runoff.
 - No odour management reports have been provided, particularly during delivery, storage and emptying of the lagoon.
 - The development will have an impact on local tourism, namely the local caravan and lodge site.
 - The proposal should be considered as a full planning application to permit proper consultation and assessment.

- There is no information regarding the security of the lagoon and how the applicant intends to supervise it, being some 2.3km from their base.
- There are concerns that the lagoon is to be used as a commercial operation, serving other farms in addition to the applicants own requirements.

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

Applicants Statement:

36. The current proposals relate to the provision of a lagoon for the storage of slurry to be constructed as permitted development under the provisions of Part 6 Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015.
37. The proposals will provide additional slurry storage capacity to meet the requirements of the applicant's large arable landholding to ensure they can maintain storage capacity for slurry to comply with NVZ Regulations and the 6 months slurry storage capacity to comply with the Farming Rules for Water Regulations, while also maintaining the ability to apply slurry during optimal conditions as required by the Farming Rules for Water Regulations.
38. The need for the additional capacity cannot be provided at the existing farmstead, as it is detached from the landbank that the lagoon is intended to serve. The need for the lagoon is driven by the fact that the land is farmed on an arable rotation and there is currently a lack of fertiliser storage facilities in the immediate vicinity of the fields that the slurry is to be applied to. It is best practice to have materials that are recovered to land for agricultural benefit at place of use prior to spreading, as the materials can then be applied to the land when required, during optimal weather and soil conditions. The location of the proposed lagoon has been specifically selected as it offers a central location to the land bank in question thereby meeting the holding's operational requirements.
39. It is noted that objections have been raised from a number of local residents on various matters, however, it is fundamental to acknowledge in assessing the proposals that the permitted development regime does not impose full planning controls over the developments to which they apply and the principle of development or other planning issues (including a number of matters raised by local residents) are not relevant. Nonetheless, additional information submitted during the course of the application process has demonstrated that the proposed lagoon will not give rise to unacceptable impacts in relation to contamination; odour or highways in any event.
40. However, under the provisions of the legislation, the only matter for consideration is the siting of the lagoon and its impact on the landscape and, in this regard, the lagoon basin will be surrounded by a bund seeded with grass to minimise any potential for visual impact of the lagoon. There are also limited publicly available viewpoints of the proposed lagoon in view of its siting within an existing field and, any views that are available from surrounding visual receptors (e.g. public rights of way, residential properties, roads) will be taken across a considerable distance with the topography of the surrounding landform

and intervening vegetation ensuring that the grassed embankments of the proposed lagoon will largely not be visible and will certainly not appear as a visually intrusive or prominent feature within the landscape setting. The proposed lagoon will not therefore give rise to unacceptable impacts on the wider landscape setting and this position has been endorsed by the Council's Landscape Officer.

41. The proposals will therefore provide additional slurry storage capacity centrally located to the fields upon which the material will be spread to meet the needs of this well-established farming operation. The proposals satisfy the requirements of the relevant permitted development legislation and, as such, we would respectfully request that Members resolve to support the proposals.

PLANNING CONSIDERATION AND ASSESSMENT

Background

42. Article 3(1) of The Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended), also known as the GDPO, provides that planning permission is granted for the classes of development in Schedule 2 of the order. In this respect Schedule 2, Part 6, Class A of the GDPO grants planning permission on agricultural land comprised on an agricultural unit of 5 hectares or more in area of any excavation or engineering operation which is reasonably necessary for the purposes of agriculture within that unit.
43. This is subject to a number of limitations and conditions, including the requirement of a submission of a prior notification to the Local Planning Authority as to whether (in this case) Prior Approval is required for the siting of the development. Prior Approval is effectively a process where the LPA can give further security of the matter under consideration. The applicant has complied with this requirement and the LPA has confirmed that prior approval would be required for the siting of the development (under application DM/23/00813/PNA). This has resulted in this application for Prior Approval, development cannot commence until Prior Approval is granted, either by the LPA or the Planning Inspectorate.
44. It is important to note that the grant of planning permission made under the GDPO is made through the operation of Article 3(1) of the GDPO and not through any subsequent procedure or conditions set out in the relevant class. In other words, the Prior Approval process does not grant planning permission, this has already been granted, the Prior Approval process is merely a procedure to follow. The Prior Approval process can be viewed in the similar way as a discharge of condition application and not an application for planning permission.
45. Case law indicates that as part of the Prior Approval process an assessment should be made as to whether the development proposed would be considered permitted development, giving consideration of the nature of the development and adherence/compliance with the limitation of the relevant class of development. Aside from this, the only detailed matter to be considered relates the siting of the development. Whilst there isn't a legislative definition of the term 'siting', it typically refers to the location/position of development and the impact therein. In consideration of this matter, regard can be given to the development

plan but only insofar as it relates to the siting of the development and only as evidence to support the planning judgement.

Consideration of whether the proposal is Permitted Development:

46. As above GDPO grants planning permission for the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area any excavation or engineering operations which are reasonably necessary for the purposes of agriculture within that unit (Schedule 2, Part 6, Class A).
47. In this respect the farm holding comprises a 900ha landholding farmed by the applicant from Newsham Hall Farm, located to the south of the A66. This is an existing and established farming enterprise, the application forms state that the land has been farmed for over 100 years. The applicant states that the development comprises engineering works to facilitate the formation of a slurry lagoon, to allow the spreading of slurry across the applicant's land holding, particularly this element of the holding which is separated from the A66 and detached from the wider holding itself. The slurry lagoon would measure 60m by 40m and would have a capacity of 8146 cubic meters.
48. It is recognised that a number of objections have been raised with regards to the need to site the lagoon in this location instead of the main farming enterprise located at Newsham Hall Farm. Although the siting of the development is a matter of which to be considered, the rationale behind the chosen location is not strictly a matter which can be reasonably considered, as the test is whether the development is reasonably necessary. Nevertheless, the applicant has provided additional information to understand the rationale behind the chosen location of this development.
49. It is set out that the farming operations out of Newsham Hall Farm currently has a livestock capacity of 3,311 sows, 4000 finishers and 10 boars with an approximate volume of slurry produced being c.16,500 cubic metres per annum. The current storage facilities comprise two lagoons with a working capacity of c.3,500 cubic metres each and a slurry tower with a working capacity of c.1,500 cubic metres. According to the supporting detail, the existing facilities are dated and do not provide the requisite 5-month storage capacity to comply Nitrate Vulnerable Zones or the 6-month storage capacity to comply with the Farming Rules for Water Regulations. It is advised that there is limited scope to accommodate the lagoon adjacent to the existing farm as the adjoining land bank is already served by existing slurry storage infrastructure in this location. Furthermore, it is considered best practice to have materials that are recovered to land for agricultural benefit at place of use prior to spreading as the materials can then be applied to the land as and when required, during optimal weather and soil conditions.
50. Overall, it is considered that the development meets the reasonably necessary for the purposes of agriculture within the established unit test and would meet the requirements of the GDPO in this respect.
51. In relation to the other limitations and conditions of Schedule 2, Part 6, Class A the proposed agricultural structure is not consisting of works relating to a dwelling; the works are not within 3 kilometres of an aerodrome; no buildings have been erected on site within the past 2 years within 90 metres from the

application site; the development would not be within 25 metres of a metalled part of a trunk road or classified road; the slurry lagoon is located over 400 metres away from protected dwellings; the slurry lagoon would be designed for agricultural purposes and lastly following submission of the details of the slurry cover, the development would not be regarded as a building.

52. The matters of the application which relate to siting of which to be considered, are as follows:

Visual and Landscape Impact

53. The site to which this application relates is a parcel of arable farmland. As above, it is proposed to excavate a 60-metre x 40-metre section of land to form a slurry lagoon, with a ground coverage of 2,400 square metres. The slurry lagoon would provide a storage capacity of 8,146 cubic metres, within a centralised location, where the material would be spread in order to meet the needs of the existing farming operation.
54. The lagoon would be encompassed by bunding, made up of excavated material and seeded with grass. The bund would measure approximately 3.5 metres in height from the natural ground level. The lagoon would be surrounded by a standard 1.3-metre-high post and rail fence, topped with two strands of barbed wire spaced at intervals of between 100mm and 150mm to fend off livestock. A secure access gate of the same features would be included to deter and prevent unauthorised access. The lagoon would be covered by means of a reinforced PVC (polyvinylchloride) slurry resistant material, laid over floats which are positioned underneath the cover to enable it to float on the surface of the slurry. This would be tied into the lagoon embankment to hold the cover in place and to prevent the egress of rainwater into the lagoon.
55. In terms of landscape designations and visual receptors, the application site is located in an Area of Higher Landscape Value (AHLV). The closest public vantage points being from the adjacent Public Right of Way (Rokeby No.1), which lies 600 metres to the west and Public Right of Way (Rokeby No.2) which also doubles as the Teesdale Way, some 350 metres removed to the north. The nearest adopted highway (the C168) Linking the A66 to Whorlton lies approximately 645m to the west of the site.
56. CDP Policy 10 relates to development in the countryside. Part (I) of Policy 10 seeks to refuse applications that give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for.
57. CDP 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.
58. CDP Policy 29 (Sustainable Design) Part (a), states 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. Part (g) states that landscape proposals should respond creatively to topography and to existing features of landscape or heritage interest and wildlife habitats.

59. NPPF Parts 12 and 15 promote good design and set out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Objections have been received with regards to the visual impact of the development on the AHLV.
60. To assist in the assessment of the impacts of the development the Council's Landscape Officer has been consulted on the Prior Approval application. It is advised that the development is a large, engineered structure, which is not associated with existing built form nor is it clustered with the associated farmstead. However, due to the nature of the proposal, the topography and intervening vegetation, it is advised that the development would be largely screened or heavily filtered in wider views. It is noted that there would be increased visibility from higher ground to the south (around Barningham area), however this would be at a distance of around 4km plus.
61. The Landscape Officer also advises that from intervening short sections of the Teesdale Way, the bund around the lagoon is likely to be visible on the skyline, featuring as an engineered structure, visible above the intervening hedgerow. While additional tree planting has been offered as a way of softening the outline and horizontal emphasis, the Landscape Officer has confirmed that it is not necessary as these effects are localised with limited wider visual impact. Views from the C168 would in large be prevented due to the topography of surrounding fields.
62. Overall, having regard to the advice of the Council's Landscape Officer, while taking into account the concerns of the objectors, it is considered that the proposal would not lead to landscape harm though its siting, ensuring that important landscape features and views are protected. The proposal is therefore considered accord with Policies 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Impact on Amenity

63. CDP Policies 29 and 31 outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. NPPF Parts 12 and 15, 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.
64. A number of concerns have been raised with regards to gas and odour emissions and insect infestation as a result of the location of the lagoon. Residents of the surrounding area are deeply concerned with respect to the exacerbation of these emissions due to the prevailing wind. It is also identified that no odour management reports have been provided which considers odour during delivery, storage and emptying of the lagoon nor has specific detail been provided regarding the actual source and type of slurry to be stored. Concerns

have also been raised that the development would have an impact on local tourism, namely the local caravan and lodge site.

65. In terms of distances, the lagoon will be located some 650 metres to the closest sensitive receptors at Southorpe Farm to the east of the site. Other sensitive receptors include Thorpe Farm, which lies at an approximate distance of 680 metres to the south. It should be noted that Thorpe Farm is subject of a current planning application, reference DM/21/03916/FPA, for the extension of the caravan site northwards, towards the application site, however permission has yet to be granted for this. The other closest receptor is Thorpe Hall which lies 720 metres to the northeast of the site.
66. DEFRA defines slurry as run-off from solid manure stores, woodchip, straw bedded corral and stand off pads. The supporting information states that the slurry to be stored is that produced from the livestock associated with the established farming enterprise at Newsham Hall Farm. There is no detail to suggest that slurry other than from this farming operation would be stored within this location. This activity would also require planning permission its own right, as the GPDO only permitted such development that is necessary for the agricultural unit it relates.
67. However, with regards to odour nuisance and gas emissions, the applicant confirms in the supporting statement that the floating cover is a reinforced PVC slurry and biogas resistant material laid over floats positioned underneath the cover. Additional floaters with degassing pipes are fitted in the floating cover. The degassing pipes are a standard design for a covered lagoon to help ensure any gasses under the cover are suitably vented. The supporting statement also confirms that the floating cover minimises the potential for odour from stored material, impacting on receptors as it prevents and disrupts odours from escaping the lagoon, other than through the vent pipes.
68. The Council's Environmental Health Officer has been consulted and has advised that due to the provision of the lagoon cover, the development's location it would not likely lead to an adverse impact on amenity. It is also advised that the development is unlikely to cause a statutory nuisance, to which in the event separate powers are available to the Council's Environmental Health Department to investigate and enforce. It is also noted that the activity of spreading fertiliser or slurry on the surrounding fields is an activity that would be undertaken irrespective of this development.
69. Overall, taking into account the above, whilst recognising the concerns of the objectors in this respect, the siting of the proposal is not considered to result in an unacceptable impact on residential amenity. The proposal would therefore comply with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework in this respect.

Highway Safety

70. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. 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.

71. Local concern has been raised with regards to the impact on the local traffic network and general highway safety as a result of this proposal.
72. Supporting information advises that the proposed lagoon would be accessed by means of an existing farm track taken from Whorlton Lane (C168 adopted highway). It is intended that deliveries would be made to the lagoon typically from tankers carrying approximately 27 cubic metres of slurry. On this basis, it would take circa 300 deliveries to fill the lagoon, however this would likely be over a period of time as excess slurry is produced. Material from the lagoon would then be spread by pumping through an umbilical system therefore it is not anticipated that there would be any further vehicle movements in which to collect slurry from the lagoon.
73. The supporting statement advises that the number and nature of vehicle movements can be seen to be an improvement on existing arrangements, given that materials are currently tankered into and spread from a nurse tank as part of an intensive spreading campaign. The lagoon would improve this situation, as deliveries would be made as a steady flow prior to commencement of the spreading campaign.
74. The Highway Authority have been consulted on the application and while acknowledging the initial requirement and number of visits to the lagoon to fill the tank, once the tank is full, the development would generate very little traffic. On this basis, the Highway Authority have raised no objection to the development.
75. Accordingly, it is considered that the siting of the development would not lead to a loss of highway safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework in this respect.

Ecological Interests

76. The development site is not located with or in the proximity of any protected or designated ecological site and currently consists of undeveloped farmland in arable production. The Council's Ecology Officer raises no concerns in regard to biodiversity interests of the site itself, but it is highlighted that the site lies within the river Tees catchment and therefore concerns are raised regarding the potential for slurry leakage along with the potential for increased nitrogen loading on the surrounding field where slurry would be spread.
77. The construction, operation and storage of slurry and slurry stores is covered by separate legislation, known as SSAFO regulations (the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and is enforced by the Environment Agency. As part of these regulations' slurry storey must be constructed to a prescribed standard (BS 5502-50:1993 + A2 2010). The regulations also set out that the capacity of the slurry store should also incorporate an 25% allowance for rainfall, while earth banked slurry stores must have impermeable soil to a thickness of 1m or use a permeable liner. A notification for approval is required to be submitted to the environment agency prior to the commencement of the works.

78. Notwithstanding this, Article 3(1) of the GPDO, grants planning permission for the classes of development described as Permitted Development subject to Regulations 75- 78 of The Conservation of Habitats and Species Regulations 2017 (habs regs).
79. This is effectively a pre commencement condition requiring all permitted development which is likely to have a significant effect on a European site to submit a separate notification to establish whether the development would have an adverse impact on that site. This is known as a Regulation 77 Application.
80. Whilst recognising that the activities of slurry spreading currently take place on the land, given the nature of the development and potential impact on the Teesmouth and Cleveland Coast Special Protection Area (SPA) in relation to nutrient pollution a Regulation 77 Application would be required. This is however a separate process to this current notification which can only look at the siting of the development. An informative is however recommended to be included to outline the necessary requirements.
81. Subject to the inclusion of the informative, advising of the requirements to be undertaken by the application, the proposal would accord with Policies 41 and 42 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework as the siting of the development would not impact on any ecological interests on the site.

Other Matters

82. Concerns have been raised with regards to a lack of information in respect to foul and surface water drainage and land contamination, particularly due to a recent case publicised in the locale whereby a slurry leak occurred, making its way to a nearby watercourse. Residents are concerned with respect to the close proximity of the development to the River Tees. Although these concerns are duly noted and understood, they are however, outwith the remit of consideration of this Prior Approval. As above the construction, operation and storage of slurry and slurry stores is covered by separate legislation, known as SSAFO regulations (the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and is enforced by the Environment Agency. A separate notification process is required to be undertaken before the development commences with the Environment Agency.
83. Further to matters above, concerns have been raised with regards to security and maintenance of the site being located away from the main farmstead. The applicant has confirmed that there would be protective fencing with a secure gate to prevent unauthorised access to the site. The lagoon would be maintained in line with guidance and standards to ensure its operation meets best practices. The lagoon would be fitted with a leak detection system and would include as part of the sites infrastructure monitoring regimes to that proactive monitoring in regularly undertaken. This matter is again considered to fall beyond the scope of control of the Prior Approval Application.
84. Local concern has been raised that the lagoon cover, in which would contain the odour and gasses may go unused. Whilst there is no mechanism to ensure that the cover would be utilised correctly, it is also acknowledged that the farm is a well-established enterprise, with a requirement to adhere to standard

farming and working practices. Should odours and gasses become a matter of nuisance over and above what is reasonable, this would be dealt with under separate legislation enforced by the Environment Agency and the Councils Environmental Health Service.

85. Objectors consider that the development does not meet the provisions of Part 6, Class A as it would involve a new structure. In addition, the development may lead to a further requirement for additional buildings on the site. However as set out above the development is considered permitted development. As to the future requirement for buildings on the site, again this is a matter of speculation and would be considered as and when any future application is submitted.
86. A number of objectors consider that the development should be considered under a full planning application in which to allow full consideration of all necessary detailed matters. The Government allows permitted development rights to help facilitate timely development which is necessary for the benefit of agriculture. The applicant is exercising their right to apply under this procedure, and it is beyond the scope of control of the LPA to consider matters other than the siting of the development.

Conditions

87. The Prior Approval procedure set out in Schedule 2, Part 6 of the GDPO does allow for the imposition of conditions to make the development acceptable, in the same way they can be attached in a planning permission. However, the GDPO does impose conditions, including requiring the development to be carried out in accordance with the information submitted with the Prior Approval application, the commencement of development within 5 years.

CONCLUSION

88. Taking all the above into account, it is considered that the proposed development is reasonably necessary for the purposes of agriculture and would comply with the development criteria as set out in Part 6, Class A (b) of the Town and Country (General Permitted Development) Order 2015 (as amended).
89. The development has been considered in terms of its siting. It is concluded that the siting of the development would not have an adverse impact on the rural landscape and wider special qualities of the Area of Higher Landscape Value. The proposal would not have an unacceptable impact on residential amenity, nor would it result in traffic generation which would be considered severe. The proposal is also acceptable in terms of the site's ecological interests. A separate application process through the Habitats Regulations is required to establish any adverse impact on the Teesmouth and Cleveland Coast Special Protection Area (SPA)
90. Accordingly, the proposal is considered to accord with Policies 10, 21, 29, 31, 39, 41 and 42 of the County Durham Plan and Parts 2, 4, 6, 9, 12 and 15 of the National Planning Policy Framework.
91. The proposal has generated some public interest. All of the objections and concerns raised have been taken into account and addressed within the report.

On balance, the concerns raised were not considered sufficient to justify refusal of this application.

Public Sector Equality Duty

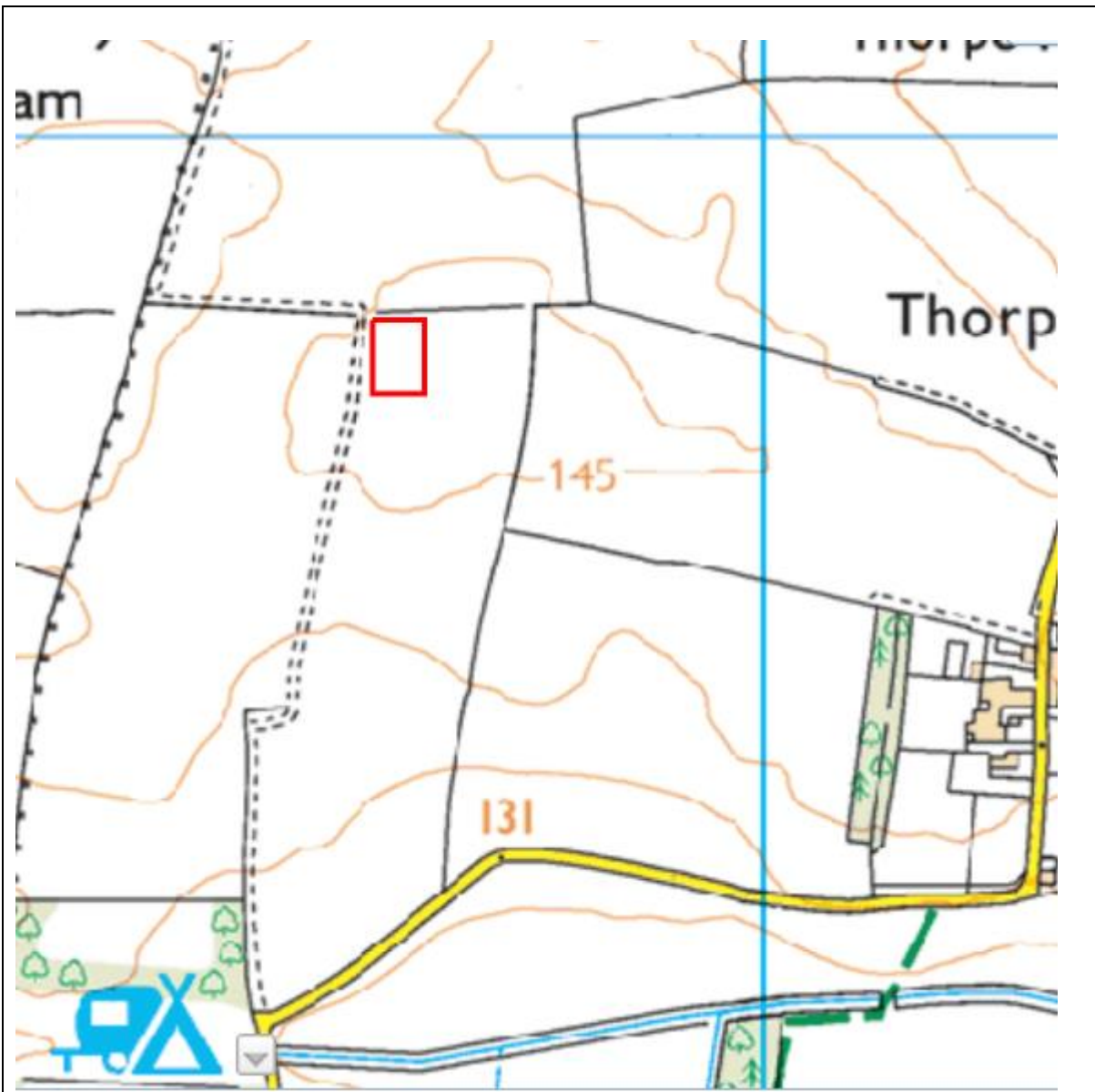
92. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
93. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That Prior Approval be **GRANTED**

BACKGROUND PAPERS

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



Planning Services

Proposal: Prior Approval for provision of slurry lagoon

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Comments:

Date: October 2023

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