



Area Planning Committee (South and West)

Date Thursday 24 February 2011
Time 2.00 pm
Venue Council Chamber - Barnard Castle

Please note change of venue for this meeting

Business

Part A

1. Declarations of Interest
2. Minutes of the Meeting held on 3 February 2011 (Pages 1 - 10)
3. Applications to be determined:
 - a) Application 6/2010/431/DM - Arbeia, Mickleton (Pages 11 - 18)
Change of use of land to equestrian and erection of timber stable
 - b) Application 6/2010/412/DM - Fair View Farm, Hummerbeck Lane, Evenwood Gate (Pages 19 - 36)
Application for renewal of extant planning permission 6/2007/129/DM as amended by 6/2008/481/DM for erection of 40 timber chalets
 - c) Application 7/2011/11/DM - 29 Primrose Drive, Shildon (Pages 37 - 42)
Enclosure of existing open porch
 - d) Application 7/2010/413/DM - Studley Drive, Whitworth Park, Spennymoor (Pages 43 - 48)
Variation of condition no. 2 of planning permission 7/2004/668/DM to allow erection of 56 dwellings on previously approved plots 283 – 315 (Bellway Homes), YO20 – YO45 and YO61 – YO64 (Yuill Homes)

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
16 February 2011

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

Councillor M Dixon (Chair)

Councillor E Tomlinson (Vice-Chairman)

Councillors D Boyes, D Burn, M Campbell, K Davidson, P Gittins,
A Hopgood, A Laing, E Paylor, G Richardson, J Shuttleworth,
P Taylor, R Todd, J Wilkinson and R Yorke

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (SOUTH AND WEST DURHAM)

AT A MEETING of the AREA PLANNING COMMITTEE (SOUTH AND WEST DURHAM) held in the COUNCIL CHAMBER, COUNCIL OFFICES, GREEN LANE, SPENNYMOOR, on THURSDAY 3 FEBRUARY 2011 at 2p.m.

PRESENT:

Chairman **COUNCILLOR M DIXON**

Members of the Committee:

Councillors D Boyes, D Burn, M Campbell, K Davidson, P Gittins, A Hopgood, E Paylor, G Richardson, J Shuttleworth, R Todd, E Tomlinson and J Wilkinson

Apologies for absence were received from Councillors A Laing and P Taylor

Also present: Councillor C Walker (substitute for Cllr Laing), Councillor S Hugill (for item 3C) and Councillors L Hovvels and P Brookes (for item 3B)

Officers:

Sarah Eldridge (Development Control Manager – Crook & Barnard Castle), Andrew Farnie (Development Control Manager – Spennymoor), Chris Simmonds (Legal Adviser), David Walker (Principal Planning Officer), David Gibson (Planning Officer), Charlie Colling (Planning Officer), Mark O’Sullivan (Planning Officer), Alan Glenwright (Highways Officer), Bryan Harris (Senior Conservation Officer), Delyth Roberts and Kirsty Gray (Democratic Services)

A1 Declarations of interest

Councillor Tomlinson declared a prejudicial interest in application 6/2010/72/DM/AD (The Bowes Museum) as he was member of the museum’s Board of Trustees; he left the meeting whilst the application was discussed and voted on.

Councillor Wilkinson declared a personal interest in application 3/2010/523 (Grey Towers, Wolsingham) as he was a member of the Corporate Parenting Panel.

A2 Minutes

The Minutes of the meeting held on 6 January 2011 were confirmed as a correct record and signed by the Chairman.

Note: the order of applications on the agenda was varied to allow those where speakers had registered to address the Committee to be heard first.

A3 Applications to be determined by the Area Planning Committee (South and West Durham)

7/2010/348/DM – Change of use from agricultural land to Travellers’ site for two caravans and associated vehicle parking on field at Salters Lane, Trimdon

The Development Control Manager (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had taken place earlier that day.

The Committee was addressed by Mr L Oliver, Clerk to Trimdon Parish Council, who objected to the application on a number of grounds, mainly environmental. The Parish Council was concerned about the appearance and tidiness of the site and how it would be monitored and controlled. The Council also had concerns about the safety of the access to the site and about the possibility of the proposed approval becoming permanent once the temporary period had expired.

Mr J McManners then addressed the Committee; he objected to the application for a number of reasons. He believed that the application would not comply with local planning policies designed to protect green spaces in the Skerne Valley area. He did not feel that this was the right location for this type of development and questioned whether it would be possible to return the land to agricultural use once the temporary planning permission expired. He also referred to other piecemeal developments that had taken place in the area in recent years and suggested that these undermined efforts made to preserve and enhance the landscape.

The Committee then heard from another objector – Mr D Chaytor, who referred to the agricultural building erected on land immediately adjacent to the site without the benefit of planning permission. He argued that it would be impossible to provide safe access to the application site as this building would be accessed along the same route; neither would it be possible to provide a safe play area for children. With regard to access, Mr Chaytor queried whether the applicant would be able to maintain good visibility as the land bordering the highway was not in their ownership. He considered that the application site and the site of the agricultural building were one and the same and that this application would not meet the criteria set out in Policy H23 of the Local Plan and, as the site was in effect to be in mixed use, neither would it accord with ODPM Circular 01/2006.

Local members, Councillors Brookes and Hovvells, then addressed the Committee on behalf of their community. Councillor Brookes explained that, whilst he sympathised with the plight of Travellers (many stopping place having been blocked off in recent years), who represented the largest ethnic minority in County Durham, he felt that this was not the right location for a Travellers’ site, being in open countryside, contrary to policy H23 of the Local Plan. He believed that the Skerne Valley should be protected from development (in accordance with planning policy); that the development would have a significant visual impact; that this was an isolated site that did not comply with ODPM Circular 01/2006 and that drainage issues had not been fully resolved. He thought it unlikely that more permanent sites would have been created in three years time, the main demand being for stop-over sites.

Councillor Hovvells referred to the environmental improvements that had been made in the Trimdon villages in recent years and felt that this development would undermine the progress made; it would intrude into the open countryside and

adversely affect the visual amenity of the area – it was simply the wrong place for this type of proposal, being agricultural land and not suitable for residential development. She stated that there was much local opposition to the proposal and urged the Committee to listen to local opinion and refuse the application.

In responding to the objections outlined above the Development Control Manager indicated that there was proven unmet need for permanent Traveller sites and the grant of a temporary permission might allow time for the development of permanent sites; he noted that the Council had powers to monitor the site and see that it was kept tidy. He anticipated that the Council would have additional resources available for enforcement in the future. With regard to the delineation of the site, he accepted that the agricultural building was in close proximity to the site of the proposed development but they had to be treated separately and the current proposal had to be considered on its own merits.

The Highways Officer confirmed that the access to the site was more than adequate and that the visibility splays were in accordance with the Council's standards (the hedge to the north had been cut back and would need to be maintained that way, which would be in the interest of all users of the access). He also confirmed that there was no speed survey data available for the part of the road passing the site and that there was no record of any personal injury accidents in the last three years either. There were no grounds for an objection in highway terms.

Members were then afforded an opportunity to comment and ask questions. It was suggested that it would be difficult to return the land to its original condition (agricultural/grassland) and members sought confirmation that the site was indeed considered to be in open countryside. Members queried whether the land was a registered agricultural holding and whether parcels of adjacent land had been sold off piecemeal.

The Development Control Manager confirmed that the site was in open countryside, although this did not preclude approval of the application; there would be an element of intrusion but officers believed that, on balance, the proposal was acceptable. He indicated that officers were not aware of the extent of the landholding, although this would be a consideration when the retrospective application for the agricultural building was discussed.

On the grounds that it was unlikely that there would be additional permanent traveller sites available in three years time (as required by ODPM Circular 01/2006) and that the proposed development would be contrary to Policy H23 of the Sedgefield Borough Local Plan, Councillor Davidson moved that the application be refused; he was seconded by Councillor Todd.

RESOLVED:

That the application be refused on the following grounds:

1. While it is accepted that there is an unmet need for accommodation for Gypsy and Traveller families in County Durham, Circular 11/95 '*The Use of Conditions in Planning Permissions*' advises that temporary planning permission may be justified where it is expected that planning circumstances will change in a particular way at the end of the period of the

temporary permission. As there is no reasonable prospect that new sites will become available in either the short or medium term, a time limited consent as suggested by Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites' can not be justified in this case.

2. The proposed development would intrude into the open countryside and have a significant detrimental impact upon its character and appearance, contrary to policy H23 of the adopted Sedgefield Borough Local Plan.

7/2010/231/DM – Erection of two storey rear extension at 31 West End, Sedgefield

The Development Control Manager (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day.

The Development Control Manager referred to further correspondence that had recently been received from one of the objectors to this application, in which he sought additional amendments which, if implemented, would mean that he would withdraw his objection. The legal adviser confirmed that members should consider the application before them.

Councillor J Wilkinson moved that the application be granted subject to conditions; he was seconded by Councillor A Hopgood.

RESOLVED:

That the application be approved subject to the conditions detailed in the officer's report to the Committee.

3/2009/566 – Proposed construction of a light steel framed structure, part blockwork and cladding to secure small items of plant, machinery and tools on land to the north east of New Row, Oakenshaw

The Development Control Manager (Barnard Castle & Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day. The Development Control Manager indicated that the reason for condition number 2 of the officer's recommendation should be amended to read as follows:

The local planning authority would not be prepared to permit any activities on this site not connected with agriculture or horticulture as it lies outside the development limits and in the countryside. In accordance with policies ENV1, GD1 and H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

The Committee was addressed by Mr A Townsend, Greater Willington Town Council, who objected to the application as it was outside development limits, in open countryside. He noted that the building might have been acceptable if it was closely associated with the land it was built on but this was not the case; the building would just be a depot for a business that was carried on elsewhere. He

believed that the proposal was not acceptable in planning terms and neither was it acceptable to local residents because of the adverse effect it would have on their visual amenity and on the nearby nature reserve.

The Committee then heard the objections of Mr J Reynolds, who considered that this would be an inappropriate development. The local community had raised funds to develop the countryside around the village in an acceptable manner – for leisure purposes and to enhance wildlife habitats. This commercial building would be entirely different to existing wooden (some temporary) structures close by, which provided shelter for domestic animals and feed storage. The proposed industrial style building was disproportionately large – painting it green would not disguise that fact! He claimed that there were alternative sites available just 5 minutes away and suggested that such business premises could be located anywhere – they did not need to be located on this site. Local people wanted development that would improve the village environment, which this would not do.

Ms L Watson then addressed the Committee in support of the application; she pointed out that not everyone in the village objected to the application – there was considerable support for it as well. Supporters did not believe that the building would be visually intrusive; the building would be ‘a small agricultural barn’ and there would be no more traffic, noise or light than there was now; there would be no loss of wildlife habitat; villages like Oakenshaw needed enterprise and entrepreneurs to achieve long term sustainability and local businesses should be supported; they believed that, given the applicant’s reputation for doing things properly, the building would be well-maintained and tidy.

The applicant (Mr G Proctor) was present and responded to questions from members; he explained that this site was opposite his home and that utilising an industrial unit, or similar, elsewhere in the area would cost many thousands of pounds per year in rent and rates etc, which would render his business unviable, whereas the ‘payback’ on the proposed building would be a manageable £2,000 per year.

Whilst some members considered that this was an entirely acceptable application, others had concerns about the size of the proposed building, the possible impact of any external lighting and hours of operation. It was suggested that additional conditions could be imposed in respect of both these matters.

Councillor Richardson moved that the application be approved subject to conditions; he was seconded by Councillor Shuttleworth.

RESOLVED:

That the application be approved subject to the conditions detailed in the officer’s report to the Committee and to additional conditions relating to external lighting and hours of operation (to be negotiated by officers in consultation with the Chair and Vice-chair of the Committee and Councillor Hopgood).

6/2010/0310/DM - Erection of a double garage to serve The Granary, Ramshaw, Evenwood

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual

presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day (as requested by the Committee at the last meeting).

Ms V Barnett addressed the Committee; she lived next door to The Granary and objected to the proposed garage as it would lead to a loss of sun to the garden of her property and would obscure the view. The garage would be very close to her property and would be clearly visible from many of the windows; she believed that some of the measurements contained in the report were inaccurate and that the reason given for altering the position of the garage (to facilitate a view of the access road from within the dwelling) was spurious.

The applicant confirmed that, although a bat survey had not revealed the presence of bats, she would be prepared to provide additional bat boxes if necessary. The occupiers of the neighbouring dwelling had purchased their property from the applicant in 2009 and it had been made clear at that time that there were plans for a garage to be erected. She noted that the demolished building had been very unsightly and twice the size of the proposed garage, which would be built of reclaimed stone. She did not believe that the garage would affect the outlook from the neighbouring property.

Local member, Councillor Hugill, suggested that the garage would indeed restrict the view from the neighbouring property and felt that the application should be refused.

Councillor Davidson moved that the application be approved, subject to conditions; he was seconded by Councillor Hopgood.

RESOLVED :

That the application be approved subject to the conditions detailed in the officer's report to the Committee.

3/2010/477 – Replacement of existing wooden sash windows with UPVC sash at Clannoch, 12 The Closes, Edmundbyers

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day.

The Senior Conservation Officer elaborated on his objections to the application; the Local Planning Authority had a duty to preserve the character and appearance of the Conservation Area and, whilst the applicant had carefully considered the appearance of the replacement windows, they could not be said to preserve the character in any way. He argued that local manufacturers would give lengthy guarantees on windows made from seasoned timber. If there were a lot of properties with UPVC windows in the area it was all the more important to preserve timber windows where they currently existed. Permitted development rights had been removed when The Closes was first developed. The disposal of UPVC had serious implications for the environment.

The applicant referred to the many houses in the village which had UPVC windows, some of which had only recently been installed. He argued that people should be allowed to use energy efficient materials and that there had been improvements in the quality of UPVC windows in recent years. He believed that the particular ones that he proposed to use would be in keeping with the Conservation Area.

A number of members expressed the view that it was very difficult to tell the difference between the proposed UPVC windows and the existing timber ones in this case, although others were concerned that approving this application would set an unfortunate precedent and it could not be guaranteed that all UPVC windows would be of such high quality; it was also possible that similar approvals could lead to a general degradation of materials in Conservation Areas.

For the reasons set out below, Councillor Shuttleworth moved that the application be granted subject to conditions; he was seconded by Councillor Richardson.

RESOLVED:

That the application be approved subject to the following conditions:

1. The development shall not be begun later than the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
	Site Location Plan	12.11.2010
	Proposed Elevations	12.11.2010

REASONS

In light of the exceptionally high quality of the proposed window design, the windows will be indistinguishable from traditional timber framed sash windows other than on close scrutiny, thereby preserving the character of the Conservation Area.

It is also noted that there are already UPVC windows within the immediate locality in the Conservation Area, on properties whose permitted development rights have not been removed. Approval of such high quality samples thereby encourages a similar improvement in the wider Conservation Area with the potential of enhancing the character of the Conservation Area as a whole.

The proposal therefore complies with policies GD1, ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, and with the objectives of PPS5.

3/2010/523 – Change of use from residential dwelling to residential children’s home at Grey Towers, Wolsingham

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

In response to a question, the applicant confirmed that the home would comply with national standards for such a facility and would be registered with Ofsted; the County Council would be able to commission services from the facility if it so wished.

Councillor Shuttleworth moved that the application be granted subject to conditions; he was seconded by Councillor Richardson.

RESOLVED:

That the application be approved subject to the conditions detailed in the officer’s report to the Committee.

6/201072/DM/AD – Application for advertisement consent for the erection of 6 banners on existing lampposts at The Bowes Museum, Newgate, Barnard Castle

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

Councillor Shuttleworth moved that the application be approved, subject to conditions; he was seconded by Councillor Campbell.

RESOLVED :

That the application be approved subject to the conditions detailed in the officer’s report to the Committee.

3/2010/567 – Application to vary condition 14 – Provision of affordable housing (Ref: 3/2010/144) on land at Middlewood Avenue, St Helen Auckland, Bishop Auckland

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

Councillor Shuttleworth moved that the application be approved, subject to conditions; he was seconded by Councillor Burn.

RESOLVED :

That the application be approved subject to the conditions detailed in the officer’s report to the Committee.

3/2010/559 – Extension of time of planning permission 3/2004/733 for eleven houses on former Milford garage site, Rosemount Road, South Church, Bishop Auckland

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. In response to a question she confirmed that the current untidy condition of the site could be dealt with separately.

Councillor Shuttleworth moved that the application be approved, subject to conditions; he was seconded by Councillor Burn.

RESOLVED :

That the application be approved subject to the conditions detailed in the officer's report to the Committee and subject also to the completion of a Section 106 Agreement undertaking to pay a contribution for the provision and maintenance of related social, community and/or recreational facilities in the locality.

3/2010/252/LB and 3/2010/253 – Listed Building Consent for deconstruction (relocation of Tow Law auction mart building off-site) and application for residential development of 15 houses on site of Tow Law auction ring, Castle Bank, Tow Law

The Development Control Manager (Barnard Castle and Crook) presented a report on the above applications; the written report was supplemented by a visual presentation which included photographs of the site.

Councillor Shuttleworth moved that the application be approved, subject to conditions; he was seconded by Councillor Richardson.

RESOLVED :

- a. That Listed Building Consent be granted subject to the conditions detailed in the officer's report to the Committee and subject also to the completion of a Section 106 Agreement covering the details of the deconstruction, transportation and reconstruction of the Listed Building on a site to be detailed therein.
- b. That the application be approved subject to the conditions detailed in the officer's report to the Committee and subject also to the completion of a Section 106 Agreement.

A4 APPEALS UPDATE

The Committee considered a report regarding the following appeals:

APPEAL REF. NO. APP/X1355/A/10/2136368/NWF

LPA REF. NO. DC/3/2009/63

Appeals against the refusal of discharge of conditions application in relation to condition 2 (means of enclosure details) of planning permission 3/2009/178

The Inspector had dismissed the appeal.

**APPEAL REF: APP/X1355/D/10/214050903
LPA REF: 3/2010/341**

Appeal against the refusal of planning permission for conservatory to front of property at 5 High Road, Middlestone Village, Bishop Auckland

The Inspector had allowed the appeal for the reasons detailed in the report.

RESOLVED:

That the report be noted.

The meeting closed at 4.45pm

CHAIR



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2010/0431/DM
FULL APPLICATION DESCRIPTION:	Change of use of land to equestrian & erection of timber stable Arbeia, Mickleton
NAME OF APPLICANT:	Miss Gemma Batt
ADDRESS:	Arbeia 4 West Side Mickleton County Durham DL12 0LL
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Charlie Colling Planning Officer 01833 696206 charlie.colling@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site consists of an area of open grassed land, situated within the Mickleton Settlement Limits and Conservation Area. To the east and west of the site are residential properties, and to the north there are agricultural fields. To the south of the site is a further grassed area which the applicant benefits from a right of way across to gain access to this site.

Planning permission is sought for the change of use of this land to equestrian and for the erection of a stable building running parallel with the northern boundary wall of the site. The proposed stable would have a footprint of 4.54m x 11.51m. The building would consist of two stables and a storage area. The building would be constructed in timber with onduline black roofing sheets.

This application is reported to committee as the parish council has raised an objection to the proposals.

PLANNING HISTORY

There is no planning history relating to this site.

PLANNING POLICY

NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 5:** Planning for the Historic Environment sets out the Government's planning policies on the conservation of the historic environment.
- **Planning Policy Statement 7:** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

Policy 8 – Protecting and Enhancing the Environment, seeks to maintain and enhance the quality, diversity and local distinctiveness of the environment throughout the North East.

Policy 32 – Historic Environment, seeks to conserve and enhance the historic environment.

Members should be aware that the Rt Hon Eric Pickles MP (Secretary of State for Communities and Local Government) wrote to all Local Planning Authorities on 27th May 2010, advising of his intention to abolish Regional Spatial Strategies. This is a material planning consideration in the determination of any planning application.

Teesdale District Local Plan Policy:

- GD1 General Development Criteria
- ENV1 Protection of the Countryside
- ENV3 Area of High Landscape Value
- BENV4 Development within and/or adjoining a conservation area

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at (www.durham.gov.uk)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

County Highways – No objections

Mickleton Parish Council raise the following objections:

- Stables are close to surrounding properties and raise environmental issues for these adjoining properties.
- The land is not large enough for the building and keeping of horses.
- The site is unsuitable for the proposed development.

INTERNAL CONSULTEE RESPONSES:

Environmental Health – No objections raised subject to good practice advice being followed in respect of waste management.

PUBLIC RESPONSES:

Neighbouring properties have been consulted, a site notice posted and an advert placed in the local press with one objection received. Concerns in summary are:

- Goes against planning guidelines for agricultural buildings i.e distance from dwellings.
- Stable will be 10m from property.
- Concerned where the midden will be sited, as it will attract vermin.
- Area will not support one horse.

Applicant's Statement

The application is in response to concerns raised by neighbours and the Council to the development having been originally planned within the garden of the applicant's property which is adjacent to the site. As a result of those concerns an application was submitted to locate stables in this paddock.

The paddock has no planning history but has previously been used for keeping hens. It is an informal and currently rather untidy piece of land with no particular use. The proposal for a small stable building will enable the applicant's horses to be housed next to where she lives during the winter months only. During the summer months, she rents a field elsewhere. She is fully aware of the neighbour's and Parish Council's concerns regarding smell and nuisance, however she also lives next to the site. Therefore she has clear arrangements in place for the regular removal of waste, and the proposal will therefore not impact upon the amenity of those living nearby.

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 (<http://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=19756>).

PLANNING CONSIDERATIONS AND ASSESSMENT

In assessing the proposals against the requirements of the aforementioned policies, and having regard to all material planning considerations, including representations received, it is considered that the principle of development, design, impact on the countryside and conservation area and residential amenity represent the principal material planning considerations.

It is proposed to change the use of this area of land to equestrian and erect a building with a footprint of 4.54m x 11.51m. The walls would be finished in timber with a dark stain and the

roof of onduline black roofing sheets. The height of the building would be approximately 2.12m to eaves and 2.72m to ridge. To the east and west of the site are residential properties. There are open fields to the north and a further grassed area to the south, which access to the site is taken across.

Principle

The proposed building would be divided internally into three areas, two stables and a store. The application includes change of use of this area of land to accommodate the proposed equestrian use.

The site is within the settlement limits of Mickleton, and would appear to have historically been used for some form of agriculture. There are a number of stables on land around the village. The area subject to this application would essentially form a small paddock area. It is considered that the keeping of horses on this land would be commensurate with the rural character of the village and the wider countryside setting.

The principle of having a stable on this land is considered to be acceptable, given the rural nature of the location and the building being sited away from boundaries with neighbouring residential properties in accordance with Teesdale Local Plan Policies GD1 and ENV1.

Design

The proposed building would be of a simple design, constructed in timber with a black onduline roof. There would be two functional windows on the south elevation along with two stable doors and a personnel door. The design of the building is typical of many other stables, incorporating an overhanging roof to the front. Subject to agreeing full details of the external materials of the building including their finish the design is considered to be acceptable and would accord with Teesdale Local Plan Policy GD1.

Impact on Countryside and Conservation Area

The site is situated within the village settlement limits and conservation area, with open countryside to the north. The topography of the site is such that the stable would be at a slightly lower level than the road to the south. As the ground level drops away towards the stable, and the height to the ridge of the building being 2.72m it is not expected that views of the wider countryside which are important to the character of the conservation area would be lost or unduly compromised in accordance with Teesdale Local Plan Policies BENV4 and ENV1.

Amenity

The proposed stables would be sited approximately 23m away from West Holme to the east of the site and 13m from Holmlea to the western side of the site. The environmental health section have not raised any objection to the proposal, but have offered guidance on best practice for dealing with waste generated from the site.

The applicant has advised that the waste from the stables will be stored next to an existing stone building on the site, and will be removed on a weekly basis. It has also been confirmed that there will be no burning of waste on the site.

It is acknowledged that there are residential properties which share a boundary with the site, however it is not expected that the proposals would be detrimental to visual amenity given the distance the proposed stables would be sited from these properties. With regards to smells and noise from the stables, there has been no objection raised from the environmental health section. Subject to agreeing a waste management plan by condition this aspect is considered to be acceptable. This land could be used to accommodate livestock without any planning permission, and there is agricultural land bordering the northern boundary of the site and adjacent properties in accordance with Teesdale Local Plan Policy GD1.

Other Issues

An objection has been raised advising that the proposals go against planning guidelines in respect of agricultural buildings. The proposal is not for an agricultural building, and there is no specific reference as to which planning guidelines are being referred to. The proximity of the building and the likely impact has been assessed in the report. The environmental health officer has raised no objection to the proposals.

With regards to the size of the land available for the horses, it understood that the horses will be exercised off site, and the applicant acknowledges the size of the site limits the number of horses which could be kept, which is reflected in the size and number of stables being applied for.

CONCLUSION

In summary the proposals are for a change of use of land to equestrian and the erection of stables. The site is currently grassed, situated within the development limits of a rural village. Given the nature of the site and its relationship with the wider countryside, this is considered to be acceptable location for this development. The issues raised by the parish council and public consultation are not considered to provide sufficient justification to refuse the application. The siting of the building is considered to be acceptable, running adjacent to an existing field boundary, and would not have any unacceptable impact upon the area of high landscape value or the conservation area. The amenity of neighbouring residential properties has been given due consideration. There has been no objection from the environmental health officer and subject to a condition in respect of agreeing waste management the proposals are considered on balance to be acceptable and would accord with Local Plan Policies GD1, BENV4 and ENV1.

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

Plan Reference Number	Date received
A1	24/12/10

A2	24/12/10
A3	24/12/10
A4	24/12/10

3. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.
4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
5. Prior to the erection of the building a waste management plan shall be submitted to and agreed in writing with the Local Planning Authority. The operation of the site shall then conform to the details agreed in the plan.

In the interests of protecting residential amenity in accordance with Policy GD1.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies: -

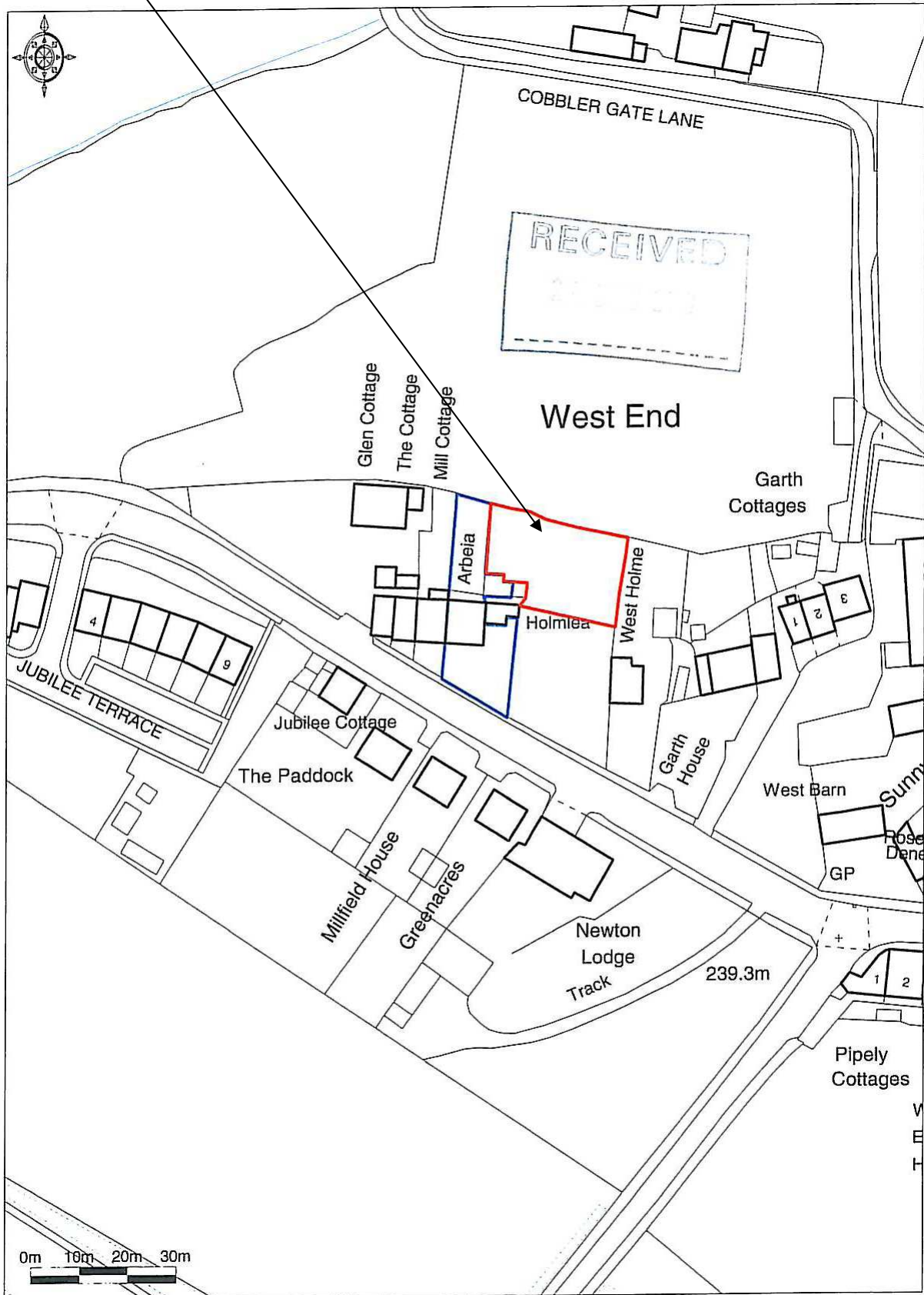
GD1	General Development Criteria
ENV1	Protection of the Countryside
ENV3	Area of High Landscape Value
BENV4	Development within and/or adjoining a conservation area

2. In particular the development was considered acceptable having regard to consideration of visual impact, affect on conservation area, amenity and design.
 3. The objections which have been received, have been given due consideration. On balance the scheme is considered to be acceptable and without objection from the council's environmental health officer. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions.
-

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1, PPS5 and PPS7
- Responses from County Highways and Environmental Health
- Public Consultation Responses
- RSS for the North East to 2021

Site Location



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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 6/2010/0412/DM

FULL APPLICATION DESCRIPTION: Application for renewal of extant planning permission 6/2007/0129/DM as amended by 6/2008/0481/DM for erection of 40no timber chalets Fair View Farm, Hummerbeck Lane, Evenwood Gate

NAME OF APPLICANT: Mr Andrew Gibson

ADDRESS: Fairview Farm
Hummerbeck Lane
Evenwood Gate
Bishop Auckland
Co Durham
DL14 9NT

ELECTORAL DIVISION: Evenewood

CASE OFFICER: **Charlie Colling**
Planning Officer
01833 696206
charlie.colling@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site comprises agricultural land which is used for the grazing of livestock at present. It is accessed from the main A688 onto Hilton Moor Lane, an adopted highway, and then along Hummerbeck Lane, which is a bridleway currently used as an access road to another farm and for recreational use by cyclists, walkers, horse riders etc. Fair View Farm is situated to the east of the application site and the proposed access onto the site will use the same access as that to the farm. The field is in a relatively isolated location, although it can be seen from the bridleway which passes past the site to the north east and the public footpath which passes through the west of the site. The property to the south of the site, Bolton Garths, would have unrestricted views of the site. Vehicles on the A68 to Darlington can also be seen from the site due to its higher land level. As one approaches the site along Hummerbeck Lane it is relatively well screened by an existing plantation. The level of screening decreases significantly the nearer one gets to the access onto the site.

The application seeks a renewal of a permission which was granted on appeal for a scheme proposing the erection of a chalet-based holiday complex comprising 40 chalets of two designs, including a reception chalet, and the formation of two ponds, landscaped recreation area, nature area and car park. As well as this, there would be a designated camping area to the north of the site. The access to the site is explained above. Landscaping is proposed in the form of areas of belted woodland measuring either, 15m or 20m as well as hawthorn hedgerow and hedgerow trees with a post and rail fence. The appeal decision was subsequently varied to allow a relaxation of the holiday occupancy condition, so that stays on the site would not be restricted to 6 weeks by the same person or group.

The application is reported to members as the renewal relates to a major development.

PLANNING HISTORY

6/2008/0481/DM - chalet development variation of condition, 6/2007/0129/DM (granted on appeal) to 'the caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority' (approved)

6/2007/0129/DM - Change of use of agricultural land and erection 40no. timber chalets at Fair View Farm, Hummerbeck Lane for Andrew Gibson – refused at committee but allowed on appeal.

6/2006/0396/DM – Change of use of agricultural land and erection of 40 timber chalets at Fair View Farm, Hummerbeck Lane, Evenwood Gate, withdrawn 3 January 2007.

PLANNING POLICY

NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 7:** Sustainable Development in Rural Area sets out the national policies specific to planning in rural areas.
- **Good Practice Guide on Planning for Tourism:** Sets out the national guidance on applications and documents related to the tourism industry.
- **Greater flexibility for planning permissions (Guidance):** A document providing practical guidance on the use of measures which have been introduced following consultation. It sets out the key features and statutory requirements for each procedure, provides a practical guide to their use, and explains how they differ from existing procedures.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic

development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

Policy 8 – Protecting and Enhancing the Environment, seeks to maintain and enhance the quality, diversity and local distinctiveness of the environment throughout the North East.

Members should be aware that the Rt Hon Eric Pickles MP (Secretary of State for Communities and Local Government) wrote to all Local Planning Authorities on 27th May 2010, advising of his intention to abolish Regional Spatial Strategies. This is a material planning consideration in the determination of any planning application.

Teesdale District Local Plan

- LOCAL PLAN POLICY:
- GD1 General Development Criteria
- ENV1 Protection of the Countryside
- ENV8 Development affecting a protected wildlife species
- TR2 Visitor accommodation in the countryside.
- TR3 Camping, caravan and chalet sites in the countryside

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at (www.durham.gov.uk)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Northumbrian water – no objection

Environment Agency – We would only find the renewal of permission acceptable if the following condition was imposed, which reflects the change in national policy since the original permission was granted:

Condition: The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) of November 2010 and the following mitigation measures detailed within the FRA:

1. *Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.*
2. *Finished floor levels are set no lower than 130.10 m above Ordnance Datum (AOD).*

Reasons:

1. *To ensure safe access and egress from and to the site.*
2. *To reduce the risk of flooding to the proposed development and future occupants.*

We would also like to offer the following informatives:

Flood risk:

The FRA also indicates that "a culvert is to be provided to the higher land to the west" (page 1 of FRA). As such the applicant should be made aware that the erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and

other grounds and consent for such works will not normally be granted except for access crossings.

Non mains method of foul drainage:

With regards to the proposed package treatment plant, under the terms of the Environmental Permitting Regulations (England and Wales) 2010, anyone intending to discharge volumes of sewage effluent of 5 cubic metres per day or less to surface waters or 2 cubic metres per day or less to ground may be eligible for an exemption and will need to register before they commence making the discharge. An Environmental Permit from the Agency is normally required for discharges above this volume.

It is illegal to discharge sewage effluent without either an exemption registration or an environmental permit.

The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

INTERNAL CONSULTEE RESPONSES:

Environmental Health – no adverse comments to make.

Rights of way – No objections subject to same conditions from previous approval being applied.

Low Carbon Officer – No objections subject to compliance to current building regulations (2010).

Ecology – It is noted that the surveys were carried out in 2006, which would now be considered to be out of date, and the water vole survey was carried out in October, which would be considered sub-optimal in terms of survey timing, the proposals appear to be low risk for the disturbance of these species if planning permission was renewed. I therefore have no objections to the proposals.

Landscape – I would recommend the substitution of Juniper (rare on the coalfield, more of a heathland species, likely to be supplied as a regional import) with possibly Hazel.

I am unhappy with the proposal that no internal fencing be erected to divide young plants from the trample of tiny feet and footballs etc. I propose temporary fencing (with selected access gaps) that might be removed after 5 years of establishment.

PUBLIC RESPONSES:

Neighbouring properties have been consulted, a site notice posted and an advert placed in local press with one objection received. Concerns in summary are:

- Access would be dangerous to ramblers and cyclists using the bridleway.
- Families, cycle clubs and horse riders also use this narrow lane.

Applicant's Statement

The purpose of this application is to extend the time period in which development can commence on the proposed holiday park (approved by 6/2007/01291/DM) with the extended season as approved through the variation of condition application (6/2008/0481/DM).

The applicant achieved planning permission for the holiday park development in March 2008, since obtaining the permission and successfully amending the operational season the nation's economic conditions changed drastically. This application seeks to enable the applicant more time in which to discharge the necessary pre-conditions and commence the development.

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 (<http://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=19740>).

PLANNING CONSIDERATIONS AND ASSESSMENT

This application is submitted under the procedure to apply for 'extensions to the time limits for implementing existing planning permissions'. The procedure was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009 (SI 2009 No.2261) and the Planning (Listed Building and Conservation Areas) (Amendment) (England) Regulations 2009 (SI 2009 No.2262).

The advice from Central Government includes that "LPA's may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant materials considerations indicate the proposal should no longer be treated favourably."

The original permission was granted in 2007 on appeal by the Planning Inspectorate as the application was originally refused by members at the former Teesdale Planning Committee. A further application was approved in 2008 to vary the holiday occupancy condition so that the accommodation would not be restricted to a maximum of a 6 week stay per annum by the same person or groups of person - inline with the more recent guidance given in the 'Good Practice Guide on Planning for Tourism'. As the statutory development plan for the area was adopted in 2002 (The Teesdale District Local Plan) the policy considerations remain the same and therefore in policy terms the proposal is considered acceptable.

A copy of the Inspector's appeal decision granting permission for this development has been included as an appendix to this report for members information.

One objection has been received as a result of the public consultation. The objections raised relate to the access, which was considered to be acceptable by the inspector when granting the permission at appeal. Internal consultees have not raised any objections either, with the exception of the landscape officer, who has suggested an alteration to a planting detail and the erection of fencing. Both of these elements would need to be agreed as part of the discharge of conditions for this application.

The Environment Agency has been consulted on the application and has advised that they are satisfied with the updated Flood Risk Assessment and are not raising any objection to

the renewal, subject to a condition and informatives.

CONCLUSION

The proposal is to renew the planning permission number 6/2007/0129/DM as amended by application 6/2008/0481/DM for the change of use of agricultural land and erection of 40 timber chalets.

No objections have been received and the principle of development remains acceptable as there have been no alterations to the development plan, and no physical changes to the site that would indicate a change in material considerations, that would lead to the application no longer being treated favourably. The flood risk assessment has been updated and the environment agency is satisfied with this, subject to conditions and informatives.

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

Plan Reference Number
4304-06 (Site location plan)
4304-06 (Site plan)
4304-06 A
4304-06 B
4304-07 (Reception chalet and car parking area)
4304-07 (Proposed highway and access arrangements)
4304-08
4304-066
Elevations and Floor Plan - Chalet D
Elevations and Floor Plan - Chalet E

3. The timber chalets shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up to date register of the names of all owners of chalets on the site and their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
4. Prior to the occupation of any part of the development hereby approved the bridleway improvement works set out in the maintenance agreement (Bridleway 24 Etherley and Bridleway 68 Evenwood and Barony Maintenance Agreement, plan ref 4604-7, dated 22 February 2007) shall be undertaken. Thereafter the bridleway shall be maintained as such.
5. No construction works for the chalets shall take place until works to provide passing places on Hilton Moor Lane, to hard pave the first 10m of Hummerbeck Lane from its junction with Hilton Moor Lane and to improve the site access on to Hummerbeck Lane have been completed in accordance with details to be submitted to, and

approved in writing by the Local Planning Authority.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include (proposed finished levels or contours; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (eg drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant).
7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development in accordance with the programme agreed with the Local Planning Authority. Any tree or plant (including any replacement) which, within a period of 5 years from its planting, dies, is removed or becomes severely damaged or diseased shall be replaced in the next planting season with another of similar size and species unless the Local Planning Authority gives written consent for any variation.
8. No external illumination shall be installed on the site, other than in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.
9. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and the hardsurfacing of the accesses and parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be retained and maintained as such thereafter.
10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
11. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) of November 2010 and the following mitigation measures detailed within the FRA:
 1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 2. Finished floor levels are set no lower than 130.10 m above Ordnance Datum (AOD).

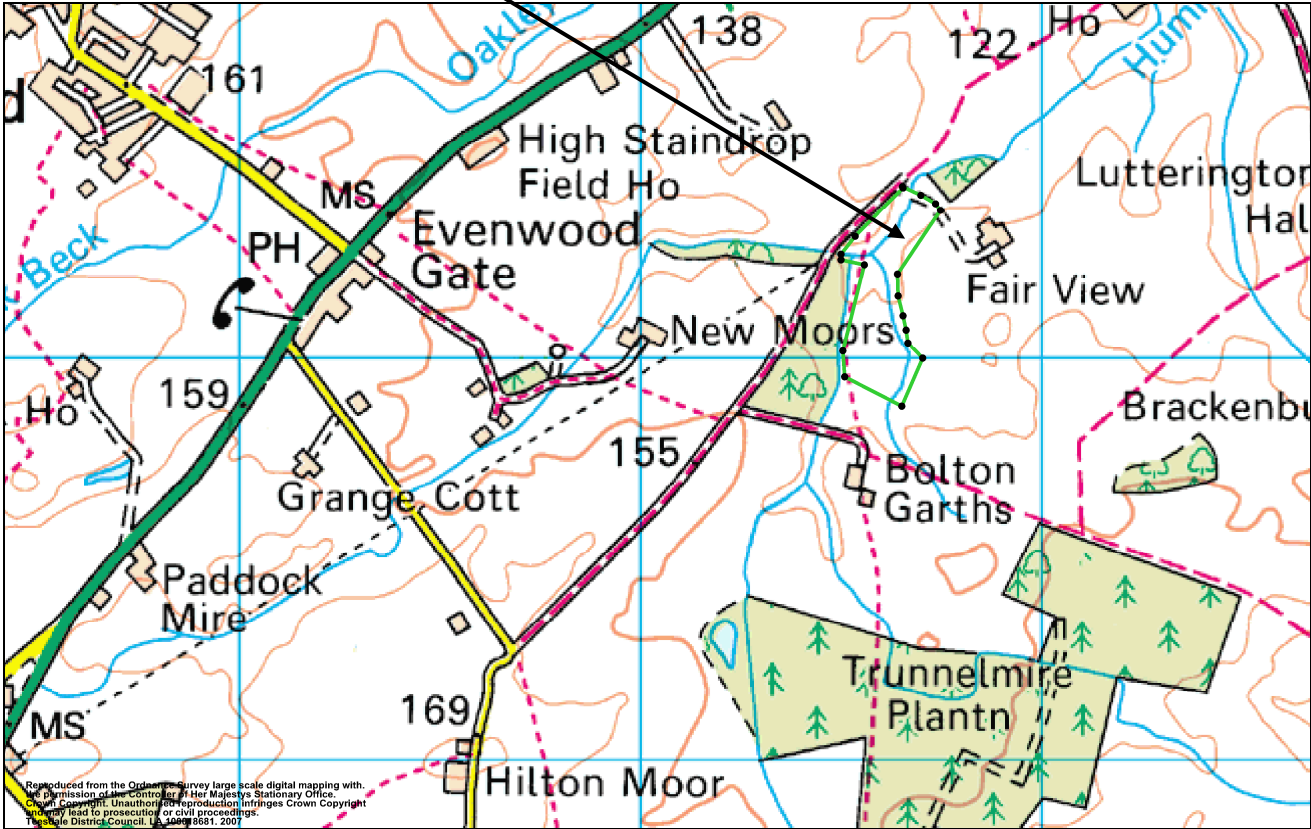
REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies: -
 - GD1 General Development Criteria
 - ENV1 Protection of the Countryside
 - ENV8 Development affecting a protected wildlife species
 - TR2 Visitor accommodation in the countryside.
 - TR3 Camping, caravan and chalet sites in the countryside
2. In particular the development was considered acceptable having regard to consideration of principle, visual impact, impact on neighbouring properties and highway safety.
3. There has been a single objection from the public consultation relating to the access which has already been considered as being acceptable when determined at appeal. The landscape section has also raise issues which are covered by the proposed conditions. There have been no changes to the development plan or the material considerations that would indicate otherwise.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1 and PPS7
- Responses from County Highways, County Ecology Northumbrian Water, Environment Agency and County Landscape Section
- Public Consultation Responses

Site Location Plan



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Appeal Decision

Hearing held on 12 March 2008
Site visit made on 12 March 2008

by **Malcolm Rivett** BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
27 March 2008

Appeal Ref: APP/W1335/A/07/2052271

Fairview Farm, Hummerbeck Lane, Evenwood Gate, Bishop Auckland, County Durham, DL14 9NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Gibson against the decision of Teesdale District Council.
- The application Ref 6/2007/0129/DM, dated 15 March 2007, was refused by notice dated 4 July 2007.
- The development proposed is change of use of agricultural land and erection of 40 timber chalets.

Application for costs

1. At the Hearing an application for costs was made by Mr Andrew Gibson against Teesdale District Council. This application is the subject of a separate Decision.

Procedural matter

2. The appellant confirmed at the Hearing that, in addition to the log cabins, permission is sought for use of part of the site for camping, shown as "potential campsite" on the submitted drawings. However he stated that, other than for purposes incidental to the use of the site for chalets and camping, permission is not currently sought for a picnic area. I have determined the appeal on this basis, having regard to the Council's lack of objection to such an approach and my view that third parties would not be prejudiced.

Decision

3. I allow the appeal, and grant planning permission for change of use of agricultural land and erection of 40 timber chalets at Fairview Farm, Hummerbeck Lane, Evenwood Gate, Bishop Auckland, County Durham, DL14 9NT in accordance with the terms of the application, Ref 6/2007/0129/DM, dated 15 March 2007, and the drawing nos listed in Schedule 1, subject to the conditions set out in Schedule 2.

Main issues

4. The main issues in this appeal are the effect of the proposal on:
 - the amenity of users of Hummerbeck Lane bridleway;
 - highway safety; and

- the character and appearance of the landscape.

Reasons

Amenity of Bridleway Users

5. Hummerbeck Lane, which is a bridleway, would provide access to the site from Hilton Moor Lane. I concur with the parties that around 90 movements is a realistic estimate of the daily vehicle flow likely to be generated by the proposal. Although I have seen no surveys of current vehicle flows on the part of Hummerbeck Lane which leads to the site, based on what I have read and heard and saw on my visit, I envisage that the proposal would be likely to significantly increase vehicle flows along the lane. However, it was agreed that it is probable that vehicle movements would be spread across the day and it appears to me, therefore, that an average of around 6 vehicles per hour, associated with the proposal, would use the lane. It is approximately a mile along Hummerbeck Lane from Hilton Moor Lane to the site entrance (a walk of around 20 minutes) and therefore it seems to me that a pedestrian, horse rider or cyclist would be unlikely to encounter more than 2 or 3 cars whilst on the lane.
6. The lane is wide enough to allow cars to pass each other and a condition could ensure that it would be maintained as such. Although straight, the lane's rough surface would be likely to restrict vehicle speed. Given the length of bridleway affected, the volume of traffic, its speed and its ability to give other users of the bridleway a relatively wide berth when passing, I am satisfied that the proposal would be unlikely to cause any significant harm to the amenity of, nor discourage its use by, pedestrians, cyclists or horse riders. I therefore find that, in this respect, the proposal has no conflict with policy GD1(D) of the adopted Teesdale District Local Plan (TDLP). This policy requires that development does not disturb or conflict with adjoining uses. The Council also refers to policy TR10 of the TDLP which states that development which would directly affect a public right of way will only be permitted if an acceptable and equivalent alternative route is provided. However, in my judgement the proposal indirectly, rather than directly, affects the bridleway and therefore has no conflict with this policy.

Highway Safety

7. I recognise that visibility to the left is restricted for drivers turning right from Hummerbeck Lane into Hilton Moor Lane. This results from the tight bend on Hilton Moor Lane which I envisage causes vehicles on that road to travel slowly and cautiously in this location, such that they would be likely to be able to stop safely if they encountered a vehicle turning out of Hummerbeck Lane. The half mile or so stretch of this road from Hummerbeck Lane to the A688 is narrow and has a number of blind summits. However, although I have seen no details of existing traffic flows or speeds on this part of Hilton Moor Lane, from my visit it appears to currently operate satisfactorily, albeit with some overrunning of the verge. Moreover, I understand that there have been no personal injury accidents in the last five years.
8. As part of the proposal five passing places on this stretch of Hummerbeck Lane are proposed and I am satisfied that these could be secured by condition. Bearing in mind the existing situation on the road I consider that the passing

places would ensure that the road would continue to operate safely with the additional traffic generated by the proposal whilst reducing the incidence of verge overrunning. I therefore conclude that the proposal would be unlikely to harm highway safety and that it thus accords with policies GD1(Q) and TR3(E) of the TDLP which state that new development should have adequate and safe access/infrastructure.

Character and Appearance of the Landscape

9. Policy TR3 of the TDLP indicates that permission will be granted for a chalet development in the countryside where (amongst other things) it does not detract from the character of the area and is adequately screened by topography or existing trees within the control of/managed by the applicant. Despite a suggestion to the contrary by an internal consultee, at the Hearing the Council confirmed that this policy does not require the complete screening of chalet developments.
10. The appeal site is within the valley of the Hummer Beck and the majority of the chalets would be situated either side of a low knoll. Tree planting around the perimeter of the site has already taken place although it is likely to be 10 years or so before this provides an effective screen. Currently Bolton Garths Plantation provides substantial screening of the site from much of Hummerbeck Lane and from longer distance views from the west. Although I appreciate that this is not within the control of the appellant, from what I have read and heard it is unlikely to make commercial sense for its owner to fell the plantation within the next 10 years. Furthermore, the Council indicated at the Hearing that it believed it unlikely that the plantation would be felled during this period. However, I have given little weight to the appellant's agreement with the plantation's owner for it to be retained, given that it is not clear to me what would happen if the agreement were broken.
11. The site is visible from the A68, on higher land around a mile away, although during the day I envisage that, at this distance, the dark stained/roofed log cabins would not be a prominent feature on the landscape. I accept that unrestricted external lighting of the site would, during hours of darkness, urbanise the appearance of the site when viewed from this location. However, I am satisfied that suitably focussed, low level external lighting, which could be secured by condition, would not have such an effect.
12. It appears to me that the topography of the area ensures that there are not long distance views of the site from the north or south. However, until the on-site planting creates an effective screen, the development would be visible from the north, west and south from certain points on Hummerbeck Lane, from footpaths no 22 and no 23 and from near Bolton Garths. Nevertheless, the views from these points, which are less than 150m from the site, are generally restricted, short distance ones, rather than extended ones of the surrounding landscape. Moreover, these views, which prominently include existing built development in the form of either Bolton Garths or the non-traditional Fairview Farm house and its large outbuildings, are of land which is of no special landscape designation. I agree with the appellant that, suitably stained, the log cabins would be "recessive" rather than prominent and, although relatively densely positioned, the topography of the site itself would mean that from most of these viewpoints it would only be possible to see part of the

development as a whole. Therefore, whilst I accept that the proposal would, to some degree, alter the close vistas of the site, I am satisfied that it would not significantly harm appreciation of the existing character of the area from these viewpoints.

13. I recognise that an Area of High Landscape Value (AHLV) lies relatively nearby to the south of the site, although it is not contended that the site can be seen from this area, nor does it appear to me that the proposal would be seen in views in to the AHLV from the surrounding area.
14. I conclude therefore that the proposal would be adequately screened by topography and trees and would cause no significant harm to the character or appearance of the landscape and it would thus accord with the intentions of policy TR3 of the TDLP as set out above. I note that, in conflict with an element of part B of this policy, Bolton Garths Plantation is not in the control of the appellant. However, as I envisage it unlikely these trees would be felled, I consider that this is not good reason to dismiss the appeal. I am also satisfied that the proposal has no conflict with policies 4 and 64 of the Durham County Structure Plan and the elements of national planning policy referred to by the Council.

Other Matters

15. The appellant and local residents/businesses have referred to the need for farm enterprises to diversify their activities and to the wider tourism/economic benefits of the proposal. Whilst not quantified I accept that such benefits are likely to some degree and this has added some weight to my decision based on the main issues of the case.

Conditions

16. For the reasons indicated by the Council I agree that conditions are necessary regarding landscaping, external lighting, materials, means of enclosure and improvements to the highway and bridleway. Whilst I agree that it is necessary to restrict occupation of the cabins to prevent their use as permanent residential accommodation, I am satisfied that this can be achieved by preventing occupation by any individual/group for more than 6 weeks per year and does not require complete closure of the site for 4 weeks each year.

Conclusion

17. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Malcolm Rivett

INSPECTOR

Schedule 1 – Approved drawings

4304-06 (Site Location Plan)

4304-06 (Site Plan)

4304-06 A

4304-06 B

4304-07 (Reception Chalet and Car Parking area)

4304-07 (Proposed Highway and Access Arrangement)

4304-08

4304-066

Elevations and Floor Plan – Chalet D

Elevations and Floor Plan – Chalet E

Schedule 2 – Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall only be used for holiday accommodation and shall not be occupied by any person or group of persons for a period in excess of 6 weeks in total during 1 calendar year. The owner shall maintain a register of persons occupying the premises and shall make it available for inspection upon request by the Local Planning Authority, having been given 24 hours notice of such inspection.
- 3) Prior to the occupation of any part of the development hereby approved the bridleway improvement works set out in the maintenance agreement (Bridleway 24 Etherley and Bridleway 68 Evenwood and Barony Maintenance Agreement, plan ref 4604-7, dated 22 February 2007) shall be undertaken. Thereafter the bridleway shall be maintained as such.
- 4) No development shall take place until works to provide passing places on Hilton Moor Lane, to hard pave the first 10m of Hummerbeck Lane from its junction with Hilton Moor Lane and to improve the site access on to Hummerbeck Lane have been completed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs etc); proposed and existing functional services above and below ground (eg. drainage power, communications cables,

- pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
- 6) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
 - 7) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any tree or plant (including any replacement) which, within a period of 5 years from its planting, dies, is removed or becomes severely damaged or diseased shall be replaced in the next planting season with another of similar size and species unless the Local Planning Authority gives written consent for any variation.
 - 8) No external illumination shall be installed on the site, other than in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.
 - 9) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and the accesses and parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be retained and maintained as such thereafter.
 - 10) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and types of means of enclosure to be erected. The means of enclosure shall be completed before the buildings hereby approved are occupied. Development shall be carried out in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Mick Robson	Acorus Rural Property Services, Hollyshaw House, Hollyshaw Lane, Leeds, LS15 7BD
Andrew Gibson	Fairview Farm, Hummerbeck Lane, Evenwood Gate, Bishop Auckland, County Durham, DL14 9NT
Michael Davis	Rural Landscape Consultants, Oakwood, St Briavels, Gloucestershire, GL15 6SJ

FOR THE LOCAL PLANNING AUTHORITY:

Maria Ferguson	Teesdale District Council
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INTERESTED PERSONS:

Wendy Swords	Late Shopper, 5 West View, Evenwood, Bishop Auckland, DL14 9QH
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DOCUMENTS

- 1 Letter notifying interested parties of date/time of Hearing
- 2 Plans showing boundary of Area of High Landscape Value
- 3 Additional Landscape Plan
- 4 Plan of footpaths/bridleways
- 5 Costs application on behalf of the appellant
- 6 Initial statement by Council in response to the costs application

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0011/DM
FULL APPLICATION DESCRIPTION:	ENCLOSURE OF EXISTING OPEN PORCH
NAME OF APPLICANT:	MR BARRY BLEWITT
ADDRESS:	29 PRIMROSE DRIVE SHILDON CO DURHAM
ELECTORAL DIVISION:	Shildon West
CASE OFFICER:	David Gibson Tel. 01388 816166 Email. David.gibson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is a modern detached property at Shildon.
 2. No. 27 Primrose Drive lies to the west of the site while No. 31 Primrose Drive lies to the east of the application site. This property benefits from an average sized front and rear garden.
 3. The proposed development will involve the creation of a small enclosed porch measuring 1.3m x 1.2m by infilling an existing canopy to the front of the property which stands to the side of the existing garage. The proposed walls will be constructed in matching brickwork.
 4. Due to the minor nature of the development the scheme would generally be exempt from the need for planning consent. However, these Permitted Development Rights were removed when the estate was granted planning permission in 2005. (App. Ref. no. 7/2005/0351/DM).
 5. This application has been reported to Committee as the applicant is employed within the Council's Regeneration and Economic Development Directorate.
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PLANNING HISTORY

6. This Council's planning records show no recent planning history for the site since the property was constructed.

PLANNING POLICY

7. National Policy

Planning Policy Statement 1 (*Delivering Sustainable Development*) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

8. Local Plan Policy: Sedgefield Borough Local Plan

Policy D1 (*General principles for the layout and design of new developments*) – Principles for the Layout and Design of New Developments requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.

Sedgefield Borough Council Residential Extensions Supplementary Planning Document (RESPD) gives more detailed advice regarding the design of residential extensions.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at www.durham.gov.uk

CONSULTATION AND PUBLICITY RESPONSES

9. EXTERNAL /STATUTORY RESPONSE

Shildon Town Council – No comment received.

10. INTERNAL CONSULTEES

N/A

11. PUBLIC RESPONSES

This planning application has been advertised via direct neighbour notification. No objections have been received with regards to the scheme.

APPLICANT'S STATEMENT

12. No supporting statement has been submitted as part of the application

PLANNING CONSIDERATIONS AND ASSESSMENT

13. In assessing the proposals against the requirements of the aforementioned planning policies, and having regard to all material planning considerations the main planning considerations in this case concern the impacts on the neighbouring properties and the impact of the development on the surrounding environment.

14. The Residential Extension Supplementary Planning Document gives detailed advice regarding the design of residential extensions and emphasises the need for good design which does not have an adverse impact on the host property or the wider streetscene.

15. Policy H15 of the Sedgefield Borough Council Local Plan states that extensions to dwellings will normally be approved provided that the proposals are of a scale and design compatible with the property and there is no adverse affect on the amenity and privacy of surrounding properties.

(A) Impact on amenity and privacy

16. The proposed development will measure 1.3m x 1.2m and will not project further forward than the existing roofline of the canopy. The proposal will have a small window in the side elevation whilst the door in the front elevation will replicate the views from the existing property.

17. It is considered that due to the minor nature of the development, the proposal will not have a negative impact on the privacy or amenity of the neighbouring properties.

(B) Impact on character of the area

18. General guidance in Policy H15 states that extensions to dwellings will normally be approved provided that the proposals are of a scale and design compatible with the host property.

19. This development will be created from materials that match the existing property and will not bring the building line of the existing canopy any further forward towards the road. The development is therefore considered to accord with this element of Policy H15 and will not impact on the character of the street.

(C) Highway safety

20. This development will not have an impact on parking provision.

CONCLUSION

21. In conclusion, it is considered that the development accords with Policy H15 of the Sedgefield Borough Council Adopted Local Plan and the policies contained within the RESPD in that the development will not have an adverse impact on the character of the host property or the surrounding area and would not detrimentally affect residential amenity.

22. RECOMMENDATION

That the application be APPROVED subject to the following conditions

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
DCC001
DCC002
3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

REASONS FOR THE RECOMMENDATION

In the opinion of the Local Planning Authority the proposed development is considered to accord with Policy H15 of the Sedgefield Borough Local Plan and the policies contained within the RESPD.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
 - Planning Policy Statement PPS1 and Sedgefield Borough Local Plan 1996
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Application No:	7/2011/0011/DM
Location:	29 PRIMROSE DRIVE SHILDON CO DURHAM
Proposal:	ENCLOSURE OF EXISTING OPEN PORCH

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2010/0413/DM
FULL APPLICATION DESCRIPTION:	VARIATION OF CONDITION NO. 2 OF PLANNING PERMISSION 7/2004/0668/DM TO ALLOW ERECTION OF 56 NO. DWELLINGS ON PREVIOUSLY APPROVED PLOTS 283-315 inc. (BELLWAY HOMES) Y020 -Y045 inc. and Y061 - Y064 inc. (YUILL HOMES)
NAME OF APPLICANT:	PERSIMMON HOMES
ADDRESS:	STUDLEY DRIVE WHITWORTH PARK SPENNYMOOR CO DURHAM
ELECTORAL DIVISION:	SPENNYMOOR & MIDDLESTONE
CASE OFFICER:	Steve Teasdale Principal Development Control Officer 01388 816166 x7758 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The site is part of the previously approved Bellway phase of the Whitworth Park Development. The site was approved for development in 2002 as part of a consortium scheme, and has been subject of several previous applications to substitute house types. Access to the site is from Carr Lane, through the existing Yuills development.
 2. The proposal essentially proposes 56 dwellings by Persimmon Homes on the site of 63 previously approved units (Yuills and Bellway). All dwellings would be 3 or 4 bedroom detached properties.
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PLANNING HISTORY

- 7/2002/0677/DM Erection of 236 dwellings on land off Carr Lane – APPROVED
 - 7/2004/0668/DM Substitution of house types – APPROVED
 - 7/2008/0244/DM Substitution of house types – APPROVED
 - 7/2010/0224/DM Erection of 9 dwellings - APPROVED
-

PLANNING POLICY

NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government’s overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 3:** Housing sets out the Government’s national policy framework for delivering the Government’s housing objectives.

REGIONAL POLICY:

Not applicable

LOCAL PLAN POLICY:

- **Policy D1** sets out principles which should normally be applied to the layout and design of all new developments.
- **Policy D5** sets out principles which should be applied to new housing developments to ensure they provide a safe and pleasant environment in which to live with access routes that are safe and accessible for all users

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at www.durham.gov.uk

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Spennymoor Town Council has no objection to the proposal.

INTERNAL CONSULTEE RESPONSES:

Highways Development Control Engineer has no objection, subject to minor comments that have resulted in amendments to the layout plans.

PUBLIC RESPONSES:

None

.APPLICANT’S STATEMENT:

3. Planning Approval for a Housing Development comprising 230no Dwellings was obtained under Application Reference 7/2002/0677/DM on 24th May 2004.

4. The overlay plan shows how the site is still used efficiently despite the small reduction in numbers. Additionally the mix of units is comparable thus the site will continue to meet need and demand requirements within the local market area.

5. The previous approvals set the principles for this submission the plans clearly demonstrate that the arrangement and layout of housing on the site is in conformity with what has previously been approved. The overlay plan demonstrates that the relationship of buildings to the existing road pattern and footpath network is almost identical and that building lines have been maintained. As such this proposal represents a relatively simple substitution application through adherence to existing principles and the need to work with an implemented road pattern.

6. The Proposals see a reduction in proposed dwellings across this area of the site, from 63no to 56no dwellings, these all being 3 / 4 Bed, 2 Storey Detached dwellings. The scale of buildings on the site has been established through the implementation of existing planning permissions. This proposal seeks to maintain that principle and proposes a range of 2 storey dwellings. The detached dwellings range in width from 8m - 12m in length with a maximum height of 8.3m. This corresponds

with that previously approved on this site and will fit in precisely with the surrounding context. Separation distances between dwellings have been maintained as per the previous approvals and in some cases improved upon.

7. The built form is dictated by that of the previous approval together with that of other Housing Developers. The housetypes proposed are 2 storey detached which will seamlessly integrates with the existing built environment and not unduly dominate the urban landscape. The proposed House Types are traditionally designed dwellings utilising features which are common on the previously developed scheme. This together with a Suitable palette of materials will ensure there is no “Mis-Match” between areas.

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 www.durham.gov.uk Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

8. This proposal seeks to change part of a previously approved housing layout to widen the choice of house types for prospective purchasers.

9. The proposed house types are from the Charles Church range and despite being slightly more bespoke and at a lower density than the originally approved scheme, they are considered compatible with the remainder of that scheme and with the wider developments including the four phases of Barratt Homes.

10. This proposal is considered acceptable in terms of design, and does not substantially affect the mix of dwellings across this phase of development, and the usual standards of access, parking, privacy and amenity are considered to be met by the proposal. The proposal is considered to accord with Local Plan Policies D1 and D5.

11. The proposal affects only a small part of a much larger residential development which accords with the principles of PPS3 (Housing), and the substitution of house types proposed similarly respects those principles.

12. Following comments made by the Highway Development Control Engineer, the layout plans have been amended to address issues including lack of visitor parking spaces, a parking area for an electricity substation, and inconsistency between the application site boundaries shown on the different plans.

13. The planning consent to which this variation applies was granted subject to a S106 agreement, which requires payment of commuted sums for landscaping and environmental improvement works no later than occupation of the 150th dwelling, and defines areas of open space which must be provided at the end of the development. Neither of these thresholds has been met. A subsequent deed of variation has removed several small areas of open space, subject to an increased contribution at the appropriate time. The current proposal does not conflict with any requirements of the current legal agreement.

CONCLUSION

14. The proposal will increase the range and quality of housing available in the Whitworth Park development, and is considered to meet the requirements of the Sedgfield Borough Local Plan, PPS1 and PPS3.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

-
1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.
 2. The development hereby approved shall be carried out in strict accordance with the following approved plans (received 15th February 2010) unless otherwise agreed in writing with the Local Planning Authority.
Plan reference no.
WP/S/LP01
WP/S/ACRA/01
WP/S/sk01 Rev D
WP/S/LL01 Rev B (Sheet 1)
WP/S/LL01 Rev B (Sheet 2)
WP/S/PP01 Rev B
A/PL/Burgess/01 Rev B
A/PL/Calvert/01 Rev A
A/PL/Hogarth/01 Rev A
A/PL/Keating/01 Rev A
A/PL/Lewis/01 Rev A
A/PL/Potter/Rev B
286:03:201
286:03:205
SD/TSD/11
SD/TSD/111
SD/TSD/05
SD/TSD/08
SD/TSD/09
SD/TSD/16
SD/TSD/055
SD/TSD/0555
 3. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority.
 4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The landscaping shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
 5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
 6. Notwithstanding any description of the materials in the application, no development shall be commenced until details of the materials and detailing to be used for the external surfaces, including the roof and render colour, of the building have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.
 7. No development shall be commenced until details of all means of enclosure on the site have been submitted in writing and approved by the Local Planning Authority. The development shall be undertaken in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

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8. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.
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REASONS FOR THE RECOMMENDATION

1. The proposal is considered acceptable having regard to the following development plan policies:
D1 - General Principles for the Layout and Design of New Developments
D5 - Layout of New Housing Development
 2. In the opinion of the Local Planning Authority the proposal represents an acceptable form of development in terms of its location, access, parking and design.
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BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Sedgefield Borough Local Plan 1996
- Planning Policy Statements / Guidance, PPS1, PPS3
- Responses from County Highways, Environment Agency and Police Architectural Liaison Officer

