

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/03882/OUT
FULL APPLICATION DESCRIPTION:	Outline Planning Permission for a rural-workers dwelling with all matters reserved
NAME OF APPLICANT:	Mr and Mrs Howarth
ADDRESS:	Howarth Raw Timber & Logs, Edderacres Plantation, Castle Eden, TS27 4TF
ELECTORAL DIVISION:	Shotton
CASE OFFICER:	Paul Hopper (Senior Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises part of a large forestry plantation positioned between the settlements of Wingate and Castle Eden. In the wider landscape the site falls within an area identified as being of High Landscape Value (AHLV) and lies approximately 240 metres from Castle Eden Dene which is a Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI). It is bounded by a caravan park to the south, agricultural land to the north and west (with a large industrial estate beyond to the north) and by the A19 to the east. As would be expected much of the site plays host to mature trees/woodland which the applicant manages in association with an existing timber supply business.
2. This application specifically relates to part of the site situated adjacent to Shotton Lane and is approximately 0.07 hectares in area. This part of the site is a plateaued area which has previously been stripped of trees and provides as base from which forestry operations across the larger site operate. It also hosts the existing access from Shotton Lane and two storage containers which the applicant has used to store machinery in association with the existing forestry use.

The Proposal

3. Outline planning permission is sought for the erection of a single dwelling (with all matters reserved for future consideration) on land at Edderacres Plantation, Castle Eden.
4. Whilst all matters are reserved for future consideration the applicant has nevertheless submitted a basic location plan which shows in very broad terms the potential position of the dwelling toward the centre of the application site.

5. The application is reported to the Planning Committee at the request of Cllr Pounder who considers that the unusual nature of the business to be such that the social, environmental and economic factors should be considered by the committee.

PLANNING HISTORY

6. There is no planning history relevant to the current application site.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
9. *NPPF Part 5 Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority’s to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
10. *NPPF Part 6 Building a Strong, Competitive Economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
11. *NPPF Part 8 Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted
12. *NPPF Part 9 Promoting Sustainable Transport:* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 12 Achieving Well Designed Places:* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

14. *NPPF Part 15 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
15. *NPPF Part 16 Conserving and Enhancing the Historic Environment*: Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

16. The following policies of the Easington District Local Plan (EDLP) are considered relevant to the determination of this application.
17. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
18. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
19. Policy 7 – Areas of High Landscape Value will be protected and enhanced and any development likely to adversely affect the character, quality or appearance of AHLVs will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the County.
20. Policy 14 - Development which (either individually or cumulatively) is likely to adversely affect (either directly or indirectly) a designated or candidate special area of conservation, and is not directly connected with, or necessary for, managing the scientific interest of the site, will only be approved where:
 - i) There is no alternative solution; and
 - ii) There are imperative reasons of over-riding national interest for the development. In the case of sites which host a priority habitat or a priority species, such development will only be approved where:
 - iii) It is necessary for reasons of human health or public safety; or
 - iv) Beneficial consequences of primary nature conservation importance arise.

Before any project is allowed, developers will be required to demonstrate that adverse effects are minimised and that commensurate efforts to compensate for unavoidable damage are made.'

21. Policy 15 – Protection of the Sites of Special Scientific Interest, and National Nature Reserves states that development which either individually or cumulatively is likely to adversely affected (either or directly or indirectly) a notified sites of special scientific interest will only be approved where there is no alternative solution and the development is in the national interest.

22. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
23. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

24. Paragraph 213 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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 <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. The Highway Authority has no objection to the application.
26. Northumbrian Water Limited offer no objection to the application at this stage but note reference in the planning application from to surface water run-off flowing to the nearest watercourse and that there is no reference to foul connection. Consequently, they advise that there are no public sewerage network connection points within the near vicinity of the application site and as such the applicant may wish to consider alternative foul water servicing.
27. Drainage and Coastal Protection Section notes that the proposal is not of a classification that requires consultation with the Lead local Flood Authority with respect to Flood Risk and Surface Water Management. However, it is advised that according to flood risk data held by the Council, there is a risk of overland flooding during storm conditions. Care should therefore be taken to ensure floor levels are above any potential flooding level.
28. Natural England raises no objection to the application.
29. Environment Agency raises no objection to the application.
30. Forestry Commission has not commented.

INTERNAL CONSULTEE RESPONSES:

31. Spatial Policy Section has not commented on the application.

32. Landscape Section notes that the proposals would have some adverse landscape and visual effects due to the currently undeveloped nature of the AHLV.
33. Arborist notes that based on the plans submitted with the outline permission, there are no obvious arboricultural conflicts and as such raises no objection to the application subject to the inclusion of a planning condition which requires the submission and agreement of a tree protection plan.
34. Contaminated Land Section has no objection to the application subject to the inclusion of planning conditions requiring the submission, agreement and implementation of a Contaminated Land Assessment to include intrusive site investigations, remediation and verification where need is identified.
35. Environmental Health Section raises no objection to the application but notes that the proposed dwelling is in close proximity to a logging enterprise and as such will be subject to noise arising from this conflicting use. However, it is noted that the development would provide accommodation to serve this business and as such is not considered a sensitive receptor, subject to the inclusion of a planning condition which limits its occupation in this regard.
36. Ecology Section raises no objection but notes that a commuted sum payment of £756.61 be secured through Section 106 Legal Agreement for use in Coastal Management Schemes to offset the impact of the development upon the Heritage Coast which would be used in the High Tide Roosts Scheme, specifically at Nose's Point which relates to fencing to manage public access.
37. Archaeology Section whilst raising no objection notes that a post medieval mill is known to have occupied a position adjacent to this site, however the mill leat may have run through the proposed development area and as such it is recommended that any ground disturbing works are monitored through an archaeological watching brief which could be secured through planning condition.

PUBLIC RESPONSES:

38. The application has been publicised by way of site notice, press notice and notification letters sent to neighbouring properties. No representations have been received.
39. However, a 36 signature petition (which includes the applicant's planning agent) has been submitted by the applicant in support of the proposal. The reasons for support are summarised below;
 - Onsite presence will deter crime current antisocial behaviour.
 - Onsite stewardship will make the site safer for users reducing fly tipping, fires and youths drinking.
 - Reduction in poaching.
 - Reduction in vehicle movements
 - Benefit to health and safety.
 - Historically there was a house on site.

APPLICANTS STATEMENT:

40. The proposal is an outline application for a new dwelling to support a forestry business at Edderacres near Castle Eden. There is significant local support for the scheme, no objections have been submitted relating to this application, however a petition of support signed by 36 local residents has been submitted.

A letter of support has also been provided by Natural England stating that having the applicant residing at the site would be a positive for the National Nature Reserve and the local area due to the current risk of anti-social behaviour in the area.

In terms of the location, visually the site is screened by significant trees/landscaping, the applicant is proposing a modest 3 bedroom house to support and allow the existing business to grow.

The site contains remnants of the former Old Shotton Mill, stables and associated workers house which was located on the site, and whilst demolished demonstrates that the site has historically been a live/work location. Photographs will be provided to the Committee, however there are many more remnants on site signifying its former use.

The forestry business (Howarth Raw Timber & Logs) covers a large area of 26.39 hectares/65.2 acres. A forestry workers appraisal has been undertaken and submitted which demonstrates that the business has a current need for 2.5 employees. The applicant has demonstrated that the business has been profitable since commencement of the operation over 3 years ago and that there is a functional need for a presence on site due to a multitude of reasons.

The need for someone to be onsite permanently include for reasons of health and safety as the site varies greatly in terms of topography. The steep ground is difficult to work in, not just the steep slopes but also the dangers involved with the forestry work itself and also ground conditions and how they can quickly change. A number of case studies involving the dangers of the business have been provided in the Planning Statement. Also in terms of animal welfare as the applicant raising Poults on the site, a significant issue is that the area and the business suffers greatly from anti-social behaviour, such as break-ins, fires, drinking and lewd behaviour.

The business can not put a shed up on the site or have welfare facilities as previous facilities were burnt down, CCTV was installed it was stolen. To allow the proper functioning of the business a rural workers dwelling is a necessity.

It is respectfully requested that the Committee supports the proposal and approves the planning application.

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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues relate to the principle of the development (including functional and financial tests for the justification), locational sustainability of the site, the impact upon the surrounding area of high landscape value (AHLV), residential amenity, highway safety, ecology and biodiversity, drainage and land contamination.

Principle of Development

42. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that local planning authorities (LPAs) are only to afford existing Local Plan policies material weight insofar as they accord with the NPPF.
43. The EDLP was adopted in 2001 and was intended to cover the period to 2006. The NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.
44. On this basis, given the age of the EDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, and the weight to be afforded to the policies reduced as a result. However, this does not make out of date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at Paragraph 213 of the NPPF.
45. The application site is located outside of the residential framework of any town or village and in a predominantly rural location some distance from the nearest residential dwellings, services or facilities. The proposal therefore represents development within the open countryside where there is normally a presumption against new isolated dwellings.
46. Policy 3 of the EDLP defines settlement limits and states that development outside of settlement limits will be regarded as development within the countryside and that other than specifically allowed for by other policies, development in the countryside will not be approved. However, the out of date evidence base which underpins this policy and the application of settlement limits means that it must be regarded as out of date for the purposes of paragraph 11 of the NPPF and as a consequence, can be afforded only limited weight.
47. Policy 69 of the EDLP relates to rural workers dwellings and states that new housing development in the countryside will only be approved if dwellings are required for occupation by persons engaged solely or mainly in agriculture, forestry or other appropriate rural enterprises who must live close to their place of employment to perform their duties. However, this policy has expired and cannot be afforded weight in determination of this planning application.
48. In terms of national policy Paragraph 79 of the NPPF is also relevant and takes a similar approach and states that new isolated dwellings will only be considered acceptable if there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work. In addition, the development should be of a size commensurate with the established functional requirement of the enterprise.

49. While no longer forming part of national policy, the approach contained within Annex A of PPS7 is still accepted and endorsed by recent appeal decisions, advocating the application of functional and financial tests in determination of the need test for rural workers dwellings contained in paragraph 79 of the NPPF. These tests require proposals to be genuine, financially viable and have a clearly established functional need for the dwelling. For the local planning authority to accept that there is clear justification for a new dwelling, any application should robustly demonstrate that the functional and financial tests have been satisfied.
50. Consequently, there are no policies in the development plan or any adopted neighbourhood plan, against which the principle of development can be determined and as noted regard must therefore be had to Paragraph 11 of the NPPF which establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.
51. Having regard to the above, the policies of the Development Plan which are most important for determining the application are considered to be out of date. As a result, the acceptability of the development largely rests on the planning balance of whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits there being no policies in this Framework that protect areas or assets of particular importance and which provide a clear reason for refusing the application.

Assessment of Functional Requirement

52. It is understood that the applicant has operated a logging/timber supply business from the site for 3 years and a planning statement has been submitted in support of the application which seeks to demonstrate that this business now requires a full-time worker to be permanently present on site. This statement focusses on the following issues to justify the need for a permanent rural worker to be present on site; health and safety requirements (citing the dangers associated with forestry work which requires working at height with cutting machinery and is supported by case studies from the Health and Safety Executive in this respect), animal welfare requirements (noting that the applicant breeds young chickens, turkeys and pheasants and require a presence on site), crime and antisocial behaviour (citing ongoing issues with theft and vandalism from the site including damage to vehicles, theft of equipment and diesel, poachers and antisocial behaviour including teenage drinking).

53. The information concludes that the current business generates a requirement for 2.5 people to be present on site to support the business.
54. A functional need for a permanent presence on site is generally defined as one which is essential for the proper functioning of the enterprise, for example in cases where animals require essential care at short notice.
55. By way of assessment each of the reasons listed by the applicant are considered in more detail below:
56. Health and Safety: The applicant has provided several case studies compiled from the Health and Safety Executive where forestry workers have suffered serious injury or loss of life when working in isolated or remote locations. The applicant considers that this justifies a permanent residential presence at the site, given the increase in natural surveillance this would provide and the ability to raise the alarm in the event of such an occurrence at the application site. However, it is noted that the wider plantation is of notable size at approximately 26 hectares and as such the extent to which a single dwelling positioned across the eastern part of the site would affect any meaningful improvement to health and safety at the site is questionable.
57. Notwithstanding the extent to which a single dwelling would improve health and safety for the applicant in the day to day operation of the business, it is considered that this alone does not amount to a sufficient functional requirement in the context of paragraph 79 of the NPPF that could not be overcome by alternative means.
58. Animal Welfare: The applicant has made reference to the rearing of poults at the site which is understood to include young chickens, turkeys and pheasants although no precise details of numbers/breeds/breeding programmes have been provided in this regard, and it is noted that this element of the business is not reflected in the submitted business accounts. In this context it is not considered that there is any justified functional requirement for a permanent presence on site in this regard.
59. Crime and Antisocial Behaviour: In supporting information the applicant acknowledges that crime and antisocial behaviour are not solely a reason to grant planning permission for a house in a rural area, they consider the business is suffering from a loss of machinery and stock on a regular basis which has not been mitigated by the installation of CCTV equipment which itself was stolen. An email has been provided by the applicant from Natural England in support of the application in this regard which notes the proposed dwelling would 'boost' security of the area and help make the western end of the Castle Eden Dene more 'welcoming'.
60. Whilst problems of security and antisocial behaviour at the site are understood to be having a detrimental impact upon the existing business this alone does not provide sufficient justification for a rural-workers dwelling at the site.
61. Taking all of the above into account it is not considered that the functional case has been satisfactorily demonstrated in this instance and on this basis the proposal is contrary to the requirements of paragraph 79 of the NPPF and policy 3 of the EDLP.

Assessment of Financial Viability

62. With regard to the financial viability of the business the applicant has provided basic accounts for three years commencing 2015 to 2018 within which the business is described as a 'sole trader operation' and as such no wages are identified in the accounts. This is of concern, as is the fact that the profits generated year on year vary significantly which is understood to be a result of variations in the frequency of logging activity. Nevertheless, when taken as an average across the accounting period the profit generated by the business would not allow a wage to be taken for a rural worker which meets the national minimum wage expected for an agricultural worker.
63. Whilst it is noted that the applicant has access to personal finance from other sources, and that these are used to support/finance the business, it remains that the business must be financially viable in order to receive support (notwithstanding the position with regard to functional requirements as detailed above). In this regard, and from the information provided, it does not appear that the current business is capable of supporting the construction of a rural workers dwellings at the site and in this respect is contrary to the aims of paragraph 79 of the NPPF.
64. The applicant has provided 3 years of financial accounts in support of the proposal which is widely accepted as being a sufficient period of time to assess the viability of a fledgling business. In some instances a local planning authority may grant planning permission for temporary accommodation at a site to allow three years of trading to demonstrate financial viability. Whilst the use of temporary accommodation has not been explored by the applicant in this instance it is noted that the business has been trading for three years and for the reasons stated above is not considered capable of supporting a new dwelling. Therefore, there would be little benefit in the applicant pursuing any application for temporary accommodation in this regard.

Five year Housing Land Supply

65. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
66. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
67. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was, therefore, impossible for the Council to have such an annual position statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals (3213596, 3215357 & 3215186), the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.

68. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 6 years supply of deliverable housing can be demonstrated when measured against this.

Impact upon landscape, visual amenity and the Area of High Landscape Value (AHLV)

69. Policy 7 of the NPPF relates to areas of High Landscape Value and seeks to maintain and enhance the special character, quality and appearance of AHLVs. This displays a broad level of accordance with the aim of paragraph 170 of the NPPF which seeks to protect and enhance valued landscapes.
70. Whilst the application is submitted in outline form with all matters reserved for future consideration the applicant has nevertheless submitted an indicative site layout plan which shows a position for the proposed dwelling towards the centre of the site.
71. The site is visible from the adjacent Shotton Lane which is the redundant course of the Old A19 and as such is no longer open to public vehicular traffic. However, the existing steel storage containers and other evidence of logging activity at the site have nevertheless reduced the scenic value of the location as being countryside of visual amenity and particular landscape character which is noted by the Council's Landscape Section. The removal of these items through the erection of a single dwelling would present some benefit although it is noted that their removal or a general improvement in the visual amenity of the site could be secured through other legislative controls within the planning system, such as the service of a 215 Notice relating to untidy land.
72. The Council's Landscape Section has commented and whilst noting that the proposal would have some adverse landscape impact due to the currently undeveloped nature of the AHLV, nevertheless confirms this impact is unlikely to be significant. As such the development would accord with the requirements of policy 7 of the EDLP and paragraph 170 of the NPPF subject to the inclusion of the standard landscaping condition requiring the submission and agreement of reserved matters.

Impact upon Residential Amenity

73. The proposal is not within close proximity to any residential dwellings being approximately 360 metres to the south of the nearest residential property at Green Bank to the north and 210 metres from a caravan park to the south west. The Council's Environmental Health Officer has no objection to the application in this regard subject to the inclusion of a planning condition restricting the occupation of the property to that in association with the logging/timber business. As such it is not considered that the development would have any significant adverse impact upon residential amenity in accordance with the requirements of policy 35 of the EDLP and paragraph 180 of the NPPF.

Access, Highway Safety and Sustainability of Location

74. As already noted the application relates to outline planning permission with all matters reserved for future consideration. Nevertheless, the applicant has identified a potential point of access which would be taken via the existing arrangement from Shotton Bank to the east.

75. Policies 36 and 37 of the CofDLP require new development to provide safe and adequate access and sufficient car parking and this approach displays a broad level of accordance with the NPPF at paragraph 108.
76. The application satisfactorily demonstrates that a safe and suitable means of access can be provided and as such the proposal accords with policies 36 and 37 of the EDLP and paragraph 108 of the NPPF.
77. However, at part 9 of the NPPF also promotes sustainable transport and at paragraph 103 in particular states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
78. In this regard it is noted that the proposal would be remote from services and amenities and would not be readily accessible to public transport. Given this any occupants of the dwelling would be heavily reliant on a motor vehicle to access day to day services and as such the site is not considered to represent a sustainable location capable of supporting additional residential development contrary to paragraph 103 of the NPPF.

Ecology

79. Policies 14 and 15 of the EDLP seek to protect Special Areas of Conservation and Sites of Special Scientific Interest respectively which is an approach that is considered to display a broad level of accordance with Part 15 of the NPPF in that it seeks to ensure that new development protects and mitigates harm to biodiversity interests.
80. There are no structures of note currently present on site and as noted in the site summary the predominant use is one of forestry.
81. The Council's Ecologist has also notes that the proposed development is within the 6km Durham Coast HRA buffer therefore a financial contribution to the Coastal Management Plan is required to mitigate impacts as a result of new housing development. Durham County Council has carried out screening in compliance with the Habitats Regulations for all housing allocations in the county, this work was done in conjunction with Natural England, and after Appropriate Assessment, concluded that there is likely to be a significant effect on the Northumbria Coast SPA and Durham Coast SAC from new housing development within 6km of the coastal European sites due to increased recreational impacts including dog walking and coastal erosion. It was agreed that mitigation for those identified impacts upon the European protected sites will include the provision of alternative green space suitable for off-lead dog walking and or a financial contribution to the coastal management plan designed to limit the identified impacts. Natural England offer no objection to the application.
82. The applicant has agreed to make a contribution of £756.61 towards one of the strategic programmes within the Heritage Coast Management Plan to offset any adverse impact in this regard.
83. Subject to the commuted sum being made available and secured through S106 Legal Agreement, it is considered that the proposed development would accord with saved policies 14 and 15 of the EDLP and Part 15 of the NPPF, which seeks to protect and enhance biodiversity and the natural environment.

Other Matters

84. Paragraph 178 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
85. It is noted that the site is currently used for forestry and as the proposal relates to a more sensitive use. Consequently, the Council's Contaminated Land Section raises no objection to the application subject to the inclusion of a planning condition requiring the submission and agreement of a Contaminated Land Risk Assessment (including intrusive site investigation and the implementation of remediation and verification where need is identified).
86. Subject to the inclusion of planning conditions in this regard the development is considered to accord with the requirements of paragraph 178 of the NPPF.
87. The Council's Drainage and Coastal Protection Section, the Environment Agency and Northumbrian Water Limited offer no objection to the application although the latter noted that there is no existing foul connection within the vicinity of the application site. However, the application is submitted in outline only with all matters reserved for future consideration and in this regard, it is considered that the submission and agreement of precise detail in this regard could be secured through planning condition. Subject to the inclusion of a planning condition in this regard the development is considered acceptable in accordance with the aims of policy 1 of the EDLP.

Planning Balance

88. As the relevant policies of the EDLP are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged and in this regard a summary of the benefits and adverse impacts of the proposal are considered below;

Benefits

89. The development would provide some benefit in terms of providing a boost to housing supply although this would be considered very limited at one dwelling, particularly in the context that the Council is currently able to demonstrate a 5 year supply of housing land and only limited weight should be afforded to the benefits of delivering new housing given there is no current shortfall in supply.
90. The proposal would also present some personal benefits to the applicant, namely that a dwelling would provide natural surveillance that would have some positive benefit to health and safety noting the nature of forestry work and in relation to crime and antisocial behaviour, the latter presenting some benefit to the wider locality and the presence of a 36 signature petition in this regard is noted. However, any benefits in this regard would be limited and would not amount to a functional requirement for a rural worker to be permanently present on site in the context of paragraph 79 of the NPPF.

Adverse Impacts

91. The application site does not represent a sustainable location and any future occupiers of the proposed dwelling would be heavily reliant on trips by private vehicles in order to access day to day services including shops, health services and education facilities without sufficient justification contrary to paragraphs 79 and 103 of the NPPF.

Concluding Point regarding Paragraph 11

92. It is considered that given the benefits of the scheme can only be afforded limited weight and with this in mind the adverse impacts are considered to significantly and demonstrably outweigh the benefits and as such planning permission should be refused.

CONCLUSION

93. The proposal is considered to conflict with guidance contained within the NPPF in that it fails to present adequate justification for both the functional and financial need for the creation of a new isolated dwelling within the countryside to accommodate the essential need for a rural worker to live permanently at or near their place of work. In this regard the application is considered to be contrary to guidance contained within paragraph 79 of the NPPF and policy 3 of the EDLP.
94. The application is therefore present to the committee with a recommendation for refusal.

RECOMMENDATION

95. The proposal constitutes new residential development in the open countryside which is considered to be within an unsustainable location and without adequate justification in terms of an identified essential need or sufficient financial justification. Consequently, it is considered that the proposal is contrary to guidance contained within Paragraph 79 of the National Planning Policy Framework and the requirements of saved policy 3 of the Easington District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Regrettably, a positive recommendation has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Easington District Local Plan 2007

Statutory, internal and public consultation responses



Planning Services

Outline Planning Permission for a rural-workers dwelling with all matters reserved

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

Comments

Date: 11 June 2019