

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/19/00431/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Siting of 10 holiday lodges.</b>
<b>NAME OF APPLICANT:</b>	<b>Mr George Reynolds</b>
<b>ADDRESS:</b>	<b>Land To The North West Of The 68 Cafe Toft Hill DL14 0JF</b>
<b>ELECTORAL DIVISION:</b>	<b>Evenwood</b>
<b>CASE OFFICER:</b>	<b>Adam Williamson Planning Officer 03000 260826</b>

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## DESCRIPTION OF THE SITE AND PROPOSAL

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### The Site

1. The application site consists of a roughly rectangular parcel of land located approximately 1.3km west of Toft Hill. The site extends to roughly 5.66 hectares in area and comprises an agricultural field. There is a substantial level change across the site, with the land falling approximately 31 metres in a northern direction. The site is bounded by other agricultural land and is enclosed by hedgerows on the southern, western and northern boundaries and by a 1 metre high stock proof fence to the eastern boundary. The site does not contain any trees, although groups of mature trees are present on surrounding parcels of land. The A68 Café is sited approximately 230 metres to the east and Old Carterthorne Farm lies approximately 130 metres from the north-eastern boundary of the site. This site contains several caravan pitches under The Caravan Club exemptions procedure. To the south of the site on the opposite side of the C33 highway is a wind turbine measuring 15 metres to hub height.
2. The C33 highway passes immediately to the south of the application site, with the A68 through route running north to south approximately 240 metres to the east. The boundary of an Area of High Landscape Value lies 260 metres from the northern boundary of the application site.

## The proposal

3. The application seeks full planning permission for the siting of 10 holiday lodges. The site layout shows the lodges arranged around a circular access road, taken from a single access point to the south west of the site which involves the widening of the existing field access.
4. The submitted plans show the lodges arranged along the southern and western boundaries of the site. Each lodge would have a footprint measuring 8.1 metres by 5 metres, and would extend to 2.3 metres to the eaves and 3.6 metres to the highest point of the mono pitch roof. The lodges would be constructed from timber boarding and each would contain a kitchen/ living space, served by folding doors, a WC, and 1 bedroom.
5. The submitted site plan shows that the 10 lodges would be sited on equally sized plots off a circular access road that would contain a play/ picnic area at its centre. A timber store to house bins and the waste water treatment plant is shown to the north-eastern corner of the site.
6. Part of the access road has already been constructed on site, but works have stopped pending the outcome of this application. It is intended that the access road would be constructed from a hard-wearing surface with the specification to be agreed.
7. The application is being reported to Planning Committee as it represents major development.

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## **PLANNING HISTORY**

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8. An application for the Change of use from agricultural to log cabins at the site (Ref DM/18/02989/FPA) was returned invalid in November 2018 due to insufficient information being submitted.

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## **PLANNING POLICIES**

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### National Policy

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

11. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *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.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of

existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

LOCAL PLAN POLICY:

20. The following policies of the Teesdale District Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
21. *Policy GD1– General Development Criteria*. All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
22. *Policy ENV1- Protection of the Countryside*: Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
23. *Policy ENV8– Safeguarding Plant and Animal Species Protected by Law*. States that development that would significantly harm said protected species will not be permitted unless mitigating action is achievable and that the overall effect will not be detrimental to the species and the overall biodiversity of the district.
24. *Policy ENV10– Development affecting Trees or Hedgerows*. Development will only be permitted where it avoids unreasonable harm or loss of any tree protected by a preservation order, a tree within a conservation or any trees, tree belts or hedgerow which contribute to landscape diversity, setting of buildings, protected species habitat or visual amenity.
25. *Policy ENV12- Protection of Agricultural Land*. Looks to ensure the protection of the best or most versatile agricultural land
26. *Policy ENV14– Protection of Water Quality*. States that development that would unacceptably prejudice the quality of surface or ground water will not be permitted.
27. *Policy ENV15– Development affecting Flood Risk*. Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.

28. *Policy ENV17– Sewage Infrastructure and Sewage Disposal.* Proposals which will increase the demands for off-site sewage infrastructure will be permitted only where adequate capacity already exists or satisfactory improvements can be provided.
29. *Policy TR2– New Visitor Accommodation.* Planning permission will be granted for new visitor accommodation within conversions of existing buildings or where new buildings can be added to an existing farmstead or existing traditional group of buildings, provided that:- A) the proposal does not detract from the character of the area; and B) the scale, design and materials of the proposal are appropriate to the existing group of buildings; and C) the proposal is not detrimental to road safety; and D) where it involves conversion of an existing building then that conversion accords with relevant policies.
30. *Policy TR3- Caravan/ chalet sites:* Supports the principle of the development of chalet sites in situations where it does not detract from the character of the area; is adequately screened by local topography or existing tree cover; is served by adequate infrastructure; site services are limited to site occupants only; and does not adversely affect the amenities of the neighbouring properties.

#### RELEVANT EMERGING POLICY:

##### The County Durham Plan

31. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it 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 relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-supportplanning-and-development-decision-making-at-the-moment> (Teesdale District Local Plan)

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### STATUTORY RESPONSES:

32. *Etherley Parish Council-* express concern about local road safety due to the high volume of traffic, including HGV's, which travel through the village of Toft Hill. Any potential increase in the volume of traffic due to a development of this nature would undoubtedly add to the traffic issues which already exist. There is further concern regarding the lack of street lights and footpaths outside the boundary of this site. The route to Toft Hill which is the nearest village would be extremely hazardous for pedestrians and would put people at risk and in danger of serious injury or worse.

There is a concern that Toft Hill has no facilities or amenities in terms of shops, post offices, garage facilities and only a very limited bus service. Therefore, holiday makers would be required to use their own transport to access all amenities. The proposed development for holiday accommodation is completely unnecessary due to the close proximity of several other holiday parks in the area such as Witton Castle and Hamsterley as well as numerous holiday cottages in the local area.

Such a development in this rural locality would have a detrimental effect upon the local environment, wildlife and natural habitats and it is important to ensure that these rural areas are protected.

33. *Highways* - raise concerns regarding the ability to create a safe and suitable access to serve this proposed development. The road serving the current agricultural site is the derestricted C33; a high speed inter-urban rural highway. The speed limit in force is 60mph and while actual 85th percentile speeds may not reach this level they are still likely to be over 50mph. The frontage boundary of the site adjacent to, the C33 carriageway edge is not referred to in terms of revisions necessary to ensure that an adequate sight visibility splay in both directions can be achieved. In the absence of a traffic speed survey it is considered that a 2.4m by 160m splay is necessary in both directions. The applicant must demonstrate how this would be achieved. Relocating the access toward the centre of the C33 boundary may be necessary. The 1/1000 site plan does not give sufficient detail for depiction of splays and effect upon boundaries. A minimum 1:500 scale plan would be more suitable.

There are designs submitted with regard to access and entrance wall and gates are described as illustrative and the latter is annotated as having 'minimum' dimensions in places and that sizes are approximate. Clarification would be needed on their proposed significance in terms of the application, and approved drawings. The proposed position of the new entrance wall feature is such that there is likely to be encroachment upon the C33 public highway verge.

34. *The Environment Agency*- Object to the proposal as submitted because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to water quality can be safely managed. It is recommended that planning permission should be refused on this basis.
35. *The Coal Authority*- note that the application site lies in an area of both recorded and historic unrecorded underground coal mining at shallow depth and thick coal seams likely to outcrop at or close to the surface that may also have been worked in the past. In addition, there are two recorded mine entries (one shaft; one adit) and is also within a site from which coal has been removed by surface mining (opencast) operations.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report, or equivalent report to support this planning application. As no relevant information has been submitted at this time the Coal Authority objects to this planning application.

36. *Drainage and Coastal Protection*- Objects to the proposed development as there is insufficient information for which to assess the proposal with respect to surface water drainage management and the inclusion of SuDS.

INTERNAL CONSULTEE RESPONSES:

37. *Landscape*- Object to the proposed development. The site can be seen extensively from the north, including from the North Pennines AONB, though at distances of approximately 8km. At a distance of about 3km it will be visible from within the Witton-le-Wear Conservation Area. Although the site is not within a designated landscape it is close to, and visible from within the Area of High Landscape Value that runs along the Wear valley to the north.

The site, before the unauthorised works, was a green field in a pastoral landscape. The proposed development will introduce structures, access tracks, cars and other paraphernalia into the landscape that is entirely at odds with its character and is visually detrimental, not only to the field itself but also to the wider landscape in whose context it is seen.

The proposals are in conflict with various landscape related policies and are opposed on landscape grounds.

38. *Environmental Health and Consumer Protection (Pollution Control)* – Object to the proposed development. Lodge type accommodation is more susceptible to noise having more limited acoustic attenuation than traditional residential properties. The expectation of holiday accommodation of this type is that it provides a low noise climate scenario for visitors to enjoy a countryside location. This includes potentially expecting to stay asleep for longer and greater enjoyment of outside areas and therefore an expectation of a higher level of amenity. It is not considered that there are any relevant noise mitigation measures that could be carried out to reduce the impact from the adjacent highway and wind turbine.

It is considered the location proposed is unlikely to be wholly suitable for the use proposed in terms of paragraphs 180 and 182 of the NPPF by virtue of the existing noise climate.

39. *Ecology*- Notes that there is a suspected outlier Badger sett on the northern boundary of the site. The ecology report recommends that a 30m standoff buffer to this will be required (the current location of access road is likely to be affected). Confirmation of whether this can be achieved will need to be provided and shown on the proposed site plan to provide the LPA with confidence that the requirements can be adhered to.

It is also noted that there is no assessment as to whether the existing badger population is likely to be impacted on by the proposals (loss of foraging habitat/increase in disturbance levels), and if so to what extent mitigation is necessary to address this, which would also need to be detailed.

There has also been no assessment of likely losses/impacts in biodiversity as a result of the proposed development. References in the updated NPPF require development to ensure a net gain in biodiversity.

40. *Arboricultural Officer*- Almost all of the site is bounded by field boundary hedges that give visual and ecological benefits. The indicative layout plan suggests that these hedges will be retained, with the exception of those at the access point that have already been removed and as such, from an arboricultural perspective, it is possible that the development will be achievable with the retention of the existing vegetation and there is no significant objection to the proposal.

It is however recommended that if the application is approved, a tree protection plan should be provided to ensure the remaining hedges are protected during development and in addition, the applicant should ensure that any final layout design allows a sufficient buffer for the hedges to be retained long term and provides access for their management.

41. *Spatial Policy*- Comment that as the Teesdale District Local Plan is neither absent, silent or out of date in relation to this proposal the 2 limbed test set out in Paragraph 11 of the NPF is not triggered in this instance. However, there are a number of elements of the proposal which will need to be assessed in line with specialist comments, in order to establish whether the proposals are acceptable and in accordance with the Saved Policies of the Local Plan.
42. *Visit County Durham*- Has not provided a response.

#### PUBLIC RESPONSES:

43. *Cllr Smith*- Objects to the proposed development which is considered to be wholly unsuitable for a development of holiday lodges due to its outstanding landscape value. The site commands one of the best views in the County and is also highly visible due to its elevated position. Holiday lodges would be visible from miles away and would be a blot on a beautiful landscape. This would be an isolated development in a very rural location and therefore not sustainable. The site is currently grazing land with no infrastructure, and no buildings in close proximity. This is therefore quite different from other holiday accommodation which is being built nearby on an already established farm with extensive farm buildings and utilities already present.

Whilst the NPPF allows for some rural development if the proposed structures are of architectural merit or outstanding design, the drawings of the lodges show them to be of very standard design, more akin to sheds than lodges.

The amount of extra traffic generated from a holiday development on a small rural road would be a significant issue as Toft Hill is a settlement with few facilities. There are no shops, no post office, and a very limited bus service which does not run after 8pm nor on Sundays or public holidays. Bishop Auckland Station is several miles away. Visitors would therefore be dependent on cars, increasing the traffic. The field is very close to the A68, which carries a lot of HGV traffic, so the holiday development would be subject to considerable vehicle noise, making it unattractive for holidaymakers. There is no pavement on either side of the road, no street lighting or kerbs and is therefore not a very safe place for pedestrians.

The field is a habitat for curlews and skylarks, which I have personally verified, and both of those species are in decline due to loss of habitat.

Concern is also raised that prior to the submission of a planning application, let alone the receipt of planning permission, work commenced on the site with the widening of an entrance and laying down hard surfaces, contrary to planning regulations.

It is considered that this development would cause very significant detrimental effects on the rural landscape of Toft Hill and that planning permission should be refused.



44. *The Campaign to Protect Rural England*- Object to the proposal expressing concerns that should this application be approved, and the site be successful, further applications to increase the number of lodges appear inevitable.

The comments of the Landscape Officer that this is a visible site and the proposal is not in keeping with its character and appearance are endorsed and there is concern that the proposal will introduce a significant amount of light pollution into this area which will exacerbate the situation.

It is noted that there has been another similar proposal near to Toft Hill that the CPRE considered was acceptable and did not object to.

45. The application has been publicised by way of a site notice. 9 letters of objection have been received with the points raised summarised below;
- There is no need for the proposed development.
  - An increase in traffic to the surrounding area
  - The development will be detrimental to biodiversity on the site.
  - The chalets will lead to overlooking leading to a loss of residential amenity
  - The site will be highly visible at night when its lit up
  - The development will be detrimental to highway safety
  - There are no footpaths to the site
  - Loss of agricultural land

### **Applicants Statement**

46. The application proposes a small-scale development of ten log cabins for holidaying purposes which would have a very limited impact on the character of the site or the surrounding landscape due to its careful siting, the topography of the area and the existence of natural screening around the site. The proposal would make a valuable contribution to the local visitor economy and would not impact in any way on the living conditions of any surrounding residents nor would it impact upon highway safety or the local road network.
47. The proposal would accord with Policies GD1, ENV1, TR3 and TR4 of the Teesdale Local Plan as well as the provisions of the NPPF. Sustainable development would be achieved in social, economic and environmental terms and an entirely national and local planning policy compliant scheme would be delivered in this case. The Council is therefore respectfully requested to support the proposals by approving the application without delay in line with the requirements of paragraph 11 of the NPPF.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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48. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies relevant guidance and other material considerations including representations received it is considered that the main planning issues in this instance relate to: the principle of development, impact on character and appearance of the area, highway issues, impact on protected species and biodiversity, ground stability, flood risk, ground and surface water drainage, and noise and disturbance.

## Principle of development

49. 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 consideration. The Teesdale District Local Plan (TDLP) forms the statutory development plan and remains the starting point for determining applications as set out in the Planning Act and reinforced in paragraph 12 of the NPPF. The TDLP was adopted in 2002 and was intended to cover the period to 2010. 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 depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
50. The Teesdale District Local Plan Policy GD1 is a general criteria policy requiring among other things that development is of good design, does not harm the landscape, does not conflict with adjoining uses and has suitable access. Policy ENV1 relates to protection of the Countryside and seeks to permit development for among other things, tourism purposes, providing this does not unreasonably harm the landscape. These policies are all consistent with the aims of NPPF. Policy TR2 (New Visitor Accommodation) supports new visitor accommodation in the countryside where it involves the conversion of existing buildings or where new buildings can be added to an existing farmstead for existing traditional group of buildings. Policy TR3 (Camping and Caravanning Sites) support the development of new chalet accommodation provided that it doesn't detract from the character of the area; is adequately screened by the local topography or existing tree cover which is within the control of/or managed by the applicant; is appropriate in terms of scale, design and materials; it is not detrimental in terms of road safety; site services are appropriate in terms of scale and location, there is adequate infrastructure; it does not adversely affect the amenities of neighbouring occupancies and the proposal does not increase flood risk elsewhere.
51. The above policies of the Teesdale District Local Plan are deemed to be consistent with the NPPF. Although they are more prescriptive than the NPPF, they should still be given full weight in the decision-making process. As such the planning balance test set out in paragraph 11 d) of the NPPF is not engaged.
52. With regards to tourism development, the NPPF offers no specific guidance to the decision maker, however, Part 6 does indicate that planning policies and decisions should support the sustainable growth and expansion of business in rural areas and enable sustainable rural tourism and leisure developments which respects the character of the countryside. Therefore, there can be considered to be support in principle for rural development such as that proposed.
53. Although there is no policy requirement to demonstrate need in this instance, it is useful to identify the impact that this development may have upon the tourism economy. The visitor economy is extremely important to County Durham and as of June 2017, 93% of visitors to County Durham were day visitors, spending around £20.18 per day, whereas overnight visitors spent on average around £169.14 per trip.

In this way, around 40% of all tourism expenditure in the county can be attributed to only 7% of the total visitors. Consequently, encouraging overnight stays is a key issue for the tourism economy within County Durham.

54. In 2012 the Council commissioned the County Durham Visitor Accommodation Futures Study (CDVAFS), which examined both existing offer, and market potential for various forms of visitor accommodation across the County. Although now 7 years old, this document remains the most up to date detailed study of visitor accommodation for the County. The CDVAFS identifies that there is not currently a particularly large supply of holiday lodge accommodation within the county. However, it does identify that this could be an expanding market in the longer term, and one that could be supported by the county, particularly where such developments are associated with, or in close proximity to specific outdoor activities or attractions.
55. The CDVAFS also identifies the Durham Dales as an area of tourism growth but acknowledges much of the landscape is sensitive.
56. This would suggest that there is a potential need for this development in terms of increasing the amount and type of accommodation offer within the area in and around the Durham Dales, and although economic benefits have not been quantified as part of the application, it would appear reasonable to conclude that this proposal would have a positive impact upon the tourism offer of this part of the County, as well as the wider local economy for associated visitor expenditure. This would be consistent with the NPPF's approach to supporting a prosperous rural economy.
57. Having regard to the above, it is acknowledged that there would be a modest positive benefit to the local economy as a result of increased visitor numbers and job creation; however, this is relatively limited in terms of the numbers of jobs that would be created. Visitor spend in surrounding settlements would have some positive effect on the economies of the local area. There is local support for the proposals on these grounds. The proposal is in line with the guidance in NPPF Parts 2 and 6 in these respects. The key issue therefore, is whether the proposal in environmental terms, would have any adverse impacts that significantly and demonstrably outweigh the identified benefits. This is considered in the sections below.

#### Impact on character and appearance of the area

58. TDLP Policy GD1 seeks to protect and enhance the countryside of Teesdale, requiring that developments do not unreasonably harm the rural landscape of the area, has regard to and retains landscape features while requiring that major developed sites incorporate structural landscaping. TDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals except for agricultural or other compatible uses in the countryside such as proposals for tourism as permitted by Local Plan policies. TDLP Policy ENV10 seeks to protect trees and hedgerows including both those which have formal means of protection but also those not protected by which contribute positively to the locality. Policy ENV12 of the TDLP seeks to protect the best agricultural land. Policy TR3 of the TDLP supports the development of new chalet accommodation provided that it doesn't detract from the character of the area; is adequately screened by the local topography or existing tree cover which is within the control of/or managed by the applicant; is appropriate in terms of scale, design and materials.

59. These policies are considered consistent with Parts 12 and 15 of the NPPF with paragraph 170 (b) recognising the intrinsic character and beauty of the countryside, trees and woodland whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. NPPF paragraph 170 (a) stating that valued landscapes should be protected and enhanced.
60. The site lies outside of any landscape designations in the Local Plan, but the application site occupies a prominent valley top location and is visible from a number of minor roads to the north and south, and from various points along the A68 which passes to the east. The road to the north is also part of the Walney to Wear Cycle Route. The site is also visible in more distant southern views from the north side of the Wear Valley. The site combines with adjoining fields to provide an attractive rural open feature.
61. The County Durham Landscape Character Assessment places the site within the Coalfield Upland Fringe Broad Landscape Type, and the High Ridge and Valley farmland: open pasture Local Landscape Type. The Landscape Strategy for the site is restore or enhance.
62. Chalet, caravan and camping sites are an important element of tourist accommodation provision. These developments are considered appropriate within certain locations in the countryside. The development of chalet sites within the countryside, can, however have a severe effect on the landscape, and careful attention must be paid to ensure that new sites do not detract from the appearance of the surrounding environment.
63. The application site slopes steeply away to the north, with a difference in levels from the high southern end of the site to the low northern end of the site of approximately 31 metres. Given the topography of the site it is primarily visible from the C33, which passes the southern boundary, and from the unclassified 41.6 highway to the west and north sides of the site. The surrounding area is pasture with hedges and mature hedgerow trees, as well as some groups of large, mature trees to the north of the site. The site slopes downwards towards the north following the A68 road. This allows views north across the site towards the north side of the Wear Valley and to the west towards the North Pennines AONB in the distance.
64. Views of the site are significantly filtered along the A68 to the east by both topography and the mature trees and planting along the highway verge and in the fields.
65. Travelling south on the A68, the landscape opens up across the site just to the north of the A68 Café giving an attractive view across pasture to mature trees on the skyline to the west and the northern side of the Wear Valley to the north. There is a strong sense of arriving in the countryside, emphasised by the open pasture land on the both sides of the A68 and long-range views of open agricultural land.
66. The design of the lodges themselves are simple timber structures with a relatively modern appearance, and given their lightweight appearance and low overall height, there is no objection to their external appearance. The main issue relates to the visibility of the site in the wider landscape.
67. The submitted site plan indicates that the 10 lodges would be positioned on the site, around a central access loop road, with a picnic area and playground to the centre of the loop. The plan shows that the proposed lodges would be sited to the southern

and western edges of the site. Given the topography of the site, some of the chalets would need to be constructed on raised level platforms, shown to be approximately 0.8 metres in height. However from the submitted 1:500 scale section plan it is not clear what the final height of the proposed platforms would be, and the impact of the platforms to provide a level surface for the lodges cannot be fully assessed. It is also not clear how the picnic and play area would work given the steep slope of the site and whether any landscaping works would be required to facilitate their siting.

68. The submitted site plan is also short on detail and does not show any additional areas of hardstanding such as those required to provide vehicle parking, and forecourt space to the lodges, or walkways around the site. Nor are any details or elevations provided of the proposed timber bin store to the northeastern corner of the site, and it is also questioned whether this is a practical location for a bin store given the steep topography of the site and the distance from the lodges.
69. The site occupies a relatively isolated location and there are no street lights nearby. As such a scheme of lighting was requested from the applicant so the impact the site may have in periods of darkness from light spill and luminance levels from within the site could be fully assessed. No details of any proposed external lighting have been submitted.
70. The site is bounded to the south, west and by mature hedgerows, with the hedgerow to the west being low level and not continuous in terms of coverage. The eastern boundary of the site is currently marked by a 1 metre high stock proof fence. The layout plan suggests that the existing hedgerows would be retained, however, given the proximity of the proposed lodges to the existing hedgerows, a tree protection plan was requested to demonstrate that the remaining hedgerows can be sufficiently protected during development and to demonstrate that any final layout design allows a sufficient buffer for the hedges to be retained long term and provide access for their management. No protection details have been submitted. Additional planting appears to be proposed to the eastern most boundary of the site in place of the stock proof fence, but no details in respect of the proposed species, numbers, location or size have been submitted.
71. The submitted plans are very sparse in terms of their detailing, and the applicant has been advised that further information was required in order to fully assess the impact the proposal would have on the wider landscape, but no details have been submitted.
72. The proposed works would effectively cease the agricultural use of the land. The agricultural land is classified as grade 4 (poor quality) and as such the loss of the land for agriculture does not raise an objection under policy ENV12 of the TDLP or paragraph 170 of the NPPF in this respect.
73. Whilst this proposal seeks the siting of 10 lodges, the proposed layout arrangements and infrastructure associated with the circular road hints at the possible future expansion of the site. This would be to the further detriment of the surrounding landscape. It is also noted that no facilities are to be provided other than a play/ picnic area. There is the potential for pressure to provide further facilities to serve the users of site.
74. Notwithstanding the basic level of information provided, given the relatively exposed location and the existing topography which increases the wider prominence of the site it is considered that the proposed development would be highly visible and

intrusive in the landscape from surrounding settlements, roads and public footpaths. This impact would be intensified by parked vehicles, lighting and paraphernalia associated with holiday use and the lack of natural screening. This view is shared by the landscape officer.

75. Overall, it is considered that the development would unacceptably transform the undeveloped nature of the site leading to substantial adverse landscape harm and would not respect existing natural and landscape features. This is contrary to policies GD1 A), B)a., B)b., B)c., I, L and M, ENV10, ENV1, TR3 of the Teesdale District Local Plan and paragraphs 127 and 170 of the NPPF.

#### Highway issues

76. Paragraph 108 of the NPPF states that development should achieve a safe and suitable access for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
77. Policy GD1 of the requires new developments to be served by a suitable access. Policy TR3 of the TDLP states that developments should not be detrimental in terms of road safety. Given the consistency of TDLP Policies GD1 and TR3 with the NPPF, full weight can be given to them in the decision-making process.
78. Plans have been submitted with regard to the site access and entrance wall and gates. These depict a curved wall entrance to the site, 6 metres in width, 6 metres from the edge of the carriageway. The plans are described as illustrative but do not match the entrance details shown on the proposed site plan. The proposed position of the new entrance wall feature is such that there is likely to be encroachment upon the C33 public highway verge, although given the inaccuracies shown, this cannot be determined.
79. The proposed lodge site would utilise the existing agricultural access onto the C33. The Highways Authority has concerns regarding an ability to create a safe and suitable access to serve this proposed development. The road serving the currently agricultural site is the derestricted C33; a high speed inter-urban rural highway. The speed limit in force is 60mph and while actual 85th percentile speeds may not reach this level they are still likely to be over 50mph. The frontage boundary adjacent, and close proximity to the C33 carriageway edge is not referred to in terms of revisions necessary to ensure that an adequate sight visibility splay in both directions can be achieved.
80. In the absence of a traffic speed survey it is considered that a 2.4m by 160m splay would be necessary in both directions and the applicant would need to demonstrate how this will be achieved. The submitted 1/1000 site plan does not give sufficient detail for the depiction of visibility splays and their effect upon the boundary of the site with the C33 highway. A minimum 1:500 scaled plan would be more suitable. The comments from highways have been passed to the applicant but an amended plan has not been received.
81. Whilst it is acknowledged that there is existing field- gate in the location of the intended site access, the proposal would materially increase the use of the access. The recent changes to the NPPF lower the bar for refusals on highway safety grounds and no longer requires there to be a severe cumulative impact. Paragraph 109 now

states development should be refused if there would be an unacceptable impact on highway safety, which the Highway Authority advice indicates would be the case without further clarification.

82. Overall, on the advice of the Highway Authority, it is considered that insufficient information has been submitted, to demonstrate that a safe means of access could be created. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policy GD1Q) in this respect and paragraphs 108 and 109 of the NPPF.

#### Impact on Protected Species and biodiversity

83. Section 40 of the Natural Environment and Rural Communities Act 2006, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
84. TDLP Policy GD1 J) seeks to ensure that developments would not endanger or damage important national or wildlife sites or that of the ecology of the wider area. TDLP Policy ENV8 seeks to protect species protected by law and including their habitats. These policies are each considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, encourages net biodiversity gains and stringently protects ecological sites of the highest significance.
85. A Preliminary Ecological Appraisal has been submitted in support of the planning application which contains the necessary data to assess the direct and indirect impacts of the development and potential impacts on protected species.
86. There are no statutory designated sites within 2km of the site. Consultation with the Environmental Records Information Centre North East (ERIC NE) revealed the presence of three non-statutory sites within 2km, Lower Linburn Valley, Witton Bottoms Woodland and Crakehill Bank Local Wildlife Sites. Under the current development proposals, direct and/or indirect impacts on these designated sites are not anticipated.
87. The appraisal indicated that habitats on site are dominated by an area of poor semi-improved grassland which is bound by hedgerows, scattered scrub and occasional semi-mature trees.
88. Areas of open grassland will offer limited foraging for bats, while hedgerows present around the periphery of the site will offer better quality foraging and commuting habitats, linking to the wider area. Trees present along field boundaries are generally semi-mature and are of low suitability to roosting bats. Grassland habitats are considered to be suitable for use by ground-nesting birds, survey was undertaken during the breeding bird season and no evidence of ground-nesting birds were recorded.
89. The grassland habitats provide suitable foraging habitat for badger and evidence of foraging was recorded. Two entrance holes were recorded in the site. Evidence of excavation and spoil heaps were observed around entrances and mammal trails leading to the area.

90. Although badgers are not a rare or endangered species, they are a protected species under the Protection of Badgers Act 1992 which makes it illegal to kill, injure or take badgers or to interfere with a badger sett. Natural England provide standing advice to local planning authorities which seeks to avoid adverse impacts on badgers. If there are unavoidable impacts, then mitigation should be designed to reduce those impacts. If there are still unacceptable impacts on the species following these steps, then compensation measures need to be provided to offset the impacts. In determining planning applications, it is necessary to consider whether there are any satisfactory alternatives to the proposed scheme which would have less of an impact on protected species.
91. The submitted site plan shows a uniform semi-circular 30 metre wide Ecological Buffer that is centrally located at the northern end of the site.
92. The Ecology officer has commented that it can be assumed users of the chalets may bring pet dogs onto the site. Generally recreational disturbance, especially between dogs and badgers is not compatible. Additionally, the bin storage area, and the circular access loop are proposed to be directly adjacent the ecological buffer zone, which will bring a degree of disturbance from people taking waste to the bins, and vehicles using the access road. Ensuring no development/access routes within 30 metres of the sett would not be considered adequate mitigation. An adequate barrier with buffer, to prevent access/disturbance by users/dogs of the proposed site would need to be established and maintained. This would all need to be detailed in a mitigation strategy, as part of the consideration of the application. The applicant has been made aware that a mitigation strategy is required in respect of Badgers on the site, but no details have been submitted.
93. Additionally, no assessment of the likely losses in net biodiversity, caused by the proposals has been undertaken, as required by paragraph 170 d) the NPPF. Given the site area, it is advised that there is likely to be an overall net loss in biodiversity, and appropriate compensation would be required off site in order to meet the requirements of the NPPF in this respect. In order to address likely losses in biodiversity by the proposals, the Biodiversity Calculator (Warwickshire) has been applied, and assuming no on-site habitat creation, an area of around 2.5Ha of species rich neutral grassland will need to be created to ensure no net loss in biodiversity. Using Durham County Council costs, provided by Direct Services, at this stage a commuted sum in the region of £34 000 would need to be provided to address this short fall. This could be secured through a S106 agreement, although the developer has not indicated whether they would be willing to provide a contribution on this basis.
94. As a scheme of appropriate mitigation in respect of the required ecological buffer zone cannot be secured objection must be raised due to the absence of an agreed scheme of mitigation and the absence of consideration as to whether or how the development would achieve a net biodiversity gain. It is considered that there is insufficient information to demonstrate that the proposals would protect relevant protected species and thereby comply with TDLP Policies (GD 1 J), L) and ENV8 and Part 15 (paragraph 170) of the NPPF in this respect.

#### Ground stability

95. The area has a legacy of extensive coal mining activity and falls within the Coal Authority High Risk Area for historic coal workings. The Coal Authority records indicate that the application site lies in an area of both recorded and historic



unrecorded underground coal mining at shallow depth and thick coal seams likely to outcrop at or close to the surface that may also have been worked in the past. In addition, there are two recorded mine entries (one shaft; one adit) within the application site, and coal has been removed by surface mining (opencast) operations within the application site.

96. In accordance with NPPF paragraphs 178 and 179 the potential for existence of coal mining features and hazards is a material consideration. The Coal Authority advises that no details to provide a thorough assessment of the risks to any proposed new development on the site has been submitted. The Coal Authority has therefore objected to the application.
97. As the Coal Authority is a statutory consultee in this respect their comments must be given significant weight. It is therefore considered that the proposal does not demonstrate that the application site is safe, stable and suitable for development, which is contrary to paragraphs 178-179 of the NPPF.

#### Flood Risk

98. The National Planning Policy Framework (paragraph 163, footnote 50) states that a Flood Risk Assessment (FRA) must be submitted when development is proposed classified as major development. TDLP Policy ENV15 also advises on development and flood risk and whilst the general thrust of the policy is consistent with the advice in the NPPF it is somewhat out of date in its references to now superseded national advice.
99. The application site is lies in an area classified as flood zone 1. As the site measures more than 1ha in size, a Flood Risk Assessment is required in support of the application to ensure flood risk is not increased elsewhere as a result of the proposed development.
100. In the absence of an FRA the flood risks posed by the development are unknown. It is therefore considered that the proposal does not demonstrate that the development of the application site will not lead to an increase in flood risk elsewhere. As such there is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policies GD1 F) and ENV15 in this respect and paragraphs 163 of the NPPF.

#### Foul and Surface Water Drainage

101. Saved Policy ENV14 (Protection of Water Quality) states that development will not be permitted which would unacceptably prejudice the quality of surface or ground water. With regards to how the development would address foul and surface water drainage, no details have been submitted other than a septic tank is to be sited to the north eastern corner of the site. The proposals do not propose any sustainable drainage systems to control surface water run off close to where it falls and mimic natural drainage as closely as possible. Paragraph 165 of the NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The applicant has not contested or sought to address the comments of the Drainage and Coastal Protection team that sustainable drainage systems are required in conjunction with the Council's Sustainable Urban Drainage System Adoption Guide (2016). Therefore, the

proposed development would be in conflict with Policy GD1) F), P), ENV14, and Paragraph 165 of the NPPF.

102. Policy ENV17 (Sewerage Infrastructure and Sewage Disposal) of the TDLP highlights that development will be restricted to locations where adequate infrastructure already exists or where additional provision can be made in time to serve the development. The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances the Planning Practice Guidance (PPG) Water supply, wastewater and water quality advises that applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. In this instance no information has been submitted.
103. The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development and the Environment Agency raise objection over this point. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policies GD1 F), P) and ENV17 in this respect and paragraph 165 of the NPPF.

#### Noise and disturbance

104. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. TDLP Policy GD1 at part D) states that new development should be compatible with surrounding existing land uses. GD1 also advises that there should be not significant pollution of the environment from a range of sources including noise. This policy is considered to be consistent with NPPF in this regard and can be afforded full weight in the decision making process.
105. The development relates to a noise sensitive receptor being residential holiday lodges. Paragraph 180 of the NPPF requires that planning decisions ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution.
106. The development site is located in proximity to a number of noise sources, namely vehicular traffic using the Toft Hill- Hamsterley C33 Road, traffic using the A68, and noise arising from a nearby wind turbine. The wind turbine is located in a field to the south of the application site on the opposite side of the C33 highway. The turbine would be sited approximately 120 metres from the closest lodge, and it measures 15 metres to hub height. When the turbine was approved (ref 6/2010/0200/DM) it was stated that as the turbine was over 400 metres away from the nearest property not owned by the applicant, it would not unduly affect residential amenity in respect of noise emissions.
107. There is no specific noise threshold level to allow for quantitative consideration of the impact of noise on "holiday" accommodation. As such a qualitative view must be taken based on the principle of paragraph 180 and the underlying noise policy and hierarchy.

108. Timber lodge type accommodation is more susceptible to noise having more limited acoustic attenuation than a traditional residential property. The expectation of holiday accommodation of this type is that it provides a low noise climate scenario for visitors to enjoy a country side location. This includes potentially expecting to stay asleep for longer and greater enjoyment of outside areas and therefore an expectation of a higher level of amenity. Considering the likely cumulative impact from the various noise sources it is considered that the development site proposed has a medium-high noise level associated with it, which is likely to continue 24hrs a day.
109. The Environmental Health officer has commented that noise impact on the development site is likely to be at such a level so as to be considered to be noticeable and intrusive and therefore an Observed Adverse effect level, rising to Noticeable and Disruptive at times and therefore a significant Observed Adverse effect level. In the absence of any evidence that the occupiers of the chalets would not be unduly affected by noise, the impact of the proposal cannot be fully assessed and the compliance of the development with Policy GD1) D) and Parts 12 and 15 of the NPPF cannot be explored.
110. In addition to the above, paragraph 182 on the NPPF requires that decisions regarding new developments must ensure that they can integrate effectively with existing businesses. The wind turbine identified above is part of a nearby agricultural business use. Dependant on certain factors and conditions, wind turbines of this type can result in significant noise emissions and this is one reason why they are located away from residential properties. Placing noise sensitive receptors in close proximity to the turbine, could potentially lead to complaints and therefore impact on the viability of the existing business if operations have to be modified as a result.
111. Given the above the application does not, therefore, provide a sufficient basis for an assessment to be made of the impact of noise from the nearby roads and wind turbine may have in users of the chalets. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policies GD1 D), E), and N) in this respect and paragraphs 180 and 182 of the NPPF.

## **CONCLUSION**

112. The application seeks to provide of 10 holiday lodges and associated works on an agricultural field.
113. The main purpose of the NPPF is to achieve sustainable development and the NPPF sets out that there are three strands to sustainable development which are mutually dependant- economic, social and environmental. It is acknowledged that there would be some positive economic benefits arising from the proposed development, associated with increased visitor numbers and job creation although these benefits would be relatively limited.
114. In environmental terms, the site occupies a relatively exposed location, and the existing topography increases the wider prominence of the site. It is considered overall that the lack of existing screening and unhelpful local topography would result in lodges and platforms on the site being highly visible from surrounding settlements, roads and public footpaths. These impacts are likely to be accentuated by parked vehicles, lighting and other domestic paraphernalia associated with holiday use and the lack of natural screening. As a result, the development would have transformative

effect on the undeveloped nature of the site leading to substantial adverse landscape harm and would not respect existing natural and landscape features. This would be contrary to policies GD1 A), B)a., B)b., B)c., I, L, and M, ENV10, ENV1, TR3 of the Teesdale District Local Plan and paragraphs 127 and 170 of the NPPF.

115. Whilst some steps to address the identified concerns could be taken the submitted application is lacking in detail in several respects to allow the necessary assessments to be carried out in line with both local and national planning policy objectives.
116. Insufficient information has been submitted to demonstrate that the development could be served by a safe access, whether the development would have an adverse effect upon biodiversity including protected species, and whether the proposal would lead to an increase in respect of offsite flooding. The submission also does not provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development, or for an assessment to be made of the potential impact of noise from the nearby roads and wind turbine may have to users of the chalets. The submission also fails to demonstrate that the application site is safe, stable and suitable for development.
117. In conclusion when assessed against the policies of the NPPF as a whole it is considered that there are no material considerations which would outweigh the conflict with Teesdale District Local Plan policies.

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## **RECOMMENDATION**

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That planning permission be **REFUSED** for the reasons below:

1. The proposed development would have a transformative impact upon the existing undeveloped nature of the site resulting in significant adverse impacts on the appearance of the site and the wider landscape setting, contrary to policies GD1 A),B)a., B)b., B)c., I and M, ENV10, ENV1, TR3 of the Teesdale District Local Plan and paragraphs 127 and 170 of the NPPF.
2. The application contains insufficient detail to demonstrate that the development would have an acceptable impact on the wider highway network. The application also does not demonstrate that a safe and satisfactory means of access to serve the development can be achieved. The development is therefore considered contrary to policy GD1 of the Teesdale District Local Plan and having regards to the advice at paragraphs 108 and 109 of the National Planning Policy Framework.
3. The application contains insufficient information to demonstrate that the development would not result in unacceptably harmful impacts upon the biodiversity of the site including protected species. As a result, the development is considered contrary to Teesdale District Local Plan Policies GD1, ENV5, ENV7 and ENV8 and paragraphs 170 and 177 of the National Planning Policy Framework.
4. The site falls within the Coal Authority High Risk Area for historic coal workings and the proposal does not demonstrate that the application site is safe, stable and suitable for development; contrary to NPPF paragraphs 178 and 179.

5. The proposal does not demonstrate that the development of the application site will not lead to an increase in flood risk elsewhere. As such there is insufficient information to demonstrate that the scheme is in compliance with Teesdale District Local Plan Policies GD1 F) and ENV15 and paragraphs 163 of the NPPF.
6. The application does not provide sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policies GD1 P), F) and ENV17 in this respect and paragraph 165 of the NPPF.
7. The application does not provide sufficient basis for an assessment to be made of the impact of noise from the nearby roads and wind turbine and the affects this may have on occupiers of the proposed chalets. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policies GD1 D), E), and N) in this respect and paragraphs 180 and 182 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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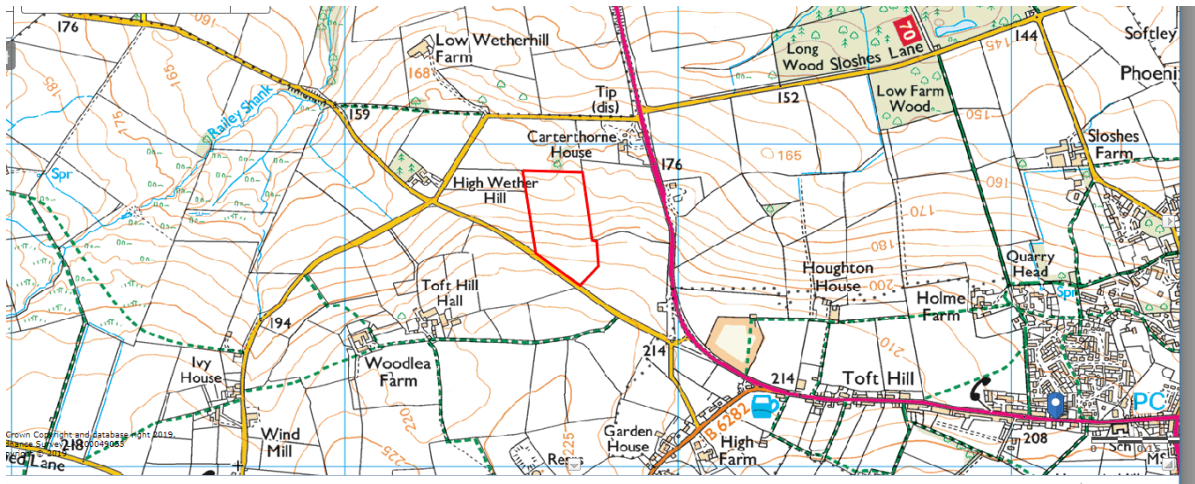
The Local Planning Authority in arriving at its decision to refuse the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However this 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

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
Teesdale District Local Plan  
National Planning Policy Framework  
Planning Practice Guidance Notes  
Internal consultee responses  
Public responses  
Responses from statutory and other consultees  
National Planning Policy Guidance  
DCC Sustainable Urban Drainage System Adoption Guide (2016).  
County Durham Tourism Management Plan 2016-2020  
County Durham Visitor Accommodation Futures Study (CDVAFS),



**Planning Services**

Land to the North West of the A68 café,  
Toft Hill, DL14 0JF

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**Date**  
**August 2019**