



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/01350/FPA
FULL APPLICATION DESCRIPTION:	Retrospective application for retention of single dwelling
NAME OF APPLICANT:	Mr And Mrs Harbottle
ADDRESS:	Land East of Old Granary Farm, Morley, DL14 0PF
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Adam Williamson Planning Officer 03000 260826

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site consists of a former farmstead called Swape Foot located approximately 2KM southwest of Toft Hill, to the South West of the County. The site extends to 0.28ha and contains several agricultural buildings which are now in an equestrian use, and a recently constructed dwelling to which this application relates. The site slopes gently away to the south. To the north of the site Swape Foot Bungalow and Swape Foot Farmhouse are located, agricultural land surrounds the site to the west, south and east. Public Right of Way no. 60 (Evenwood and Barony) passes through the application site. Gordon Beck is located approximately 200 metres to the south of the site. The site is visible at close and distant views along the B6282 which passes south west to north east direction across the front of the site. The buildings on Swape Foot are evident of the 1st edition 1860 Ordinance Survey plan under the name of Low Gordon.

The Proposal

2. Planning permission is sought for the retention of the 4 bedroom detached dwelling which has been constructed on the site. The dwelling forms an 'L' shape and has a footprint measuring 16.3 metres by 15.7 metres, 4.6 metres to the eaves and 6.4 metres to the ridge. The dwelling has been constructed from coursed stone with a red clay pantile roof. External doors and windows are constructed from timber, with natural stone cills and lintels. A gravel driveway has been constructed from the B6282 entrance

3. This application has been called to committee by Cllr Smith to consider the dwellings design, materials and appearance.

PLANNING HISTORY

4. Planning permission was refused in 2005 and then again in 2006 for the conversion of a disused barn to a dwelling due to the formation of a dwelling in the countryside, potential impact on bats and the impact of the development on the agricultural character of the barn. (this application was submitted by a different applicant).
5. Planning permission was granted in August 2014 (ref 6/2013/0168/DM) for the conversion of a former agricultural building into a dwelling. This permission granted on the basis that although the existing building was in a poor condition, it was considered of historic and architectural value, and its conversion to residential use would lead to an enhancement of the immediate setting, in accordance with relevant TDLP policies and the NPPF. A structural survey was submitted with the application which concluded that the building could be converted with minimal intervention.
6. During the course of the application the case officer highlighted that the submitted bat survey indicated that the building would be demolished. It was advised to the applicant's agent that the approval would relate to the conversion of the building only and the erection of a new dwelling could not be supported. Other supporting information submitted with the application including marketing of the building for alternative use refer to the conversion of the barn.
7. An application to discharge the materials to be used in the development, means of enclosure, hard and soft landscaping and joinery details was approved on the 26th June 2014.
8. A Building Regulations Initial Notice application ref (BC/17/01788/IN) for the conversion of a barn into a dwelling was submitted on the 24th August 2017 and an acknowledgment sent to the applicant and agent. A completion notice was issued by a private inspector on the 27th November 2018 for a new build dwelling (two storey) on the footprint of an existing barn.
9. This application seeks the retention of the replacement dwelling on the site and is required to be assessed against relevant policies as a new dwelling. As the building to be converted no longer exists, no conditions were discharged, and as the resultant building is different in appearance to the approved plans, it is considered that there is no extant planning permission for a dwelling on the site.

PLANNING POLICIES

National Policy

10. 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.

11. 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.
12. *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.
13. *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.
14. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 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.
17. *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.

18. *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.
19. *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.
20. *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.
21. *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.
22. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

LOCAL PLAN POLICY:

Teesdale District Local Plan (2012)

23. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
24. *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.

25. *Policy ENV8 – Development affecting plant or animal species protected by law –* Sets out that development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity.
26. *Policy H4: Infill Development on Sites of Less Than 0.4 Hectare:* Small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of Settlements. Proposals should satisfy the criteria contained in policy GD1. Tandem development will not be permitted. Backland development will only be permitted where it would not cause unacceptable harm to the privacy or overall residential amenity of the occupants of neighbouring dwellings, and an adequate and safe access can be provided.
27. *Policy H6: New Housing in the Open Countryside:* A new dwelling will not be permitted in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be accommodated within an existing town or village. Where such justification exists and permission is granted for such development, an appropriate occupancy condition will be attached.
28. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.

RELEVANT EMERGING POLICY:

The County Durham Plan

29. 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)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. Highways Authority – Advise that the proposal is for a new dwelling at the same location as that of application 6/2013/0168, albeit officially is for 'new build' rather than the conversion agreed in 2014. The site is not deemed sustainable, being relatively remote and linked to settlements by unlit derestricted rural roads. This would have been duly considered in the planning balance related to determination of the 6/2013/0168 application. The highway access arrangements were agreed as part of the 2013 permission and it is assumed that this has been installed as approved. Accordingly, there is not deemed to be a highways refusal reason. The principle of 'new build' at this location raises potential for refusal on the basis of the rural location and associated reliance on the private motor car. This, as before, is something for consideration in the planning balance.

INTERNAL CONSULTEE RESPONSES:

31. *Landscape Officer* – Advise that the site is not presently within a locally or nationally designated landscape, however it is within a proposed Area of Higher Landscape Value in the County Durham Plan. It is principally visible from the road the north and from the footpath that runs immediately west of the site. An assessment of the pre-existing landscape is not able to be made, however it is advised that the building as build does not detract from the local landscape character and therefore objections are made on landscape grounds.
32. *Spatial Policy* – Advise that Based on the information and evidence submitted with the application it is considered that the proposal is contrary to saved Policy H6 and therefore, there is a clear policy rationale for recommending refusal. However the acceptability of the development will rest on whether there is a clear reason for refusing the development following the application of policies that protect areas or assets of particular importance or any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.
33. *Ecology Officer* - Advise that the conclusions of the supporting information provided, including Bat Survey report (Barrett Environmental) is sound and no objections are raised to the proposals on ecological grounds.
34. *Design and Conservation Officer* – Advises that as the original building is now demolished it is not possible to comment on any heritage loss. Matters of design are somewhat unimportant in this case as the site contains no designated assets and is not a conservation area. Policy matters are likely to weigh more heavily in the determination of this application.

PUBLIC RESPONSES:

35. The application has been publicised by way of individual notification letters to neighbouring residents. No letters of objection have been received.
 36. *Cllr Smith* – Support is offered for the retrospective approval of this planning application particularly in light of the circumstances that they find themselves in and how these arose and this was likely to be a genuine misunderstanding rather than any intention to circumvent planning permissions or conditions. Having spoken to the
-

agent, and read the detailed report, it is considered that it would not have been technically feasible to build the property according to the plans approved in 2014. The plans on which permission was granted contained errors in measurements which did not seem to have been noticed at the time. The house that has been constructed is on the exact footprint of the derelict barn that it replaces. If it appears larger than the dimensions recorded on the original 2014 plan, then it is my belief that this is because there were inaccuracies in that plan. It has been finished to a very high standard. The property also has 10 acres of land on which the applicants keep horses which they breed and show. It is necessary for them to live on the site to care for the animals. The consequences of refusing to grant retrospective planning permission to the applicants would be devastating, in both human and financial terms, and I hope that permission will be granted

APPLICANTS STATEMENT

37. Vanessa and Ian Harbottle received a planning permission in 2014 for what they believed from that time through until February 2019 was a permission for a new dwelling to be built on the same footprint as buildings previously intended for conversion. They were represented by an agent throughout the original planning and subsequent Building Regulations process, but they do not appear to have been advised that their understanding of the permission was not correct. An email from the planning officer to their agent in August 2014, which would have clarified their position had they seen it, was not disclosed to them. Indeed they only became aware of their error in February 2019 when they became aware of this email, and their misunderstanding of their permission only came to light as a result of them contacting the planning department.
 38. Their misfortune has been further compounded when they were advised in April 2019 that the drawings which had been prepared on their behalf, and which were the subject of the permission in 2014, were actually incapable of providing the dwelling for which they had applied, and what is built on the site today is actually an accurate representation of what the drawings should have indicated had they been accurate. Thus Vanessa and Ian Harbottle had trusted in what had been submitted on their behalf, but were unaware that the permission they had was not what they thought it was.
 39. Notwithstanding, the scale and design of the dwelling now on site is what should have been accurately represented on the original submitted drawings, and the resultant building is one of a high quality of workmanship. The applicants do not hide from the fact that they now realise their misunderstanding, and they deeply regret having been placed in the position they now find themselves, as they are only too well aware that their misplaced trust will have the gravest consequences for them if planning permission is refused, as they have invested all they have in the construction of their home.
 40. Whilst Vanessa and Ian Harbottle now appreciate there is a point of principle at issue for the local planning authority, they are acutely aware of the human issue as their precarious position has had a significant impact on their health and lives, whilst there is also the added concern of what will become of the enterprise on which Old Granary Farm is focussed, that of the breeding and showing of horses and ponies.
 41. The consequences of planning permission being refused are enormous both in human and financial terms, and whilst the local planning authority has a duty, as well
-

as a discretion, to balance issues when determining planning applications, members are genuinely and strongly urged to understand that a mistake was made, whilst that mistake should be weighed against the quality of the development created which represents an accurate reality had the approved drawings been capable of delivering what was intended: and it should be weighed against the human consequences which would arise if the punishment for the error of judgement or misplaced trust was to refuse planning permission. Members are respectfully urged to see the positives in this application and to grant planning permission for the applicants to retain their home.

PLANNING CONSIDERATION AND ASSESSMENT

42. 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 advice within 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 in this instance relate to: principle of development, housing land supply, visual impact, residential amenity, highway safety and ecology.

Principle of development

43. 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 Teesdale District Local Plan (TDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF
44. The Teesdale District Local Plan (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 this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
45. In terms of policies most relevant to the principle of development of the site, TDLP Policy ENV1 sets out that in order to protect and enhance the countryside, development beyond the defined settlement limits will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. This approach is replicated in Policy H4 of the TDLP, which sets out that new development will be directed to those towns and villages best able to support it, comprising previously developed land. TDLP Policy H6 does not permit new dwellings in the countryside unless it can be shown to be essential to meet the needs of agriculture or forestry, a case has not been put forward in this respect. As dwelling is located in the open countryside some distance from the nearest settlement outside of any settlement boundary and as the site is not classed a

previously developed land the development would conflict with Policies ENV1, H4 and H6 of the TDLP.

46. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Furthermore, whilst the NPPF seeks to promote the use of previously development land it is not as prescriptive of Policy H4, instead requiring a round assessment of the suitability of the site. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to Policies ENV1 and H4 is reduced.
47. The approach of Policy H6 of the NPPF is considered consistent with the NPPF, which at paragraph 79 seeks to avoid the development of isolated homes in the countryside, unless there is an essential need for an agricultural worker to live permanently at their place of work.
48. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting 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 impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole
49. As set out above the it is considered that Policies ENV1 and H4 of the TDLP are out of date by virtue of the evidence which informed them, Therefore, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF.

Housing land supply

50. Paragraph 73 of the 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.
51. Within County Durham all 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 County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure.

52. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
53. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.

Locational Sustainability of the Site

54. Policies GD1, and H4 of the TDLP jointly seek to ensure that developments achieve adequate links and have access to public transport to access facilities and services to help reduce the need for additional car journeys. Paragraph 103 of the NPPF setting out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Paragraph 110 of the NPPF also sets out that applications for development should give priority of priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. NPPF paragraph 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Due to their consistency with the NPPF Policy GD1 of the TDLP should be afforded full weight in the decision-making process.
55. In terms of distances to services and amenities, a range of distances that are generally considered acceptable are set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. Relevant guidance sets out that maximum walking distance to a bus stop should not exceed 400m and preferably be no more than 300m.
56. In this respect the nearest currently operational bus stop in this case is approximately 1320m to the southwest on High Lands Terrace, along mainly unlit rural highway with no footway for the large sections of the route, and steep hills due to local topography. The nearest settlement to the application site is the small hamlet of Morley, the centre of which is approximately a 5-minute walk to the north west along a steep, unlit derestricted highway with no footpaths. Morley consists of a handful of dwellings and has no local services or facilities, this is reflected in the County Durham Settlement Study (2017) with a low-ranking score of 0.3. The larger village of Cockfield (with a sustainability score of 22.9), is located over 2.8 km

away to the south west, again the highway is unlit with no footpaths for the majority of the route.

57. The site is reached by sections of rural highway without made footways in its majority and the horizontal alignment is such that forward visibility of pedestrians walking in the carriageway is significantly restricted in places for motorised road users. Neither would the rural/semi-rural environment suggest to motorised road users that pedestrians walking in the carriageway could be reasonably expected as a common occurrence. It is considered that pedestrian journeys would be viewed as relatively unattractive, particularly during periods of inclement weather, darkness and for unaccompanied children. Therefore, walking and public transport would not be a realistic alternative to reliance on private car travel from this site. This is contrary to the aims of the NPPF in respect of locating development where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
58. The NPPF does not define what constitutes an 'isolated home in the countryside' as referred to in paragraph 79. However relevant case law dictates that simply connotes a dwelling that is physically separate of remote from a settlement. Whilst noting the location of the surrounding agricultural buildings and dwellings, it is considered that the dwelling is isolated which paragraph 79 of the NPPF seeks to resist.
59. Overall, the application site is poorly related to existing facilities, failing to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling. Therefore, the residential occupation of the building would not reduce the need to travel, especially by car. Overall in principle the development of this site for residential purposes is considered to conflict with TDLP Policies GD1 and H4 and promotion of sustainable development as set out in the NPPF. This adverse impact is required to be taken into account in the planning balance.

Visual impact

60. TDLP Policy GD1 seeks to protect and enhance the countryside of the Teesdale, requiring that developments do not have a detrimental impact on the landscape quality of the surrounding area. TDLP Policy ENV1 seeks to protect and enhance the countryside. Policy H12 seeks a high standard of design in new dwellings. These policies are considered consistent with the NPPF in this respect which at paragraph 170 recognises the intrinsic character and beauty of the countryside, whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. However, it is recognised that the strategy of Policy ENV1 of the TDLP in restricting development proposals for agricultural or compatible uses is only partially consistent with the NPPF which takes a more permissive attitude towards a wider range of development types in the countryside and therefore this policy can only be afforded moderate weight. Due to its consistency Policy GD1 can be afforded full weight in the decision-making process.
61. The site is not within a locally or nationally designated landscape. However, it is considered attractive in its own right and reads as part of the wider countryside when viewed from the B6282 and Public Right of Way 60 which passes through the site, and from PROW61 which runs to the south of the site. The site is highly visible in the open countryside when viewed from the Public Right of Way network and also in wider views from the north and east.

62. From the B6282 and longer distance views, the dwelling appears as part of the cluster of buildings forming Swape Foot Farmhouse, Swape Foot Bungalow and the agricultural/ equestrian buildings to the west of the site.
63. The dwelling which has been constructed appears to broadly share its appearance with the previously plans approved for the conversion, but the southern wings are approximately 1 metre higher than approved to allow for sufficient headroom to the 1st floor, but this difference is ineligibile in public views of the building. The footprint of the building has not increased over the previous barn which was on the site. The dwelling has been constructed from reclaimed stone laid to courses from the previous building, but the quality of the workmanship is very high, and utilises natural stone cills and lintels, and has utilised natural clay pantiles which is an appropriate traditional roof covering in the Hamsterley/Toft Hill area. Window and door openings are in similar positions as the shown on the 2014 conversion approval, as it the size and location of the domestic curtilage. Window and doors are timber which are appropriate for the buildings design and location.
64. It is considered that the proposed development in terms of its effect on the character and appearance of surrounding area are the same as the converted barn, with the current proposal causing no additional landscape harm. The design, materials and scale of the building would not undermine the objectives of Policies GD1 and H12 of the TDLP which remain consistent with the aims of the NPPF in this respect.

Residential amenity

65. TDLP Policy GD1 states that new development should be compatible with surrounding existing land uses. 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 is therefore considered to be consistent with NPPF in this regard and can be afforded full weight in the decision-making process.
66. To the north of the dwelling is Swape Foot Farm Bungalow, a detached bungalow, and Swape Foot Farm house, a detached two storey dwelling. These dwellings are approximately 43 metres away from the application site. The boundaries of these properties are marked with a 2 metre high close boarded fence and dense mature planting creating a private plot. Given the separation distance and the boundary treatments the proposal has not led to any loss of privacy from overlooking impacts. The site is well screened from these properties, and the proposal protects the privacy and amenity of neighbouring residents. Accordingly, it is considered that there is no conflict with TDLP Policy GD1 (E).

Highway safety

67. TDLP GD1 (Q) set out that developments should be served by a safe means of access and developments should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent with the NPPF which seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved. The NPPF also sets out that development should only be prevented or refused on

highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given the consistency of TDLP Policy GD1 with the NPPF, full weight can be given to them in the decision-making process.

68. The development would take access through the previously approved access to the east of Swape Foot Farmhouse. The access junction has been constructed as approved and provides good visibility splays onto the B6282. Off street parking for several vehicles has been provided to the east of the dwelling on a large gravelled area. The Highways Authority offer no objections to this element of the scheme and as such there is no conflict with TDLP Policy GD1, which is consistent with the aims of NPPF Part 9

Ecology

69. The ecological surveys in the original application carried out in 2013 highlighted that a bat roost was present in the original building and that a Natural England Licence would be required for the proposed works. As there was a delay between the consent and works starting onsite in 2017, the applicant commissioned a new bat survey undertaken by the original Ecologists. The updated 2017 bat survey found that bats were no longer roosting in the structure. As such a licence from Natural England was no longer required for the works. A scheme of mitigation was however adopted. As part of the mitigation two new bat roost points would be installed as part of the proposed development. This has been undertaken and therefore the Councils Ecology Officer offers no objections to the development and the proposal would conform to policies GD1 and ENV8 of the TDLP which are consistent with Part 15 of the NPPF in this respect.

CONCLUSION

70. The development has resulted in the formation of a new build residential dwelling in the open countryside in an isolated, unsustainable location. The development is therefore considered contrary to Policies ENV1, H4 and GD1 of the TDLP in this respect. The development does not have an unacceptable impact on the visual amenity of the wider countryside, in terms of design and landscape setting and does not negatively affect highway safety. The development would therefore accord with the criteria of policies GD1, ENV1 and H12 in this respect.
71. The NPPF is a material planning consideration capable of outweighing conflict with the development plan. It is identified that the most important policies for determining the application (Policies ENV1 and H4) are considered out of date and as there are no policies within the framework that protect assets of importance, consideration should therefore be given to Paragraph 11 d) (ii.) of the NPPF. This sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Benefits

72. The development provides some limited benefit in terms of a boost to housing supply and delivery, although it is noted that this could be considered limited at one

additional dwelling in the context that the Council's ability to demonstrate 6.37 years supply of housing land. Less weight should therefore be afforded to the benefits of delivering new housing in this regard as such than would otherwise be the case if any shortfall in supply existed.

Impacts

73. The development has resulted in the siting of an isolated dwelling in an unsustainable location meaning that residents have a high dependency upon the private motor vehicle to gain access to retail, education and community facilities.
74. Overall on balance, without the benefit of securing optimal use of a heritage asset as it has been demolished, and enhancement of its immediate setting through its re-use, as per the original planning application, the adverse impacts in terms of locational sustainability are considered to significantly and demonstrably outweigh the benefits associated with the development and would not outweigh the conflict with TDLP Policies and the locational sustainability objectives of the NPPF. As such the application is recommended for refusal.
75. Whilst officers have some sympathy for the applicant, the permission granted was for a conversion scheme which was explicitly referenced to in the decision notice. The responsibility rests with the applicant to ensure that they have the correct permissions in place before commencing building works.

RECOMMENDATION

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

1. The development, by reason of its isolated and unsustainable location, results in most journeys to and from the property being made by private vehicle, which is the least sustainable mode of transport and contrary to the aims of the NPPF, particularly Section 9, in respect of managing growth to promote sustainable transport, as well as saved Policies GD1, H4 of the Teesdale 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. 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.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Teesdale District Local Plan
County Durham Plan Settlement Study 2017
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

Land East Of Old Granary Farm
Morley
DL14 0PF

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

Date
August 2019