



# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION No:** DM/19/03212/FPA and DM/19/03213/LB

**FULL APPLICATION DESCRIPTION:** Conversion of pub annex to residential dwelling, including associated internal and external works

**NAME OF APPLICANT:** Mr Ivan Carter-Becker

**ADDRESS:** Fernavilles Rest, Whorlton, Barnard Castle

**ELECTORAL DIVISION:** Barnard Castle East

**CASE OFFICER:** Jill Conroy, Planning Officer, 03000 264955,  
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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is located within the village of Whorlton, to the south west of the county and consists of the public house known as Fernavilles Rest (previously known as the Bridge Inn). The pub ceased trading in 2019 and the premises is currently vacant. The property is a Grade II Listed Building comprising a two-storey, three bay property dating from the early 19th century with a later single storey annex extension. Above the pub at first floor level is a 5 bedroom flat used for managers accommodation.
2. The public house is set back from the main road through the village, by a large expanse of hardstanding, which wraps around to the rear of the building providing a car park. Beyond this area, a development comprising of 3 dwellings is currently under construction. The property is attached to a residential dwelling to the north, while other residential properties lie to the south beyond the access road to the car park. The building is located in a prominent position facing the northern section of village green within the Whorlton Conservation Area. It is one of three local amenities serving Whorlton Village and is a designated Community Asset under the Localism Act 2011.

### The Proposal

3. Planning permission and Listed Building Consent is sought for the rationalisation of the public house to provide a smaller business operation and the formation of a separate additional dwelling. It is proposed to convert the single storey element of the building to a 3-bed unit of residential accommodation. In order to facilitate this, internal alterations are proposed including blocking up openings in the internal wall dividing the annex to the original building, and an internal reconfiguration of the annex. A 2.0m

high stone wall is proposed be erected to the rear, removing 4no of the public house car parking spaces, to provide a modest residential curtilage.

4. The applications are being reported to the Planning Committee at the request of Whorlton and Westwick Parish Council regarding concerns over viability of the business, loss of the community asset, impact on the heritage assets, loss of tourist accommodation and employment in the locale.

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## PLANNING HISTORY

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5. There is planning and listed building history associated with the site, relating to minor works. None of which, are of relevance to the current proposals.

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## PLANNING POLICY

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### NATIONAL POLICY

6. 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.
7. 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.
8. *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.
9. *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.
10. *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.

11. *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.
12. *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.
13. *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.
14. *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.
15. *NPPF Part 12 – Achieving well-designed places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
17. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
18. *NPPF Part 16 – Conserving and enhancing the historic environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

## **LOCAL PLAN POLICY:**

Teesdale District Local Plan (TDLP) 2002 saved policies:

19. *Policy GD1 - General Development Criteria* - Development will be permitted providing it complies with a number of criteria in respect of design, impact on the character and appearance of the surrounding area and landscape; avoiding conflict with adjoining uses; and highways impacts.
20. *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.
21. *Policy BENV1 – Alterations to Listed Buildings*: Alterations will only be permitted if the proposals are in keeping with the character and appearance of the building.
22. *Policy BENV3 – Listed Buildings* - Development which would adversely affect the character of a listed building or its setting will not be permitted.
23. *Policy BENV4 - Development within Conservation Areas* – Sets out that development will only be permitted provided that among other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.
24. *Policy H10 – Conversion of Buildings to Residential Use* - The restoration or conversion of buildings to Residential use will be permitted within the development limits as shown on the proposals inset maps. Provided that the criteria listed in policy GD1 can be satisfactorily met and the conversion would accord with policy ECON. 3.
25. *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.
26. *ECON 3 – Conversion of Buildings and Land Currently in Employment Use* – Sets out that within the development limits the change of use or conversion of land or buildings from an employment generating use will be permitted where it, relates to a site allocated in the plan for a different purpose, the continuation of the use would be unreasonably harmful to the amenities of occupiers of the area, that an affordable housing need has been identified and the site would be restricted for that use, and that it has been proven that there is no demand or need for employment uses in the area.
27. *Policy C2 – Public House Change of Use* - Proposals for change of use of public houses, where it is the last remaining public house in a settlement will not be permitted except where it can be demonstrated that the use is no longer economically viable or required by the local community.
28. *Policy T2 – Traffic Management and Parking* – Sets out that car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>

## **NEIGHBOURHOOD PLAN:**

### Whorlton Village Neighbourhood Plan (WVNP) 2017

29. Whorlton Village Neighbourhood Plan - The site falls within the geographical scope of the Whorlton Village Neighbourhood Plan. This plan received support through a referendum and has been 'made' (adopted) by Durham County Council in 2017. Therefore, the Whorlton Village Neighbourhood Plan now has development plan status. Relevant polices to these applications are:-
30. *Policy WP5 – Protection of the historic environment* - Development proposals will be required to respect the setting and/or character of designated and non-designated heritage assets
31. *Policy WP6 – Amenities* - Existing amenities will be protected and any proposals resulting in the loss of them shall be resisted, exploring all avenues leading to their retention.

The above represents a summary of those policies considered most relevant in the Neighbourhood Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/22250/Whorlton-Village-adopted-neighbourhood-plan/pdf/WhorltonAdoptedNeighbourhoodPlan.pdf?m=636735567590330000>

## **RELEVANT EMERGING POLICY:**

### The County Durham Plan

32. 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. An Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. The programmed hearing sessions closed on 4th December 2019. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

33. *Whorlton and Westwick Parish Council* – Object to the application highlighting that the public house is listed as an Asset of Community Value, which is the only community asset in Whorlton. Public houses in rural locations must be protected. Concerns are also raised with respect to the impact on the heritage assets, the loss of the bed and breakfast function and employment in the locale. The viability claims have not been supported by appropriate evidence and alternative uses for the annex have not been explored. There will be a loss of 4no car parking spaces thus further affecting the viability of the pub.

34. *Highways Authority* – Raise no objections following clarification of car parking for the scheme.

**NON-STATUTORY RESPONSES:**

35. *Spatial Policy* – Advise that the proposal would not result in a total loss of community facility as the public house will remain operational, albeit with a smaller footprint. A supporting viability assessment concludes that the public house would remain viable and sustainable for the foreseeable future. The conclusions of this appraisal are considered sound be difficult to resist the proposal on loss of community asset grounds.
36. *Design and Conservation* – Offer no objections advising that the proposal would involve minimal external alteration to the external appearance of the property, whilst internally there would be no impact on any historic fabric or architectural detailing. As such there would be no detrimental impact on the significance of this designated heritage asset nor would the proposal detract from the character and appearance of Whorlton Conservation Area.
37. *Ecology* – Raise no objections, advising that there would be limited impact to any features likely to be used by bats and. An informative, in order to address any residual risk of impact, should be attached to any approval
38. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that there is no requirement for a contaminated land condition after assessing historical maps and available information with respect to land contamination.
39. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the proposed development has the potential for noise arising from the pub which may conflict with a residential use. As such, a condition for sound proofing measures should be included to mitigate excessive noise levels.
40. *Landscape* – Advise there are no objections to the proposal, including the removal of the ash tree in the car park.

**PUBLIC RESPONSES:**

41. The application has been publicised by way of site notice, advertisement in the local press and individual notification letters to neighbouring residents. In total 3no. letters of objection have been received, including from Whorlton Village Community Association.
42. The comments raised are summarised below:
- The PH is a designated Community Asset and its retention is of paramount importance to local residents and those of the surrounding area.
  - The single storey element is an integral part of the business, not just an annex.
  - It is considered that the reduction of the seating area may adversely affect the viability of the business, thus leading to eventual closure.
  - No evidence has been provided that the reduced business would be more viable or evidence of marketing in its current form.
  - Concerns are raised that the greater value of the dwellings will put pressure on owners to seek changes to the Public House.
  - Should the committee be minded to approve, a planning condition should be included to ensure the Public House element is retained.

- The owner prevented plans to expand the business, through the introduction of a camping area, glamping pods, play area etc, by constructing housing to the rear.
- The business is viable in its current form providing the high rental fees as currently marketed aren't applied.

#### **APPLICANTS STATEMENT:**

43. We have submitted this application with the firm conviction that it is the best course of action for both Geo A Carter Ltd, as the owners of the property, the community of Whorlton, who wish to retain a viable Public House and the future tenants of the building who need a viable and workable business opportunity to succeed.
44. Since the purchase of The Bridge Inn in 1954, Geo A Carter Ltd has continually supported the Public House through various economic downturns, the foot and mouth disease and more recently the significant downturn in trade across the industry. There have been various points at which it would have been reasonable for the company to close the doors for good and seek a complete conversion. Geo A Carter Ltd has continually resisted such a move and has continued to support the provision of a Public House in Whorlton, often shouldering the significant financial burden of doing so.
45. Over the past 10 years we have seen 4 tenants come and go, leaving behind rental debts and dilapidations. This clearly demonstrating that the current makeup of the business offering is non-viable and that a significant change to the offering is needed if a successful Public House is to be retained. The plan put forward is one which significantly improves the prospects of The Bridge Inn and helps to safeguard the Public House for Whorlton in the long term.
46. It is noted that the objector has made a number of points through their various submissions. While the majority of these are opinion based, there are an unfortunate number of factual inaccuracies which I wish to address. Firstly, a full and independent viability report has been submitted to support the application. This study clearly outlining the improved viability resulting from the changes proposed. Secondly, the Public House has been and continues to be marketed at a fair market rent and on flexible terms, not those quoted by the objector. Thirdly, the car parking provision will be reduced by 1 space leaving 19, and not the 25% reduction in parking suggested by the objector.
47. There is an additional underlying tone to the objector's comments which suggests that the application is in some way underhand or disingenuous in its nature. I wish to be clear, Geo A Carter Ltd has gone to great lengths to be open and honest throughout this process. We have engaged with the residents of Whorlton, through letters and an open meeting, taking onboard their comments and further explaining the reasoning for the application. In addition, we have attempted to engage with the Parish Council to facilitate a collective effort to support the future of the Public House and while this was not reciprocated, Geo A Carter Ltd has remained available to residents who wish to discuss the plans or wished further input in the businesses future.
48. The application put forward is one which supports the future provision of a Public House in Whorlton and will support the viability of future tenants of the building, thus enabling Geo A Carter Ltd to run the premises as a viable investment. I hope therefore that after consideration the Committee support the application and that we can focus on bringing an open and vibrant Public House back to Whorlton with the prospect of long-term success.

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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49. 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 the principle of development, heritage/visual impact, residential amenity, highway safety, ecology and other issues.

### **Principle of Development**

50. 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) and the Whorlton Village Neighbourhood Plan (WVNP) are the statutory development plans for the area and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
51. The TDLP was adopted in 2002 and was intended to cover the period to 2010. The WVNP was adopted in 2017 and is intended to cover the period to 2035. 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 (updated 2019). 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).
52. The site lies within the development limits of Whorlton where TDLP Policy H10 permits conversion of buildings to residential use provided the design and amenity criteria of TDLP Policy GD1 are met, and the proposal accords with Policy ECON3 in respect of loss of an employment use. Policy ECON3 seeks to protect employment generating uses, unless it has been proven that there is no demand or need for the employment uses in the locality. More specifically, Policy C2 of the TDLP seeks to prevent the change of use of a public house where it is the last remaining public house in a settlement, except where it is demonstrated that the use is not viable and appropriate marketing has been carried out. Policy WP6 of the WVNP seeks to protect existing amenities (including a public house), requiring the exploring of all avenues which could lead to their retention.
53. The above policies are considered consistent with NPPF paragraphs 83 and 92 which promote retention of valued local community facilities such as public houses. Due to the consistency of the policies with the NPPF and their up to date nature, full weight should be given to them in the decision decision-making process. Furthermore, it is considered for this reason that the tilted planning balance test of paragraph 11 of the NPPF is not engaged.
54. In assessing the proposal against the above policy context, it should be noted that while the proposal would result in the loss of dining room and ancillary floor space associated with the public house, the core operation of the public house would be

retained. However, in order to demonstrate that that a public house of a reduced size would remain viable, echoing the concerns of the Parish Council and objectors, the applicant was requested to submit a detailed viability appraisal. The submitted viability appraisal also sets out the rational behind seeking to reduce the footprint of the public house.

55. The viability appraisal sets out that the previous four tenants, vacated the premises in debt and the reduction in floor space would assist in making the business more easily manageable and more cost effective, to secure its continued use. The appraisal sets out a hypothetical scenario of how to make the business profitable, ultimately by either reducing costs or substantially increasing sales. The appraisal also highlights that the annexe area is not integral to the pub, and at times has been used as an extension to the pub's dining facility or by some tenants as private accommodation. It is also identified that the living accommodation above the public house would make it an attractive opportunity for someone seeking to live at and manage a small pub and could also provide an opportunity for a small level of visitor accommodation.
56. The Council's Planning Policy Section have reviewed the submitted appraisal and advise that the conclusions of the submitted report are broadly sound. It advised that the aim to retain the pub as a local community facility should carry significant weight and the reduction in size should enable it to be managed more efficiently and should provide a sustainable business moving forward.
57. As highlighted above the property is designated a Community Asset under the Localism Act 2011, setting out tests that are required to be satisfied when disposing of such an asset. Although these tests are separate to the planning system, the designation as a Community Asset is capable of being a material planning consideration. In this instance, this consideration would align with the above planning policy tests in seeking to protect existing amenities and services in villages.
58. Overall, it is considered that in principle the proposal would not conflict with TDLP Policies H10, ECON3 or C2 and WVNP Policy WP6, and would comply with the aims of the aims of paragraphs 83 and 92 of the NPF by retaining a viable Public House, which is a valued community facility. It is however considered crucial that the manager/owner accommodation continues to remain available to the pub to ensure the long-term viability of the asset. This can be secured by condition.

#### Heritage/Visual Impact

59. Policies GD1, BENV1, BENV3, BENV4 and H12 of the TDLP together with Policy WP5 of the WVNP seek to ensure that development protects the significance of a Listed Building and the character and appearance of the area, including Conservation Areas, whilst also ensuring that it represents good design. This approach is generally in accordance with Part 16 of the NPPF which seeks to conserve and enhance the historic environment in a matter appropriate to its significance, whilst recognising that the NPPF sets out that some harm may be appropriate when weighed against the public benefits of a scheme. Part 12 of the NPPF also seeks to promote good design ensuring developments add to the overall quality of the area and are sympathetic to local character.
60. Furthermore Sections 66 and 72 and of the Planning (Listed Buildings and Conservations Areas) Act 1990 sets out the duties as respects listed buildings and conservation areas in the exercise of planning functions. In considering whether to grant permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which

it possesses. In considering whether to grant permission for development on land within a conservation area a local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

61. In accordance with Paragraph 189 of the NPPF, the applicant has submitted a heritage statement which appraises the impact of the development on the significance of the listed building and the character and appearance of the Conservation Area. Concerns from local residents, have been received stating that the proposal will harm the historic asset.
62. The proposed physical works involve the separation of the pub and the annex. Internally this involves blocking up the wall separating the original building from the annex, and some minor reconfiguration of the layout. A new window will be introduced to the gable end of the dwelling together with a new door to the rear and blocking up of an existing door opening.
63. The Council's Design and Conservation Officer advises that the proposal seeks to convert a clearly distinguishable single storey section for residential use. From a conservation perspective, there would be minimal alteration to the external appearance of the property, whilst internally there would be no impact on any historic fabric or architectural detailing. As such, it is advised that there would be no detrimental impact on the significance of this designated heritage asset nor would the proposal detract from the character and appearance of Whorlton Conservation Area or the setting of any other listed buildings.
64. The proposed external works include the erection of a new stone boundary fall to form an enclosed amenity area to serve the dwelling. This will involve the loss of 4no car parking spaces together with the removal of a small ash tree. The Council's Landscape Officer raises no objections to the removal of the ash tree and the proposed works.
65. Overall, subject to appropriate conditions, it is considered that the proposed development would not harm the significance of the listed building or the character and appearance of the surrounding area, resulting in a neutral impact upon relevant heritage assets. The proposal is therefore considered to accord with Policies GD1, BENV1, BENV3 and BENV4 and H12 of the TDLP, Policy WP5 of the WVNP and Parts 12, 15 and 16 of the NPPF. The development would also accord with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 by preserving the significance of the listed building and character and appearance of the Conservation Area. It is however considered expedient to remove permitted development rights to the dwelling to prevent the erection of any extensions/alterations which may harm the character of the conservation area and associated listed buildings.

#### Residential Amenity

66. Policy GD1 of the TDLP and Policy WP6 of the WVNP requires that residential developments do not disturb or conflict with adjoining uses. These policies are considered consistent with Part 12 of the NPPF, in this respect, which seeks to ensure a good level of amenity is achievable for existing and future residents.
67. In this respect, the main issue of the proposal in terms of amenity relates to potential noise disturbance and window placements resulting in a potential loss of privacy.
68. Whilst limited internal works are proposed, the reconfiguration would result in the new dwellings living/dining area adjacent to the pub's kitchen and bar area which could give rise to undue noise. As a result, Environmental Health have advised that a

condition should be imposed, seeking further details and measures to mitigate the impacts to an acceptable level, through appropriate sound proofing. It is advised that suitable internal noise levels could be achieved subject to detailing appropriate mitigation. In terms of the flat above the public house which is being retained for managers use, it is recommended that a condition be attached to ensure that this is linked to the pub use to prevent a conflict of uses.

69. In terms of assessing any potential loss of privacy, the proposal includes the provision of a new window to the side gable of the new dwelling. This window will serve a bedroom. Despite this addition, based on the location of the window there will be no opportunity for direct overlooking of the adjacent neighbouring property.
70. Given the relatively close proximity of neighbouring residents, and largely quiet environment, it is considered expedient to control working hours on site through condition.
71. Overall, it is considered that due to the proposed dwelling's general relationship with the surrounding properties, the proposals would not have any overbearing impact or result in a significant loss of amenity that would justify refusal of the planning application. The development is therefore considered accord with Policies GD1 of the TDLP, Policy WP6 of the WVNP and the aims of Part 12 of the NPPF in this respect.

#### Highway Safety

72. Policy GD1 of the TDLP and Policy WP6 of the WVNP requires development proposals achieve a satisfactory means of access onto the wider highway network in order to protect highway safety. These policies are considered consistent with the NPPF in this respect, where Paragraphs 108 and 110 seek to ensure that a safe and suitable access to the site can be achieved whilst seeking to maintain highway safety.
73. Objections have been received highlighting a reduction in parking levels at the site. In this respect in order to form a small residential curtilage, a reduction from a possible 23 spaces to 19 spaces is proposed. However, as the statutory consultee for such matters, the Highways Authority offer no objections to the scheme, advising that the proposed parking levels are acceptable to serve the proposed residential dwelling and the reduced size of the public house.
74. Overall, based on the advice of the Highway Authority, the proposed development will not have an adverse impact on highway safety. The development is therefore considered to accord with Policy GD1 of the TDLP, Policy WP6 of the WVNP and Part 9 of the NPPF in this respect.

#### Ecology

75. Policies GD1 and ENV8 of the TDLP seek to ensure that developments do not endanger or damage important national or wildlife site or that of the ecology of the wider area. These policies are considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, providing net biodiversity gains.
76. The Council's Ecology Officer advises that based on the nature of the site, the proposed development and likely impacts there is no requirement for any ecological assessments. A standard bat informative has however been recommended in order to address and residual risk of impact.

77. Accordingly, it is considered that the proposal does not conflict with Policies GD1 and ENV8 of the TDLP and Part 15 of the NPPF. The council can also satisfy its obligations under the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) in this respect.

## Other Issues

78. In relation to land contamination the Council's Environment, Health and Consumer Protection officers (Contaminated Land) advise that after assessing historical maps and available information, there are no adverse comments to make and a land contamination condition is not required. The development would therefore accord with Part 15 of the NPPF in this respect.

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## CONCLUSION

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79. It is concluded that the partial conversion of the public house for residential use would not adversely impact upon the viability of the remaining public house business. On this basis it is concluded that the proposal complies with the aims of NPPF paragraphs 83 and 92, while there is no conflict with Policies ECON3 and C2 of the TDLP and Policy WP6 of the WVNP.
80. It is also concluded that the development would not have a negative impact on the significance of the grade II listed building or wider Whorlton Conservation Area, while representing good design, complying with the provisions of the Policies GD1, BENV1, BENV3, BENV4 and H12 of the TDLP, Policy WP5 of the WVNP and Parts 12, 15 and 16 of the NPPF in this respect. It is also concluded that the development would not have an adverse impact on residential amenity of neighbouring properties, highway safety and ecological interests in accordance with Policies GD1 and ENV8 of the TDLP and Policy WP6 of the WVNP and parts 12, 15 and 16 of the NPPF.
81. The proposal has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits. There are no material considerations which indicated otherwise and therefore the application is recommended for approval.

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## RECOMMENDATION

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That application DM/19/03212/FPA be **APPROVED** subject to the following conditions:

### Time

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

### Plans

2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority.

Plan Reference Number	Date received
OS Location Plan	09.02.20
Existing and Proposed Plans and Elevations	08.10.19

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, ENV8, BENV1, BENV3, BENV4, H10, H12 and C2 of the Teesdale District Local Plan, Policies WP5 and WP6 of the Whorlton Village Neighbourhood Plan and Parts 12, 15 and 16 of the NPPF.*

### **Limit Occupation of accommodation**

3. The occupation of the residential accommodation above the public house, shall be limited to a person (and dependent relatives) who is solely or mainly employed or engaged in the running of the public house.

*For the viability of the business and in the interests of residential amenity. In accordance with Policies GD1, ECON 3, C2 and H10 of the Teesdale Local Plan, Policy WP6 of the Whorlton Village Neighbourhood Plan and Part 6 of the NPPF.*

### **Material details of wall**

4. Notwithstanding details of materials submitted with the application, the new stone boundary wall shall be constructed in accordance with a sample panel which has first been erected on site and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details thereafter.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, BENV1, BENV3, BENV4 and H12 of the Teesdale District Local Plan, Policy WP5 of the Whorlton Village Neighbourhood Plan and Parts 12 and 16 of the NPPF.*

### **Detail of windows/doors**

5. Notwithstanding details submitted with the application, no new windows or doors shall be installed until their full specification; including joinery details and external timber colour finishes have been submitted to and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, BENV1, BENV3, BENV4 and H12 of the Teesdale District Local Plan, Policy WP5 of the Whorlton Village Neighbourhood Plan and Parts 12 and 16 of the NPPF.*

### **Sound insulation**

6. Works to the dwelling hereby approved shall not be carried out until a scheme of sound proofing, showing measures to deal with sound insulation of walls between the public house and the adjoining approved dwelling have been submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details.

*Reason: In the interests of neighbour amenity and to comply with Policy GD1 of the Teesdale District Local Plan, Policy WP6 of the Whorlton Village Neighbourhood Plan and Part 15 of the NPPF.*

### **Removal of Permitted Development**

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B, C, D,

E and G of Part 1 of Schedule 2 of the said Order shall be carried out without an application having first been submitted to and approved by the local planning authority.

*Reason: In the interests of the visual amenity of the area and amenity of surrounding residents, to comply with Policies GD1, BENV1, BENV3, BENV4 and H12 of the Teesdale District Local Plan, Policy WP5 and WP6 of the Whorlton Village Neighbourhood Plan and Parts 12, 15 and 16 of the NPPF.*

### **Working Hours**

8. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday; and

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday; and

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy GD1 of the Teesdale District Local Plan, Policy WP6 of the WVNP and Part 15 of the NPPF.*

That application DM/19/03213/LB be **APPROVED** subject to the following conditions:

### **Time**

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

*Reason: Required to be imposed pursuant to section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

### **Plans**

2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority.

Plan Reference Number	Date received
OS Location Plan	09.02.20
Existing and Proposed Plans and Elevations	08.10.19
Existing and Proposed Site Plans	09.02.20
Rear Wall Detail	02.01.20

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, ENV8, BENV1, BENV3, BENV4, H10, H12 and C2 of the Teesdale District Local Plan, Policies WP5 and WP6 of the Whorlton Village Neighbourhood Plan and Parts 12, 15 and 16 of the NPPF.*

## **Material of boundary wall**

3. Notwithstanding details of materials submitted with the application, the new stone boundary wall shall be constructed in accordance with a sample panel which has first been erected on site and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, BENV1, BENV3, BENV4 and H12 of the Teesdale District Local Plan, Policy WP5 of the Whorlton Village Neighbourhood Plan and Parts 12 and 16 of the NPPF.*

## **Details of windows/doors**

4. Notwithstanding details submitted with the application, no new windows or doors shall be installed until their full specification; including joinery details and external timber colour finishes have been submitted to and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, BENV1, BENV3, BENV4 and H12 of the Teesdale District Local Plan, Policy WP5 of the Whorlton Village Neighbourhood Plan and Parts 12 and 16 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its recommendation to approve this 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. (Statement in accordance with Article 35(2) (CC) 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 documents

National Planning Policy Framework

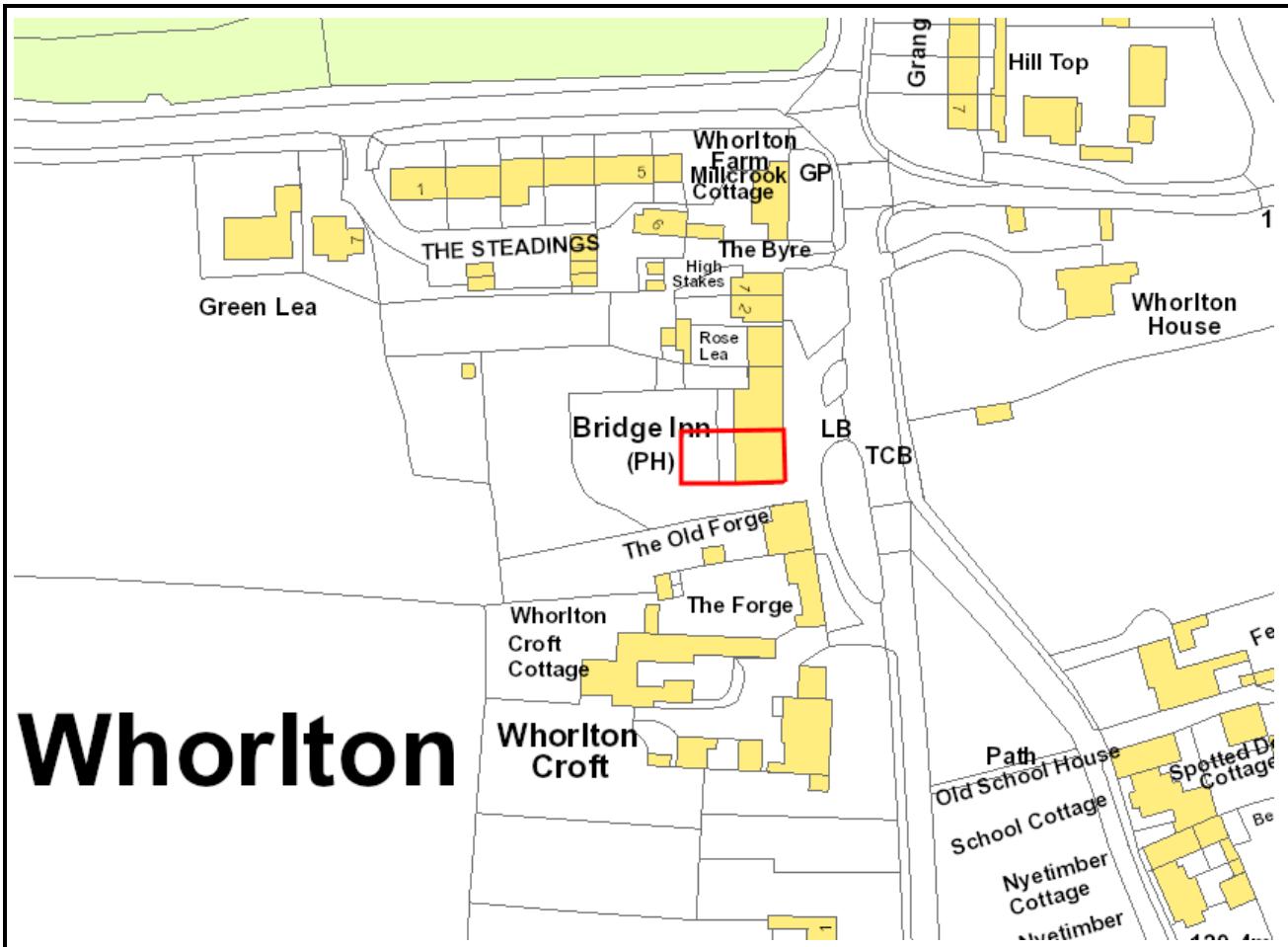
Teesdale District Local Plan

Whorlton Village Neighbourhood Plan

Statutory consultation responses

Internal consultations responses

External consultations responses



# Whorlton



Planning Services

Conversion of pub annex to residential dwelling,  
including associated internal and external works

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Ref: DM/19/03212/FPA &  
DM/19/03213/LB

Fernavilles Rest, Worrton,  
Barnard Castle

Date: February 2020

Scale: NTS