

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/01148/FPA
FULL APPLICATION DESCRIPTION:	Demolition and rebuilding of grain store/dryer building for use as a single dwelling; installation of package treatment plant (partly retrospective)
NAME OF APPLICANT:	Mr & Mrs Jeremy & Julie Nichols
ADDRESS:	Barn 5 The Granary, Hollin Hall East, Ford Dike Lane, Gainford, Darlington, DL2 3EX
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Jill Conroy, Planning Officer, 03000 264955, jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a demolished agricultural barn, set in proximity to a range of agricultural buildings, currently being converted to residential dwellings along with an existing farmhouse. The existing buildings are long established, dating from the late 19th century and typical of historical small self-contained farmsteads.
2. The site lies in the open countryside, approximately 1.3km north of Gainford. Hollin Hall West farm sits adjacent to the site while to the south is Balmer Hill Quarry. The site is currently served by vehicular access from a track which previously had two separate entrances on the C30 Ford Dike Lane to the east of the site.
3. The application site sits within predominantly arable countryside in a relatively flat landscape and is within an area of High Landscape Value.

The Proposal

4. Planning permission was granted in 2018 (DM/18/02296/FPA) for the conversion of the western range of agricultural buildings to form 3no residential dwellings (units 1-3), the extension of the farmhouse (unit 4) and a further conversion of the eastern range of buildings to form another dwelling (unit 5), the application site.
5. Retrospective planning permission is sought for the demolition and rebuild of Unit 5 to provide a residential dwelling. The building would be a mix of single and 1 ½ storey development in a largely rectangular arrangement similar to that approved under the

conversion. The external walls would be principally stone clad, with elements of timber boarding with a pantile roof.

6. The application is being reported to the Planning Committee by Cllr Rowlandson as this is an extension of the existing permission, permitting residential conversions on the site.

PLANNING HISTORY

7. Planning permission DM/18/02296/FPA was granted in October 2018 for 4no barn conversions to dwellings, an extension to the farmhouse, 3no detached garage blocks together with hard and soft landscaping, new access and demolition of an agricultural silo and barn. This included the conversion of the application site (barn no. 5)
8. Planning permission DM/19/01480/VOC was granted in July 2019 to permit design alterations to unit 5.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 2 - Achieving sustainable development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. *NPPF Part 4 - Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

13. *NPPF Part 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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
20. *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:

21. *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.

22. *Policy ENV1- Protection Of the Countryside*: Sets out that within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
23. *Policy ENV3: Development within an Area of High Landscape Value*: Sets out that development will only be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals.
24. *Policy ENV8 Safeguarding Plan and Animal Species Protected by Law*: Sets out that development which would significantly harm any animal or plant species afforded special protection by law will not be permitted unless mitigating action is secured.
25. *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.
26. *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.
27. *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.
28. *Policy ENV17 – Sewerage and Infrastructure Disposal* – Sets out that development proposals need to ensure that adequate agreements are made to ensure safe disposal of sewage without detrimental effects on the environment.
29. *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.

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>

RELEVANT EMERGING POLICY:

The County Durham Plan

30. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 06 February 2020, and the Inspector's issued his post hearing advice on 20 February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26 May and will last until 21 July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. 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. 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 until the Inspector's final report has been received.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Headlam Parish Council* – No response received
32. *Highways Authority* – Advise that whilst the proposal now constitutes a new dwelling in the countryside, in traffic terms the proposal is likely to be no different to that approved for the conversion. However, in practice, the principle is wholly different, in that an NPPF paragraph 79 type basis for permission, in part offsetting the clearly unsustainable site location, would be likely deemed no longer applicable. Any consent for a new build dwelling may therefore act as precedent.

NON-STATUTORY RESPONSES:

33. *Design and Conservation* – Advise that the design and conservation stance on this part of the original conversion scheme (Barn 5) is well documented, it was the least significant element of the site but contributed to the understanding of the whole and the setting of the more important elements identified as non-designated heritage assets.

Numerous previous applications have suggested that the structure was capable of conversion and no evidence with this application demonstrating how and why this changed. Despite the detailed meteorological review there is no conclusion that the demolition of the building occurred through natural causes so it can only be assumed that it was a conscious decision to demolish the building so what is now being sought is a new build rather than any element of conversion.

Whilst the principle of a new build in the countryside is a matter for others, no support would have been offered for such an approach at the original application stage and there is nothing presented here in design and conservation terms to suggest otherwise. For clarity the quality of the new build which has commenced is also

questionable and if the application is approved it is strongly suggested that the rebuild stonework should be based on a revised sample panel.

PUBLIC RESPONSES:

34. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. In Total 12 no. letters of support to the development have been received from the wider area, highlighting the quality of work undertaken to date, that the proposals effectively are rebuilding what is already there, and that the development compliments and fits into the character of the area. It is also highlighted that there was a need to demolish a supporting wall as it was dangerous to workmen on site.

APPLICANTS STATEMENT:

35. We purchased Barn 5 in February this year with the expectation that the eventual dwelling would become our retirement home after farming a Raby Estate tenant farm in Summerhouse for nearly 30 years. We had to find somewhere else to reside as when we retire we will have to leave our current home, it belonging to the Estate. At the same time as purchasing Barn 5, we bought the barn immediately to the south, this having planning permission for conversion into a holiday home.
36. In July last year the previous owner removed the roof, tin sheeting, asbestos / cement cladding and east side leaving the remaining structure vulnerable to last winter's particularly harsh weather. Of all the buildings at Hollin Hall East, the storms had the greatest impact on Barn 5, it being the only free standing building, the others being connected and mutually supporting. It will be recollected that the storms were particularly severe in February, the month we purchased.
37. Due to the resulting unstable condition of the structure, and being concerned for the health and safety of the team on site, we dismantled the remaining sections and rebuilt them using reclaimed stone. The Council's Enforcement Officer asked that we cease operations and submit a fresh application, notwithstanding the fact that the farmhouse next door had permission to be rebuilt. We had not appreciated that a different planning permission was required, we are farmers, not planning experts familiar with the web of planning law.
38. We wanted to put things right, immediately stopped works and submitted this application to try to regularise matters. It will be seen from the submitted plans that the building that we are proposing would, in visual terms, have no material difference to that which has previously been approved.
39. We would add that in our opinion the proposed building is a necessary part of the overall Hollin Hall East development in visual terms. Without it, amongst other things, the existing bin store serving the development would appear disconnected and the garage block to the east of the Farmhouse approved as part of DM/18/02296/FPA would appear prominent. In our view the proposed development is in the interests of the Hollin Hall East development and result in it appearing a high quality comprehensive scheme.
40. With the benefit of hindsight we would have done things differently. It must be remembered that we are not large scale developers, rather a couple trying to stay in the Dale where we have lived all our lives. It has taken us over four years to find somewhere suitable for our retirement as we are not only trying to secure our future but that of our adult daughter who has special needs and resides with us, she being unable to live alone. She works two days a week in a supported placement Café in

Darlington and the regular bus service through Gainford would afford her some independence and allow her to continue to have access to her carers, support network, family and friends. It is additionally hoped that she can help in the holiday barn, where we will be able to support her as necessary, it being in close proximity. The availability and proximity of the holiday barn was a further reason why we decided to purchase Barn 5, the package as a whole making it suitable for our family, Barn 5 in effect being manager's accommodation for this permitted facility.

41. Turning to consultation responses, according to the Council's website 12 letters of support have been submitted. Additionally letters from our daughter's doctor and social worker have been submitted which we requested be treated as 'sensitive' conscious of the personal information they contain. We understand the application was referred to members of Gainford Parish Council and no objections were raised so under the Parish Council's policy, the application is noted and no comments submitted to Durham County Council.
42. The importance of this application to us cannot be overemphasised. It is also of importance to others, the builders for example who have ceased work. We understand that formal enforcement action is only to be taken if it is expedient. Acknowledging the above and the wider justification provided we feel it is not. We don't have a Plan B, all our hopes and savings are tied to this home for our family. We hope and trust you will take this into account when you give consideration to the plan the outcome of which will have significant implications for us.

PLANNING CONSIDERATIONS AND ASSESSMENT

39. 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, ecology and other issues.

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 the dwelling is located in the open countryside some distance from the nearest settlement outside of any settlement boundary 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. As an exception to the rule of allowing isolated dwelling in the countryside, both the TDLP and the NPPF permit the conversions of redundant or disused buildings that enhance the immediate setting or would represent the optimal viable use of a heritage asset to secure its future. Effectively the re-use of traditional buildings that are structurally sound that add to character of the area, are considered to outweigh the harm caused by isolated dwellings.
49. On this basis planning permission was granted for the conversion of the barn as part of a wider scheme, although barn 5 the application site was considered the least significant element of the site, it was deemed to contribute to the understanding of the whole site and the setting of the more important elements identified as non-designated heritage assets. As part of the consideration of the previous planning applications, supporting information identified that the structure was capable of conversion without complete demolition. It was however identified that elements of the building would need to be rebuilt, namely the steel portal element.
50. Following the granting of planning permission the application site was sold off, to the applicant, who then commenced conversion works. However, the applicant advises that following storm damage at the end of 2019 and early 2020, the structure became unstable and for the health and safety reasons the building was demolished. However, photographs of the external walls of the building provided by the applicant's agent in March, appear to show them in a sound condition. No discussions were held by the applicant or their builders prior to demolition with the Planning Authority, regarding the implications of the proposed demolition on the validity of the planning permission. The demolition works were brought to the attention of the LPA through an enforcement complaint.

51. The applicants have furthered their case to justify the rebuilding of the barn highlighting that are in ownership of holiday accommodation to the south. Highlighting that the benefits of living close proximity to this accommodation, including reducing trips to the property to undertake regular maintenance and provision of passive supervision. It is also highlighted that the applicant's adult daughter is required to reside with the applicant for medical needs and part time work associated with the holiday accommodation and bus routes from Gainford to other employment in Darlington would provide her with independence.
52. Taking the demolition of the building on face value, as an honest mistake, officers are sympathetic with the applicant's situation. However, this needs to be considered in the context of the long-established, overwhelming policy presumption against the formation of new dwellings in the countryside that do not represent genuine conversions. Furthermore, officers are concerned that approval of this application would set a dangerous precedent for similar developments and as the authority has taken a firm line of other similar proposals and is constantly challenged by developers in this respect. Overall it is considered that in principle the rebuild of the barn would not comply policies ENV1, H4 and H6 of the TDLP or Paragraph 79 of the NPPF.

Housing land supply

53. 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.
54. 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 1,308 dwellings per annum (dpa). As at 1st April 2019, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. Overall, the Council has commitments of 16,346 dwellings.
55. 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.
56. 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

57. 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 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.

58. 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.
59. In this respect the nearest operational bus stop closest to the site is approximately 1350m to the south on the A67 in the centre of Gainford. This route is mainly unlit rural highway with the first 500m being without a footway. Whilst the topography is relatively flat, the route is winding thereby making pedestrian journeys 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.
60. 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 or remote from a settlement. Whilst noting the wider site and permissions for residential conversions, it is considered that the dwelling is isolated which paragraph 79 of the NPPF seeks to resist.
61. Overall, the application site doesn't relate to existing facilities, thus 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.

Visual Impact

62. 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.
63. The site is also located within an Area of Landscape Value as identified by Policy ENV3 of the Local Plan which seeks to protect the special rural landscape character

of the area. The site is read as part of the wider countryside when viewed from the C30 and Public Right of Way no. 10 which passes between Hollin Hall East and Hollin Hall West. It is also 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 approach of the C30 highway.

64. The rebuild of the dwelling has commenced with the intention of building a like for like property to that demolished, on a similar footprint as per the approved barn conversion, which is considered broadly acceptable. However, the stonework which has been constructed to date, although from reclaimed materials, is not considered reflective of the other stone buildings on site. The Design and Conservation Officer advises that the wider stonework on site is quite distinctive with very pronounced pointing on the current buildings, likely to offset prevailing weather. In order to reproduce this using reclaimed materials, which have very rounded edges is to mortar the variations in the beds.? It is advised that stonework undertaken to date, is of poor standard, particularly in relation to the stone coursing patterns which are disjointed and running in different directions. It is advised that the stone walling should be rebuilt and a recently approved sample, which is to be used to inform the standard of the wider development, in the event that approval is granted.
65. Overall, whilst the design and scale of the proposal remains acceptable in the context of the wider development, the stonework constructed results in a negative impact on the development site, thus adversely affecting the wider rural landscape. As such, the proposal is deemed to conflict with Policies GD1, ENV1, ENV3 and H12 of the TDLP and Part 12 and 15 of the NPPF.

Residential Amenity

66. 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.
67. The closest property to unit 5 is the farmhouse to the west, however there is a detached garage block between the two properties which would obscure any direct views thereby protecting the amenity of both future occupiers of the properties.
68. There are no other properties in close proximity which would be adversely affecting by the proposals. As such, there will be no conflict with TDLP Policy GD1 (E) in this respect.

Highway Safety

69. 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.

70. The site was previously served by 2no accesses directly off the C30, one of which has now been formally closed up and the remaining access, improved to provide good visibility splays onto the C30. The proposal has ample off-street parking provision to the north of the build including garage space incorporated into the property.
71. The Highways Authority advises that in traffic terms the proposal is likely to be no different to that approved for the conversion, however in practice, the principle is wholly different in that an NPPF paragraph 79 justification for permission, which offsets the locational sustainability issues, is no longer applicable and any consent for a new dwelling may act as a precedent. As such, in the context of highway safety development would accord with Policy GD1 and NPPF part 9 there will be no conflict in this instance.

Ecology

72. The ecological surveys in the original application carried out in 2018 highlighted that a bat roost was present in the original building and that a Natural England Licence would be required for the proposed works. In addition, mitigation was required as part of the construction works, including the introduction of crevice roosting opportunities, the creation of voids in the garages and bat boxes, all of which still remains relevant as part of the on-going building works, and secured by planning conditions on the wider conversion scheme. There are no further works as part of this application that would require a new Natural England Licence. As such, there are no further issues with respect to ecological matters and the proposal would therefore conform to Policies GD1 and ENV8 of the TDLP which are consistent with Part 15 of the NPPF in this respect.

Other Issues

73. Foul water from the development is proposed to be managed and treat via a package treatment plan before disposing into a nearby watercourse. This is in line with the previous approval for conversion and no objection is raised in this instance. There development is therefore considered to accord with Policies GD1 and ENV17 of the TDLP.

Conclusion

74. It is concluded that the development would result(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 GD1, ENV1 and H4 and of the TDLP in this respect and parts 5 and 9 of the NPPF. It is also concluded that the structure as built, by reason of the quality of stonework has resulted in an unacceptable impact on the visual amenity of the site and wider rural landscape contrary to Policies GD1, ENV1, ENV3 and H12 of the TDLP in this respect.
75. The development is acceptable in terms of residential amenity, highway safety and ecological interests thereby according with Polices GD1 and ENV8 in this respect.
76. 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 are Policies GD1, ENV1 and H4, H6 and H12 of the TDLP. Whilst some of these policies are considered up to date, in the round this suite of policies are considered out of date, due to the age of the information which informed them or lack of consistency. 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

77. 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.
78. Typical of any residential development, there would be direct and indirect economic benefits within the locality and from further afield through increased expenditure. This would include that produced through construction jobs, as well as indirect employment over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. However, given the significant amount of housing commitments within the County, the benefits arising from one dwelling are considered limited.
79. There would be a benefit to the applicants in terms of the operation of nearby holiday accommodation. This could result in a reduction in trips associated with maintenance and property visits.

Impacts

80. The development would result 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.
81. The development has an adverse visual impact of the surrounding area by virtue of the appearance of the stonework erected to date.
82. 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 and visual impact 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.
83. 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 comply with relevant permissions while undertaking building works.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The proposed development, by reason of its isolated and unsustainable location, would result 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 Parts 6 and 9, in respect of managing growth to promote sustainable transport, as well as saved Policies GD1, H4 of the Teesdale District Local Plan.

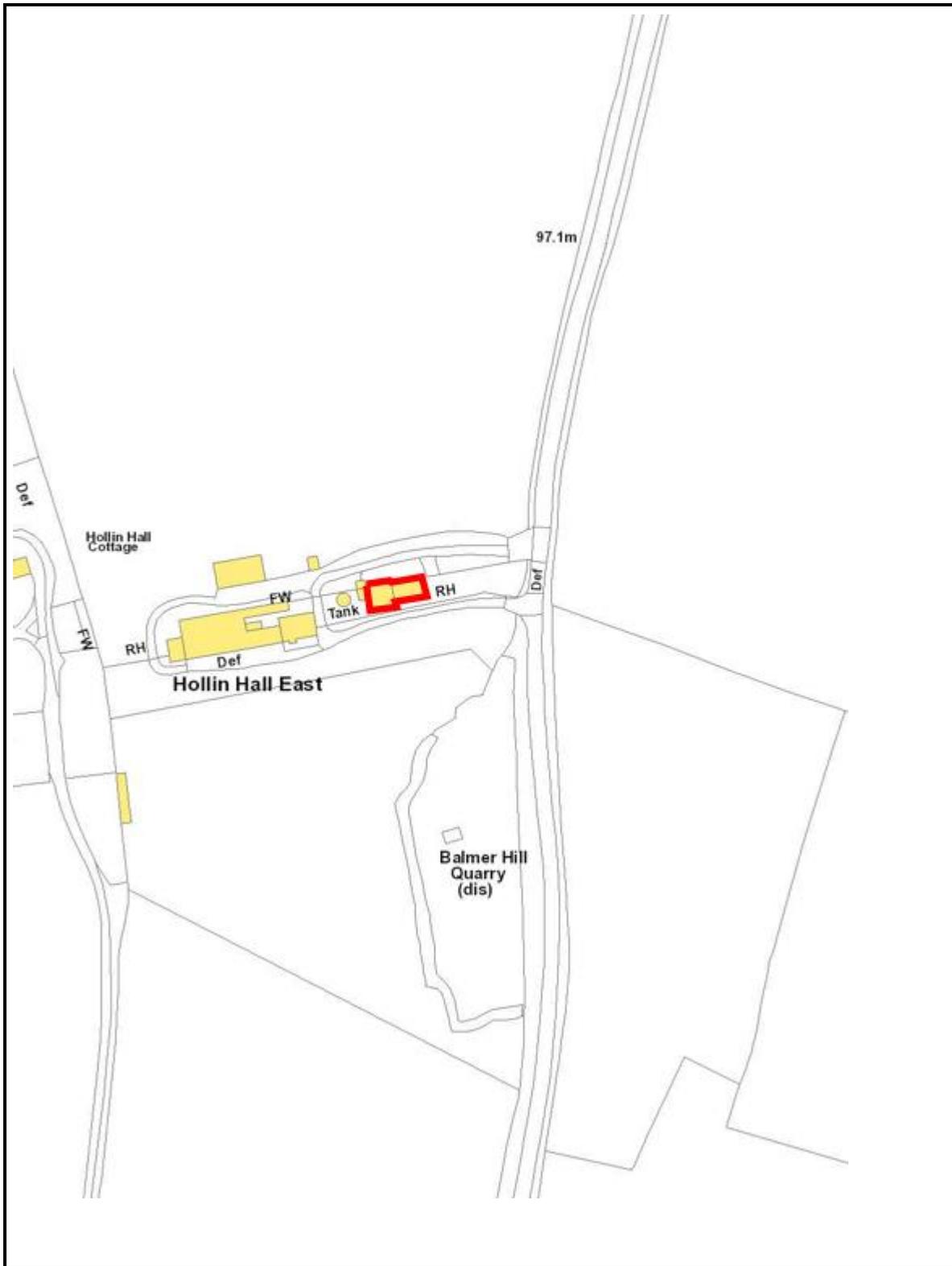
2. The appearance of the stonework of the external walls of the development results in an adverse impact on the visual amenity of the site and wider rural landscape. The development is therefore contrary to Parts 12 and 15 of the NPPF and Policies GD1, ENV1, ENV3 and H12 of the Teesdale District Local 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 documents
National Planning Policy Framework
Teesdale District Local Plan
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

Demolition and rebuilding of grain store/dryer building for use as a single dwelling; installation of package treatment plant (partly retrospective)

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