

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/00826/FPA
FULL APPLICATION DESCRIPTION:	Erection of timber cabin to host pony training events and to provide holiday accommodation and erection of a timber field shelter
NAME OF APPLICANT:	Mr David Eccles
ADDRESS:	Lartington Lane, Lartington, Barnard Castle, DL12 9DG
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Jill Conroy, Planning Officer, 03000 264955, jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site comprises of 2no fields of open pasture grassland, located in the open countryside to the south of Lartington Lane (B6277), between Barnard Castle and Lartington. The site lies within an Area of High Landscape Value (AHLV) and is within the wider parkland area that forms the setting of the Lartington Hall Park, a registered Park and Garden of Historic Interest. Abutting the southern boundary of the site is Ray Gill Wood, an Ancient & Semi-Natural Woodland (ASNW) and part of the larger Deepdale Wood Local Wildlife Site (LWS).
2. The fields which form the application site are separated by means of a post and wire fence with hedging along the northern, highway boundary. The site is accessed via an existing field gate, central to the smaller field. The land, specifically around the development site, steadily rises to the south before falling to the valley of the woodland backdrop.
3. The area in general is characterised by its distinct open parkland form of gentle sloping pastoral landscape bounded by historic hedges and walls with scattered hedgerow trees, largely devoid of built form, with the exception of a small field shelter contained within the site.

The Proposal

4. Planning permission is sought for the erection of a timber cabin to host pony training events and also to provide holiday accommodation. It is intended that the proposals

would serve as a visitor attraction with accommodation and facilities for hosting training events, demonstrations and stud visits to promote the Dales Pony in its native origins.

5. A steel portal, field shelter, finished externally with vertical timber boarding is proposed. This would be used to keep horse drawn vehicles/harness to be used in demonstrations to explain the history of the Dales Pony breed. The building would also be used to show visitors a selection of ponies, broodmares, foals, etc. The building would measure 27.5m x 12.1m and would have a dual pitch fibre cement sheet roof to a maximum height of 6.05m and would be sited midway down an internal field boundary.
6. It is also proposed to erect a log cabin to provide holiday accommodation primarily targeting Dales Pony Society members and enthusiasts, as well as the wider public. The building would measure 6.09m x 14.85m, and be constructed of a 'thermawood' exterior with a metallic grey/slate pitched roof totalling 3.85m in height. The building would be sited towards the southern boundary of the site, along an internal field boundary.
7. In addition to these structures it is proposed to form a new gravel access track from a widened field access, which will run parallel with an internal field boundary. Each of the buildings will have an associated hardstanding with parking provision.
8. The application is being reported to the Planning Committee at the request of Cllr Henderson as the development would contribute to the local economy.

PLANNING HISTORY

9. The applicant submitted a pre application enquiry in January 2020, similar to the proposals, although the development was closer to Lartington Lane. In response to this enquiry, officers advised that whilst the Council is generally supportive of rural tourism, in this instance the development would result in an adverse visual impact on the rural landscape, particularly when considering the works required to achieve a suitable vehicle access. It was advised that any formal planning application would be unlikely to be supported and other sites in the applications ownership/control should be to considered as an alternative to deliver the development.

PLANNING POLICY

NATIONAL POLICY

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

12. *NPPF Part 2 - Achieving sustainable development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 - Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 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 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 ENV4: Historic Parks and Gardens :* Sets out that the Council will seek to protect the historic character and appearance of historic parks and gardens including Lartington Park, Within these areas only new development proposals that are compatible with existing uses and do not har the historic landscape will be permitted.
25. *Policy ENV7: Development Affecting Sites of Local Nature Conservation Interest:* Sets out that development proposals which are liable to damage the nature conservation value of sites, notified to the district council as being of local nature conservation importance will not be approved unless the case for development clearly outweighs the need to safeguard the intrinsic value of the site, and the resulting damage is kept to a minimum through careful design, siting and compensatory measures.
26. *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.
27. *Policy ENV9 – Development Affecting Ancient woodland:* Development which would damage areas of ancient woodland will not be permitted unless there are no alternative and available sites and the resulting impact is minimised through careful design, siting and compensatory measures.
28. *Policy ENV10 – Development affecting Trees or Hedgerows.* Development will only be permitted where it avoids unreasonable harm or loss of any tree protected by a preservation order, a tree within a conservation or any trees, tree belts or hedgerow

which contribute to landscape diversity, setting of buildings, protected species habitat or visual amenity.

29. *Policy ENV14 – Protection of Water Quality.* States that development that would unacceptably prejudice the quality of surface or ground water will not be permitted.
30. *Policy ENV15 – Development affecting Flood Risk.* Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.
31. *Policy ENV17 – Sewage Infrastructure and Sewage Disposal.* Proposals which will increase the demands for off-site sewage infrastructure will be permitted only where adequate capacity already exists or satisfactory improvements can be provided
32. *Policy BENV 3 – Development which affects the character of a listed building –* Sets out that development which would affect the setting of a listed building will not be permitted
33. *Policy TR3 - Chalet Sites in the Countryside:* States that within the countryside, permission will be granted for camping, and/or caravan sites and chalets where the proposal does not detract from the character of the area; and the site is adequately screened by the local topography or existing tree cover is within the control of/or managed by the applicant; and the scale, design and materials of chalet development are appropriate to the locality; the site services are limited in scale to the needs of the site residents only and designed to suit the location; the site is served by adequate infrastructure; the proposal does not adversely affect the amenities of neighbouring occupancies. Lastly, proposals should not risk from flooding or increases the risk of flooding elsewhere.
34. *Policy TR7 – Outdoor Recreational Development –* Sets out that outdoor recreational development will be permitted provided that the best agricultural land is protected from irreversible development, new buildings are sites, designed and landscape to complement the surroundings

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

35. 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 6 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:

36. *Lartington Parish Council* - Object to the application, while it is acknowledged that local farmers have to diversify their business and recognise that the applicants (an others in the area) have worked hard to ensure the survival of the Dales Pony, concerns are raised regarding the development. This is due to the highway access as vehicles travel at considerable speed. Concerns are also raised regarding the visual impact of the development, particularly the proposed cabin, which should be sited in closer proximity to the other buildings and parking on site.
37. *Highways Authority* – Following the submission of an amended plan detailing junction improvements, no objections are made subject to conditions in the event of any approval.

NON-STATUTORY RESPONSES:

38. *Design and Conservation* – There is no heritage objection to this proposal. The submitted heritage statement adequately addresses the impact on built designated assets. This lack of objection should not be taken as support for the proposal which has clear landscape impacts.
39. *Landscape* – Raise objections to the development, advising that that the site lies in an area identified in the Teesdale Local Plan as an Area of High Landscape Value (AHLV). The site is also located to the south west of Lartington Hall Park (a registered Park and Garden of Historic Interest). The proposal would be within the wider parkland landscape that is associated with this designation. Views from Lartington lane are of an open attractive countryside largely devoid of built form. Due to the nature of the proposal, the visually open landscape, lack of built form and year round screening and requirements for a formalised access from highways, there would be locally significant adverse landscape and visual effects that would detract from the character of the wider parkland landscape and the AHLV.
40. *Ecology* – Based on the supporting Ecology report (Veronica Howard, April 2020) there are no objections to the proposals on ecological grounds. If, however any hedgerow is to be removed to create enhanced access/site lines, this will need to be adequately compensated for onsite.
41. *Environmental Health (Nuisance)* - The site is located in a rural area off the B6277. There are no residential properties in close proximity. The proposals will therefore not lead to an adverse impact.
42. *Visit County Durham* – Highlight the benefits of rural tourism to the area, highlighting that tourism is worth £167m to the Durham Dales from 2.6m visitors, 89% of all visits are for the day totalling 2.3m visitors. Average day spend is £21.52, accounting for 40% of total expenditure (£68m), 11% of visitors stay overnight totalling 0.3m. Average spend per trip is £262.82, accounting for 60% of total expenditure (£99m) and 2,472 jobs (FTEs) are supported by the visitor economy.

PUBLIC RESPONSES:

43. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. 2 no. letters of objection have been received and the comments have been summarised below
- This section of the B6277 is used as an overtaking point by cars at high speed. There are concerns with respect to highway safety due to an increase in traffic accessing the development.
 - There are concerns with respect to the frequency of these events and the impact on traffic volume as a result.
 - It is not considered that the promotion of dales ponies is unique to the locale as there is another centre close by in Richmond.
 - The southern building is entirely within the 15m buffer zone of the ancient semi-natural woodland to the south. Also, the applicant's ecological appraisal has no mention of the ancient woodland.
 - There are concerns with respect to the visual impact of the development.

APPLICANTS STATEMENT:

44. I write with regards to my recent planning application as shown above, I am a tenant farmer in Upper Teesdale, I have been breeding dales ponies (rare breed) since I was 14 years old having been reared under the wing of some excellent stocksmen and dalesmen from a bygone era. I have dedicated my life to breeding these ponies who are one of our native pony breeds, I have studied the fine art of breeding and acquired a mass of knowledge over the years which I wish to pass onto the next generation.
45. Due to the effects of Brexit the future of farming is uncertain and we need to look at another income stream and diversify, we thought why not use a commodity that we already have and take this opportunity to promote our ponies and offer a small visitor attraction which will aid local tourism.
46. We are proposing to erect a timber holiday lodge to be able to provide accommodation for people who enjoy outdoor pursuits, this would provide the opportunity for visitors to live alongside the ponies and observe their behaviour. As part of our project we wish to erect an agricultural building, this would be used to showcase our horse drawn vehicles which cover the different eras of horse transport, this will ensure that the vehicles are out of sight. It would also allow us to offer the visitor attraction all year round therefore, enhancing the attractions in the winter months and aiding the local economy by bringing people into Teesdale.
47. By offering rural accommodation we are encouraging visitors to stay in the area for longer and patronise the other local businesses and attractions. According to a survey carried out by NGI Solutions (2019), the average length of stay in our area is 5 nights, our lodge could be utilised for short breaks and long stays, we are next to the Teesdale Way for walking, cycling, horse riding and to the River tees for fishing. This makes our location very attractive as we are also within walking distance of Barnard Castle.
48. As a farmer I am already a custodian of the countryside, I currently farm both sides of the road on Lartington Lane, I therefore make a huge contribution to the landscape. It is my intention to protect the landscape as much as possible but we also have to make progress, the dales pony is part of the character and fabric in this area with its roots firmly embedded in the local history of Teesdale. If I was looking to introduce something that was alien to the area, I could understand DCC being concerned but I feel that what I am offering is in keeping with the area completely.

49. In my opinion the main visual impact will be the agricultural building which to be fair is something that we see in an around any farming community so again, I do not feel that this will look out of place at all. I have offered to reduce the height of the building to 12ft from 14ft 6". As pointed out previously, we have recently demolished an old dutch barn that stood in the middle of the 20 acre field, this was 17ft high to the eaves, we also have a field shelter in the 5 acre field. As we have the footprint of both of these buildings, we hoped that we could come to some agreement to replace the two buildings with one new building which is much lower in height and less inobtrusive. If the lodge is placed in the top righthand corner of the field where the land drops away (approx. 10ft) I firmly believe you will not see the lodge from the roadside. I have placed a fencing rail against the hedge which would be the height of the lodge (13ft to the ridge) and stood in the entrance to the field and you cannot see the fencing rail. Even if we had to bring the lodge further forward when driving past you still wouldn't notice the top of the lodge. It was has been mentioned that we would need to place the lodge 15m from the wood as this is classed as an ancient woodland however, this rule has not been adhered to at the Caravan Club sight just along the road where there are many pitches less than 15m from the wood?
50. May I direct your attention to the Heritage Statement provided by Maria Ferguson who states that the site sits back off the road significantly(point 5.11) the site is elevated from the road but the existing topography means that the proposed building would not been seen from distant views. It would not be possible to see it from the historic parkland or nearby public views. (Point 5.12) Even if the buildings could be seen from public views, they would not appear incongruous, given that the presence of sporadic located farm buildings is characteristic of this location and the surrounding landscape. (Point 5.13) Additional landscaping is not being proposed as the buildings would not be prominent in the surrounding countryside, would not be seen in the context of nearby listed buildings or parkland, it would be adequately screened by existing topography and trees/hedgerows.
51. (Point 5.12) Already demolished a dutch barn, this had a far greater visual impact on the landscape than the proposed development, both buildings whilst not visible in the context of the historic parkland, were prominent features in the immediate landscape. (Point 5.14) From the assessment of the heritage asset, its significance and the location and characteristics of the proposed development, it can be concluded that the proposal would have a neutral impact on the significance of Lartington Hall parkland, further if the demolition of existing structures is taken into account it could be argued the development would have a positive impact on the setting of the heritage asset.
52. I have to ask, why have I paid for this report if DCC are not going to take any notice of the content? Also, Maria Ferguson has never heard of the rule that any building has to be placed 15m from an ancient woodland, in her opinion there was no problem with the siting of the lodge and the distance from the woodland as long as it is within reasonable proximity. Also, to say that that the new agricultural building will look out of place doesn't seem fair as you could say that about all the agricultural buildings that are scattered around the dales.
53. I am sure that more caravans cluttering up yet another field a short distance away, will have a much bigger impact on the landscape than our buildings that are of a modest scale and made from natural materials which will blend in with the surroundings, by installing further hedgerows we would be aiding biodiversity and providing further habitat for wildlife.

54. We have offered to provide any screening that may be required, we suggested placing a hedge the full length of the fence to the righthand side of the field against the new track. We were told that this would not look right however, again one field away the Caravan Club are in the process of erecting their screening as they have been granted permission for more caravans. This land has exactly the same open aspect as our land?
55. I know in the grand scheme of things we are just a micro business but I would hope that the local authority would value our input, we are asking for a platform in which to allow our small business to flourish. We are paving the way for the next generation, we have a Son who is studying agriculture at Newton Rigg College and a Daughter who is looking to pursue a career in equestrianism.
56. Whilst our project is not creating lots of jobs it is providing an opportunity to increase the footfall in Teesdale, I believe that the lodge will prove very popular and would expect to see referrals and repeat business after the first couple of years therefore, introducing new visitors to the area. As an example based on my Year 3 forecast, I would be expecting 40 weeks occupancy of the lodge, based on a family of 4 (but the lodge will sleep 6) staying for 5 nights, this will bring an extra 160 overnight visitors and providing 3 demos per week (26 weeks of the year) bringing 780 day visitors to the area. The demos will be a max of 10 people per session, assuming a couple of families of 4 and a couple this would be 2/3 vehicles at any given time to ensure safety. There may be an opportunity in the future to create some employment such as a cleaner for the lodge and assistant for the demos. (I have been conservative with my projections).
57. It is inevitable that if people book to see our ponies they will spend the remainder of their day looking around the area, we will make recommendations for eateries, shops, local sights, etc. We will work with the local Tourist Information office and Visit Durham to help promote other facilities and attractions. We will be enlightening people to our local heritage and culture by giving them an insight into a past way of life here in Teesdale, the project will be educational and fulfilling for all the family, it will benefit people with learning difficulties and special needs as the whole experience will stimulate and enthuse by being up close to the ponies and understanding the art of their communication.
58. I do believe that this project will be a success, there are many dales pony enthusiasts all over the UK and overseas who would be keen to visit our lodge as well as the wider public. My request is acceptable to the Highways Department, there are no major objections from any other department, I am sure there are circumstances when exceptions can be made, the visual impact will be minimal if placed at the back of the field.
59. (As another suggestion we could place the agricultural building in the top righthand corner and the lodge alongside both facing North into the field, this may lessen the impact even further).

PLANNING CONSIDERATIONS AND ASSESSMENT

60. 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, visual impact, heritage impact, highway safety, impact on protected species and biodiversity, residential amenity and foul and surface water drainage.

Principle of development

61. Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The Teesdale District Local Plan (TDLP) forms the statutory development plan and remains the starting point for determining applications as set out in the Planning Act and reinforced in paragraph 12 of the NPPF. The TDLP was adopted in 2002 and was intended to cover the period to 2010, However NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
62. In terms of policies most relevant to the principle of development of the site, firstly ENV1 of the TDLP sets out that in order to protect the countryside development beyond settlement limits will only be allowed for specific purposes including tourism proposals, providing they does not unreasonably harm the landscape and is permitted by other policies of the TDLP, including Policy TR3. This policy supports the development of new chalet accommodation in the countryside, recognising that this type development forms an important element of tourism accommodation provision in the County. This is provided the development does not detract from the character of the area and conforms to other criteria controlling specific impacts of the development. Policy TR7 is also relevant to this proposal, which sets out that outdoor recreational development will be permitted provided that new buildings are sited and designed to complement the surroundings.
63. The above policies of the TDLP are considered to be consistent with Parts 6 and 15 of the NPPF, which promotes sustainable rural based tourism and leisure developments which respect the character of the countryside and landscape setting. Therefore, it can be considered there is support in principle for rural development such as that proposed
64. The benefits to rural tourism is also considered to be a material consideration weighing in favour of the development proposals. Although limited information has been submitted in support of the application in terms of job creation etc, it is understood that proposals would form a visitor attraction with accommodation and facilities for hosting training events, demonstrations and stud visits to promote the Dales Pony in its native origins. The building is proposed to keep horse drawn vehicles/harness which the applicants would use in demonstrations to explain the history of the Dales Pony breed. The building would also be used to show visitors a selection of ponies, broodmares, foals, etc. Demonstrations would be provided to approximately 10 visitors per session, most of whom are expected in groups (for example, families). The log cabin is proposed to provide holiday accommodation on the land and is designed to suit those involved with outdoor pursuits, primarily targeting Dales Pony Society members and enthusiasts, as well as the wider public. This is intended to be a facility which offers people seeking a rural holiday to live alongside the ponies and experience rural life. It

is proposed to accommodate a stable within the proposed building, should holiday-makers wish to bring their own horse.

65. It is advised by Visit County Durham that tourism is worth £167m to the Durham Dales from 2.6m visitors, 89% of all visits are for the day totalling 2.3m visitors. Average day spend is £21.52, accounting for 40% of total expenditure (£68m), 11% of visitors stay overnight totalling 0.3m. Average spend per trip is £262.82, accounting for 60% of total expenditure (£99m) and 2,472 jobs (FTEs) are supported by the visitor economy.
66. In 2012 and 2018 the Council commissioned the County Durham Visitor Accommodation Futures Study (CDVAFS), which examined both existing offer, and market potential for various forms of visitor accommodation across the County. The CDVAFS identifies that there is market potential and developer interest in the acquisition of existing sites for major expansion and development. The CDVAFS also identifies the Durham Dales as an area of tourism growth but acknowledges much of the landscape is sensitive.
67. This would suggest that there is a potential need for this development in terms of increasing the amount and type of accommodation offer within the area in and around the Durham Dales, and although economic benefits have not been quantified as part of the application, it would appear reasonable to conclude that this proposal would have a positive impact upon the tourism offer of this part of the County, as well as the wider local economy for associated visitor expenditure. This would be consistent with the NPPF's approach to supporting a prosperous rural economy.
68. Having regard to the above, it is acknowledged that there would be a positive benefit to the local economy as a result of increased visitor numbers and job creation. The proposal is in line with the guidance in NPPF Parts 2 and 6 in these respects. However, in order to comply with relevant policies from the TDLP and wider NPPF objectives, the key issue is whether the development would result in any adverse environmental impacts, which is considered below

Visual Impact

69. TDLP Policy GD1 seeks to protect and enhance the countryside of Teesdale, requiring that developments do not unreasonably harm the rural landscape of the area, has regard to and retains landscape. TDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals except for agricultural or other compatible uses in the countryside such as proposals for tourism as permitted by Local Plan policies. The application the site is located within an area of high landscape value (AHLV), TDLP Policy ENV3 requires that new development does not detract from the areas special character and pays attention to the landscape qualities. TDLP Policy ENV10 seeks to protect trees and hedgerows including both those which have formal means of protection but also those not protected by which contribute positively to the locality. Land immediately adjacent to the site is designated ancient woodland TDLP Policy ENV9 states that development which would damage areas of ancient woodland will not be permitted. Policies TR3 and TR7 of the TDLP supports the development of new chalet accommodation and outdoor recreation facilities in the countryside, provided that it doesn't detract from the character of the area; is adequately screened by the local topography or existing tree cover which is within the control of/or managed by the applicant; is appropriate in terms of scale, design and materials.
70. These policies are considered consistent with Parts 12 and 15 of the NPPF which requires that developments are sympathetic to local character including landscape setting while recognising the intrinsic character and beauty of the countryside, trees

and woodland. NPPF paragraph 170 (a) also states that valued landscapes should be protected and enhanced. The above policies can therefore be afforded full weight in the decision making process.

71. As highlighted above, the site lies in an area identified in the Teesdale Local Plan as an Area of High Landscape Value. The County Durham Plan Local Landscape Designations Review (2019) also identified the area as suitable for inclusion in a proposed Area of Higher Landscape Value (AHe^rLV). This contributes to the wider understanding of the landscape value, and provides up-to-date evidence supporting the designation of the existing AHLV. The Councils Landscape Section also advise that the landscape should be considered as a valued landscape under the terms used in NPPF Paragraph 170. The site is also located to the south east of Lartington Hall Park, which is included on Historic England's Register of Parks and Gardens of Historic Interest. The proposal is considered to be within the wider parkland landscape that extends beyond this designation. The County Durham Landscape Value Assessment (2019) assesses the area as being generally medium-high or high value across the range of attributes assessed. It scored high for scenic, which denotes the high scenic quality of the area.
72. The proposal would introduce two new structures into this sensitive landscape. The structures would be located on an eastern internal site boundary along an existing post and wire fence line, towards the southern part of the site. A degree of separation would be evident between the larger equestrian building and the proposed holiday chalet. Hardstandings would be created around the buildings, providing parking and manoeuvring space. The development would be served by an access track leading from an improved access point, where a single field gate would be replaced with a double field gate, set back off the highway. This would require the removal of a section of hedgerow to facilitate the new entrance and visibility spays. The development, in particular the chalet would require an element of cut and fill to facilitate it's siting due to topography changes.
73. In consideration of the impact of the development, the views of the Council's Landscape Officer have been sought, who advises that the site forms part of an open, attractive countryside, and parkland landscape, as highlighted above. This landscape, including the site, is readily appreciated and makes a distinctive and important contribution to landscape character of the area. The development would introduce two structures into the local landscape which would not be located as part of, or close to, an existing farmstead or other building grouping and would be read as isolated structures in open countryside. It is advised that as the site rises to the south before falling to the valley of the Ray Gill the development would be visible from Lartington Lane through, and above the hedge (more so in the winter months) and through the proposed widened gate access. Given that the landscape is largely devoid of built form, it is advised that the development would have an adverse impact on the landscape quality of the area.
74. It is also advised that the existing developments in the immediate area have a limited impact in the wider landscape. This includes a caravan site at Pecknell Farm which is read as part of an existing farmstead and is well screened by existing topography and mature woodland vegetation and is unobtrusive in the landscape. It is also identified that the Teesdale Barnard Castle Caravan and Motorhome Club Site is within this wider parkland setting, albeit on the mostly south-easterly extent. However again this is well screened and where glimpsed from the B6277, it is seen with HM Prison Deerbolt as a backdrop and with Barnard Castle roofscape in the same visual envelope.

75. The presence of a former hay shed in the adjacent field, which has since been demolished, is noted, however it is advised that this has had a positive effect on the landscape character and visual amenity of the area. The remaining field shelter on the site is small and unobtrusive.
76. In an attempt to respond to pre application advice, it is acknowledged that the proposal has been located further away from Lartington Lane, to try and reduce the visual effect of the development. The timber material to be used in the construction of both structures would also be appropriate. However, whilst the cabin might be partially hidden by landform, the large field shelter orientated against the grain of the landscape, and the associated development, would be visible due to the open landscape and as the ground rises above Lartington Lane. Experience of similar developments elsewhere have also found that the hardstanding areas around this type of development often become storage areas giving a cluttered appearance and adding to the overall visual harm of the development. While the subdivision of fields is common in equestrian style uses.
77. It is also advised that there would also be further cumulative harm resulting from the associated development which include the widened gateway, the required metalled (i.e. tarmac or concrete) junction and cutting back of hedgerow and roadside vegetation, the introduction of a new track, hardstanding, carparking and associated domestic paraphernalia, such as, waste bins, outdoor seating etc. These would be an unwelcome intrusion into the area's rural and undeveloped character. The formation of the access and the implementation of the visibility slays is estimated to result in approximately 60m of hedgerow removal, or reduction in width.
78. The proposed landscaping is considered to be of limited effectiveness. Whilst it could be further screened by additional landscaping to lessen its visual impact, this itself would be harmful to the open character and appearance of this parkland landscape. The site currently does not afford effective year-round screening and the proposed hedge planting would be limited in ameliorating the harmful impact of the proposal. It is advised that the impact on the local character would be locally significant.
79. There are a number of trees close to the proposal which contribute to the character of the landscape. While in principle, the proposal could be accommodated without affecting these features, further information would need to be provided to ensure that development takes place outside the Root Protection Areas of the trees. However, the woodland to the south of the development is classified as ancient woodland. Planning Guidance sets out that there should be a buffer zone of at least 15m between ancient woodlands and development to avoid damage. The proposed chalet and associated hardstanding would be less than 5m from the edge of ancient woodland, an element of cut and fill would be required to facilitate the development due to land levels. Concerns are also raised regarding increased public access to this area, likely generated from the holiday chalet and the desire to achieve access onto the managed Public Rights of Way Network that extends through the woodland. Paragraph 175 of the NPPF sets out that development resulting in the loss of deterioration of irreplaceable habitats such as ancient woodlands should be refused unless there are wholly exceptional reasons (inducing nationally significant infrastructure projects where public benefits would clearly outweigh the loss) and a suitable compensation strategy exists. In the absence of any specific assessment of the impacts of the development on the ancient woodland it is considered that a precautionary approach must be adopted.
80. Overall, it is considered that the development would result in a significant adverse visual impact on the surrounding distinctive landscape and area of high landscape value contrary to Policies GD1, ENV1, ENV3, ENV10, TR3 and TR7 of the TDLP and

Parts 6, 12 and 15 of the NPPF. Insufficient information has been submitted to assess the developments impacts on the adjacent ancient woodland due to the proximity of the development and concerns over increased access, contrary to Policy ENV9 of the TDLP and paragraph 175 of the NPPF.

81. The alternative positioning of buildings have been informally considered, following site meetings with the applicant and interested parties, including a review by senior officers. Whilst alternative positions could potentially have a reduced impact over the proposed layout, it is considered this would not significantly reduce the level of harm identified.

Heritage Impacts

82. Policy BEV3 of the TDLP sets out that development which adversely affects the setting of a listed building will not be supported, in this respect Lartington Hall is located approximately 1200m away from the development site. Although Policy BE3 is generally consistent with the aims of the NPPF to protect the historic environment, it is recognised that the NPPF does, in instances, permits a degree of harm when weighed against other consideration, where TDLP policies do not. Due to the lack of consistency of with the NPPF in this respect, Policy BE3 should be afforded reduced weight in the decision making process.
83. As highlighted above the site is located within proximity of the Lartington Park, a registered Historic Park and Garden. Policy ENV4 of the TDLP sets out that the historic character and appearance of historic parks and gardens including Lartington Park will be protected. Within these areas only new development proposals that are compatible with existing uses and do not har the historic landscape will be permitted. However, given the proposal falls outside of the designated parkland, Policy ENV4 is not considered applicable to this application.
84. Part 16 of the NPPF seeks to protect Heritage Asset, and applications affecting heritage assts should describe the significance of any heritage asserts affected and any contribution made to their setting. In this instance a heritage statement has been submitted identifying relevant heritage assets as Lartington Hall (a Grade II* Listed Building) and Lartington Hall Registered Park and Garden (Grade II Listed). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires development to pay special regard to the desirability of preserving the settings of Listed Buildings.
85. In assessing the impact of the development on Lartington Hall, the Council's Design and Conservation Officer advises that there is no heritage objection to this proposal and the development would not impact on its setting. The submitted heritage statement adequately addresses the impact on built designated assets.
86. In relation to Lartington Hall Registered Park and Garden, the Council's Landscape Officer advises that although the development would have a significant visual impact on the wider landscape, it is advised that it would not have an impact on the setting of the of the heritage asset.
87. Overall it is considered that the development would not adversely impact on the setting of Lartington Hall or Lartington Hall Registered Park and Garden and would comply with Policy BENV3 and Part 16 of the NPPF.

Highway Safety

88. Policy GD1 of the TDLP requires new developments to be served by a suitable access, while Policy TR7 of the TDLP states that developments should not have a detrimental impact in terms of road safety. These policies are considered consistent with the NPPF which at Paragraph 108 states that development should achieve a safe and suitable access for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Given the consistency of TDLP Policies GD1, and TR7 with the NPPF, full weight can be given to them in the decision-making process.
89. The site is served by an existing single width field gate, providing an agricultural access to the site. It is proposed to increase the width of the access equivalent to a double width field gate, setting the gates approximately 12m back from the edge of the carriageway to allow vehicles with horse boxes etc to safely access the site. The scheme also proposes laying out of visibility splays extending 215m x 2.4m in either direction. The formation of the access and the implementation of the visibility splays is estimated to result in approximately 60m of hedgerow removal, or reduction in width.
90. In considering the submitted information, the Highway Authority raise no objections to the scheme, subject to conditions to ensure that the access is laid out in accordance with the approved plans and the visibility splays are cleared of all vegetation greater than 1m in height.
91. In terms of access to services for users of the holiday accommodation, the edge of Barnard Castle lies approximately 1 mile away, however, there are no Footpaths on Lartington Lane, nor is it lit for those wishing to walk. Whilst there is a bus service along this road there are no bus stops in proximity of the development. It is therefore considered likely that occupiers of the holiday accommodation would rely on the private transport to access services and amenities. However, it is acknowledged that this is the case for many tourism developments within the countryside and there are potential for crossed linked visits with the pony training/show element of the development and the visitor accommodation.
92. Having regard to the above, while the unsustainable nature of the location is acknowledged this is not considered to amount to a policy conflict, particularly given the scale and nature of the development. Overall, it is considered that the development would not raise any issues of highway safety in accordance with TDLP Policies GD1 and TR7 and Part 9 of the NPPF.

Impact on protected species and biodiversity

93. TDLP Policy GD1 (J) seeks to ensure that developments would not endanger or damage important national or wildlife sites or that of the ecology of the wider area. TDLP Policy ENV8 seeks to protect species protected by law and including their habitats, while Policy ENV7 seeking to protect sites of nature conservation. These policies are each considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, encourages net biodiversity gains and stringently protects ecological sites of the highest significance.
94. Furthermore, Section 40 of the Natural Environment and Rural Communities Act 2006, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
95. An Ecology Survey and Risk Assessment has been submitted in support of the application which concluded that the development would be unlikely to have any affect on any species protected by law or would result in any significant change on the

ecological value of the site. In reviewing the submitted assessment the Council's Ecology Officer offers no objections to the proposals on ecological grounds. However, it is advised that hedgerow required to be removed to create enhanced access/site lines, should be adequately compensated for onsite.

96. Overall it is considered that the proposal would not have any adverse impact upon protected species or biodiversity in accordance with the requirements of Policy GD1 of the TDLP and Part 15 of the NPPF in relation to protected species and subject to appropriate conditions would achieve net biodiversity gain.

Residential Amenity

97. TDLP Policy GD1 part (D) states that new development should be compatible with surrounding existing land uses. GD1 also advises that there should be not significant pollution of the environment from a range of sources including noise. TDLP Policy TR3 and TR7 requires developments not to adversely affect the amenities of neighbouring occupancies. This policy is considered to be consistent with NPPF which at 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. Full weight should therefore be afforded to policies GD1 and TR3 of the TDLP in the decision-making process.
98. However, in this instance, there are no residential properties in close proximity of the development and therefore, as advised by the Council's Environmental Health (Nuisance) Section no adverse impacts are likely to arise. The development would therefore accord with the requirements of TDLP Policies GD1 and TR3 and Parts 12 and 15 of the NPPF.

Foul and Surface Water Drainage

99. Policy ENV14 (Protection of Water Quality) states that development will not be permitted which would unacceptably prejudice the quality of surface or ground water. With regards to how the development would address foul and surface water drainage, no details have been submitted other than a septic tank is to be utilised to treat foul water. Planning Practice Guidance (PPG) Water supply, wastewater and water quality advises that applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. In this instance no information has been submitted, however given the scale of the development, it is considered likely that a suitable scheme could be developed and agreed by condition.
100. In terms of surface water runoff, this is considered to be minimal and again subject to appropriate conditions, it is considered that a suitable scheme could be developed given the nature of the site and amount of land available to the applicant.
101. Overall it is considered that the development would accord with TDLP Policies GD1 and ENV17 and Parts 14 and 15 of the NPPF.

Conclusion

102. It is concluded that the development would result in a significant adverse visual impact on the surrounding distinctive landscape and area of high landscape value contrary to Policies GD1, ENV1, ENV3, ENV10 and TR3 and TR7 of the TDLP and Parts 6, 12 and 15 of the NPPF. It is also concluded that insufficient information has been

submitted to assess the developments impacts on the adjacent ancient woodland due to the proximity of the development and concerns over increased access, contrary to Policy ENV9 of the TDLP and paragraph 175 of the NPPF.

103. The development is acceptable in terms of residential amenity, highway safety and ecological interests thereby according with Policies GD1 and ENV8 in this respect.
104. The NPPF is a material planning consideration which is capable of outweighing conflict with the development plan. Paragraph 11 sets out for decision making, approving development that accords with an up to date development plan without delay, or, where there are no relevant development plan policies or the policies most important for determining the application are out of date, planning permission should be granted unless:
 - i: the application of policies in this Framework that protect areas or assets of particular the benefits, when assessed importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh against the policies in this Framework taken as a whole.
105. In this respect conflict with the development plan has been identified. A suite of policies most important for determining this application have been identified, these include Policies GD1, ENV1, ENV3, ENV9 and TR3 and TR7 of the TDLP. In the round, in line with case law, this suite of policies are considered up to date, and therefore balance tests of paragraph 11d of the NPPF are not engaged.
106. The NPPF seeks to achieve sustainable development through the application of three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways. In this respect it is recognised that there would be some positive economic benefits arising from the proposed development, associated with increased visitor numbers and job creation although these benefits would be relatively limited given the scale of the development. The intended use of the development would also assist in the understanding and preserve the Dales Pony breed.
107. In environmental terms, the site is located in a sensitive, attractive landscape and the development cumulative would adversely affecting this landscape. Adopting a precautionary approach due to the development's proximity, it is considered that the development would result in the deterioration of adjacent ancient woodland.
108. Overall it is considered that the proposal does not constitute sustainable development when assessed against the NPPF, there are no material considerations which outweigh the conflict with the development plan and therefore the application is recommended for refusal. In line with pre application advice the applicant is encouraged to explore options for a similar development on other land within their control/ownership.

RECOMMENDATION

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

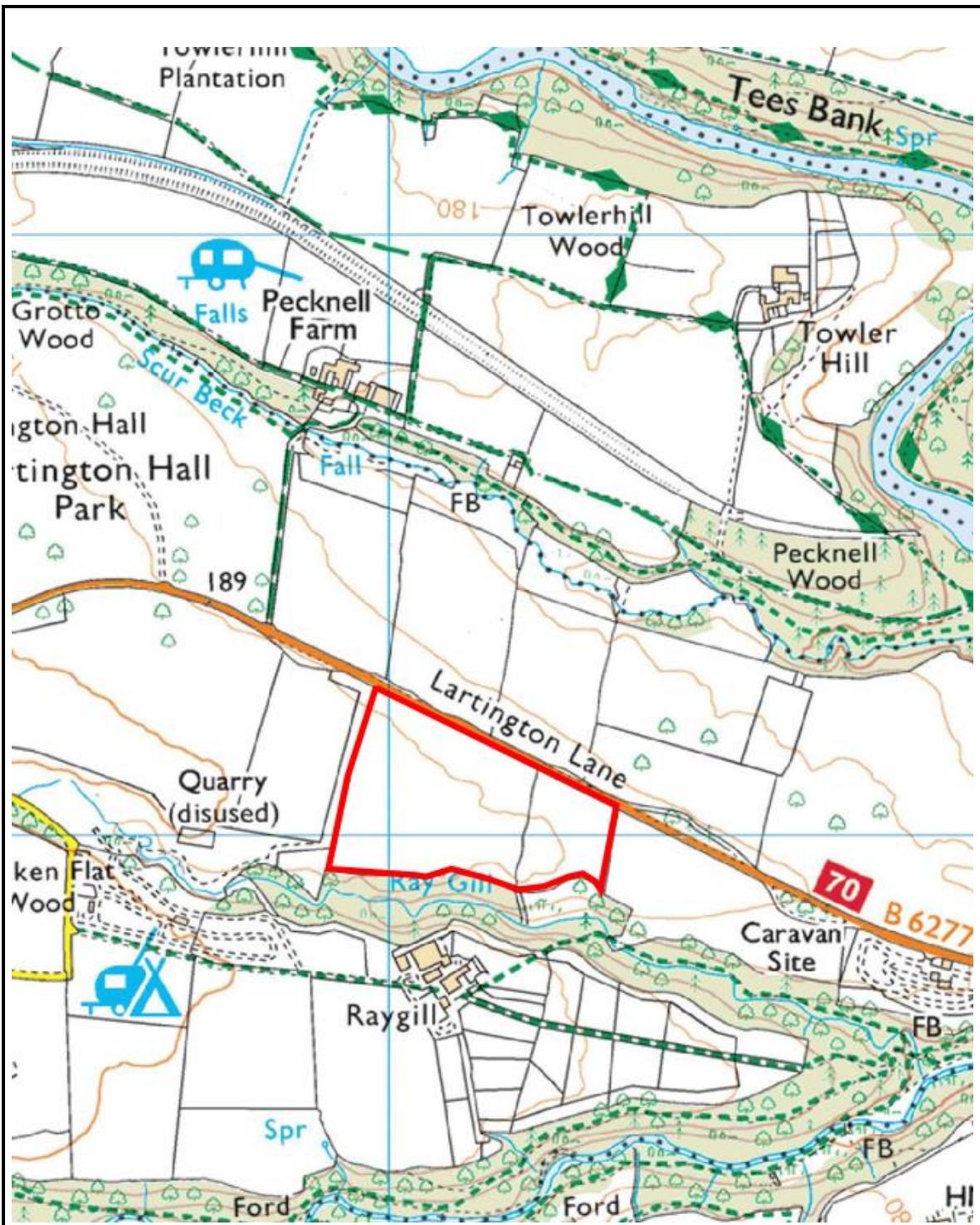
1. In the opinion of the Local Planning Authority, The development would result in a significant adverse visual impact on the surrounding distinctive landscape and area of high landscape value contrary to Policies GD1, ENV1, ENV3, ENV10 and TR3 and TR7 of the Teesdale District Local Plan and Parts 6, 12 and 15 of the NPPF.
2. In the opinion of the Local Planning Authority, insufficient information has been submitted to assess the developments impacts on the adjacent ancient woodland due to the proximity of the development and concerns over increased access contrary to Policy ENV9 of the Teesdale District Local Plan and paragraph 175 of the NPPF.

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

Erection of timber cabin to host pony training events and to provide holiday accommodation and erection of a timber field shelter

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Ref:

Date: July 2020

Scale: NTS