

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/03566/OUT
FULL APPLICATION DESCRIPTION:	Outline application for erection of 1no dwelling with all matters reserved (re-consultation following change to ownership details).
NAME OF APPLICANT:	Mr Steven Kerby and Nicholas Cordner
ADDRESS:	Land To The North Of West Farm Paddock Cold Hesledon Seaham, SR7 8RL
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Leigh Dalby (Senior Planning Officer) Tel: 03000 261 389 Email: @durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site is approximately 1.2 hectares of land which is currently used for keeping horses for the applicants' personal use as part of a large site. The adjacent land within the applicant's ownership (outlined in blue on the submitted location plan) contains a stable building, and riding menage. This site is accessed by an existing vehicle entrance to the South east corner of the site.
2. The site lies close to a small group of dwellings and a farm to the south. Access to the site is via B1432 Stockton Road and then onto an unmade and unlit single track lane adjacent to the Pemberton Arms public house to the south of Cold Hesledon.

The Proposal

3. This application seeks outline planning permission with all matters reserved for the erection of a single detached dwelling. Whilst this application relates to the principle of development only, with all matters reserved for future consideration, the application is nevertheless supported by an indicative site layout plan showing a potential access arrangement for illustrative purposes only.

4. The application is reported to Planning Committee at the request of Councillor Lynn Pounder who considers that the Local Planning Authority need to be consistent in their decision making in light of previous planning appeal and the recently approved Seaham Garden Village, and as such the application should be considered by the elected Planning Committee members.

PLANNING HISTORY

5. Planning permission was granted in 2016 for the erection of a stable (DM/16/02332/FPA) for private use and subject to a condition limiting the use to 3no. horses.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
8. NPPF Part 2 - Achieving sustainable development. The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. NPPF Part 3 - Plan-making. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
10. 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.

11. 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.
12. NPPF Part 6 *Building a Strong, Competitive Economy*: The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
13. 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.
14. 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.
15. 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.
16. 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.
17. NPPF Part 15 Conserving and Enhancing the Natural Environment: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

LOCAL PLAN POLICY:

18. The following policies of the Easington District Local Plan (EDLP) are considered relevant to the determination of this application.

19. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
20. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
21. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
22. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

EMERGING COUNTY DURHAM PLAN:

23. The County Durham Plan

24. 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 6th February 2020, and the Inspector's issued his post hearing advice on 20th 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 26th May and will last until 21st 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.

most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

25. STATUTORY AND INTERNAL CONSULTEE RESPONSES:

26. **DCC Ecology** - No objection. HRA contribution required.

27. **DCC Landscape** - In the wider landscape the proposal would not be discordant as the development would be largely screened or filtered by existing vegetation or seen in the context or against the backdrop of the existing cluster of residential development immediately to the south. Nevertheless in close views, the siting of this proposal would not form a logical part of these existing clusters but would be situated in a field to the north west of West Farm Paddock and would have the appearance of being 'added on'. It would extend the built residential development northwards into open countryside.

The adverse visual impacts arising from this would be limited and localised, being largely confined to views from the footpath alongside the site.

A design that is in keeping with the character and appearance of the area and appropriate in terms of form, mass, scale, layout, density and materials with the addition of mitigation planting could help reduce this impact.

28. **DCC Environmental Health** - With reference to the above planning application, I have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). As such I can provide the following information to assist you in your consideration of any impact upon amenity.

The proposed dwelling is located in a rural area with equestrian stables to the west and as such it is expected that there will be a certain level of noise and odour associated with living in such a locality. It is noted there are number of properties in close proximity. The site is approximately 120m south of the A182 and therefore there may be some background road noise. Given the above and the information submitted it is considered that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact.

In addition I can confirm that I have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and would comment as follows:

I am satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

29. **DCC Contaminated Land** - With reference to the above planning application, I would confirm that I have considered the information provided to date and reviewed the historical maps with respect to land contamination.

Due to the fact that this development constitutes a change of use to a more sensitive receptor, The Screening Assessment Form (Version 10.3) in Appendix 2 of the YALPAG Guidance 'Development on Land Affected by Contamination' and site photographs shall be completed and submitted in writing to and agreed with the Local Planning Authority prior to the decision.

Reason: To ensure that the presence of contamination is identified, risk assessed and if necessary a land contamination scheme proposed to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

30. **DCC Highways** - From a highways perspective it is accepted access to a new dwelling from the adopted public highway could be achieved safely. However, the sustainability of a new dwelling in the location proposed must come in to question. It is separate from local amenities and facilities and would become entirely reliant on car transport. Weighed against this by the applicant is the reduced level of travel to and from the stables. Of course future residents may not use the stabling facility and therefore those trips could not be discounted. This should be taken into account in deliberations.
31. **DCC Archaeology** - The proposed development area is north and west of the remains of Cold Hesleden medieval village. Earthworks associated with this archaeology were identified in the 1950s and while some levelling has occurred, the potential for below ground remains is high. I would therefore recommend that a field evaluation take place in support of the reserved matters application.

PUBLIC RESPONSES:

32. The application has been publicised by way of site notice and notification letters sent to neighbouring properties. Following the expiry of this publicity period, the LPA received 5 direct letters of support and 1 no petition of support containing 60 signatures and addresses from all across the North East region. No letters of objection or any other representations were received.

APPLICANTS STATEMENT:

33. The application before you seeks outline permission for one dwelling on the site. There is currently a barn and a riding arena on site however it has consistently been targeted for crime. Details of each incident and police report numbers are included in the addendum to the Planning Statement supporting the application. In total since 2017 there have been 12 incidents of crime and anti-social behaviour at the site. Additional security measures such as gate locks and CCTV have been installed however these have not deterred criminals from targeting the site. On numerous occasions the applicant has had no choice but to stay at the site in their vehicle over night to protect their property and animals at their own personal risk.
34. This consistent crime has resulted in great costs to the applicant and mental anguish as a result of concerns for the welfare of the horses kept at the site. On a number of cases gates and stable doors have been left open leaving the horses free to roam on to roads causing a highway safety concern for drivers using the surrounding roads. Allowing a dwelling at the site would provide additional security and a permanent deterrent to criminals.
35. As detailed on the submitted plans the proposed dwelling has been located close to the site boundary and as such is adjacent to existing buildings to minimise the visual impact and ensure it would not impact upon the openness of the surrounding countryside. As such the proposed dwelling would be on the periphery of the existing built form rather than appearing as an isolated dwelling.

36. The site is directly adjacent to the recently approved Seaham Garden Village which will provide various shops and services within walking distance of the dwelling.
37. Local residents were consulted on the proposed development and have sent letters of support to the planning department for the development.
38. There was a recent appeal on a site nearby at Saddleback Cottage, Cold Heslton with similar access and connectivity which was allowed. The inspector concluded that even though the occupiers would have to negotiate a narrow country lane, this would be for a relatively short distance and the lane is not heavily trafficked. Therefore in allowing the appeal the inspector considered that the site had access to regularly services bus stops and lit footpaths which linked the development to the existing built form and as such the site was a sustainable location for a dwelling.
39. In summary the proposed development will provide much needed security for the site which is currently regularly targeted for criminal activity which poses a danger to the animals on site and users of the surrounding highway network. The proposed dwelling would not be an isolated dwelling as it would be adjacent to the existing properties in Cold Heslton. It is also well connected to existing services and businesses within Murton and regularly services bus stops are located nearby. Further services will be provided adjacent to the application site as the development of Seaham Garden village progresses. As such the proposed development would be located within a sustainable location for a dwelling.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

40. 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 Paragraph 212 of 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 the development, the design and impact upon visual amenity, the impact of the development upon residential amenity and highway issues.

Principal of Development

41. 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 Easington District Local Plan (EDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plan policies will depend on their consistency with the NPPF.
42. The Easington District Local Plan (EDLP) was adopted in 2004 and was intended to cover the period to 2006. The 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.
43. The site is not located within any specific designations in the EDLP, nor within the defined settlement boundaries of any settlement. Saved Policy 1 (General Principles of Development) sets out a series of principles required to be applied to all new development. The first of these stipulates that development should be located within the defined settlement boundaries as shown on the EDLP Policies Map, unless allowed for by other policies in the plan as set out in saved Policy 3.
44. Saved Policy 3 (Protection of the Countryside) of the EDLP defines development limits for the settlements of the former district of Easington. It states that development outside defined settlement limits will not be approved unless allowed for by specific other saved policies.
45. However, given the age of the EDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up to date objective assessment of need, and must now be considered out of date for the purposes of paragraph 11 of the NPPF and as a consequence, can be afforded only limited weight. Policy 68 of the EDLP relates to housing development in the countryside and states that housing development in the countryside will not be approved. However, this policy has expired and cannot be afforded weight in determination of this planning application.
46. Whilst the proposal would be contrary to saved policies 1 and 3 of the EDLP, limited weight must be afforded to this conflict for the reasons set out above.
47. Consequently, as the policies in the development plan which are most important for determining the application are out of date, Paragraph 11(d) of the NPPF is engaged which establishes a presumption in favour of, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

48. Having regard to the above, the acceptability of the development largely rests on planning balance of whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted. The planning balance will be undertaken after assessing the impacts of the development against all other relevant policies.

Five-year Housing Land Supply

49. 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.

50. 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 'Pre Submission Draft' County Durham Plan (CDP) was subject to consultation in January 2019 and was submitted for Examination in June 2019. The CDP sets out that housing need in County Durham is based on the minimum assessment of Local Housing Need adjusted for recent past delivery. The housing need for County Durham is therefore 1,308 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.

51. The Government has also recently published its Housing Delivery Test (HDT) results in February 2020. 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.

52. To summarise, the Council's position remains that in line with Paragraph 60 of NPPF and national planning guidance, the Housing Need in County Durham and as set out in the emerging CDP is 1,308 dpa and a supply of 6.37 years of deliverable housing can be demonstrated. 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.

Locational Sustainability of the Site

53. Paragraph 79 of the NPPF states that “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- i) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- ii) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- iii) the development would re-use redundant or disused buildings and enhance its immediate setting;
- iv) the development would involve the subdivision of an existing residential dwelling; or
- v) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

54. In this regard, whilst the site is located outside of a defined settlement limit as detailed above it is considered that in light of the Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610 decision that the site is located within such close proximity of existing buildings and residential dwellings that the location would not be classed as isolated in terms of paragraph 79 of the NPPF.

55. Notwithstanding the above, whilst the location is not isolated in terms of the Paragraph 79 definition within the NPPF, it is within the open countryside. General good planning principles seek to resist new dwellings in the countryside unless the occupiers are genuine rural workers with a defined need to be in that location to perform their duties. This application does not seek a dwelling on the basis that there is an essential need for a rural worker to live permanently at the site, nor does it present any information relating to a viable rural business in operation at the site.

56. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.

57. The Council's most recent settlement study (2018) provides a weighted score on the services and facilities within a settlement set against a fixed methodology. In this instance this document scores Cold Heselden a score of 7.8 due to there being limited or no facilities within the settlement resulting in the existing residents being heavily reliant on travel by private vehicle in order to access work, shops, schools and other regularly used facilities. It is therefore considered that the future occupiers of the proposed dwelling would be no different in this respect and would also be heavily reliant on trips by private vehicle to access these services.

58. Whilst there are bus stops at the B1432 to the South East, these are located approximately 400 - 500 metres from the application site and as such it is considered that future residents are unlikely to use this mode of transport given that virtually the whole route would involve walking along an unmade and unlit section of road with no footpath that would bring pedestrians into direct conflict with vehicles. In addition, it is noted that the bus service is limited providing 1 bus per hour between Sunderland and Durham and 1 per hour between Sunderland and Hartlepool.
59. With this in mind it is noted that the site is detached from the nearest local service centres at Seaham and Murton, the latter being located approximately 2.0km walk from the application site itself. Whilst Dalton Park is located within closer proximity it is noted that the range of shops and services available there are more specialised and not necessarily likely to be accessed by future occupiers in terms of meeting daily needs.
60. In light of the above, and despite assertions made in the planning statement, the site is not considered to be a location capable of sustaining additional residential development and that this would be contrary to the aims of policy 103 of the NPPF to manage patterns of growth to offer a genuine choice of transport modes. This view is supported by a recent planning appeal decision (APP/X1355/W/19/3233777) at Eden Vale Cottage, Stockton Road, Castle Eden TS27 4SD where the Planning Inspector noted in Paragraph 10 that "Whilst Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations, its overall aim is to reduce reliance on the private car as a mode of transport. Given the infrequent local bus service and the lack of a lit footpath between the appeal site and the nearest bus stop it would be highly likely that future occupiers of the proposed dwelling would access services by private car... This would not achieve the social sustainability objective set out in the Framework as services would not be accessible by means of transport other than the private car."

Impact upon the Character and Appearance of the Surrounding Area

61. Whilst the application has been made in outline with all matters reserved for future consideration an illustrative layout plan has been submitted to assist in consideration of the potential impacts on the surrounding area. The submitted plan shows the dwelling set within the middle of the site, and of a footprint commensurate to the size of the plot.
62. Policies 1 and 35 of the EDLP requires new development to reflect the scale and character of adjacent buildings and the area generally. This displays a broad level of accord with the aims of section 12 of the NPPF which state that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. They also note that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

63. The Council's Landscape Section have considered the proposal and stated that within a wider landscape context the proposal would not be discordant as the development would be largely screened or filtered by existing vegetation or seen in the context or against the backdrop of the existing cluster of residential development immediately to the south. However in close views, the siting of this proposal would not form a logical part of these existing clusters and would have the appearance of being 'added on', whilst extending the built residential development northwards into open countryside.
64. Principal view points into the site would be obtained from the public footpaths to the West of the site that leads north towards Dalton-le-Dale and to the South and East leading towards Seaham.
65. The site according to historic aerial photography has always been open countryside located at the periphery of a small farming hamlet, with the closest farming buildings being that of West Farm to the south east approximately 40.0m away. With the exception of a relatively small stable building, erected in 2016, the site does not contain any significant structures, nor is it delineated by boundary enclosures from the surrounding open countryside and as such still retains the character and appearance of a rural location.
66. Whilst the Council's Landscape Section have concluded that the significance of the harm on the landscape of the area could be mitigated through the addition of planting, it is considered that the addition of a new dwelling in this location would be outside of the current enclave of properties within the hamlet and create an unwelcome intrusion into the countryside both in physical and visual terms.
67. It is therefore considered that the proposal would be contrary to Policy 1 and 35 of the EDLP which can be afforded significant weight and section 12 of the NPPF, due to the detrimental impact of the proposal on the character and appearance of the rural area.

Impact upon Residential Amenity

68. Policy 35 of the Easington District Local Plan requires new development to have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. This approach is considered to display a broad level of consistency with the aims of paragraph 127 and 180 of the NPPF that require a high standard of amenity for existing and future users and that planning decisions avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Weight can therefore be afforded to saved policy 35.

69. The nearest residential properties are located to the south / south-east of the site and shown on the indicative position to be approximately 35.0m from the proposed dwelling which is in excess of the minimum separation distances as set out within Residential Amenity Standards SPD (adopted 2020) which require a minimum separation distance of 21.0m between two storey main elevations (reducing to 18.0 between single storey dwellings), and 13.0m between main elevations and side gables (reducing to 10.0 between single storey gables). In addition the plans demonstrate that sufficient private amenity space could be achieved for the proposed dwelling.
70. The Council's Environmental Health Section have raised no objection to the application in this regard and as such it is considered that the proposal would not have any unacceptable adverse impact upon the amenity of surrounding occupiers or future residents in accordance with the requirements of policy 35 of the Easington District Local Plan or the aims of paragraph 127 and 180 of the NPPF.

Parking, Access and Highway Safety

71. Policy 36 of the EDLP requires that new development provide safe and adequate access capable of serving the amount and nature of traffic to be generated and is considered consistent with paragraph 108 and 110 of the NPPF in respect of achieving safe and suitable site access and minimise the scope for conflicts between pedestrians, cyclists and vehicles. Therefore, significant weight can be afforded to it.
72. The application proposes the use of the existing access from the adopted highway and would not result in any significant increase in the frequency of vehicle movements to the site and in this regard the siting of a single dwelling in this location is not considered to have a significant adverse impact upon highway safety in relation to vehicles or pedestrians. This view is supported by the comments of the Councils Highways Section.
73. The proposal would therefore accord with the requirements of policies 36 and 74 of the EDLP and 108 and 110 of the NPPF.

Crime and Disorder

74. It is noted that in the planning statement and supporting documentation the applicant has detailed that the site suffers from a high level of crime and has provided details of 12 recorded crime incidents at the site since 2017, and the level of security that has been installed in an attempt to combat these incidents. However, whilst the LPA is sympathetic to the appellant and the issues being experienced, it is not considered that this is a sufficient reason in itself to grant planning permission but is a factor to be weighed in the balance.

Planning Balance

75. As the relevant policies of the EDLP are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11(d) of the NPPF is engaged. As there are no policies at play which protect areas or assets of particular importance and which provide a clear reason for refusal, then the benefits and adverse impacts must be weighed up. In this regard a summary of the benefits and adverse impacts of the proposal are considered below;

Benefits

76. The development would provide some limited benefit in terms of a boost to housing supply, although it is noted that this could be considered very limited at 1 dwelling in the context that the Council's ability to demonstrate a 5 year supply of housing land. Less weight should therefore be afforded to the benefits of delivering new housing in this regard than would otherwise be the case if any shortfall in supply existed.
77. To a limited degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A minor temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Residential occupation of the site would also likely result in reduction in crime and disorder incidents at the site.

Adverse Impacts

78. The application site does not represent a sustainable location and any future occupiers of the proposed dwelling would be heavily reliant on trips by private vehicles in order to access day to day services including shops, health services and education facilities without sufficient justification contrary to paragraphs 103 of the NPPF and the key fundamental aims of the National Planning Policy Framework in relation to sustainable development.
79. In addition, the proposal would result in an adverse impact on the character and appearance of area due to its physical and visual appearance within the open countryside.

CONCLUSION

80. In applying the requirements of paragraph 11 of the NPPF it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh any benefits. In particular, it is considered that the proposed dwelling would occupy an unsustainable location in the countryside which has poor access to services and facilities which would foster an overreliance on the private car contrary to the aims of paragraph 103 and 127 of the NPPF and policy 3 of the EDLP. It would also have a significant adverse impact on the character and appearance of the countryside at this location, contrary to Policies 1 and 35 of the EDLP and Part 12 of the NPPF.

RECOMMENDATION

81. That the application be **REFUSED** for the following reasons;

82. In applying the requirements of paragraph 11 of the NPPF it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh any benefits. In particular, it is considered that the proposed dwelling would occupy an unsustainable location in the countryside which has poor access to services and facilities which would foster an overreliance on the private car contrary to the aims of paragraph 103 and 127 of the NPPF and policy 3 of the EDLP.

83. The proposal due to its location separated from nearby development would result in significant harm to the character and appearance of the area through physical and visual encroachment into the countryside contrary to Policies 1, 3 and 35 of the District of Easington Local Plan and Part 12 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

84. In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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

BACKGROUND PAPERS

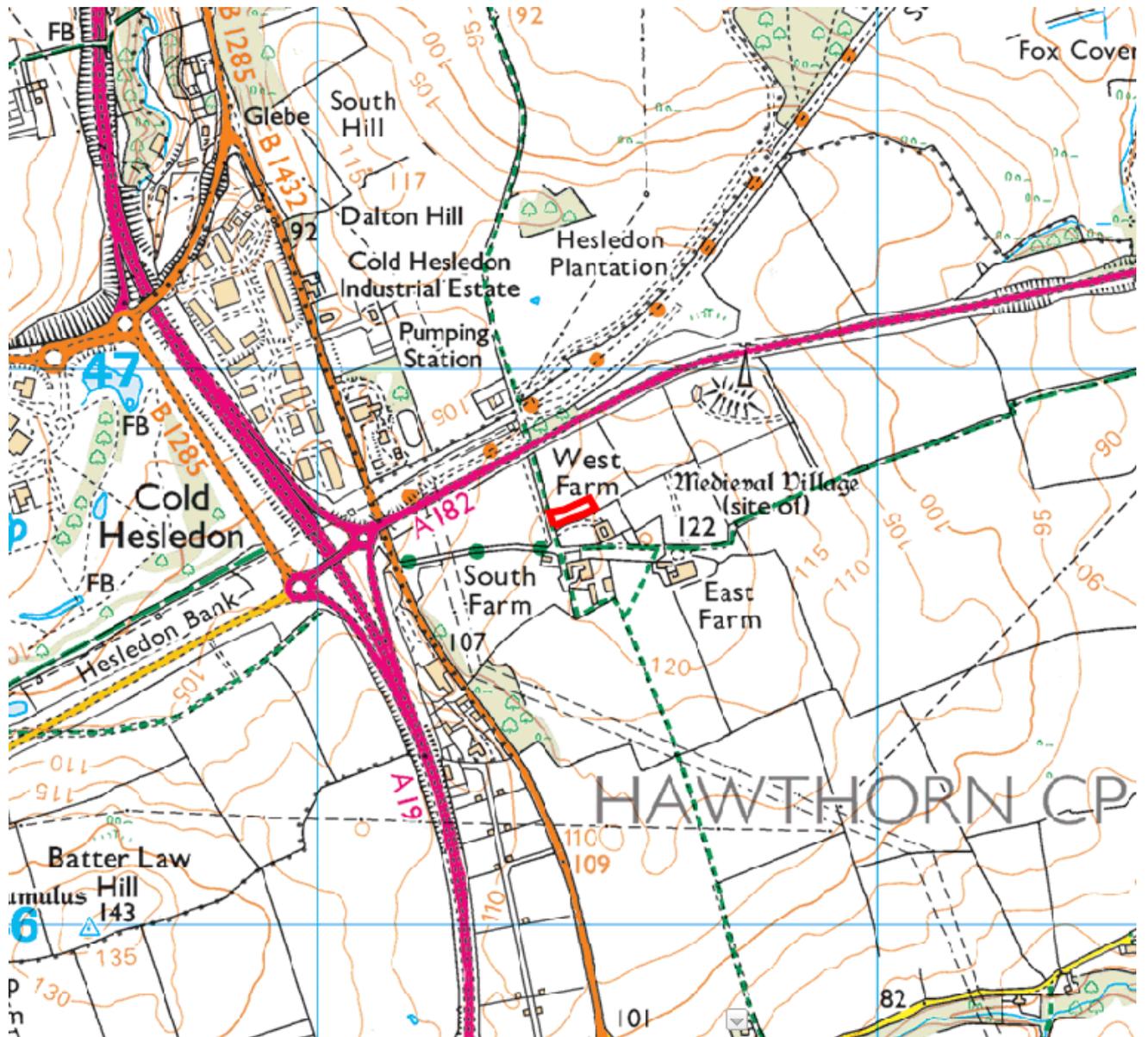
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Easington District Local Plan 2007

Statutory, internal and public consultation responses



Planning Services

Outline application for erection of 1 no dwelling with all matters reserved (re-consultation following change to ownership details).

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Comments

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