

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/02163/FPA
FULL APPLICATION DESCRIPTION:	Erection of a single storey dwelling
NAME OF APPLICANT:	Chantelle Morrison
ADDRESS:	Tiana Lane, Pittington Road, Rainton Gate, Houghton-le-Spring, DH5 9RG
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	John Russell (Senior Policy Officer) Tel: 03000 263 428 Email: john.russell@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of an area of greenfield land approximately 1,815.60 square metres located within the green belt off Pittington Road, Rainton Gate, Houghton-le-Spring. The site lies behind and on the very edge of a sporadic group of houses fronting along Pittington Road. The site in question has detailed planning history including enquiries for various uses and refusal for full planning permission for a detached bungalow, which was also dismissed at appeal by the Planning Inspectorate in 1997.
2. The application site falls outside of existing defined settlement boundaries within the County Durham Plan. Therefore, as this site is outside of existing defined settlement boundaries it would be classed as development in the open countryside. This is in addition to the site being located within the Durham City Green Belt. The Durham City Green Belt was designated in the County Structure Plan Review (adopted 1999) with boundaries established in 2004 through the Durham City Plan (adopted 2004). Policy 20 in the County Durham Plan defines the Green Belt boundary on the proposals map and sets out policy restrictions.
3. The existing housing development in effect forms ribbon/linear development. The closest property to the application site, The Rowans, was constructed in the late 1960's early 1970's, prior to the establishment of the Green Belt. The application site is not considered to be infill development and furthermore it is not considered that the existing houses constitute a defined settlement.
4. Access to the site is taken via a short length of private track which connects to Pittington Road. On completing the site visit it was noted that works creating an access off Pittington Road had been completed with tarmacadam. It was further noted that a form of temporary accommodation was situated at the northern edge of the site and has not received any planning consent.

The Proposal

5. Planning permission is sought for the erection of a single storey dwelling located within the Green Belt. The dwelling is proposed to be constructed in red facing brick, interlocking concrete tiles, double glazed UPVC windows, composite doors and gravel finished driveway. The proposed dwelling will contain 3 bedrooms, one with en-suite, and a family bathroom.
6. National Policy states that exceptional circumstances must be demonstrated for inappropriate development to be approved in the Green Belt, no details regarding exceptional circumstances have been provided. The Design and Access statement states that the site has previously been developed. Furthermore, the statement assumes that the proposal is in compliance with the NPPF due to it be previously developed land at paragraph 145 (g) relating to Green Belt exceptions. Whilst the site has a detailed planning history as identified below, planning history below shows that no approvals for development have been granted, Therefore, it is incorrect to assume that the land has been previously developed in accordance with the Town and Country Planning Act.
7. The application is reported to Planning Committee at the request of Councillor Hall who wishes to support the application and to allow the committee to be given the opportunity to consider the full context and suitability of the application in relation to this modest family home in keeping with its residential setting on that street.

PLANNING HISTORY

8. A planning application (4/96/00265/OUT) for the erection of bungalow (outline) was refused 25th June 1996 and a subsequent appeal dismissed by the Planning Inspectorate on the 20th May 1997
9. A planning application (4/03/00798/OUT) for an outline application for residential development comprising one dwelling was refused 30th September 2003.
10. A planning application (DM/14/02682/FPA) was submitted for the erection of stable block and laying of hardstanding to create yard and was subsequently withdrawn on the 4th March 2015.
11. A planning application (DM/15/02099/FPA) was submitted for change of use of land to equestrian and block of stables (2 stables and tack room) (description amended 26/08/2015) which was a resubmission of DM/14/02682/FPA and was refused 1st September 2015.
12. A certificate of lawful existing use (DM/16/01952/CLU) was submitted for equestrian use exceeding 10 year use and was refused 27th February 2017.

PLANNING POLICY

NATIONAL POLICY

13. 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.

14. 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;
15. *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.
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 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.
18. *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:

19. The County Durham Plan (CDP) was adopted by Full Council on the 21st October 2020. The following policies of the CDP are considered relevant to the determination of this application.
20. Policy 6 (Development on Unallocated Sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration
21. Policy 10 (Development in the Countryside) will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development and infrastructure development such as: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity. All development to be of design and scale suitable to intended use.

22. Policy 20 (Green Belt) Development proposals within the Green Belt will be determined in accordance with national planning policy. There is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The National Planning Policy Framework (NPPF) sets out a number of exceptions: buildings for agriculture and forestry; appropriate facilities for outdoor sport, outdoor recreation and for cemeteries; proportionate extensions or alterations of a building; replacement buildings which are not materially larger; limited infilling and limited affordable housing for community needs and partial or complete redevelopment of previously developed land which do not have a greater impact on openness. The NPPF also sets out other forms of development which may not be inappropriate in the Green Belt including mineral extraction; engineering operations and transport infrastructure.
23. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development to have regard to Parking and Accessibility Supplementary Planning Document.
24. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
25. Policy 31(Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
26. Policy 35 (Water Management) states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal.
27. Policy 36 (Water Infrastructure) requires consideration of development proposals to a hierarchy of drainage options that must be considered and discounted for foul water are (in the following order): connection to the public sewer; package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption or septic tank (which must drain into an appropriate soak away and not discharge directly into a watercourse). Applications involving the use of non-mains methods of drainage (including Septic Tanks/Cess Pits) will not be permitted in areas where public sewerage exists.

28. Policy 39 (Landscape) advises that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
29. Policy 40 (Trees, Woodlands and Hedges) advises that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
30. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. Northumbrian Water Limited offer no objection to the application and provides advice for dealing with surface water drainage.

INTERNAL CONSULTEE RESPONSES:

32. Spatial Policy highlight various national and local policies that are relevant to the proposal and provide an update on the progress of the County Durham Plan. The response concludes that in terms of national guidance as set out in the NPPF a dwelling in this Green Belt location would impact on the openness of the Green Belt, it would be inappropriate development and would be by definition harmful to the Green Belt. Such development should not be approved except in very special circumstances.
33. Landscape officer confirms that the site is located within the Greenbelt and that an area identified in the Durham Local Plan as an Area of High Landscape Value (AHLV) touches the tip of the southern boundary. It is also worth noting that the County Durham Plan Local Landscape Designations Review (2019) identified the area directly to the west of the site as suitable for inclusion in a proposed Area of Higher Landscape Value (AHerLV) in the County Durham Plan. In addition, the site is not readily visible from any nearby public vantage points although would be glimpsed from Pitlington Road to the east (with increased visibility from the carpark associated with Homer Hill Farm Shop). Mature vegetation along its western boundary and southern tip effectively screen views of the site from the A690.

A dwelling in this location would not be visually intrusive however the proposal would be sited within the countryside, on agricultural land and outside any defined settlement boundary. Whilst located to the south and west of previous ribbon/linear residential development, which is suburban in character, a residential dwelling on this site would encroach on the countryside and further erode the rural character and openness of the greenbelt in this location. I leave others to determine if there is sufficient justification to construction of a new building in this location within the Green Belt. The proposal would not have an unacceptable adverse impact upon the landscape quality or appearance of the adjacent AHLV / AHerLV.

34. Highways have confirmed that the applicant has added provision for bin storage close to the access/public highway which was recommended as part of the pre-application advice and have no objections.
35. Design and Conservation highlight that the team was not consulted on the proposal at pre-application stage due to the lack of any detailed plans. It is noted that the applicant was advised that the principle of development would not be supported given its location in the green belt. The additional information submitted does not justify a new dwelling in this location and in relation to design would result in a new dwelling of simple design with little architectural merit.
36. Environmental Health (contaminated land team) has confirmed that the site is not located in a coalfield high risk development area, however, it is recommended drilling to assess the risks for potential workings with the High Main Seam. In addition, the officer agrees with the risk assessment and the requirement for a phase 2 site investigation. Ground gas monitoring is required regardless of the findings of the rotary drilling. Given the above and due to the fact that this development constitutes a change of use to a more sensitive receptor, conditions stating no development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. Furthermore, remediation works shall be carried out in accordance with an approved remediation strategy and the development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.
37. Environmental Health (nuisance action team) has confirmed that based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance. However, to protect future occupiers from nearby noise sources, consideration should be given to ensuring the following noise levels are achieved:
 - 35dB LAeq 16hr bedrooms and living room during the daytime (0700 - 2300)
 - 30 dB LAeq 8hr in all bedrooms during the night-time (2300 - 0700)
 - 45 dB LAmax in bedrooms during the night-time
 - 55dB LAeq 16hr in outdoor living areas
38. Environmental Health (air quality) has confirmed that a screening assessment is not required and raises no objection.
39. Trees have confirmed that arboricultural report submitted was inadequate for the proposed development and requested an appropriate tree survey, arboricultural impact assessment, tree protection plan and arboricultural method statement, all of which must comply with BS 5837 2012. The council's Tree Officer has subsequently confirmed that the report supplied is satisfactory and complies with current standards. One tree will be removed, this is classed as "U" therefore will need to be removed despite development. All other trees have been found to be in good health and will be retained.

40. Ecology have raised no objection to the proposal.
41. Drainage has confirmed that the proposal is not of a classification that requires consultation with the LLFA regarding surface water management.

PUBLIC RESPONSES:

42. The application has been publicised by way of site notice and notification letters sent to neighbouring properties. No representations have been received.

APPLICANTS STATEMENT:

43. My name is Thomas Patrick ward my family consists of my wife Chantelle and my 3 children.
44. I have lived in the West Rainton/Pittington area all my life; my parents and brothers also live in the West Rainton area. At present we are living in a small caravan which you can imagine is small and cramped for my family, while we go through this planning application. My children attend school in West Rainton, and all my family support is in this area so this makes it vital to remain in this area.
45. I am a professional Boxer rising the ranks for a world title shot in the very near future, I use this to help the youths of today, to give them determination and drive to achieve great things by been a great role model for them within the community.
46. I will be taking boxing classes twice a week in the community working with Durham area youth to engage with children and give back to the community I love and feel at home at.
47. Lately, using my own initiative and passion for my local community, I have done many charity events to help raise spirits of residents, and raise funds for local charities that operate within the locality I live. I have done events such as a run with a Durham County Council neighbourhood warden and a 30-mile walk from Wolsingham to West Rainton to raise funds for the local youth project and the NHS. During the COVID-19 pandemic I donated large amount of food to Durham Area Youth and other charities to support families that are unable to go out due to isolation. I also bought and delivered food to local hospitals and front-line services to ensure their staff were fed and looked after through their long shifts.
48. Now onto the application consideration. Firstly, I would like to take this time to thank you for accepting this application review.
49. I own a plot of land Tianna Lane in Low Pittington which I have owned for almost 10 years, in which I bought with the understanding and vision of being to create and build my perfect family home in a community that I have been born and raised in, and a village I call home.
50. Before I started the application process, I approached all homeowners surrounding my plot of land to see if they had any objections or issues with me building my home on this land. I have had the upmost support from them, and no one objected to me being a part of their community and would much prefer a home built on the land instead unused land that attracts young people hanging around causing anti-social behaviour and fly tipping.

51. I submitted my application following all the correct procedures and have paid for everything required to help my application be granted. I do hope this will support my application to be
52. processed and I am able to build a home for my family and stay part of a well-established community that I feel very passionate about and will continue to support my community in every way I can.
53. I understand the remaining consideration is the green belt on my land, but taking into consideration that all the other builds which have taken place have had planning permission granted and my plot of land is the last remaining plot of land surrounded by residential properties.
54. I feel that my application does not have any detrimental effect to the countryside and is inkeeping with the rest of the residential properties.
55. If planning is granted, I will keep within the build styles so that my build blends in with other residential properties and will only maintain the standard of build within Low Pittington.

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

56. 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 impact upon design and visual amenity and the impact of the development upon residential amenity.

Current Use of the Site

57. The Design and Access statement states that the site has previously been developed, however, as the planning history search highlights that there have been numerous attempts since 1996 to get a form of development on site, all have been unsuccessful in achieving consent. Indeed, during the site visit it was observed that a caravan/mobile home was situated on the site. The stationing of a caravan/mobile home on agricultural land for purposes ancillary to the agricultural use of land in some cases might not constitute a material change of use of the land and as such does not require planning permission. However, this is based on the use of the caravan being ancillary to the agricultural use of the site. In this case, the caravan/mobile home is a large static type and is likely to constitute development, however that is a separate enforcement matter which is outside the scope of the current application.

Principle of Development

58. 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 County Durham Plan is 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.

59. The site is a greenfield site located with the Durham City Green Belt. The site is viewed as being located outside on the settlement, behind an existing property which was constructed before the Green Belt boundaries were established and is part of a sporadic group of houses fronting along Pittington Road. The site is accessed by a lane off Pittington Road which appeared to have been recently tarmacadamed when the site visit was carried out.
60. The application site is not considered to be infill development and it is not considered that the existing houses constitute a defined settlement. In this regard, the application site falls outside of existing defined settlement boundaries within the CDP. As this site is outside of existing defined settlement boundaries it would be classed as development in the open countryside as per CDP policy 10.
61. The proposal relates to the erection of a single storey dwelling located within the Green Belt. The dwelling is proposed to be constructed in red facing brick, interlocking concrete tiles, double glazed UPVC windows, composite doors and gravel finished driveway. The proposed dwelling will contain 3 bedrooms, one with en-suite, and a family bathroom.
62. Policy 10 (Development in the Countryside) deals with proposals for development outside settlement limits and states that planning permission should only be granted in the countryside outside of settlement boundaries where it relates to specified exceptions. The creation of a residential dwelling is not an exception within this policy and the objectives of the policy are to direct new development to the most sustainable locations and safeguard the countryside, and as this site lies outside of defined development limits, the proposal is contrary to the development plan in this regard.
63. The applicant has not provided any justification for the dwelling in the countryside, other than that they are seeking to find a permanent home and that the family is currently being accommodated by a relative who lives near the site of the proposed dwelling and that the children go to a local school not far from the application site. Whilst these are naturally important issues for the applicant, and whilst the applicant's personal circumstances is a material planning consideration, it is not considered to be of such weight as to outweigh the conflict with policy identified.

Green Belt

64. This site is located within the Green Belt. Policy 20 (Green Belt) states that proposals will be determined in accordance with national planning policy. In this case the NPPF is the starting point and it is clear at paragraph 133 that the Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. At paragraph 134 five purposes of Green Belt are listed, and it is considered that this proposal is contrary to 134 (c) which states that the Green Belt will assist in safeguarding the countryside from encroachment.
65. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A number of exceptions are specified, including buildings for agriculture or forestry; facilities for outdoor sport, recreation, cemeteries etc.; extension or alteration of a building; replacement of a building; limited infilling in villages; limited affordable housing for identified community needs; and redevelopment of previously developed land. The construction of new a residential dwelling as proposed is considered to be inappropriate development as it does not qualify under any of the exemptions.

It is not a building for agriculture or forestry. Furthermore, it is not considered that the proposal accords with NPPF paragraph 145 (e) which permits limited infilling in villages as it has already been determined that the proposal is outside settlement limits and would not constitute or meet the requirements as being limited infilling.

66. It should be noted that NPPF paragraph 145 (d) states that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces would be permissible. This is in addition to NPPF para 145 (g) which also considers that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) is acceptable. These paragraphs within the NPPF are particularly important as the application references that the site is 'previously developed land' in their supporting statement. In this regard it is considered that the previous coal and rail related uses they have identified (as show on historic mapping) has long since ceased and the site can now be considered as a greenfield site. The NPPF, in defining previously developed land, specifically excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
67. On the basis of the above it is considered that proposal is contrary to Policy 20 of the County Durham Plan and the NPPF Section 13 (Protecting Green Belt land).

Applicants have been given the opportunity to demonstrate very special circumstances or why the proposed development is not inappropriate development within the Green Belt. The application and supporting information does not include any reference to very special circumstances or how the proposal relates to exemptions from the definition of inappropriate development listed within the NPPF. The information submitted does make reference to specific personal circumstances, however, these would not be considered to be sufficient to clearly outweigh the greenbelt harm by reason of inappropriateness and the lack of very special circumstances.

Impact upon the Character and Appearance of the Surrounding Area

68. Policy 29 (Sustainable Design) is concerned with layout and design of new development and requires that development to make a positive contribution to the area and character. This is considered to be in accordance with the aims of paragraph 127 of the NPPF which states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
69. As a consequence, the proposed dwelling, being located behind the existing row of sporadic dwellings, would not relate well to the established built form, and is viewed as an incongruent addition to the existing landscape to the detriment of visual amenity and contrary to the aims of Policy 29 and paragraph 127 of the NPPF, which together seek to ensure that new development is sympathetic to local character and history, including the surrounding built environment and landscape setting
70. In addition, as the application site is located within the countryside and beyond the residential framework of any town or village. Whilst there is a sporadic group of housing fronting Pitlington Road, it is nevertheless viewed in the context of the open countryside and green belt. The proposal is in conflict with Policy 10 and the NPPF as the potential application site is not infilling within a small gap between existing buildings.

71. The application does not contain any evidence to support that the dwelling is needed as a rural workers dwelling. Paragraph 79 of the NPPF includes a definition of a rural worker, rather than simply agricultural and forestry workers, for whom a new dwelling can be deemed acceptable provided that specific policy tests are met. As a result new homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside (which the applicant does not appear to be claiming in this instance as evidenced by the lack of information in this regard) or the exceptional quality or innovative design of the dwelling is truly outstanding or innovative, reflect the highest standards in architecture, significantly enhance its immediate setting and is sensitive to the defining characteristics of the local area. The council's Design and Conservation officer has confirmed that design would result in a simple dwelling with limited architectural merit. None of these special circumstances in paragraph 79 of the NPPF would therefore apply.
72. The proposal is also considered to be contrary to Policy 31(Amenity and Pollution) which states that development will be only permitted where it can be demonstrated that there will be no unacceptable impact on the natural environment. Given that the proposal is in the countryside, by definition there is an automatic impact on the natural environment through visual impact and erosion of the open countryside and the Green Belt.
73. Whilst the applicant considers the site to be previously developed, satellite imagery shows a site well covered by vegetation for approximately the last 20 years and this is confirmed by the planning history for the site. The site is not therefore considered to be previously developed. As a result, the erection of a dwelling within the open countryside is considered to be harmful and further erode the rural character of the wider area.

Impact upon Residential Amenity

74. As identified above the proposed dwelling would be located behind an existing row of dwellings. Whilst the proposal would not relate well to the established built form and is viewed as an incongruent addition to the existing landscape, it is unlikely to impact upon the current levels of residential amenity enjoyed by neighbouring properties once constructed. Following the site visit, the site appears to well screened apart from the western elevation where it would be possible to view from the adjacent farm shop car park.
75. The council's Environmental Health officer has not raised any concerns and has suggested a range of noise levels be achieved in certain rooms of the property to assist with the potential for any noise related issues.

Sustainability

76. The site is not located within a settlement and is by definition in the open countryside and the Green Belt. It is worthwhile noting that a previous appeal for a nearby site (APP/X1355/W/18/3215186 Fieldhouse Farm, Pittington Road, Rainton Gate) was dismissed as a result of that proposal causing harm to the character and appearance of the area and providing poor access to facilities and services, as a result of which it would not promote sustainable transport.
77. In determining if the site is sustainable, a principal factor is the location in relation to access to public transport, services, shops, schools and other facilities. In the above appeal the Planning Inspector advised that Rainton Gate can be considered as a 'village with access to more facilities', since there are shops and other services in nearby settlements, but not Rainton Gate itself.

78. Therefore, it is considered that the occupiers of the proposed dwelling would need to rely heavily on the use of private car for their day to day needs. As a result, it is concluded the proposal would be contrary to Policy 21 (Delivering Sustainable Transport) which seeks to minimise the need for the use of private car as the only or main source of transport.

Contaminated Land

79. Paragraph 178 of the NPPF requires planning decisions to ensure that sites are suitable for any new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
80. The Council's Contaminated Land Section advises that approval would need to be subject to further a phase 2 site investigation and ground gas monitoring is required regardless of the findings of the rotary drilling. Given the above and due to the fact that this development constitutes a change of use to a more sensitive receptor, conditions stating no development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority would be required, if planning permission is granted.
81. Furthermore, the council's Environmental Health officer has advised that a further condition would be required which states remediation works should be carried out in accordance with an approved remediation strategy and the development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Parking, Access and Highway Safety

82. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport and to comply with the council's approved Parking and Accessibility Supplementary Planning Document. This approach is considered to display a broad level of accordance with the aims of paragraph 109 of the NPPF which advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
83. The application proposes an access from Pittington Road which appeared to have already been constructed when the site visit was completed. The council's Highways Officer has been consulted on the proposal and has raised no objections.

Other Matters

Drainage

84. Policies 35 and 36 require new development to include satisfactory arrangements for disposing foul and surface water discharges. In this regard it is noted that the application proposes the discharge of surface water to existing water course and foul water would be discharged to a septic tank. These are viewed as being compliant with the above policies. In addition, the council's Drainage officer confirmed that the proposal is not of a classification that requires consultation with the LLFA regarding surface water management.

85. Northumbrian Water have also been consulted on the proposal have advised that they actively promote sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
- Discharge into ground (infiltration)
 - Discharge to a surface water body
 - Discharge to a surface water sewer, highway drain, or another drainage system
 - As a last resort, discharge to a combined sewer
86. It is therefore considered that the proposal provides adequate provision for the disposal of foul and surface water in accordance with the aims of policies 35 and 36 of the CDP.

Landscape and Ecology

87. The council's Landscape officer has confirmed that the site is located within the Green Belt and as already discussed in this report above. However, the Landscape Officer has stated that whilst the site is located to the south and west of previous ribbon/linear residential development, which is suburban in character, a residential dwelling on this site would encroach on the countryside and further erode the rural character and openness of the Green Belt. Therefore, as a result this further confirms that the proposal is contrary to both local policy within the County Durham Plan and national policy within the NPPF location
88. Furthermore, it is noted that an area identified as Area of High Landscape Value (AHLV) touches the tip of the southern boundary of the development site. It is also worth noting that the County Durham Plan Local Landscape Designations Review (2019) identified the area directly to the west of the site as suitable for inclusion in a proposed Area of Higher Landscape Value (AHerLV) in the CDP. Therefore, the proposal is not considered to be contrary of these elements of Policy 39 and the Landscape Officer has confirmed that the proposal would not have an unacceptable adverse impact upon the landscape quality or appearance of the adjacent AHLV / AHerLV.
89. Despite the above, it is considered that site is not readily visible from any nearby public vantage points although would be glimpsed from Pittington Road to the east (with increased visibility from the carpark associated with Homer Hill Farm Shop). Mature vegetation along its western boundary and southern tip effectively screen views of the site from the A690. A dwelling in this location would not be visually intrusive however the proposal would be sited within the countryside, on agricultural land and outside any defined settlement boundary.
90. The council's Ecology officer has not raised any objection to the proposal. Similarly, the council's Tree Officer has confirmed that providing protective fencing is constructed as described within the Tree Survey report, the trees should be adequately protected throughout development. As a result, the proposal is considered to be compliant with policies 40 and 41 of the CDP.
91. It is concluded that the proposal would appear as an incongruous addition in the wider landscape and erode the rural character and appearance of the area. As a consequence, the proposal would result in a significant and incongruent addition in the surrounding landscape and as such has a significant detrimental impact upon visual amenity and the landscape character of the surrounding area.

Greenfield/Brownfield

92. Whilst the applicant considers the site of application to represent the redevelopment of a brownfield, however, no evidence has been submitted to support any authorised development taking place on the site. Therefore, it is concluded that the site does not meet the definition contained within the NPPF Annex 2 and can therefore, not be considered as previously developed land.

Greenbelt Policy Test

93. The application and supporting information as presented fail to demonstrate very special circumstances which is required by Policy 20 and paragraph 145 of the NPPF. As a result, the proposal is considered to be inappropriate development within the Green Belt and therefore by definition is harmful. Additional harm arises due to the impact on the open countryside and sustainability. The benefits of the proposal are restricted to a modest boost to housing supply and a temporary contribution to the local economy through provision of jobs during the construction phase of development. Both can be afforded limited weight in determination of this application and in particular the contribution to housing supply is notably reduced now the Council is able to demonstrate a housing land supply in excess of 5 years.
94. The application refers to the personal circumstances of the applicant and their family, stating that they are currently living in a caravan and require permanent accommodation. Whilst this is a factor in the balancing of the application, it is insufficient to outweigh harm due to the inappropriateness of development within the Green Belt. The NPPF and Policy 20 is clear that proposals in the Green Belt must balance the harm and this must be clearly outweighed by very special circumstances, therefore, in this case, the identified harm is significant and the benefits are not sufficient to clearly outweigh and therefore, the application must be refused.

CONCLUSION

95. The development, by reason of its location within the Green Belt and open countryside would constitute inappropriate development and would be an incongruous feature that would erode the rural character and appearance of the immediate area and would also be considered to be in an unsustainable location where occupiers would be heavily reliant on private transport to access a range of facilities. Without the demonstration of any very special circumstances which would clearly outweigh this greenbelt and other harm. As such it would be unacceptable and contrary to local (CDP Policies 10, 20, 21 and 31) and national planning policy (NPPF Section 13 and paragraph 145).

RECOMMENDATION

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

1. The development, by reason of its location would constitute inappropriate development within the Green Belt without the demonstration of any very special circumstances and would be an incongruous feature in the open countryside that would erode the rural character and appearance of the immediate area contrary to Policies 10, 20, 21 and 31 of the County Durham Plan and national planning policy (NPPF Section 13 and paragraph 145).
2. The development would provide poor access to facilities and services, as a result of which it would not promote sustainable transport and future occupiers would be heavily reliant upon trips by private vehicles, contrary to Policies 21 and 29 of the County Durham Plan and Part 9 of the NPPF (Promoting Sustainable Transport).

STATEMENT OF PROACTIVE ENGAGEMENT

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

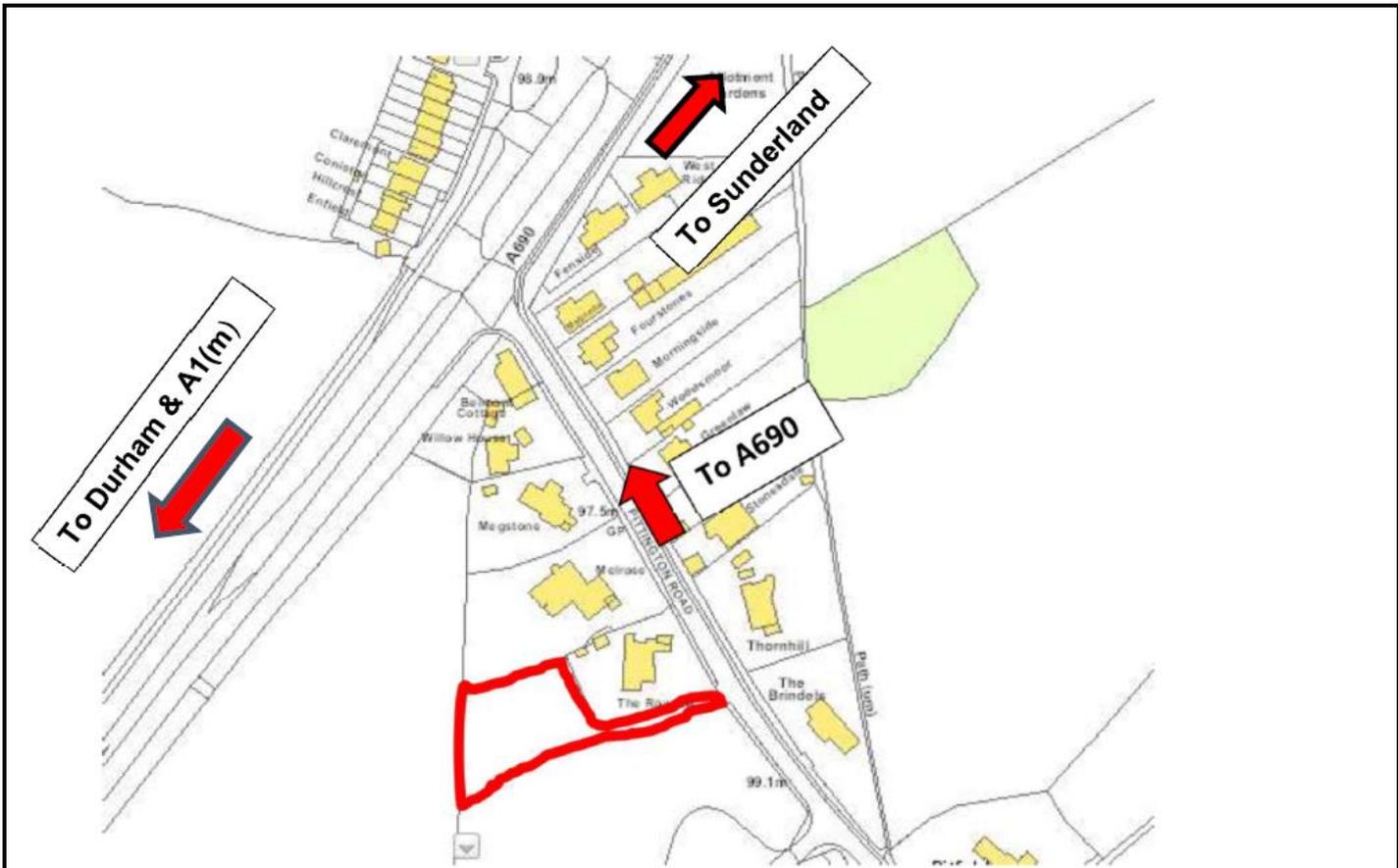
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2019)

National Planning Practice Guidance Notes

County Durham Plan (Adopted 2020) – subject to adoption by Full Council

Statutory, internal and public consultation responses



Planning Services

Erection of a single storey dwelling at Tiana Lane, Pittington Road, Rainton Gate, Houghton-le-Spring, DH5 9RG

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

Comments

Date
 28th October 2020