

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/00176/FPA
FULL APPLICATION DESCRIPTION:	Siting of 2no Shepherd huts for holiday accommodation purposes and associated works
NAME OF APPLICANT:	Mr Liam Scott Patrick
ADDRESS:	Limekilns Farm, Lonton, Middleton-in-Teesdale
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 application site is located in Lonton, a small grouping of dwellings and agricultural buildings located between the villages of Middleton-in-Teesdale and Mickleton to the south west of the county on the B6277.
2. The site itself consists of a rectangular shaped parcel of land set adjacent to the dwelling of 'Limekilns' and associated outbuildings and courtyard. The site is predominantly grassed, with areas of hardstanding adjacent to a perimeter drystone wall. To the north of the application site lies the dwelling of 'Lonton Blacksmiths' the B6277 and beyond the dwelling and farming enterprise of Lonton East Farm. To the east of the site a paddock associated with the applicant property is located, beyond lies the B6277, which curves around from the north, agricultural fields lie further beyond. To the south agricultural fields are located, to the west of the site a well maintained paddock is sited.
3. The site predominantly enclosed by dry stone walling of varying condition and ornamental vegetation. A dry-stone wall also curves around B6277 leading to the access to the site.
4. The site is located adjacent to a number of. public rights of way (PROW), No 11 (Holwick) being the closest to the south at a distance of approximately 75m from the application site. The former Tees Railway line runs parallel to the south of the PROW.
5. The application site is located within an Area of Higher Landscape Value (AHLV) with the railway line forming the northern boundary of the Area of Outstanding Natural Beauty (AONB).

The Proposal

6. Planning permission is sought for the siting of 2no Shepherd huts to be used for holiday accommodation. The huts are proposed to be sited within the enclosed garden area to the south west of the main dwelling. They will be laid on a compacted hardcore base with a gravel finish and are of a traditional Shepherd style, measuring 6.7m x 2.77m, with a timber clad external appearance finished in dark grey with hardwood windows and doors. The huts are mounted on steel wheels and with a curved, corrugated roof, finished in black, would measure 3.1m in total height. The huts are proposed to be powered from the existing electrical supply from the host property and waste would discharge into the adjacent package sewerage system. Surface water would discharge into the existing surface water system. Access to the huts would be taken from the existing vehicular access serving the dwelling where dedicated parking spaces would be provided.
7. The application is being reported to the Planning Committee at the request of Cllr Bell due to concerns relating to landscape impact, highway safety and impact on amenity of neighbouring property.

PLANNING HISTORY

8. In 2012 planning permission was granted for the siting of 3no camping pods, WC unit and associated parking. The location however was in an area to the north east of the dwelling and was not implemented.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. *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.
11. *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.

12. *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.*
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 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*
18. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.*

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; historic environment; design process and tools; determining a planning application; flood risk;

healthy and safe communities; light pollution; natural environment; noise; public rights of way; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The County Durham Plan (CDP)

20. Policy 8 (Visitor Accommodation) states that all new visitor accommodation will be supported where it is appropriate to the scale and character of the area and it is not used for permanent residential occupation. Proposals for visitor accommodation in the countryside will be supported where they are also necessary to need identified visitor need, it is an extension to existing visitor accommodation and helps to support future business viability or is conversion of an existing building and it respects the character of the countryside and it demonstrates clear opportunities to make its location more sustainable.
21. Policy 10 (Development in the Countryside) states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to stated exceptions.
22. Policy 21 (Delivering Sustainable Transport) states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
23. Policy 29 (Sustainable Design) All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
24. Policy 31 (Amenity and Pollution) 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. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
25. Policy 35 (Water management) requires all development proposals 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. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
26. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh

the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

27. Policy 38 (North Pennines Area of Outstanding Natural Beauty (AONB)) sets out that the AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
28. Policy 39 (Landscape) states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
29. Policy 40 (Trees, Woodlands and Hedges) states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
30. Policy 41 (Biodiversity and Geodiversity) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

<https://www.durham.gov.uk/cdp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Holwick Parish Council* – No response received
32. *Highway Authority* – Following submission of amended plans detailing the reduction in height of a section of drystone wall, there are no objections to the development.

INTERNAL CONSULTEE RESPONSES:

33. *Landscape* – The proposed development would result in intensification of use of the site and therefore cause some harm to the Area of Higher Landscape Value, through the introduction of new structures, vehicle parking and bollard lighting. The boundary wall is significant landscape feature which contributes to the distinctiveness of the local area and any alteration, along with more intense management of the roadside grass verge will be harmful to the local landscape character.
34. *Ecology* – Considering the site and small-scale proposals, there are no objections on ecological grounds.
35. *Environmental Health (Noise)* – Following submission of a noise management plan and due to the scale of the development there are no objections subject to conditions.

36. *Visit County Durham* – Advises that the site is well placed for visitors with an interest in outdoor activities, nature, landscapes, peace and tranquillity, escapism. It is also well situated for those who would like to explore the county's market towns such as Barnard Castle and Stanhope and enjoy attractions such as Bowes, Raby Castle, The Auckland Project and Hamsterley Forest.

The business will benefit other businesses such as attractions and places to eat and drink as visitors will be able to stay overnight in the area - see on the factsheet the considerably larger average spends between day visitors and overnight visitors. This helps us to attract more overnight visitors, increase visitor spend and protect local employment

PUBLIC RESPONSES:

37. The application has been advertised by way of individual neighbour notification letters to nearby properties and a site notice has also been displayed.
38. In response to the consultation exercise 9no letters of objection have been received, including an objection from the Local Councillor. Comments have been summarised below: -
- The proposed fencing is not in keeping with the rural character of the site
 - The wall to the east of the campsite is to be repositioned east and the vegetarian and planting will be lost
 - The Shepherd huts will be visible despite proposed boundary treatments
 - There is concern regarding a lack of detail relating to foul drainage, heating and electrical provision.
 - The proposal will impact on the privacy of Lonton Blacksmiths to the north
 - The proposal will generate noise and disturbance to neighbouring properties, the noise management plan is unfeasible to enforce.
 - There will likely be guests and visitors to the shepherds huts which increase numbers and noise and disturbance.
 - No details of the noise performance of the huts have been provided.
 - Log burners, and barbeques will provide smell nuisance to neighbours.
 - There are highway safety related concerns due to the sharp bend.
 - There are alternative sites for the huts to be located
 - The removal/alteration of existing drystone walls will impact on the landscape character and wildlife habitats.
 - The huts are not DDA compliant and a level access not provided.
 - There is no historical reference to the use of Shepard's huts in the County.
 - The scale, design and colour of the huts will given them an overbearing appearance.
 - There is concern with respect to external light pollution including from visitors cars.
 - The Shepherd huts are not in keeping with the rural character of the area
 - The design and access statement has not been updated.
 - The submitted information does not set out what the huts would be sited on.
 - Details of the proposed dry stone walls are limited.
 - The huts are too close together and there is a fire risk.
 - There are no pedestrian paths/gates as per the previous permissions.

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

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

APPLICANTS STATEMENT:

39. I have lived at Limekilns Farm for just over 17 years. When I bought the farm it was largely uninhabitable. In the preceding years we have replaced the roof with traditional Teesdale stone, connected the property to mains water and installed a waste treatment plant. We have repaired a tumbledown barn and have maintained stone walls as and when required. We have always aimed to protect the character of the house and the surrounding land, despite it not actually falling in the area deemed to be an AOB.
40. My employment background has been in the wine business, I was employed by Corney and Barrow of London (holder of two royal warrants) to format and grow a sales area in the north of England from an office originally at Eggleston Hall. I was a director of this company and under my direction we grew from nothing to a turnover of approximately £10 million pounds, employing 10 people.
41. In 2013 I founded Lonton Coffee Company Ltd. Since founding we have grown to employ 5 people with high quality roles. Only one of which is actually employed day to day on site. We have forged an excellent reputation within the coffee industry, with many high profile accounts, among them, three Michelin Star restaurants. My entire professional career has been associated with the hospitality industry and at the very top level within that sector. The reason I outline the above, is I hope, to demonstrate the quality of my past employment levels, it is this level of quality that I am aiming to bring to Teesdale and more precisely, the shepherd's huts at Lonton.
42. I have requested permission for the siting of two shepherd huts on a garden area to the south of my property, to maximise the use of an existing lawn, the level ground and to minimise any ground works or disturbance of the land. This site was previously suggested as suitable by the Senior Landscape architect at the time John Lochen, Durham County Council, who noted "*I suggested considering a less sensitive location would be the lawn area to the South of Lonton dwelling house, and north of Sheepfold. This is a large level well kept grass lawn (approx. 28m x 34m) that could with suitable screening accommodate the pods.*".
43. A previous application for three camping Pods was granted a number of years ago, at the time the "glamping" market was in its infancy and camping pods were really a high quality, but low cost and low comfort option for the walking/fishing and cycling visitor. Over the following years, the market has matured significantly and there is now a huge demand for high quality varied accommodation nationally and particularly in County Durham.
44. Our market will be that of professional couples who expect excellent facilities and service, it is precisely this demographic that "Visit Durham" are hoping to attract to the area, with the associated local spend their visits bring. The small scale nature (two huts) their build quality and therefore expense to purchase and rent, precludes the birthday party market.
45. From a site starting point suggested a number of years ago by John Lochen, noted above and working closely with the planning department. I have taken all the comments made from both the professional consultees and the public ones that have been flagged as relevant. I have aimed to address each concern point by point, namely:
- Retaining the wall to the East
 - Retaining the screening to the east.
 - Including screening to the south.

- Moving the Huts further south on the site
- Lowering the huts height to that below of what was previously granted for the camping pods.
- Replacing the fence to the north with a 1.8 metre dry stone wall
- Replacing fencing with stone walls for site delineation.
- Moving the parking area away from the neighbour's wall.
- Addressing the access concerns regarding the height of the wall on entry.
- Committing to fully repair the wall that is in disrepair to the south of the drive.
- Included a noise management plan.

46. My intention is to produce a premium accommodation option in the upper dale, echoing the quality and reputation of the existing coffee business. I live on site with my family and it is in my interests, for the reputation of my coffee company, financially and for the benefit of the residents of Lonton, that the Shepherd's Huts at Lonton will be discreet, exclusive and impeccably managed. If provided with permission, this is what I will deliver.

PLANNING CONSIDERATIONS AND ASSESSMENT

47. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, landscape/visual impact, privacy/amenity, highways, ecological impacts and other matters.

The principle of the development:

48. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise with the NPPF representing a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
49. Policy 10 of the CDP restricts new development in the countryside unless exceptional circumstances apply or permitted by other policies within the Plan. Relevant to this application is Policy 8 which permits new visitor accommodation where it is appropriate to the scale and character of the area and is not used for permanent residential accommodation. The Policy goes on to further require that proposals or visitor accommodation within the countryside will be supported where they are necessary to meet identified visitor needs, and respects the character of the countryside, and demonstrates clear opportunities to make its location more sustainable.
50. The NPPF sets that the purpose of the planning system is to contribute towards the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These are categorised as economic, social and environmental objective. The assessment of the development against the social and environmental objectives are detailed below, however in terms of the economic objectives, Part 6 of the NPPF states that significant

weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In particular in rural areas, paragraph 83 of the NPPF states that sustainable rural tourism which respect the character of the area should be enabled.

51. In addition, the CDP highlights the role that tourism accommodation in rural areas, can have in delivering a positive impact on the local economy, including some social benefits. The visitor economy is important to County Durham, with 92% (approximately 18.1m) being day visitors, spending on average £21.52 per day, whereas overnight visitors spent on average around £184.13 per trip. In this way, around 42% of all tourism expenditure in the county can be attributed to only 8% of the total visitors. Consequently, encouraging overnight stays is a key issue for the tourism economy within County Durham.
52. Visit County Durham, the tourism management agency for the County, supports the application and considers the location of the development will support neighbouring visitor attractions. It is therefore considered that there is a need for this development in terms of increasing the amount and type of accommodation on offer within the area, and although economic benefits have not been quantified as part of the application, it reasonable to conclude that this proposal would have a positive impact upon the tourism accommodation offer of this part of the County, as well as the wider local economy for associated visitor expenditure.
53. Having regard to the above, it is considered that there would be a positive benefit to the local economy as a result of increased visitor numbers, increased revenue and job creation; factors which would carry significant weight in the planning balance. Visitor spend in surrounding settlements would have some positive effect on the economies of the local area and proposals have been welcomed by Visit County Durham. The proposal adds to the economic and social objectives of the NPPF.
54. Overall, it is considered that in principle the siting of tourism accommodation in this location is acceptable, the key issues, are therefore whether the proposal in environmental and social terms, are acceptable, as considered below.

Landscape/Visual Impact

55. Policy 39 of the CDP supports new development where it would not result in unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. The policy sets out that developments affecting Areas of Higher Landscape Value will only be permitted where it conserves and where appropriate enhances the special qualities of the landscape unless the benefits of the developments in that location clearly outweigh the harm.
56. Policy 40 seeks to resist development which would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of the proposal clearly outweigh the harm. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
57. Policies 8 and 10 of the CDP seeks to ensure that developments have an acceptable impact on the character and appearance of the area and landscape.
58. The application site is located approximately 130m north of the boundary of the North Pennines Area of Outstanding Natural Beauty (AONB), the boundary of which runs south of the railway line. Policy 38 of the CDP states that the North Pennines Area of

Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Section 85 of the Countryside and Rights of Way Act (2000) places a duty on local authorities and other public bodies to have regard to the purpose of AONB designation (the conservation and enhancement of natural beauty) in the discharging of their functions. Para. 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

59. The site itself lies in an area identified as an Area of Higher Landscape Value in the CDP. This area is considered to be a valued landscape under the terms used in NPPF 2018 Paragraph 170. A number of objections have been received with respect to the visual impact of the development.
60. The huts are proposed to be located within an enclosed garden space to the south west of the main dwelling. They are proposed to be orientated at an angle, predominantly facing southwards, set centrally within the site. New dry-stone walling is proposed along the northern boundary and between the huts to delineate each of the plots. Following concerns from local residents and the Council's Landscape Officer regarding a previous reconfiguration of boundary wall on the site, all walls will remain in situ. This also including the planting and vegetation which help screen this element of the site from the east. The applicant has also detailed additional planting to the south of the site, just north of the existing stonewall which is also proposed to be repaired along with others on the site. In addition to these works, a new 1.8m high dry-stone wall is proposed to the south of the boundary of the neighbouring property with a view of providing some screening of direct views of the development. A designated refuse area is shown to the south of the roastery building, adjacent to the allocated car parking spaces.
61. The shepherd huts are considered of a modest scale, commensurate with the size of the plot to which they are sited. Whilst some consider them to be uncommon features of the countryside, they are becoming increasingly popular within the Teesdale area due to their small compact nature and ability to provide affordable tourist accommodation. Planning permission was previously granted for 3no camping pods and WC building to be located to the northeast of the site, despite this being a much more prominent location in terms of the visual impact. The Shepherd huts have been lowered in height and are of a colour which will help assimilate them into the local landscape.
62. The current site is set back from main public vantage points and the applicant has made effort to screen the development from main views, including the introduction of stone walling and plating. When viewed from the outside of the site the huts would be seen against the backdrop of existing residential and other developments rather in an isolated location. It is considered that in the round whilst limited views of the huts in the wider landscape may be achievable the proposal would not have a significant adverse impact on the site or local landscape character of the area, subject to conditions controlling detailing of screen planting and repair of dry stone walling.
63. Accordingly, whilst there may be some limited landscape impact is considered that this level of harm would not negatively impact on the wider Area of Higher Landscape Value or adjacent AONB in accordance with Policies 8, 10, 29, 39 and 40 of the County Durham Plan and Part 15 of the NPPF.

64. Policy 31 of the CDP seeks to support proposals only 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Policy 10 of the CDP seeks to ensure that development in the countryside do not have an impact adversely upon residential or general amenity.
65. 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.
66. Objections have been raised with respect to the location of the development in relation to the neighbouring property, Lonton Blacksmiths, in respect to noise and general disturbance to local residents.
67. It is acknowledged that the huts are sited within relatively close proximity to the neighbouring property, at a distance of approximately 30m. Although not directly applicable, the CDP Residential Amenity Standards, Supplementary Planning Document advises that for new development, there should be a distance of 21m between two-storey properties with facing windows in order to protect residential amenity. In the round this separation distance is considered acceptable. Furthermore, the applicant has detailed a 1.8m high stone wall to be positioned between the neighbour and the huts to provide additional screening whilst the huts have been sited to the southern portion of the plot with doors opening southwards.
68. Given the nature of the development, although small in scale, it is acknowledged that noise and disturbance could be generated from the site. However a noise management plan has been submitted in support of the application which states that users of the huts will need to sign an agreement upon arrival relating to a curfew between the hours of 2200h and 0700h, with no use of musical instruments, hi-fi, televisions, radios etc in a manner audible to others; no visiting dogs and no additional guests beyond the berth of the huts. In addition, a complaints procedure has been outlined to detail how any breach of rules will be handled.
69. The Council's Environmental Health Officer has assessed the noise management plan and subject to a condition requiring adherence to the plan raised no objection to the proposal. Effective management by those residing on the site will likely ensure any late-night disturbances and possible antisocial behaviour by occupants is quickly dealt with. The applicant resides in the property to the north which is sited approximately 40m from the application site.
70. Concerns have also been received that the proposal will lead to light pollution in what was otherwise a very dark area. The application details bollard down lighting in and around the site, where occupants of the huts will walk, such as the car park and recycling area. The applicant advises that these will be motion detecting and to switch off after a few moments to avoid and undue lighting. A condition to control this is recommended.

71. Concerns have also been raised regarding the use of log burners to heat the Shepard's huts and the potential use of BBQ's which may cause a nuisance to neighbouring properties. Given officers experiences with such developments, it is considered likely that both of these would likely be used at some point during occupants stay. However, it is considered that a significant loss of residential amenity would not arise in this respect. The Councils Environmental Health Officer does not highlight these matters as potential significant impacts. However, in the unlikely event that significant impacts do arise the Councils Environmental Health Section have statutory powers to regulate such matters.
72. Overall, whilst recognising and appreciating residents' concerns regarding noise and disturbance it is considered that a significant loss of residential amenity will not arise that would justify refusal of the planning application and substantiation of any refusal on this matter at appeal. Accordingly, subject to conditions the application is considered to comply with the provisions of Policies 10 and 31 of the CDP and Parts 12 and 15 of the NPPF.

Highways

73. Policy 10 of the CDP sets out that development in the countryside shall not be prejudicial to highway safety. Policy 21 of the CDP seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 8 of the CDP sets out that new development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
74. NPPF Part 9 seeks to ensure that development 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. Objections have been received with respect to highway safety, highlighting the access location on the sharp bend of the B6277.
75. As part of consideration of the application, the Council's Highways Authority have been consulted on the application and advise that a section of the drystone wall, to the north of the access, which forms the eastern boundary of the site be reduced in height to visibility when egressing left onto the B6277. Accordingly, plans detail the removal of the coping stone and any vegetation which could grow beyond this height. However, in terms of visual appearance, it is suggested that the wall be reduced in height and the coping stones reapplied to ensure the wall assimilates into its rural setting. This matter can be controlled by condition, ensuring that there would be no unacceptable impacts on the surrounding landscapes. The reduction in height of the wall in this location was also considered acceptable under the 2012 planning approval.
76. The proposed huts are to be served by 1no car parking space each which is to be located to the east of the site within the paddock, at the end of the existing drive. The Highways Authority advise there is ample space for manoeuvrability to permit users to exit the site in a forward motion.
77. In terms of accessibility of the site, it is acknowledged that the site is located in a rural location, however the site is located on the no.95 bus route linking Middleton-in-Teesdale to Barnard Castle at regular intervals through the day and evening. Bus stops

are located approximately 360m from the site. The former Teesdale Railway Walkway is located 490m from the site and the surrounding PROW network provides walking links to the surrounding area. In the round while it is acceptable that future users will likely use private transport to access the site there are sustainable options for occupiers to access services, amenity, and attractions in the area.

78. Subject to the above, it is considered that the proposals would satisfy the provisions of Part 9 of the NPPF and Policies 10 and 21 of the CDP and would not negatively impact on highway safety.

Ecology

79. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity.
80. Objections have been raised with respect to alterations of the stonewalls which could serve as a natural habitat on location wildlife. DCC's Ecologist has been consulted on the application and advises that there are no objections to the proposed development on ecological grounds. Furthermore, other than the reduction in height of the boundary wall at the site entrance, internal boundary walls will remain intact.
81. Overall it is considered that the proposals would therefore satisfy the provisions of Part 15 of the NPPF and Policy 41 of the CDP.

Other matters

82. The applicant has advised that foul and surface water from the site would drain into the existing surface water drainage network and an existing package treatment plant. This approach is considered acceptable in accordance with Policies 35 and 36 of the CDP and Parts 14 and 15 of the NPPF.

CONCLUSIONS

83. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
84. The proposed scheme has been assessed against relevant policies of the CDP. It is concluded that the proposal conforms to these policies, as the proposal will result in a small but nonetheless valuable contribution to the rural tourism economy and would not have a significant impact upon the wider landscape (including AHLV or AONB), character and appearance of the area, the residential amenity of surrounding properties, highway safety or ecological interests.
85. The proposal has generated some public interest. All of the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not considered sufficient to justify refusal of this application. There are no material considerations which indicate a decision should be otherwise.

86. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

87. That the application be **APPROVED** subject to the following conditions

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 8, 21, 29, 31, 38, 39 and 40, of the County Durham Plan and Parts 2, 4, 6, 9, 12, 14, and 15 of the National Planning Policy Framework.

3. The authorised use of the development is limited to commercial holiday accommodation only and shall not be used as a person's sole or main place of residence, or as a second home. No holiday let shall exceed a continuous period of 31 days, there shall be no return to the let by the same individual until a period of at least 14 days has elapsed between lets. The owners/operator of the development shall maintain an up-to-date record of all holiday let listings and of the names of all occupiers, including their main home addresses and contact details. This information shall be made available upon request to the Local Planning Authority.

Reason: To ensure that the development is occupied as holiday accommodation only and in order to achieve the benefits of providing holiday accommodation in this location to comply with Policy 8 of the County Durham Plan and Part 6 of the National Planning Policy Framework.

4. In the event that the Shepard huts facilitating the holiday accommodation use, have not been used for holiday accommodation for a continuous period of 24 months, they shall be removed from site and the site reinstated to its former use.

Reason: In the interests of visual amenity within the open countryside as the glamping pods are supported as an exception to the rural areas policies for visitor accommodation and if there is no longer economic demand for the use the land should be restored to its former use in accordance with Policy 10 of the CDP and Part 15 of the NPPF.

5. Notwithstanding the submitted information, no more than 2 Shepherd huts in total shall be sited at any one time to facilitate the holiday accommodation use hereby granted. The shepherd shall be sited in accordance with the Proposed Site Plan dated 01.03.2021, with the main access doors facing south and their appearance shall match that set out on the Elevations plan 2nd March received 2021.

Reason: to define the development and in the interests of visual and residential amenity in accordance with Policies 8, 10 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.

6. The development hereby approved shall not be brought into use until the 1.8m high dry stone wall to the north of the shepherds huts, as detailed in the 'Site Plan, Rev B' has been constructed to match other walling in the immediate locality in terms of design and style.

Reason: In the interests of the residential and visual amenity and to comply with Policies 8, 10, 29, 31, 39 and 40 of the Country Durham Plan and principles of the NPPF.

7. Prior to the first use of the Shepard's huts hereby approved, a final noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The use of the site shall be operated in strict accordance with the approved noised management plan thereafter.

Reason: In the interests of the amenity of nearby dwellings in accordance with Policy 8, 10 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.

8. No external lighting shall be installed until full details of the lighting has been submitted and approved in writing by the Local Planning Authority. The lighting should then be installed and managed in accordance with the approved details.

Reason: In the interests of the residential and visual amenity and to comply with Policies 8, 10, 29, 31, 39 and 40 of the Country Durham Plan and principles of the NPPF.

9. The development hereby approved shall not be brought into use until the section of stone wall adjacent to the access point as identified on Site Plan, Rev B', has been reduced in height to a maximum of 1.0m in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the height of the wall shall not exceed 1m in height and any shrubs in this area, exceeding the height of the wall shall be removed and thereafter maintained in perpetuity for the lifetime of the development hereby approved.

Reason: In the interests of highway safety and to comply with Policy 10 of the County Durham Plan and Part 9 of the NPPF

10. Prior to the first occupation of the accommodation hereby approved, all parking spaces as shown on the approved 'Site Plan, Rev B' shall be constructed and made available for use. Thereafter these parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles for occupiers of the holiday accommodation.

Reason: In the interests of highway safety and to comply with Policy 10 of the County Durham Plan and Part 9 of the NPPF

11. Prior to the first use of the holiday accommodation hereby approved a programme of repair and restoration of the dry stone walls around the site as set out on Site Plan, Rev B' shall be submitted to and approved in writing by the Local Planning Authority. The repair works shall then be carried out in accordance with the approved details including timeframes for completion.

Reason: In the interests of visual amenity of the surrounding area and landscape in accordance with Policies 8, 10, 38 and 39 of the Count Durham Plan and Parts 12 and 15 of the NPPF.

12. The development hereby approved shall not be brought into use until details of the new screen planting/hedging along the southern boundary of the camping site, including the exact location and full planting specification (planting species, sizes, densities, numbers and rabbit protection details) have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the planting shall be carried out within the first available planting season following first occupation of the Shepherd huts. Any plants which die, fail to flourish or are removed shall be replaced in the next planting season with others of similar size and species. Replacements shall be subject to the same requirement to replace.

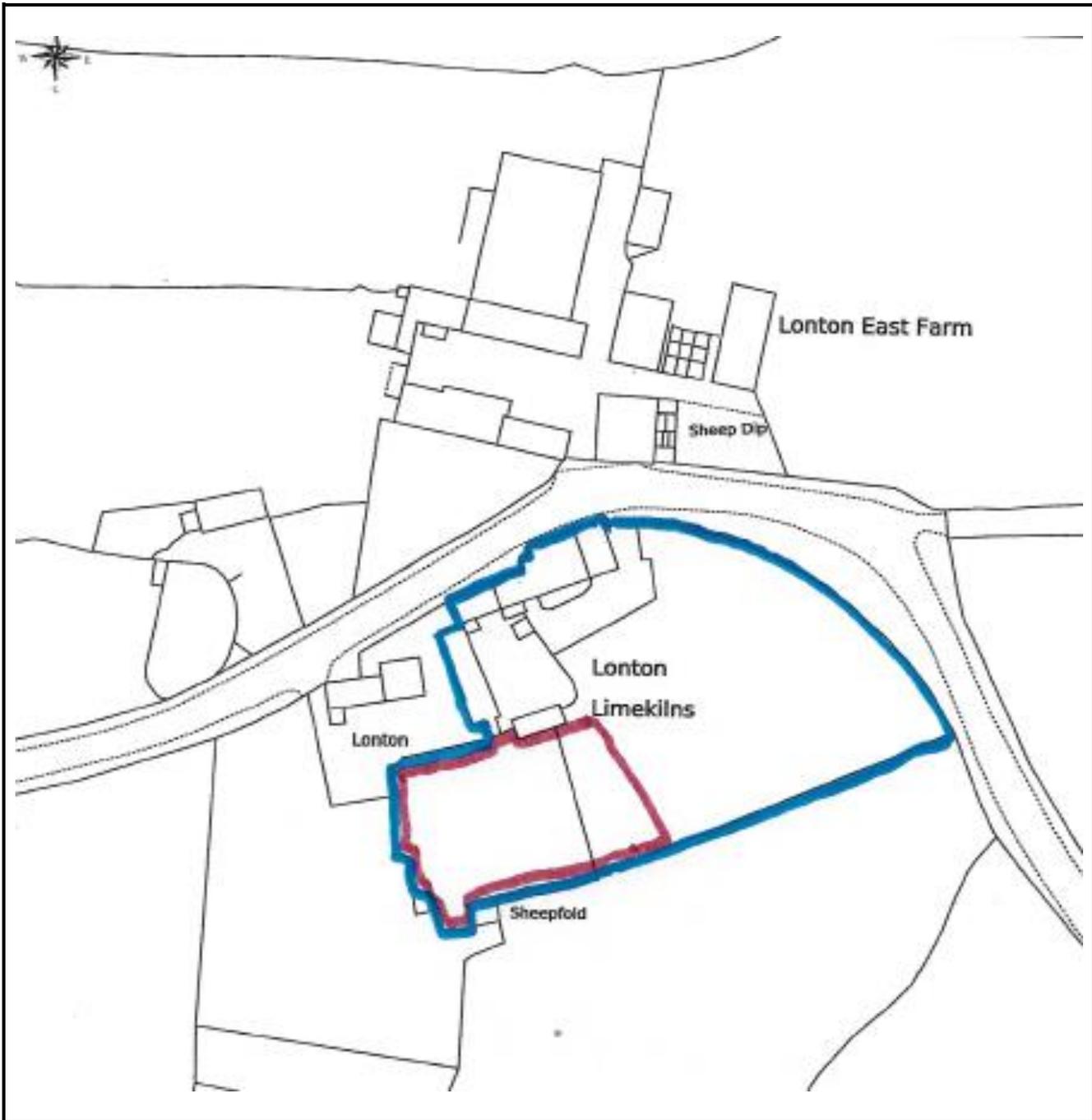
Reason: In the interests of the visual amenity and to comply with Policies 8, 10, 29, 39 and 40 of the County Durham Plan and aims of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve 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. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.) It has been necessary to use pre commencement conditions in this instance for matters that cannot be left to a later stage in the development

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>DM/21/00176/FPA Limekilns Farm, Lonton, Middleton-in-Teesdale</p>	
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	<p>Date March 2021</p>	