



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** 6/2010/0412/DM

**FULL APPLICATION DESCRIPTION:** Application for renewal of extant planning permission 6/2007/0129/DM as amended by 6/2008/0481/DM for erection of 40no timber chalets Fair View Farm, Hummerbeck Lane, Evenwood Gate

**NAME OF APPLICANT:** Mr Andrew Gibson

**ADDRESS:** Fairview Farm  
Hummerbeck Lane  
Evenwood Gate  
Bishop Auckland  
Co Durham  
DL14 9NT

**ELECTORAL DIVISION:** Evenewood

**CASE OFFICER:** **Charlie Colling**  
**Planning Officer**  
**01833 696206**  
**charlie.colling@durham.gov.uk**

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### DESCRIPTION OF THE SITE AND PROPOSALS

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The site comprises agricultural land which is used for the grazing of livestock at present. It is accessed from the main A688 onto Hilton Moor Lane, an adopted highway, and then along Hummerbeck Lane, which is a bridleway currently used as an access road to another farm and for recreational use by cyclists, walkers, horse riders etc. Fair View Farm is situated to the east of the application site and the proposed access onto the site will use the same access as that to the farm. The field is in a relatively isolated location, although it can be seen from the bridleway which passes past the site to the north east and the public footpath which passes through the west of the site. The property to the south of the site, Bolton Garths, would have unrestricted views of the site. Vehicles on the A68 to Darlington can also be seen from the site due to its higher land level. As one approaches the site along Hummerbeck Lane it is relatively well screened by an existing plantation. The level of screening decreases significantly the nearer one gets to the access onto the site.

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The application seeks a renewal of a permission which was granted on appeal for a scheme proposing the erection of a chalet-based holiday complex comprising 40 chalets of two designs, including a reception chalet, and the formation of two ponds, landscaped recreation area, nature area and car park. As well as this, there would be a designated camping area to the north of the site. The access to the site is explained above. Landscaping is proposed in the form of areas of belted woodland measuring either, 15m or 20m as well as hawthorn hedgerow and hedgerow trees with a post and rail fence. The appeal decision was subsequently varied to allow a relaxation of the holiday occupancy condition, so that stays on the site would not be restricted to 6 weeks by the same person or group.

The application is reported to members as the renewal relates to a major development.

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## **PLANNING HISTORY**

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6/2008/0481/DM - chalet development variation of condition, 6/2007/0129/DM (granted on appeal) to 'the caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority' (approved)

6/2007/0129/DM - Change of use of agricultural land and erection 40no. timber chalets at Fair View Farm, Hummerbeck Lane for Andrew Gibson – refused at committee but allowed on appeal.

6/2006/0396/DM – Change of use of agricultural land and erection of 40 timber chalets at Fair View Farm, Hummerbeck Lane, Evenwood Gate, withdrawn 3 January 2007.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 7:** Sustainable Development in Rural Area sets out the national policies specific to planning in rural areas.
- **Good Practice Guide on Planning for Tourism:** Sets out the national guidance on applications and documents related to the tourism industry.
- **Greater flexibility for planning permissions (Guidance):** A document providing practical guidance on the use of measures which have been introduced following consultation. It sets out the key features and statutory requirements for each procedure, provides a practical guide to their use, and explains how they differ from existing procedures.

### **REGIONAL POLICY:**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic

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development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

**Policy 8** – Protecting and Enhancing the Environment, seeks to maintain and enhance the quality, diversity and local distinctiveness of the environment throughout the North East.

Members should be aware that the Rt Hon Eric Pickles MP (Secretary of State for Communities and Local Government) wrote to all Local Planning Authorities on 27th May 2010, advising of his intention to abolish Regional Spatial Strategies. This is a material planning consideration in the determination of any planning application.

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#### **Teesdale District Local Plan**

- LOCAL PLAN POLICY:
- GD1 General Development Criteria
- ENV1 Protection of the Countryside
- ENV8 Development affecting a protected wildlife species
- TR2 Visitor accommodation in the countryside.
- TR3 Camping, caravan and chalet sites in the countryside

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at ([www.durham.gov.uk](http://www.durham.gov.uk))*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

Northumbrian water – no objection

Environment Agency – We would only find the renewal of permission acceptable if the following condition was imposed, which reflects the change in national policy since the original permission was granted:

**Condition:** The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) of November 2010 and the following mitigation measures detailed within the FRA:

1. *Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.*
2. *Finished floor levels are set no lower than 130.10 m above Ordnance Datum (AOD).*

### **Reasons:**

1. *To ensure safe access and egress from and to the site.*
2. *To reduce the risk of flooding to the proposed development and future occupants.*

We would also like to offer the following informatives:

### Flood risk:

The FRA also indicates that "a culvert is to be provided to the higher land to the west" (page 1 of FRA). As such the applicant should be made aware that the erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and

other grounds and consent for such works will not normally be granted except for access crossings.

Non mains method of foul drainage:

With regards to the proposed package treatment plant, under the terms of the Environmental Permitting Regulations (England and Wales) 2010, anyone intending to discharge volumes of sewage effluent of 5 cubic metres per day or less to surface waters or 2 cubic metres per day or less to ground may be eligible for an exemption and will need to register before they commence making the discharge. An Environmental Permit from the Agency is normally required for discharges above this volume.

It is illegal to discharge sewage effluent without either an exemption registration or an environmental permit.

The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

**INTERNAL CONSULTEE RESPONSES:**

Environmental Health – no adverse comments to make.

Rights of way – No objections subject to same conditions from previous approval being applied.

Low Carbon Officer – No objections subject to compliance to current building regulations (2010).

Ecology – It is noted that the surveys were carried out in 2006, which would now be considered to be out of date, and the water vole survey was carried out in October, which would be considered sub-optimal in terms of survey timing, the proposals appear to be low risk for the disturbance of these species if planning permission was renewed. I therefore have no objections to the proposals.

Landscape – I would recommend the substitution of Juniper (rare on the coalfield, more of a heathland species, likely to be supplied as a regional import) with possibly Hazel.

I am unhappy with the proposal that no internal fencing be erected to divide young plants from the trample of tiny feet and footballs etc. I propose temporary fencing (with selected access gaps) that might be removed after 5 years of establishment.

**PUBLIC RESPONSES:**

Neighbouring properties have been consulted, a site notice posted and an advert placed in local press with one objection received. Concerns in summary are:

- Access would be dangerous to ramblers and cyclists using the bridleway.
  - Families, cycle clubs and horse riders also use this narrow lane.
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## Applicant's Statement

The purpose of this application is to extend the time period in which development can commence on the proposed holiday park (approved by 6/2007/01291/DM) with the extended season as approved through the variation of condition application (6/2008/0481/DM).

The applicant achieved planning permission for the holiday park development in March 2008, since obtaining the permission and successfully amending the operational season the nation's economic conditions changed drastically. This application seeks to enable the applicant more time in which to discharge the necessary pre-conditions and commence the development.

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*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://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=19740>).*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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This application is submitted under the procedure to apply for 'extensions to the time limits for implementing existing planning permissions'. The procedure was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009 (SI 2009 No.2261) and the Planning (Listed Building and Conservation Areas) (Amendment) (England) Regulations 2009 (SI 2009 No.2262).

The advice from Central Government includes that "LPA's may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant materials considerations indicate the proposal should no longer be treated favourably."

The original permission was granted in 2007 on appeal by the Planning Inspectorate as the application was originally refused by members at the former Teesdale Planning Committee. A further application was approved in 2008 to vary the holiday occupancy condition so that the accommodation would not be restricted to a maximum of a 6 week stay per annum by the same person or groups of person - inline with the more recent guidance given in the 'Good Practice Guide on Planning for Tourism'. As the statutory development plan for the area was adopted in 2002 (The Teesdale District Local Plan) the policy considerations remain the same and therefore in policy terms the proposal is considered acceptable.

A copy of the Inspector's appeal decision granting permission for this development has been included as an appendix to this report for members information.

One objection has been received as a result of the public consultation. The objections raised relate to the access, which was considered to be acceptable by the inspector when granting the permission at appeal. Internal consultees have not raised any objections either, with the exception of the landscape officer, who has suggested an alteration to a planting detail and the erection of fencing. Both of these elements would need to be agreed as part of the discharge of conditions for this application.

The Environment Agency has been consulted on the application and has advised that they are satisfied with the updated Flood Risk Assessment and are not raising any objection to

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the renewal, subject to a condition and informatives.

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## **CONCLUSION**

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The proposal is to renew the planning permission number 6/2007/0129/DM as amended by application 6/2008/0481/DM for the change of use of agricultural land and erection of 40 timber chalets.

No objections have been received and the principle of development remains acceptable as there have been no alterations to the development plan, and no physical changes to the site that would indicate a change in material considerations, that would lead to the application no longer being treated favourably. The flood risk assessment has been updated and the environment agency is satisfied with this, subject to conditions and informatives.

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## **RECOMMENDATION**

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

Plan Reference Number  
4304-06 (Site location plan)  
4304-06 (Site plan)  
4304-06 A  
4304-06 B  
4304-07 (Reception chalet and car parking area)  
4304-07 (Proposed highway and access arrangements)  
4304-08  
4304-066  
Elevations and Floor Plan - Chalet D  
Elevations and Floor Plan - Chalet E

3. The timber chalets shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up to date register of the names of all owners of chalets on the site and their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
4. Prior to the occupation of any part of the development hereby approved the bridleway improvement works set out in the maintenance agreement (Bridleway 24 Etherley and Bridleway 68 Evenwood and Barony Maintenance Agreement, plan ref 4604-7, dated 22 February 2007) shall be undertaken. Thereafter the bridleway shall be maintained as such.
5. No construction works for the chalets shall take place until works to provide passing places on Hilton Moor Lane, to hard pave the first 10m of Hummerbeck Lane from its junction with Hilton Moor Lane and to improve the site access on to Hummerbeck Lane have been completed in accordance with details to be submitted to, and

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approved in writing by the Local Planning Authority.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include (proposed finished levels or contours; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (eg drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant).
7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development in accordance with the programme agreed with the Local Planning Authority. Any tree or plant (including any replacement) which, within a period of 5 years from its planting, dies, is removed or becomes severely damaged or diseased shall be replaced in the next planting season with another of similar size and species unless the Local Planning Authority gives written consent for any variation.
8. No external illumination shall be installed on the site, other than in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.
9. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and the hardsurfacing of the accesses and parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be retained and maintained as such thereafter.
10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
11. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) of November 2010 and the following mitigation measures detailed within the FRA:
  1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
  2. Finished floor levels are set no lower than 130.10 m above Ordnance Datum (AOD).

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## **REASONS FOR THE RECOMMENDATION**

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1. The development was considered acceptable having regard to the following development plan policies: -
  - GD1 General Development Criteria
  - ENV1 Protection of the Countryside
  - ENV8 Development affecting a protected wildlife species
  - TR2 Visitor accommodation in the countryside.
  - TR3 Camping, caravan and chalet sites in the countryside
2. In particular the development was considered acceptable having regard to consideration of principle, visual impact, impact on neighbouring properties and highway safety.
3. There has been a single objection from the public consultation relating to the access which has already been considered as being acceptable when determined at appeal. The landscape section has also raise issues which are covered by the proposed conditions. There have been no changes to the development plan or the material considerations that would indicate otherwise.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1 and PPS7
- Responses from County Highways, County Ecology Northumbrian Water, Environment Agency and County Landscape Section
- Public Consultation Responses



Site Location Plan

