

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/03713/FPA
FULL APPLICATION DESCRIPTION:	Proposed detached dwelling
NAME OF APPLICANT:	Ms Victoria Gibson
ADDRESS:	Land South Of Village Gate, Howden-le-Wear
ELECTORAL DIVISION:	Crook
CASE OFFICER:	Steven Pilkington, Principal Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to an area of open land used for equestrian purposes, located approximately 70m to the south of the residential estate of Village Gate, Howden-le-Wear. The site measures approximately 1000sq metres in area and is made up of grazing land and a menage, which is proposed to be reduced in size. The site is open, however mature trees are located further to the south along with a number of ancillary buildings associated with the equestrian uses of the land. The residential dwellings of Valley Terrace fronting out onto the A689 are located approximately 100m to the east of the site. To the west lies Howden Beck and agricultural land used for grazing.
2. The site is accessed via an unsurfaced track which measures approximately 100m in length, extending from the A689. The application site slopes down to the west, with the site lower than the level of the access road and surrounding fields.
3. A public right of way (No. 181 Crook) follows the line of the access track and passes in front of the proposed dwelling before crossing Howden Burn.
4. There are no designated heritage assets within 1 Km of the application site, nor does the site lie within a designated landscape.

Proposal

5. Planning permission is sought for erection of a large 4 bedroom property, providing accommodation across 3 floors. The footprint of the dwelling would measure approximately 18.5m x 8.7m, with a 5m x 4.5m rear projecting serving as a gym/study, a single storey link extension would adjoin a garage measuring 8.2m x 6.8m. Three en-suite bedrooms are proposed on the first floor with a 4th bedroom with a dressing

room and en-suite on the roof space. The dwelling would have a gross internal floor area of 367m²

6. The submitted plans set out that the lower portion of the dwelling would be faced in local sandstone, while the upper floors would be brick. Timber cladding is proposed to the rear off shoot and garage element. A large glazed atrium feature is proposed on the front elevation with dormer windows in the roof.
7. The application has been called to committee at the request of Councillor Jopling, to allow an assessment of the landscape impact.

PLANNING HISTORY

8. No relevant planning history

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; design process and tools; determining a planning application; effective use of land; enforcement and post permission matters; flood risk; healthy and safe communities; land affected by contamination; land stability; natural environment; noise; rural housing; 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 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)* states that development 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, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
22. *Policy 12 (Permanent Rural Workers' Dwellings)* sets out the criteria needed to demonstrate the acceptability of a new permanent agricultural, forestry and other rural workers' dwellings outside the built-up area. These criteria include: details of the nature and demands of the work that demonstrate an essential functional need for a permanent full time worker to live on site; details that the rural business activity has been established for at least three years and is financially sound; the proposed dwelling should not be harmful to the landscape and character of the area; the scale of the dwelling should be commensurate with the functional requirement; the functional need cannot be fulfilled by another existing dwelling in the unit or area. If planning permission is to be granted, it must be subject to an occupancy condition and removal of householder permitted development rights. Further provisions for temporary accommodation and removal of occupancy conditions.
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 should have regard to Parking and Accessibility Supplementary Planning Document.
24. *Policy 29 (Sustainable Design)* details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
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 they 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 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 32 (Despoiled, degraded, derelict, contaminated and unstable land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to

the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.

27. *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.
28. *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 defense infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
29. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
30. *Policy 40 (Trees, woodlands and hedges)* states 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.
31. *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:

32. *Highways Authority* - Advise that the application raises no concerns over road safety and the dwelling would be served off a private road and use an existing access to the A689. In the event of any approval the applicant should provide further details of refuse collection given the considerable distance between the proposed dwelling and the nearest adopted highway.

INTERNAL CONSULTEE RESPONSES:

33. *Planning Policy* – Advise that the location of the proposed dwelling would not integrate with existing residential areas and would be sited separate from existing houses. For

this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with the settlement pattern and form and existing properties surrounding the site would need to be within acceptable parameters.

34. *Landscape Section* – Advise that the proposal would be relatively well contained in wider views, screened or assimilated by existing buildings and vegetation, and seen in some views with the backdrop of Village Estate and in the context of the existing equestrian development. However, there would be localised adverse landscape and visual impact when viewed from the PROW (no. 181) that passes immediately to the south, due to the scale, massing and design of the dwelling that does not respect and respond to the local rural context and distinctiveness of the area.
35. *Environmental Health Public Protection (Contaminated Land)* – Advise a conditional approach in relation to contaminated land
36. *Ecology* - Advise that the development is unlikely to impact on any ecological interest given the nature and use of the site. In the event of any approval conditions should be attached to ensure the provision of bat and bird boxes to secure a net biodiversity gain.

PUBLIC RESPONSES:

37. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents. No letters of objection have been received.

APPLICANTS STATEMENT:

38. My family acquired the site and the surrounding land in 1999 when it was in a semi derelict state. Since then we have invested considerable amount of time and money in providing a quality equestrian facility which we believe greatly improves the surrounding area. The facility consists of stables, storage, a horse walker, menage and garaging for horseboxes. All built and maintained to a high standard to accommodate the high value stock that occupies the premises. The facilities and stock enable myself to compete in events all around the UK and also provide the necessary support to train and house stock. Although for personal use only the facility would compare very favourably with a professional yard.
39. The access to the site has been in use since we acquired the land. The primary vehicles using the access are large horse boxes, trailers and private cars. There have been no issues with the access in the time we have owned the site.
40. The proposed dwelling is intended to compliment the facility but also make operation much more efficient and reduce the environmental footprint. Currently we visit the site several times a day to provide welfare for the horses and to some extent maintain security of the site. Residing on site will remove the daily visits and improve management and welfare of the horses. My family have lived and worked in the village for over a hundred years and are well known in equestrian circles. For all practical purposes we need to reside on site. The whole aspect of management, animal welfare, security and reduced environmental impact hinges on living on site. Offsite living, regardless of being near or far, does not satisfy the foregoing criteria and in some elements exacerbates these issues.
41. On advice from planning professionals, we believe the siting of the house offers the best solution and satisfies planning policy. Due to the site levels the house is half hidden from all views into the site. It is also located adjacent to the existing buildings which are agricultural and bulky. The existing buildings and site are very much a part

of the village fabric. The site is within walking distance of all village facilities, so it is a particularly sustainable location.

42. We trust you will agree with our view and grant permission.

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>

PLANNING CONSIDERATIONS AND ASSESSMENT

43. 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, accessibility, landscape/visual impacts, local amenity, ecology, highway safety and other matters.

Principle of the development

44. 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 (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
45. Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development over and above that identified in the Plan, this includes for employment and economic generating uses. Policy 6 sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and where specified design criteria are met.
46. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement, or within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside.
47. In this respect there is not a neighbourhood plan in force. Due to the clear physical separation between the site and the rear of the adjacent housing development of Village Gate and also to the terraced properties that line the A689 to the east, the site cannot be considered within the of the built up area and is therefore within the defined countryside. It is also considered that due to this separation the site does not relate well to the built-up area and would not be read as part of the village or as a natural extension, but as remote house as part of the countryside. As such it is considered that the development draws no support from CDP Policy 6.
48. The suitability of the principle of development therefore also needs to be assessed under CDP Policy 10, which relates to development in the countryside and advises that development will not be permitted in the countryside unless allowed for by specific

policies in the Plan (including Policy 12 relating to rural workers dwellings) or where the proposal compromises an exception related to economic development, infrastructure development or the development of existing buildings. Policy 10 also establishes general development principles for development within the countryside, which is considered in detail in later sections of the report.

49. In this respect the proposed development due to its nature does not satisfy the exception criteria related to infrastructure development or the development of existing buildings and would therefore draw no support from CDP Policy 10. No case has been put forward to justify the functional need for a rural worker dwelling in this location as CDP Policy 12 permits in exceptional need. In any event the established equestrian activities on the site are considered recreational in nature and would not justify the siting of a new dwelling in this location
50. Overall, it is considered that the site lies within the defined countryside and is not well related to the existing built environment of Howden Le Wear, without meeting the exceptional tests of a functional need for a rural worker to live in this location. The development would therefore conflict with Policies 6, 10 and 12 the County Durham Plan and Part 6 of the NPPF.

Accessibility

51. Policy 10 of the CDP, states that new development in the countryside should not be solely reliant upon, accessibility by unsustainable modes of transport. Policy 21 of the CDP requires new development to deliver sustainable transport, including by providing 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.
52. Paragraph 103 of the NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
53. Howden-le-Wear has a rating of 16.9 in the Council's 2017 Settlement Study, placing the settlement 68th in the County, reflective of the limited availability of services available within the village. The village is however relatively well connected to the surrounding towns and villages by regular bus service. A bus stop is located approximately 170m away from the proposed dwelling providing links to Crook and Bishop Auckland.
54. Whilst recognising that there are relatively limited facilities within Howden-Le-Wear the siting of a single dwelling does not give rise to accessibility objections. The development would accord with CDP Policies 10 and 21 in this respect.

Landscape and Visual Impacts

55. Policy 10 of the CDP seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside. Policy 12 of the CDP requires that proposed dwellings are not harmful to the rural landscape and character of the area and are well related to the activities required.
56. Policy 39 of the CDP states 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. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.

Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.

57. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
58. The application site is detached from the main body of Howden-Le-Wear which lies to the north and west of the application site. This is due to the undeveloped, open nature of surrounding fields and the clear physical separation from the settlement. There are no other residential development beyond what are considered strong defined settlement lines of Village Gate to the north and the residential dwelling of valley terrace to the east. The site has a distinct rural feel and character and is read a part of a wider rural landscape when viewed from public vantage points.
59. There is a level change from the existing surrounding developments to the site, which is lower by approximately 3m than the surrounding highway. This means that only the upper portions of the existing agricultural style buildings on site are visible, however these are considered commensurate with the rural character of the site and do not create an incongruous feature. To an extent the level changes would offer some screening for the proposed dwelling, however the upper portions of the property would be readily visible and would inherently have a residential appearance.
60. In reviewing the proposals the Council's Landscape Officer advises that the dwelling would be relatively well contained in wider landscape views being screened or assimilated by existing buildings and vegetation, and seen in some views with the backdrop of Village Estate and in the context of the existing equestrian development. However, it is advised that there would be localised adverse landscape and visual impact particularly when viewed from the PROW (no. 181) that passes immediately in front of the proposed dwelling. This is due to the scale, massing and design of the dwelling that does not respect and respond to the local rural context and distinctiveness of the area. Whilst the design of the proposal may relate well in an urban context, it is considered out of keeping with this open countryside setting.
61. Overall whilst it is noted that the landscape does not have a statutory designation it is located within the defined countryside. For the reasons outlined above it is considered that the proposed development would cause harm to the character and appearance of the countryside in this location. The proposal is therefore contrary to Policies 10, 12, 29, and 39 of the County Durham Plan and Parts 12 and 15 of the NPPF.

Local Amenity

62. Policy 10 of the CDP sets out that new development in the countryside should not impact adversely upon residential or general amenity. Policy of the CDP requires all development to provide high standards of amenity and privacy and minimise the impact of development upon existing adjacent and nearby properties.
63. 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 policy sets out that developments 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. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

64. 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.
65. The application relates to the introduction of a residential dwelling in close proximity of existing equestrian facilities, on the basis that the applicant, who owns the surrounding facilities would occupy the dwelling, no loss of residential amenity would arise. An occupancy condition could control this matter.
66. The dwelling is located a sufficient distance away from nearby residential dwelling to ensure that minimum separation distances are met.
67. Overall, subject to an occupancy condition, it is considered that the development would not result in a significant reduction in residential amenity and would be compatible with adjacent uses, in accordance with, Policies 10, 29 and 31 of County Durham Plan and Parts 12 and 15 of the NPPF.

Ecology

68. Policy 10 of the CDP states that new development in the countryside should not give rise to unacceptable harm to biodiversity either individually or cumulatively which cannot be adequately mitigated or compensated for. Policies 26, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
69. In this respect an ecological appraisal has not been submitted in support of the application. However, the Councils' Ecology Section have reviewed the submitted information and given the nature of the site, consisting of well mown grass and a part menage area, it is advised that there would unlikely be any biodiversity interest in the site, particularly relating to protected species. In accordance with Policy 41 of the CDP and paragraphs 174 and 175 of the NPPF net biodiversity gains would need to be delivered. It is advised that this could be in form of bat and bird boxes and could be secured by condition. In this regard the application fails to demonstrate how the scheme would achieve this.
70. The development would conform to Policies 10, 26, 41 and 43 of the CDP and the aims of Part 15 of the NPPF in this respect.

Highway Safety

71. Policy 10 of the CDP requires that new development in the countryside should not be prejudicial to highway safety. Policy 21 of the CDP reiterates the requirement of Policy 10 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 of the CDP advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people.

In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

72. The dwelling would be accessed off a private unsealed access off the A689. In assessing the application, the Highways Authority advises that the application raises no concerns over road safety. However, in the event of any approval the applicant should provide further details of refuse collection given the considerable distance between the proposed dwelling and the nearest adopted highway. This matter could be dealt with by condition.
73. Overall, subject to conditions, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 10, 21 and 29 of the County Durham Plan as well as Part 9 of the NPPF.

Other Matters

74. Policies 35 and 36 of the County Durham Plan seeks to ensure that suitable arrangements are made for the disposal of foul water and sets out a hierarchy for foul water disposal. The submitted application forms state that foul drainage would be discharged to the mains sewer, whilst surface water would be discharged to a soakaway. These arrangements are considered acceptable in accordance with Policies 35 and 36 of the County Durham Plan in this respect.

Ground Conditions

75. Policy 32 of the County Durham Plan requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. In respect the Council's Contaminated Land Officer recommends a conditional approach to secure relevant land contamination investigations and remediation if required. The proposal would therefore accord with Policy 32 of the County Durham Plan and Part 15 of the NPPF in this regard.

CONCLUSIONS

76. The application seeks permission for the erection of a large, detached dwelling on a parcel of land that is detached from the form of the settlement and is located within the defined countryside. No justification to demonstrate an established functional need of a rural worker in this location has been submitted. It is therefore concluded that the development is contrary to Policies 6, 10 and 12 of the CDP and Part 6 of the NPPF.
77. It is also concluded that due to the separation from existing development and the scale and form the dwelling, the proposal would have an adverse impact on the character and appearance of the open countryside in conflict with Policies 10 and 39 of the CDP and Parts 12 and 15 of the NPPF
78. It is concluded that the development could achieve a satisfactory means of access and would not likely give rise to amenity impacts to adjacent land uses subject to relevant conditions.
79. The policies of the CDP are considered consistent with the NPPF, which seeks to protect the countryside, prevent isolated new housing. Whilst the development would provide limited economic benefits through the construction of the dwelling, these

benefits are not considered to outweigh the conflict with the CDP. There are no material considerations that indicate otherwise and therefore the application is recommended for refusal.

RECOMMENDATION

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

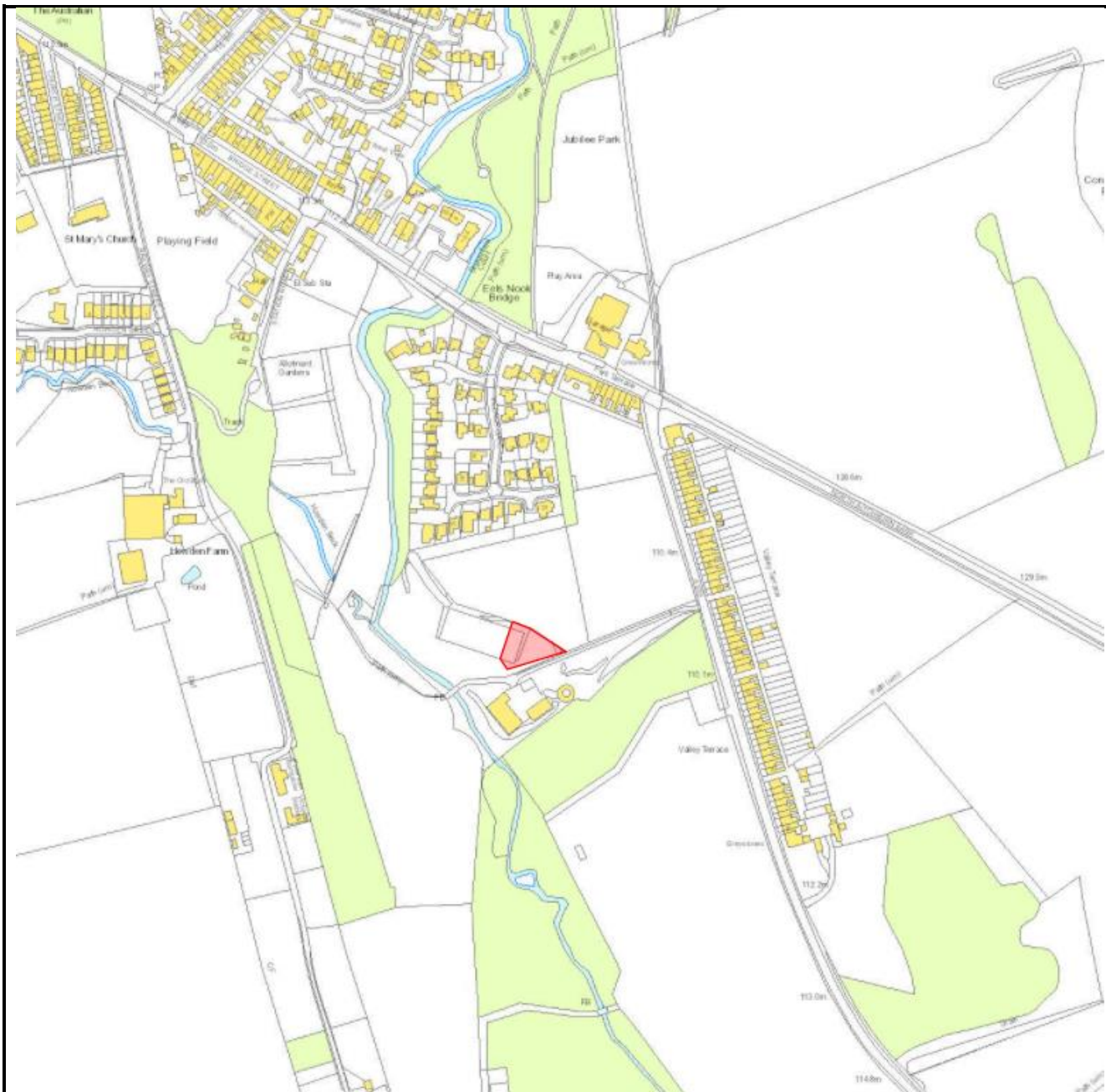
1. The development by reason of its siting, scale and form in a detached position from the main body of the settlement would cause harm to the character and appearance of the countryside and the surrounding landscape; without meeting relevant exception tests for development in the countryside, contrary to Policies 6, 10, 12, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the NPPF.

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



<p>Planning Services</p>	<p>Land South Of Village Gate, Howden-le-Wear</p>	
<p>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</p>	<p>Comments</p>	
	<p>Date February 2022</p>	