

## COMMITTEE REPORT

---

### APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	DM/22/01296/PNC
<b>FULL APPLICATION DESCRIPTION:</b>	Change of use of existing agricultural barn to 1 no. dwelling
<b>NAME OF APPLICANT:</b>	Mr S Seymour
<b>ADDRESS:</b>	Agricultural Building To The South Of High Grange Farm Shincliffe DH1 2TD
<b>ELECTORAL DIVISION:</b>	Durham South
<b>CASE OFFICER:</b>	Michelle Penman Planning Officer Michelle.penman@durham.gov.uk 03000 263963

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. The application site relates to an existing agricultural building located to the west of Moor House Farm and southwest of High Grange Farm in Shincliffe, Durham. The site is located with the open countryside and also within an area designated as green belt. The building currently benefits from hardstanding to the front and an existing private track which joins a shared private access leading from A177 and serves several other properties.
2. The building is a dual pitch roof, steel framed portal shed measuring approximately 18m by 18m with an eave's height of 5.5m and a height to the ridge of 8m. The building is finished in blockwork to the lower part of the elevations with vertical timber cladding above and a fibre cement corrugated sheet roof with integrated roof lights.

#### The Proposal

3. Prior approval is sought for the change of use of the building and land within its curtilage as identified as edged red on the submitted location plan, to 1no. large dwellinghouse falling within Class C3 of the Town and Country Planning (Uses Classes) Order 1987. Permitted development rights are available through Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows the change of use of existing agricultural buildings to residential dwellings without the need for an application for planning permission but subject to a prior approval process. The Order also includes provision for those building operations reasonably necessary to convert the building to the proposed use.
4. Notwithstanding the above, in order for the stated permitted development rights to apply the building must meet a number of criteria which are considered within this report.

Should the building and proposals meet those criteria the applicant must make a prior notification application which allows the Local Planning Authority to assess its likely impacts in regard to certain specific factors only. The current application before the committee is for such prior approval.

5. The application is referred to Planning Committee at the request of Shincliffe Parish Council due to the position of the building within the designated green belt.

---

## **PLANNING HISTORY**

---

6. A prior notification (DM/21/01460/PNC) relating to the same site, building and proposals was refused by the Local Planning Authority through powers delegated to the Head of Planning in 2021 on the grounds that insufficient evidence had been provided to demonstrate that the building had been solely used for an agricultural use as part of an established agricultural unit on 20th March 2013 and that it was capable of conversion (which are two of the criteria that must apply for the proposal to be considered permitted development via provisions contained within Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

#### National Planning Policy Framework

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. 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.
9. 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.
10. 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.
11. NPPF Part 15 - 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 pollution and land stability and remediating contaminated or other degraded land where appropriate.

## **NATIONAL PLANNING PRACTICE GUIDANCE:**

12. 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; flood risk; land affected by contamination; natural environment and noise.

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

## **LOCAL PLAN POLICY:**

### The County Durham Plan

13. 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 the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
14. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards
15. 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.
16. 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.
17. 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.

## Neighbourhood Plan

18. The application site does not lie within a neighbourhood planning area with a plan to which regard must be had.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

### **STATUTORY RESPONSES:**

19. DCC Highways – this prior notification is considered acceptable from a highway safety perspective but notes that the site is served by a private road and so could not be accessed by the DCC Refuse Vehicle. Therefore, the applicant would either need to arrange for refuse to be collected by private collection, or have the bins brought to the nearest adopted highway on the day of collection and then returned to the site the same day.

### **INTERNAL CONSULTEE RESPONSES:**

20. DCC Environment, Health and Consumer Protection (Contaminated Land) – agree with the conclusions and recommendations of the risk assessment and, due to the fact that this development constitutes a change of use to a more sensitive receptor, recommend the imposition of a contaminated land condition.
21. DCC Environment, Health and Consumer Protection (Nuisance Action) - The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact and is unlikely to cause a statutory nuisance.
22. DCC Landscape – Raise concerns at the elevated and isolated position of the building and note that any conversion to residential use would result in visual impact effects. In terms of design, they note that the proposed openings are not standard or domestic in nature, and that the minimal openings in the side elevations broadly retain the functional simplicity of the original building and reflect and uphold the inherently agricultural nature of its character. However, they do note that the large, glazed window would impact in the night-time scene through light spill and given its isolated location. However, the introduction of louvres windows would reduce these effects.
23. DCC Ecology – no objections.
24. DCC Structural Engineer – considers the building to be capable of conversion.

### **PUBLIC RESPONSES:**

25. The application has been advertised by means of site notice and by notifying neighbouring residents by letter.
26. To date, 3 no. letters of objection have been received. The concerns raised in relation to the development are summarised as follows:
  - Impact on highway safety from increased traffic and more potential for accidents

- Increase in traffic served by private single-track road
- No place for vehicles to pass
- Existing entry and egress on to 60mph A177 is dangerous
- Existing single-track lane is already at capacity
- Scale of dwelling is in a prominent position and visible from surrounding area
- Potential impact from increased noise and light pollution
- Impact on open character of designated green belt
- Impact on countryside and character of surrounding area
- Dwelling out of keeping with area
- No refuse collection point
- Conversion of this building would lead to further expansion and development
- Location Plan is not up to date
- Impact on upkeep and maintenance of private road and culvert
- Proposed conversion is too large in scale for 1 no. dwelling

*The above is not intended to list every point made and 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/simpleSearchResults.do?action=firstPage>*

#### **APPLICANT'S STATEMENT:**

27.

---

### **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

#### Assessment as to whether the building qualifies for Class Q PD rights

28. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order makes provision for the change of use of a building and any land within its curtilage from use as an agricultural building to that falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building to a use falling within Class C3. Such provision is subject to a prior notification procedure, and it is this to which the current application relates.
29. Only development which accords with each of the stated thresholds contained within Class Q can benefit from the permitted development rights. The application is supported by planning application forms, existing and proposed plans, a structural survey report and addendum, a scope of works statement, a Phase 1 contaminated land assessment and a Planning Statement. Within the Planning Statement it is suggested that the current scheme and the accompanying information has been prepared in order to fully address the issues raised under the previous prior notification application, which was refused and, in this respect, brings forward further evidence to demonstrate that the proposal is compliant with the requirements of the GPDO.
30. Consideration of the current proposal against each of the thresholds is considered below;
31. (a) *Site must be used solely for agricultural use as part of an agricultural unit :-*
- i) on 20th March 2013, or*
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or*

*(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;*

32. For the purposes of Schedule 2, Part 3 of the GDPO 'agricultural building' is described at Part X as being that which is used for agriculture, and which is so used for the purposes of a trade or business. In terms of an 'agricultural unit' this means agricultural land occupied as a unit for the purposes of agriculture.
33. In the planning statement it is advised that the building was constructed for the purpose of rearing and managing the applicants suckler herd and was used by them, along with the surrounding 100 acres for that purpose, until 2011, at which point he retired. However, the statement goes on to advise that the land and building continued to be in agricultural use and that the land is now rented by T W Clarke and Son who utilise the land for grazing, and the building for the management of cattle. It is understood to continue to have an agricultural holding number (12/139/0006) and is subject to a single farm payment for the management of the agricultural holding (SBI 107 332 770).
34. The statement also notes that the building continues to contain all the stalls and pens which were present as part of the applicant's own operation of a suckler herd. As the applicant is also responsible for the continued management of the farmland in relation to matters such as the fencing of the land, topping of fields and application of fertiliser etc, the building also continues to be used for the storage of machinery and materials related to the farm holding. The case officer carried out a site visit on 25 May 2022 and was able to view the land and building. The officer noted that cows were present within the associated fields and inside the building it was confirmed that the stalls and pens remained in situ, as were tractors, machinery, and other materials required in association with farming and maintaining the land as described above.
35. On that basis, it is considered that the building and associated land was in agricultural use of the 20<sup>th</sup> March 2013 and continues to be in agricultural use. The development would therefore comply with criteria 'a' of the GDPO.
36. *(b) in the case of—*
  - (i) a larger dwellinghouse, within an established agricultural unit—*
    - (aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or*
    - (bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;*
  - (c) in the case of—*
    - (i) a smaller dwellinghouse, within an established agricultural unit—*
      - (aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or*
      - (bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;*
    - (d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—*

- (i) *a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;*
- (ii) *the cumulative number of separate dwellinghouses having a use falling Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;*

37. In this case the proposals present a single larger dwellinghouse with a floor area not exceeding 465 square metres and there have been no prior Class Q proposals on the agricultural holding. On that basis the proposals accord with criteria 'b' and 'd', and criteria 'c' is not considered to be relevant.

38. *(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;*

*(f) less than 1 year before the date development begins—*

*(i) an agricultural tenancy over the site has been terminated, and*

*(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;*

*(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—*

*(i) since 20th March 2013; or*

*(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;*

39. It is noted in the planning statement that the building and surrounding land continue to be farmed by a third party, T W Clark and Son, however, this is on an informal basis and therefore there is no formal agricultural tenancy. In this respect, no agricultural tenancy over the site has been terminated less than 1 year before the date development begins. No development under Class A(a) or Class B(a) of Part 6 of the Schedule has been carried out on the agricultural unit since 20<sup>th</sup> March 2013. As such, criteria 'e', 'f' and 'g' are complied with.

40. *(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;*

41. The application is supported by plans and elevation drawings which indicate that the development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point in accordance with criteria 'h'.

42. *(i) The development should not consist of building operations other than: the installation of windows, doors, roofs, exterior walls; or water, drainage, electricity, gas or other services; and partial demolition necessary to carry out building works.*

43. It is acknowledged in the submitted planning statement that one of the issues, and basis for refusal, on the previous application was whether the building was capable of conversion. Paragraph 105 of the NPPG states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling and it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. The building is therefore expected to be structurally capable of conversion and reuse as a dwelling, without requiring new structural works resulting in substantial 'rebuilding'.



44. As evident from paragraph 43 criteria 'i' states that only works comprising the installation or replacement of windows, doors, roofs or exterior walls or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, are permitted. Partial demolition is also permitted to the extent reasonably necessary to carry out the building operations specified.
45. A structural survey was submitted with the previous application, and this has been resubmitted in support of the current application albeit with an addendum. Together these reports confirm that the existing steel framed structure, concrete foundations and floor slab construction have been deemed suitable for retention. A scope of works has also been submitted with the application and this would appear to accord with the building operations and other works permitted under criteria 'i' of the Schedule. The Council's Structural Engineer was consulted on the application and confirmed that they would agree with the conclusions of the structural report provided by Green Arc Design. Therefore, in their opinion the existing building is capable of conversion without unreasonable level of structural intervention/rebuilding.
46. *(j) The site falls on article 1(5) land*
- (k) The site forms part of a SSSI, a safety hazard area or a military explosives storage area.*
- (l) The site is, or contains, a scheduled monument*
- (m) The building is listed.*
47. In assessing the proposal against criteria j-m it is noted that the site is not on article 2(3) land, does not form part of a site of special scientific interest; a safety hazard area or a military explosives storage area and is not a scheduled monument or listed building. As such, the development would accord with criteria 'j-m'.
48. Based on the above therefore, the development is considered to fall within the provisions stated in Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 1995. However, it is noted that where the development proposed is development under Class Q(a) together with development under Class Q(b), under Q.2 the development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the following:
- (a) transport and highways impacts of the development,
  - (b) noise impacts of the development,
  - (c) contamination risks on the site,
  - (d) flooding risks on the site,
  - (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
  - (f) the design or external appearance of the building, and
  - (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

Each of these five areas are required to be considered in order to decide whether prior approval is required and if so whether approval should be given.



## Transport and Highways Impacts

49. Paragraph 110 of the NPPF requires new development to provide safe and suitable access to the site. Policy 21 states that new development should ensure that any vehicular traffic generated can be safely accommodated on the local and strategic highway network.
50. DCC Highways were consulted on the application and noted that the site is served by a private road and so could not be accessed by the DCC Refuse Vehicle. Therefore, the applicant would either need to arrange for refuse to be collected by private collection, or have the bins brought to the nearest adopted highway on the day of collection and then returned to the site the same day.
51. The proposed plans indicate 4 no. vehicle parking spaces to the front of the site which would also provide space for turning of servicing and emergency service vehicles. Although the development would be served by a private access track and would be reliant on the private motor vehicle, this is not considered to be a reason to refuse the application noting that only the criteria set out in paragraph 48 of this report can be considered in the determination of this application.
52. As such, based on the above, the proposals could be safely and satisfactorily accommodated without adverse impact upon the highway in accordance with paragraph 110 of the NPPF and Policy 21 of the CDP and prior approval is not therefore required in this regard.

## Noise Impacts

53. Paragraph 123 of the NPPF requires that planning decisions should aim to avoid noise from development giving rise to significant adverse impacts on health and quality of life. In addition, Policy 31 of the County Durham Plan requires new development to have no serious adverse impact on the amenity of people living and working in the vicinity of the site.
54. The Council's Environmental Health Nuisance Action team were consulted on the proposals and have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). The EH officer suggested that the proposal is sensitive given the residential usage case, and the site area is primarily rural/agricultural. However, given the scale of the proposed development, and the nature of the site area would not have any immediate concerns regarding impact upon amenity. Overall, they would not expect any significant controls on this development.
55. The EH officer also confirmed that the information submitted demonstrates that the application complies with the thresholds stated within the TANS which would indicate that the development will not lead to an adverse impact. In relation to the environmental impacts and their potential to cause a statutory nuisance, the officer is satisfied that the development is unlikely to cause a statutory nuisance.
56. On that basis, the development is considered to accord with the NPPF and Policy 31 of the CDP and, in this respect, the development is not considered to require prior approval of these matters.

## Contamination Risks

57. Part 15 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions including former activities

such as mining and pollution arising from previous uses. In line with this Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) states that development will not be permitted unless the developer can demonstrate that any existing contaminated land issues can be satisfactorily addressed by appropriate mitigation measures and the site is suitable for the proposed use.

58. The Council's Environmental Health Contaminated Land officer was consulted on the proposals and have assessed the available information and historical maps with respect to land contamination and have reviewed the submitted Phase 1 Contaminated Land Assessment prepared by ERGO Environmental Ltd. (March 2021). Given the information provided, the officer would agree with the risk assessment and recommendations but due to the fact that this development constitutes a change of use to a more sensitive receptor, recommended conditions requiring a land contamination scheme to be submitted to the LPA prior to commencement of development. As such, a condition should be attached to any consent granted in this regard.
59. As such, subject to the inclusion of the aforementioned condition, it is considered that the development would accord with Part 15 of the NPPF and Policy 32 of the CDP and therefore it is not considered that prior approval is required and granted in this respect.

### Flooding Risks

60. Part 14 of the NPPF requires account to be taken of the flood risk to and from developments. Policy 35 of the CDP also 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.
61. As the site does not lie within a Flood Zones 2 or 3 the Environment Agency do not need to be consulted, furthermore it is considered that the area is at low risk of flooding as there are no critical flood issues. The proposal is therefore considered acceptable in flood risk terms and prior approval is not required in this regard no further details are required.

### Locational/Site Suitability

62. When considering whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 guidance within NPPG states that the permitted development right does not apply a test in relation to sustainability of location. The right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change the use to residential.
63. In determining whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a residential use, the Guidance makes it clear that it is not a sufficient reason to refuse prior approval to change the use of the building on the basis that the LPA would not normally grant permission for a new dwelling in this location. Therefore, policies and the consideration of issues associated with sustainability and restricting dwellings in the open countryside do not apply.
64. In considering the above, it is noted that the barn has existing access to the highway and given the proximity of the barn adjacent to the existing track, it is considered to have ready access to the main highway and therefore access to services necessary to

function as a dwelling. The barn is detached and not in close proximity to any uses that would render it an undesirable location for change of use to residential. The proposal is therefore considered acceptable in terms of its location and siting and prior approval of matters relating to location and siting are not required. no further details are required.

### Design, External Appearance and Provision of Natural Light

65. Part 12 of the NPPF states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In line with this, Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable.
66. The building sits in a prominent location on top of a knoll and will be highly visible from the public footpath Strawberry Lane (*Shincliffe No. 15*) that passes the site approx. 100m to the west. It will also be seen in a prominent location against the skyline from the A177.
67. Colleagues in DCC Landscape were consulted on the proposals and note that the original building has no merit in terms of visual amenity and does not make a positive contribution to the character and appearance of the area. The converted building would be a prominent isolated feature within the field and as a result there would be visual effects arising from this proposal due to the change of use from agricultural to domestic use and the paraphernalia associated with this. However, it is noted that the principle of conversion is considered acceptable, as established through provision contained in Class Q, as is the fact that the building is already set in isolation and is prominent in existing views. Therefore, in terms of design, the Council's Landscape Section advises that the openings are not standard or domestic in nature and the minimal openings in the side elevations broadly retains the functional simplicity of the original building and generally reflects and upholds the inherently agricultural character of the building.
68. The officer also suggests that the roof cladding should be profiled metal sheeting to match the existing in a dark non-reflective material with conservation rooflights, flush to the roof. Clarification will also be required regarding the garage doors in terms of design, material and colour. Prior approval of these matters is therefore required and conditions requiring the submission and agreement of precise detail in this regard can be attached to any approval granted in this regard. Subject to the inclusion of conditions in this regard the design, external appearance of the building is acceptable and would provide an adequate level of natural light.
69. Generally, it is considered that the proposals would mostly retain the agricultural appearance of the existing building and despite the proposed use as a dwelling, would preserve its agricultural character. It is not therefore considered that any further detail is required in this regard despite the recommendations suggested by the Council's Landscape Section in relation to window detail.
70. The case officer would also note that the proposals ensure that all habitable rooms would have access to natural light and would therefore also comply with the requirements in this regard.
71. Whilst consideration was given to removing permitted development rights that would allow further extension and alteration of the property once occupied as a dwellinghouse through planning condition, it is not considered expedient to do so noting that these rights are explicitly listed as being excluded from any dwellings granted permission

through Part 3, Class Q of the Town and Country (General Permitted Development) Order 2015.

### Other Matters

72. Concerns have been raised by neighbours in relation to the impact of the development on highway safety including the ability of the private access road to accommodate additional vehicle movements. However, it is noted that no objections were raised to the proposal in this regard from DCC Highways and it is not considered that the vehicle movements generated by 1 no. additional dwelling would have a significant impact on existing access arrangement, particularly noting the vehicle movements likely associated with the unrestricted permitted use of the building for agriculture.
73. Objections were also raised in relation to the scale of the dwelling and its impact upon the openness of the green belt. However, it is noted that permitted development rights make provision for the change of use proposed and the LPA may consider only those matters listed in paragraph 48 of this report when determining this application. Whilst consequently this is not a matter to which the LPA can have any regard in the determination of the application, it is noted that the scale and mass of the building would remain unaltered by the proposal and as such any impact upon the openness of the green belt would be negligible.
74. In terms of noise, the building is positioned in an isolated location away from other properties and there are no adjacent uses that would have a significant impact on the building or make it otherwise undesirable to be changed to residential use. It is also noted that the Environmental Health Section did not raise any objections to the development and did not consider it likely to result in a statutory nuisance.
75. The character and appearance of the existing building would be largely retained and is therefore considered to be acceptable. Conditions will be attached to the consent to be granted in relation to any replacement roof covering and in relation to the proposed garage doors to ensure the design is acceptable in the context of the countryside.
76. Concerns have been raised suggesting that conversion of this building would lead to further expansion and development. In terms of changes around the building itself, any resulting paraphernalia would be contained within the red line boundary as identified on the location plan and limited as a result of the removal of permitted development rights. This would serve to ensure the agricultural character of the building is maintained and to adequately control any future impact upon the character and appearance of the surrounding area.
77. One objection suggests that the Location Plan is not up-to-date and includes part of a private access. However, it is noted that for the purposes of this application to determine whether prior approval is required from the LPA, under Class W of Part 3 of the GDPO the applicant is simply required to provide a plan indicating the site and showing the proposed development and that this requirement has been satisfactorily discharged by the applicant.

### Public Sector Equality Duty

78. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant

protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

---

## **CONCLUSION**

---

79. The development is considered to fall within the required criteria in order to qualify as permitted development through provision contained within Class Q.1 of the Town and Country Planning General Permitted Development) (England) Order 2015 (as amended).
80. The proposal has been assessed in terms of its impact having regard to transport and highways, noise, contamination risks, flooding risks, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, the design or external appearance of the building, and the provision of adequate natural light in all habitable rooms of the dwellinghouses and whilst prior approval is required for contamination risk, design & external appearance and natural light, these matters are considered to be acceptable, subject to conditions, for the reasons detailed in this report
81. Whilst the concerns raised by the neighbouring residents are noted, for the reasons discussed they are not considered sufficient to sustain refusal of the application.
82. In light of the above, the application is reported to the Committee with a recommendation that prior approval is required for contamination risk, design & external appearance and natural light and granted, subject to the conditions listed below.

---

## **RECOMMENDATION**

---

That Prior Approval is required for contamination risk, design & external appearance and natural light and granted subject to the following conditions:

1. Development under Class Q must be completed within a period of 3 years from the prior approval date.

Reason: Required to be imposed pursuant to Part 3 Class Q Q.2(3) of the Town and Country Planning General Permitted Development Order 2015 (as amended)

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

3. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use,

in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

4. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

5. If, when tested, the existing roof of the building is found to contain asbestos and the roof is required to be removed, any replacement roof shall be profiled metal sheeting to match the existing in a dark non-reflective material with any conservation rooflights flush to the roof.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

6. Prior to installation of any garage doors in the building to which this application relates, details of the design, material and colour shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

---

## **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.)

---

## **BACKGROUND PAPERS**

---

Submitted application form, plans and supporting documents

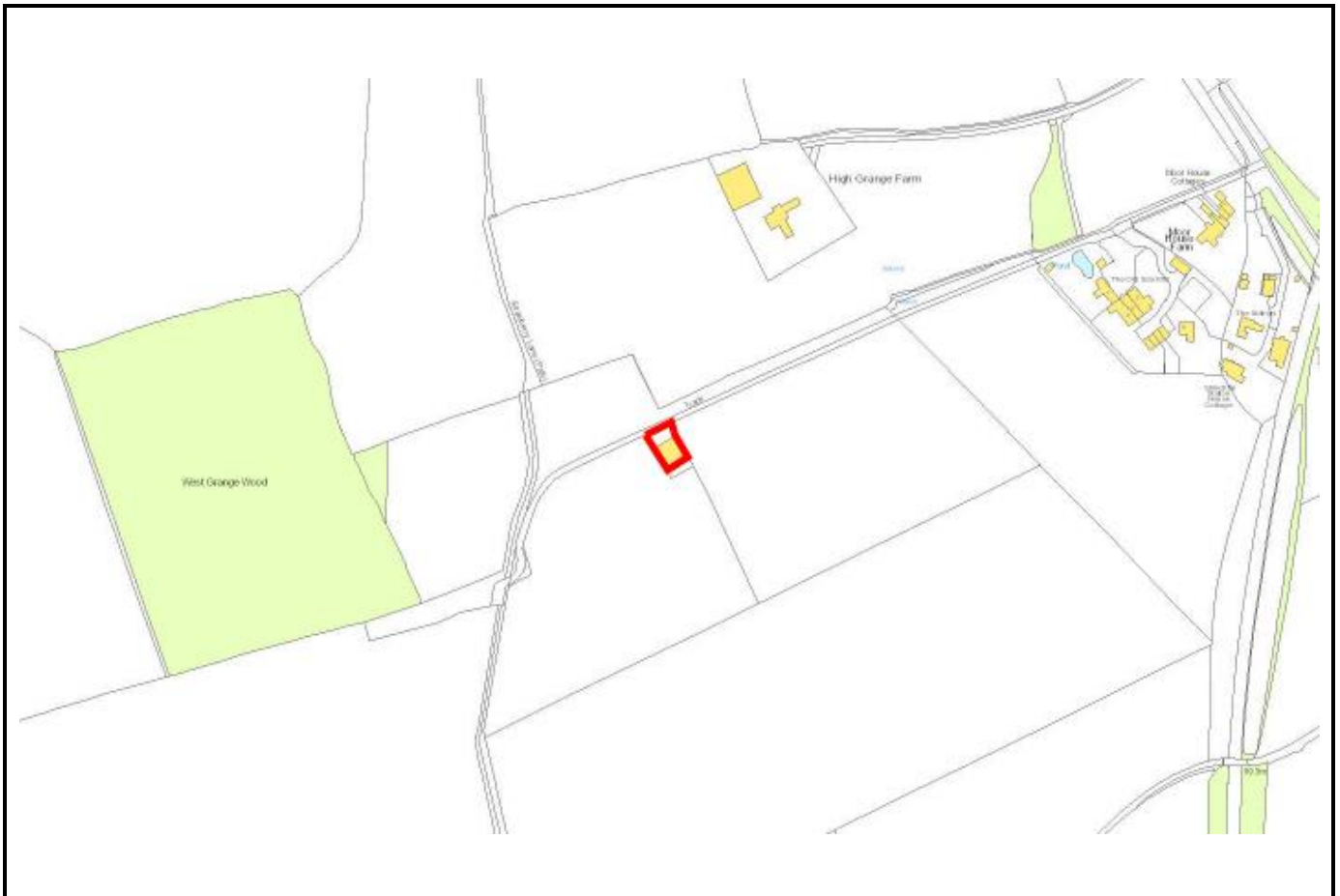
Statutory, internal and public consultation responses

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Residential Amenity Standards SPD (2020)



<p><b>Planning Services</b></p>	<p>Agricultural Building To The South Of High Grange Farm Shincliffe DH1 2TD</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. 100049055 2005</p>		
	<p><b>Date</b> May 2022</p>	<p><b>Scale</b> NTS</p>