



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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| Application No: | DM/21/02982/FPA |
| Full Application Description: | Change of use from agricultural to off road motorcycle training centre, with creation of motor track. |
| Name of Applicant: | Claypath Property Company Ltd |
| Address: | Sunridge Farm House Thornley Durham DH6 3EE |
| Electoral Division: | Trimdon and Thornley |
| Case Officer: | Leigh Dalby (Principal Planning Officer) Tel: 03000 261 959 Email: leigh.dalby@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site consists of approximately 6.07ha of agricultural land located to the south of the main farm buildings of Sunridge Farm which itself is located approx. 0.45km to the North East of Thornley and 0.8km to the South East of Ludworth.
2. The site is surrounded by open countryside to the North, East and West with sporadic farm buildings, to the immediate South of the site is Thornley Cemetery which is currently in operation and frequented by visitors and mourners, with open countryside and the settlement of Thornley beyond.

The Proposal

3. The application is retrospective, with the track formation works having already been undertaken and the operation of the track having commenced. As such the application seeks planning consent for the change of use of the site from agricultural land for what has been described as a “Community off-road motorcycle training centre”.
4. As detailed above, the track and its layout has been constructed utilising banked turns, and land contouring to provide for events/training track for use by motor cyclists. The applicant also indicated that parking and storage spaces would be provided within the site for up to 16 cars; 20 motorcycles and 10 light vans.
5. Access to the site would be provided via the existing Sunridge farm access to the public highways and an internal access track.
6. The application has been called-in by Councillor L Hovvels due to level of local resident complaints to allow for Committee consideration.

PLANNING HISTORY

DM/15/02269/PNC Change of use of agricultural building to a dwellinghouse. Prior Approval Req'd and Refused 11th September 2015

DM/15/03147/PNC Change of use of agricultural building to 3no. dwellinghouses. Prior Approval is Required 1st December 2015

DM/15/03429/PNA 2 buildings with total floor space of 450 square metres.

DM/19/01478/PNC Prior approval of proposed change of use of agricultural building to 3 no. dwelling units Prior Approval Req'd and Refused 4th July 2019

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependent.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
9. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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 pollution and land stability and remediating contaminated or other degraded land where appropriate.

LOCAL PLAN POLICY:

16. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:
17. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
18. 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.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

19. 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.
20. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
21. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate

odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

22. 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.
23. 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.
24. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.

Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

25. Policy 56 (Safeguarding Mineral Resources) states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan.
26. There is no relevant neighbourhood plan within this area.

CONSULTEE RESPONSES:

27. The following comments were received following consultation with Statutory and Internal consultees.

Statutory and Internal Consultees

28. **DCC Highways** - While the principle of this development, and the end use itself would not raise any concerns over road safety, there is no information provided with the application as to how many users would be expected at facility at anyone time, and therefore it is difficult to try and quantify the impact on the highway network, and the access to the site, which it is noted is along a private track.
29. **DCC Env. Health (Nuisance)** - Motocross racing is inherently noisy and will have a significant impact in terms of amenity and additional noise generally in the environment depending on the number of motorcycles/quads racing.

The information submitted is not sufficient to allow full consideration against the thresholds stated in the TANS Noise TANS section 3.7 page 18, lighting TANS Section 3.0 page 11, Dust section 3 pg. 14. The applicant should provide the following information for consideration:

The Code of Practice on Noise from Organised Off-road Motorcycle Sport 1994 set out how noise may be managed from off-road motorcycle events.

A noise impact assessment should be submitted which demonstrates how noise maybe controlled from the development site. There is no specific methodology which sets out how motorcycle noise should be measured. Relevant guidance suggests the most effective way of minimising disturbance is to cut it down at source. This maybe done using quieter motorcycle silencers, screening/earth bunds/straw bales, consideration of the prevailing wind direction and use of the natural topography of the surrounding land

We suggest any future assessment should consider relevant background noise levels in conjunction with noise created from the motorcycle track, consideration tonal noise and overall noise levels and its impact on noise sensitive receptors. The aim of the noise mitigation measures, and noise impact assessment shall be establishing a low impact noise environment.

Details of external lighting should be submitted. The information submitted should demonstrate the light is not intrusive to nearby residence. Further guidance can be found in: Guidance Notes for the Reduction of Obtrusive Light GN01:2011

30. **DCC Landscape** - Given the site is well screened from public vantage points (particularly in summer months), the proposals would not have significant landscape or visual effects or conflict with policies dealing with those matters.
31. **DCC Spatial Policy** – The principle of the proposal has element of acceptability under parts of Policy 10 of the County Durham Plan. However, in this case, the motor track is situated adjacent to sensitive receptors (users of the PROW and cemetery) and the impact on their amenity in terms of noise and disturbance is

of paramount consideration, and would appear to conflict with other elements of Policy 10 and other policies within the County Durham Plan.

32. **DCC Public Rights of Way** - There are two Public Rights of Way close to this site, Shadforth Footpath 19 is to the East and Shadforth Footpath 41 is to the South. Shadforth Footpath 41 is in very close proximity to the site.

There appears to be a buffer between the site and the footpath however I do have some concerns regarding the noise potential. I note that to mitigate noise issues the motorcycles will be decibel tested and that hours of use will be limited. Given the close proximity of the site to the Public Rights of Way any further noise reduction measures would be encouraged.

33. **DCC Ecology** – No objections
34. **Thornley Parish Council** – No objection to the principle of the use, however, concerns are raised over the operating times and potential conflict with the cemetery through noise and disturbance.
35. **Durham Fire and Rescue** – No objection
36. **Durham Constabulary** – No objection to the principle as it removed the common complaint that ‘bikers have nowhere to go’, However, the following concerns are raised:
- 1) Noise for local residents from multiple motorcycles where baffles have been removed from the exhaust.
 - 2) Unroadworthy / un registered motorcycles travelling at speed and in an anti-social manner to the location along footpaths and bridal paths
 - 3) Has the track been reviewed from a safety POV by professionals? I note that it is being called a ‘training centre’ with instructors, however the presence of first aiders and marshals make it seem more like a pay as you go track with little control. Would be a proper registration system with registrations of the motorbikes and rider details, or non-registered vehicles only attending on trailers?

PUBLIC RESPONSES

37. The application has been publicised by way of neighbour notification (76no in total), site notice and press advert. A summary of the comments received are as follows:
38. Objections (31no in total)
- Loss of amenity through excessive noise generation;
 - Adverse impacts upon the enjoyment of nearby dwellings;
 - Adverse impact upon the amenity and enjoyment of sensitive locations nearby such as the nearby cemetery and footpaths;
 - Lack of consideration or submitted details in respect of impacts on local ecology;

- Site in operation as a motorcycle track since 2021 without planning permission
- Poor road signage to site.
- Operates at weekends

39. Support (5no in total)

- Good for local community and children
- Reduce Anti-social behaviour
- Riders use appropriate safety protection
- Noise has minimal effect
- Opportunity to engage with a organised hobby

APPLICANTS STATEMENT:

40. This application is in response to the growing anti-social behaviour of off-road motorcycle riders.
41. This has been the subject of a recent discussion in the House of Commons initiated by the local MP for Easington District Mr Grahame Morris (whose support we are seeking).
42. This is available from the House of Commons Library and through the link below.
43. Anti-social behaviour and off-road bikes Debate Pack 25 May 2022 Number CDP-2022-0097 By Fintan Codd, Lewis Pickett (specialist)
<https://www.grahamemorrismp.co.uk/2022/05/31/anti-social-behaviour-and-off-road-bikes>
44. Despite the fact that the Minister for State for Crime and Policing, Kit Malthouse MP, in December 2021, explained that the Government has provided the police, councils and other agencies with a “range of tools and powers” to response to anti-social behaviour, including “anti-social incidents involving off-road bikes.” the problem continues .
45. The main goal in promoting this application is to take these off-road motorcycles away from the public domain and off bridle paths, public footpaths and farm properties who regard their presence as a nuisance and trespass. Current legislation is not working, and both police and local authorities are stretched to their limits.
46. To deter anti-social behaviour all user members as a condition of their membership must sign an undertaking that they will not use their motorcycle on any public thoroughfare as in public footpaths, bridle paths, public road, trespass on farm fields.
47. The track will provide a safe, contained, fun facility and to get these motorcycles away from the public into a controlled regulated area.

48. Although demand is extremely high, in consideration of neighbour's comments, the opening times will be curtailed to one day per week at weekends. The opening times will be strictly limited to 10am until 4pm. This rather than the initial opening times on the application form.
49. Sunridge Farm, Thornley is in total 45 acres of grassland presently, it is in the sole ownership of Anne McCarrol along with the farmhouse which is the family residence. Her son Stuart McCarroll has always had an interest and indeed a passion for motor cross trial type off road motorcycles. In the past his parents would allow him, and a few friends use the private tracks around the farm to enjoy their motorcycles. Off road bikes can legally be ridden on private land with the owner's permission.
50. On an occasion Mrs McCarrol noticed that they had strayed off their land and were also using a bridle path nearby. She immediately stopped this activity. The young men complained that they felt curtailed in the confines of the farm track and that everyone else with trials type motorbikes were using public footpaths, bridle paths and generally trespassing on fields and paths all over the area.
51. She agreed to allow her son to create a winding track on an area of the farm in approximately 15 acres of field not currently in use. This would mimic a winding pathway around the field as some competition tracks do. This track was completed and is used on a regular basis. The word spread and requests were received from all over the area to use the facility.
52. It has now become so popular that it has become necessary to regulate it and on advice from council officials this planning application has been submitted.
53. All other regulatory measures implemented as follows:
54. Welfare facilities are available, these include toilet facilities, changing area, hot and cold water, first aid room and administration office.
55. Marshals will always be employed and deployed for track days and personnel on site. This will provide part time employment to approximately 5 individuals from the county community.
56. Mrs McCarrol wants this facility to succeed whilst causing as little disruption to neighbours as possible so she has sought advice from the industry body and will strictly adhere to the following:
 - the correct insurances will be in place,
 - a decibel meter will be deployed and all motorcycles will be decibel tested according to requirements in Appendix 1 below and rated prior to being allowed to use the track
 - no motorcycles will be allowed on the facility unless they pass the industry decibel check
 - the riders will be examined for competent ability to use the facility.

- training instructors will be on site at all track days to offer full training of the safe use of motorcycles on the track and to ensure riders pass a competent rider test.
57. A charge will be made on track days to cover the cost of marshals, first aiders, instructors, checking mechanic. The point of this application is to provide a safe, contained, fun facility and to get these motorcycles away from the public into a controlled regulated area.
 58. Current legislation allows the track to be used for 14 days per annum but demand has been so great that this has been exceeded and Mrs McCarroll is seeking to regulate this through this application.
 59. The applicant has read the comments from consultees listed below and will seek to adhere to any advice.
 60. Nuisance Action Team have requested a noise impact assessment, In response the applicant will commission a Noise Impact Assessment and adhere to the recommendations
 61. Highways development management have no objections in principle but would like further information which will be provided

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

62. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 47 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, the impact on residential amenity, the character and appearance of the area and visual amenity and highway safety.

Principle of Development

63. 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.

64. As detailed above the site lies within a rural location detached from any nearby conurbation. Policy 10 states that “development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to an exception listed in the policy”.
65. Policy 10 criterion g) supports development of a new, or the enhancement of, an existing countryside based recreation or leisure activity which will improve access to the countryside for all in terms of walking, cycling, horse riding and sailing without giving rise to adverse environmental impacts. Policy 10 also advises that “new development in the countryside must accord with all other relevant development plan policies and by virtue of their siting, scale, design and operation must not” conflict with criteria l) to r) and advises that “New development in the countryside must also:” accord with criterion s) and t). Criterion l), p) q) and r) all appear applicable.
66. In respect to criteria l) Policy 10 advises that development must not “give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for;” In this regard whilst the Council Ecologist has not objected to the proposal in terms of biodiversity; it is considered that the proposal would by virtue of the noise and disturbance created by the motor cycles have a detrimental impact on the character and tranquillity of the Countryside. The proposal would therefore fail to comply with criteria l) of Policy 10.
67. Criteria p) of Policy 10 states that development must not “be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport”
68. It would appear that the proposal would be in direct conflict with criterion p) as visitors to the proposal would appear to be solely reliant upon unsustainable modes of transport. The criterion also advises that, “New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport”. However, it is considered that criterion p) need to be considered in light of the advice set out in paragraphs 84, 85 and 110 of the NPPF.
69. The relevant part of paragraph 84 of the NPPF requires that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses; and allow for sustainable rural tourism and leisure developments which respect the character of the countryside.
70. NPPF Paragraph 85 recognises that decisions relating to rural business in locations that are not well served by public transport ensure that any development is sensitive to its surroundings, does not have an unacceptable

impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

71. NPPF Paragraph 110 advises that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
72. In regard to the above paragraphs the NPPF is clear that rural diversification and enterprises should respect and be sensitive to the character of the area and the surroundings and should seeks to promote sustainable modes of transport. It is considered that the proposal due to its noise and dust generating nature does not respect the location, particularly in relation to the neighbouring cemetery and will have an adverse impact on the character of the Countryside in this location. It is therefore considered that the proposal fails criteria p)
73. Criteria Q of Policy 10 relates to highway safety, that will be considered in detail below,
74. Criteria R of Policy 10 requires that development will not have an adverse impact upon residential or general amenity, in this regard the proposal has been in operation for approx. 12months, and as evidenced within the objections has been the cause of significant nuisance in terms of noise, that has impacted the residential amenity of the dwellings close to the site, in addition concerns have been raised in relation to the general amenity of the area and tranquillity that should be afforded to the adjoining Cemetery to allow services and visitors to undertaken their activities on site in the peace and tranquillity that a place of this nature should be given.
75. The Council's Env. Health section have raised concerns in relation to the acceptability of the use, and that further noise studies and mitigation works would be required to ameliorate the current noise nuisance being caused. It is therefore considered that the proposal fails to comply with Criteria R of Policy 10 due to the adverse impact on the proposal due to the noise generation associated with a use of this nature on the residential and general amenity of the area.

Principle of Development Conclusion

76. It is considered that the principle of the proposed use as a moto-cross / cycle training and track facility is unacceptable due to being contrary to the provisions of Policy 10 of the Country Durham Plan as detailed above.

Impact upon Residential Amenity

77. Policy 29 (Sustainable Design) of the CDP 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.
78. 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.
79. The Council's Env. Health officer has accessed the development and concluded that Moto-cross activity is inherently noisy and will have a significant impact in terms of amenity and additional noise generally in the environment depending on the number of motorcycles/quads racing. They have confirmed that insufficient information has been submitted to fully assess the proposal and requested that full noise assessments and proposed mitigations measures would be required to fully assess the suitability of the proposal.
80. However, given that the use of the site was in principle considered unacceptable due to the reasons as set out above, it was considered unreasonable and perverse to require the applicant to go to the expense of providing this documentation, which would not overcome the overriding concerns in relation to the principle of the development.
81. In relation to Policy 31 it is considered that the proposal is likely to generate noise, dust and odour (in the form of engine exhaust fumes) that will have a detrimental impact on the natural environment, and will have a detrimental impact on the neighbour uses, particularly the cemetery direct adjoining the site which is considered to be a sensitive site.
82. Therefore, in conclusion it is considered that the proposal as presented is unacceptable in relation to the requirements of Policy 29 and 31 of the County Durham Plan and sections 8 and 12 of the NPPF. In that the proposal will have a detrimental impact on the residential amenity of nearby residents and will impact the amenity of the natural environment and the neighbouring uses.

Highway and Pedestrian Safety

83. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
84. The Council's Highway Engineers have assessed the proposal and concluded that further information is necessary to fully assess the proposal, as detailed above it is considered that requiring this additional information would be unnecessary and perverse as it would not address the principle concerns in relation to the proposal. However, if the principle were to be considered acceptable this information could be secured by way of planning conditions to ensure that the scheme would not create a detrimental impact on the highway.
85. In light of the above it is considered that at present the scheme is contrary (due to insufficient information) to Policy 21 of the County Durham Plan, and Part 9 of the NPPF.

Impact on the character and appearance of the streetscene and landscape

86. Policy 29 (Sustainable Design) of the County Durham Plan 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.
87. Policy 39 (Landscape) of the CDP 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.
88. In relation to the impact on the proposal on the character and appearance of the area and landscape. The Council's Landscape team have considered the application and confirmed that the development would be well screened from public vantage points (particularly in summer months), and that the proposals would not have significant landscape or visual effects. It is therefore considered that the proposal is acceptable in relation to Policy 29(a) and 39 of the Country Durham Plan.

Ecology

89. Policy 41 (Biodiversity and Geodiversity) of the CDP restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to

result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

90. In relation to the above a County Ecologist has considered the proposal and concluded that the use is acceptable offering no objections. The scheme is therefore considered acceptable in relation to Policy 41 of the County Durham Plan.

CONCLUSION

91. It is considered that the proposal for a moto-cross/cycle training facility and track within this rural location is unacceptable by reason that the proposal would fail to comply with Policies 10, 21, 29 and 31 of the County Durham Plan which require that new development will not be permitted in rural locations where it will result in an unacceptable impact, either individually or cumulatively, on the character and tranquillity of the area, the residential amenity and general amenity of neighbouring land users and natural environment, and relies on unsustainable modes of transport and where it is not demonstrated that the development can be integrated effectively with any existing business, residential and community facilities (Ludworth Road Cemetery)

RECOMMENDATION

That the application be **Refused** for the following reason

1. The proposal due to its nature would cause unacceptable harm to the intrinsic character and tranquillity of the Countryside, be reliant on unsustainable mode of transport, and result in a detrimental impact on both the residential amenity of nearby residents and the general amenity of the area, specifically in relation to the amenity for users of the Ludworth Road Cemetery which is considered to be a sensitive location contrary to Policies 10, 21, 29 and 31 of the County Durham Plan, and sections 6, 8, 9, and 12 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

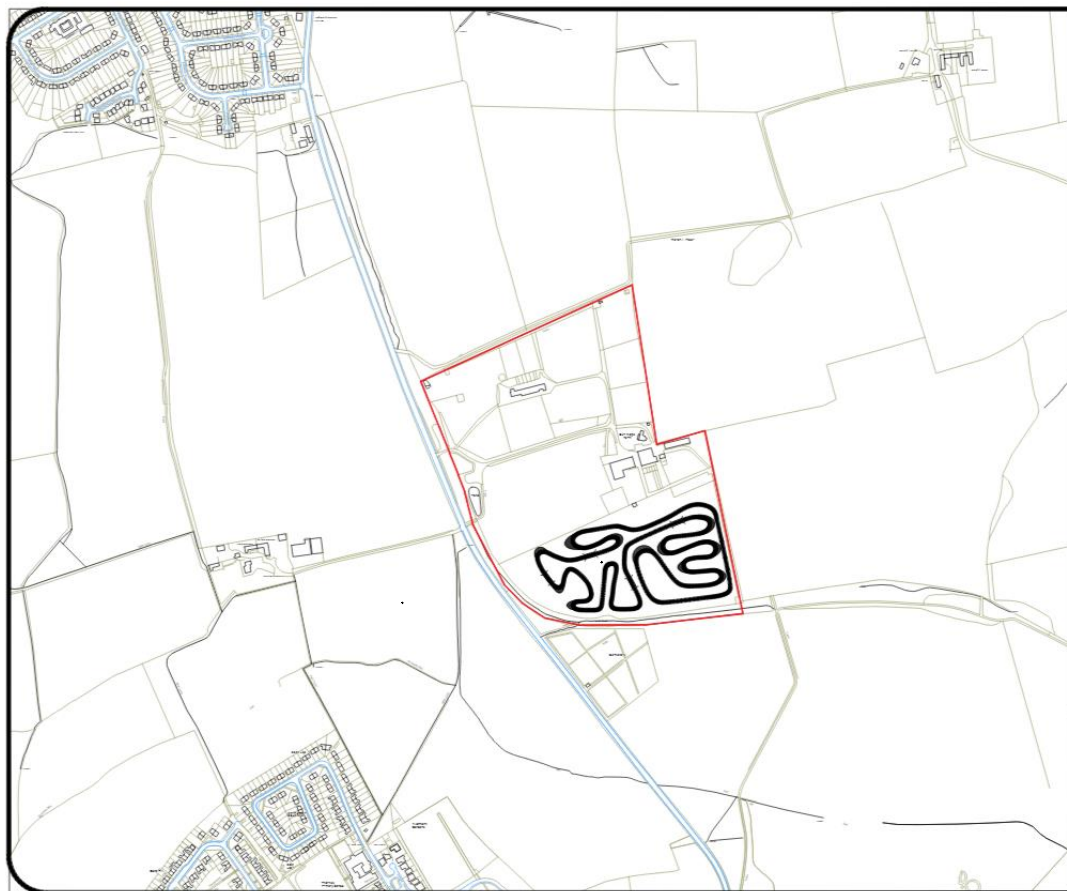
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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 form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes
County Durham Plan (2020)
Statutory, internal and public consultation responses



Project Name and Address
Proposed Bicycle Track to
Sun Ridge Farm, Thornley,
DN4 3BB

Title
Biking Location Plan

Date: Sep 2021 Drawing No:
Scale: 1:2000 01

Planning Services

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Sunridge Farm, Thornley, Durham

Date June 2022

Scale NTS