



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/00844/OUT
Full Application Description:	Outline application for the erection of 16no. self-build plots with all matters reserved.
Name of Applicant:	Castle Eden Developments Ltd
Address:	Barn High Farm, High Hesleden, TS27 4QD
Electoral Division:	Blackhalls
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 relates to High Farm within High Hesleden. The site is developed and benefits from various buildings given to its historical agricultural use and have been subject to some planning history relating to redevelopment, full details of which are contained within the appropriate heading below. The surrounding area is predominantly residential in character comprising of a mixture of different house types. Further to the east of the site lies The Ship Inn, a public house with agricultural fields to the north.
2. The village of High Hesleden is a small, predominantly linear rural settlement situated to the east of Hesleden and the southwest of Blackhall Colliery. It is close to the east coast of County Durham and within the 6km buffer zone of a European Designation. There are very limited facilities within the village, with the village scoring 4.1 for facilities and services within the County Durham Settlement Study 2018. This study provides a score-based methodology based on the services and facilities available within the 230 settlements within County Durham and is a useful tool when assessing the sustainability of a settlement.

3. There are bus stops within walking distance of the site where a single hourly bus service operates between 0700 – 2000 linking the village to the main local conurbation of Peterlee. In addition, the site lies relatively close to Hesleden and Blackhall which contain some community facilities such as schools, shops and health care facilities.
4. The site is accessed off the C81 Mickle Hill Road to the front through the formation of a new entrance.

The Proposal

5. The proposal seeks outline planning consent with all matter reserved for the erection of 16no. self-build plots.
6. The application has been brought to the Planning Committee for consideration in accordance with the Council's scheme of delegation due this being a major development.

PLANNING HISTORY

7. The following application are considered relevant to the site history for this application:
 - CE/14/00086/FPA Demolition of agricultural units, conversion of 4 agricultural buildings to dwellings and 9 new dwellings. Approved subject to S106 14th June 2018
 - DM/17/01387/FPA Formation of 4 No. private car parking spaces and upgrade of associated agricultural access track Approved 27th June 2017
 - DM/18/02515/VOC Variation of Condition 2 relating to the approved drawings and the removal of Condition 17 which requires the removal of an existing barn prior to the commencement of development pursuant to planning application CE/14/00086/FPA. – Not determined
 - DM/19/01694/PNC Prior notification change of use of an agricultural building to 2 No. dwellinghouses and associated building operations Prior Approval Req'd and Granted 26th July 2019

PLANNING POLICY

NATIONAL POLICY

8. 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.

9. 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;
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 5 - Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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:

20. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:
21. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
22. Policy 6 (Development on Unallocated Sites) supports 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.
23. Policy 15 (Addressing Housing Need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people

and people with disabilities and the circumstances in which the specialist housing will be supported.

24. Policy 19 (Type and Mix of Housing) advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
25. 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.
26. Policy 25 (Developer Contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
27. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
28. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
29. 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.

Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area

Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety

Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.

Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.

30. 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.
31. 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.
32. Policy 33 – Renewable and Low Carbon Energy – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.

33. 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
34. Policy 36 Disposal of Foul Water states that all new development should adopt the hierarchy of preference.
35. 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.
36. 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.
37. 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.
38. Policy 42 Internationally Designated Sites states that development will be refused where it cannot be ascertained, following appropriate assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory test of 'no alternatives' and 'imperative reasons for overriding public interest'.
39. 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. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

40. There is no relevant neighbourhood plan within this area.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

41. The following comments were received following consultation with Statutory and Internal consultees.
42. Highway Authority – No objection subject to conditions relating to the design of the access.
43. Lead Local Flood Authority (LLFA) – No objection subject to conditions
44. Design and Conservation Section – Raised concerns in relation to the indicative layout of the scheme and its suburban appearance. Suggested a simplified design code.
45. Environmental Health (Noise Action Team) – No objections subject to conditions
46. Environmental Health (Contaminated Land) – No objection subject to conditions
47. Landscape Section – Raised concerns in relation to the projection North into the Countryside beyond the current built framework of the site, which would have a detrimental impact on the landscape character of the area. Concerns of the suburban indicative layout of the development and the impact this will have on the character of the rural village
48. Tree Section - The scheme would not result in the loss of any significant trees on site. Consideration should be given to additional new planting on site to compensate for the increase dwellings and subsequent localised pollution.

49. Ecology Section – Further information on the bio-diversity net gain for the development is requested and a HRA CAMMS contribution would be required.
50. Public Rights of Way Section – Footpath 3 runs along the western edge of the site. The footpath must not be affected, narrowed or blocked by the final development
51. Education Authority – Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
52. Archaeology Section - As the development is largely within the boundary of the farm, the previous buildings on site are likely to have disturbed below-ground remains so there would be no requirement for evaluation and no objection to the application.

I would advise the applicant that if expansion of the development in the field to the north (as suggested by the access road) is proposed, evaluation would be required in support of that application.

NON-STATUTORY RESPONSES

53. The following comments were received following consultation with non-statutory consultees:
54. NHS – No financial contribution required.

PUBLIC RESPONSES

55. The application has been publicised by way of site notice, press advert and notification letters sent to neighbouring properties. In response 2no. letters of objection were received; a summary of the points of objection are as follows:

Objection

- Loss of privacy and amenity
- Loss of views and light
- Proposal will impact the character of the village
- No facilities and services in village, car travel is essential to access anything, and therefore not a sustainable development.
- Poor bus services and unlit footpath means car travel is essential
- Noise and disturbance from building site

APPLICANTS STATEMENT:

56. High Farm is a disused farm that has fallen into disrepair over the last 10 years. Our aim is to preserve the main farm buildings at the front which have history and character. At the rear we propose to clear the dilapidated modern frame

type farm buildings and prepare the land for a series of spacious self build property's which take advantage of the surrounding countryside and sea views.

57. The site currently has planning for 4 barn conversions 9 new builds and permitted development for 2 further buildings at the rear of the site, a total of 15 dwellings.
58. The design for the granted approval has generated no interest with potential buyers in the 5 years + its been offered and that general feeling is that its not viable in its current form.
59. There has been definite shift in the market since covid and people are seeking a more detached style with outdoor space which the existing design doesn't have so the scheme has even less appeal to potential developers.
60. Most of the buildings are poor condition and no of significant heritage interest which would warrant the enormous amount of money required to be spent to renovate them. They are also falling over making the area dangerous and unsightly. The development would tidy up the site and make good use of a dilapidated brownfield space.
61. The proposed scheme will allow self-builders the opportunity to develop on the site to a design code which will see a cohesive design which adds to the characteristics of the area.
62. The proposed development provides an opportunity to create high-quality dwellings which can be easily accommodated on the site and which could be delivered quickly. It is respectfully requested approval is given by Members

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

63. The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, planning obligations, viability), impact on highway and pedestrian safety, impact upon the visual amenity of the area, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, flooding and drainage and any other material planning considerations.

PRINCIPAL OF DEVELOPMENT

64. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this

respect the development plan for the area consists of the policies contained with the adopted County Durham Plan (2020)

65. The application site is located within the general envelope of the village of High Hesleden in the former District of Easington. The site is bounded to the South, East and West by residential dwellings and by open countryside to the North. The site is not allocated within the adopted County Durham Plan as a designated housing site as such Policy 6 of the County Durham Plan (CDP) is relevant. Policy 6 permits development on unallocated sites provided it meets the criteria set out within this policy. In this regard it is considered that the proposed site is acceptable in principle in terms of Policy 6 of the CDP.
66. It is noted that the site currently has an extant planning permission for the erection of 9no. new dwellings at the site along with the conversion of 4no of the existing agricultural buildings residential accommodation.

SUSTAINABLE DEVELOPMENT

67. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.
68. Considerable weight should be given to the fact that the authority can now demonstrate in excess of a five-year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. The NPPF paragraph 8 sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation.
69. Critically, paragraph 11 of the NPPF states that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Whilst Paragraph 12 of the NPPF on the other hand stipulates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
70. The proposed development is located within a relatively central location within the village with the site extending north into the agricultural fields. The site has easy access to a limited sustainable transport link via a single bus service to Peterlee which also serves surrounding villages. High Hesleden itself has limited facilities such as shops, pubs and community facilities, with the single pub in the village having closed during Covid-19 and has since failed to reopen. Whilst there are facilities in the nearby neighbouring villages these are accessible only by private vehicle. It is therefore considered that the site is an unsustainable

location in line with section 2 of the NPPF and the aspirations of paragraph 79 of the NPPF in supporting the vitality and viability of existing communities.

71. This view is supported by a relatively recent 2018 Planning Appeal decision (Ref. APP/X1355/W/18/3211244) for 3no. dwellings within High Hesleden which forms part of this application site. In that decision the Planning Inspector noted amongst other matters *“The appeal site has convenient access to bus stops which are served by bus routes providing access to nearby villages as well as larger settlements. However, the evidence suggests that these bus services are relatively infrequent, and I do not consider that these bus services would provide a significant alternative to a reliance on the private car due to the frequency of the bus service and the relative convenience of these modes of transport”* The Inspector concluded on this matter stating *“I have concluded that the proposal would not be in a sustainable location with regard to access to services and employment. The proposal would therefore conflict with the policies of the Framework in respect of managing patterns of growth to promote sustainable transport and I give this conflict substantial weight”*
72. In light of the above it is considered that the location of the site is unsustainable given the reliance on private motor vehicles to access day to day shops and services, contrary to Policy 6 and 21 of the County Durham Plan and Section 2 of the NPPF.

Fallback Position

73. As noted, the application site does benefit from an extant planning permission for the creation of a total of 12no. dwellings, comprising of 4no. conversions and 9no. new build dwellings to be constructed within the general envelope of the former farmyard. Whilst it is acknowledged that this fallback exists, it is nevertheless not considered to be directly comparable to the scheme forming part of the current planning application as there are some fundamental differences. Specifically, the former included the conversion of 4 former agricultural buildings considered worthy of retention and as such the scheme retained some agricultural character in terms of design and layout, whereas the current scheme is for new build development removing all previous agricultural buildings. In addition, the current proposal involves a greater extent of incursion into open countryside to the north.
74. Policy 15 additional requires that all housing developments provide a minimum of 66% of the units to be Building Regulation M4(2) compliant and 10% suitable for older persons. In this regard as the application is all matters reserved these matters are not known at this time, however, this element can be secured by planning condition.
75. Policy 19 of the County Durham Plan requires that developments secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes. In this regard the development would provide the opportunity for a mix of dwelling types potentially including bungalows. It is therefore considered that

the mix of dwellings within a self-build development is acceptable and in accordance with the provision of Policy 19.

Principle of development summary

76. In consideration of the above, given to the site's location, despite the site being well related to the surrounding residential uses and the extant approvals on the site for residential development that the proposal is considered to be located within a village that is unsustainable being contrary to Policy 6 of the County Durham Plan and Section 9 of the NPPF, and as such could not support the level of residential development proposed, without the future residents being heavily reliant upon trips by private motor vehicles to access day-to-day services and facilities and with no material planning considered to outweigh this harm.

Impact on the character and appearance of the streetscene

77. 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.
78. The application seeks outline planning permission with all matters reserved and as such some of the detail provided is indicative. However, a number of comments have been made in relation to that indicative layout and form of the proposal, and its impact on the character and appearance of the area, especially when view from the public rights of way to the North/West, given its suburban appearance and that the scheme fails to take its architectural design cues and layout from the rural character of the area. However, this concern could be addressed at the reserved matters stage.
79. Notwithstanding the above, the character of the village is defined by its well-defined built framework, and it is noted that the previous proposals were contained within the previously developed areas of the main farmyard. However, this proposal seeks consent for development further north into the open Countryside beyond the current built framework of the village; as such it is considered that the addition of housing within this area would have a detrimental impact on the character and appearance of the area contrary to Policy 29(a) in that it would fail to positively contribute to the character of the area and its landscape features and 29(l) in that it would fail to assimilate with its surroundings.

Landscaping

80. 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.

81. The Council's Landscape Section have considered the application and confirmed that the development would have a detrimental impact on the character of the landscape and the distinctiveness of the villages through the considerable incursion into the open countryside. As such it is considered that the development would be contrary to the aims of Policy 39 of the County Durham Plan and paragraph 130 of the NPPF..

Planning Obligations

82. CDP policy 25 relates to planning obligations and set out requirements for new development to contribute towards the provision and or improvement of physical, social and environmental infrastructure depending on the nature and local/strategic needs. In this in accordance with Policy 25 (Planning Obligations), Policy 15 (affordable housing) and Policy 26 (Green Infrastructure) the development will need to provide certain contributions.
83. Policy 15 requires that a development of this nature will be necessary to provide a contribution towards affordable housing. As this site is within a low viability area, 10% of affordable homes would ordinarily be required. NPPF paragraph 64c recognises that the specific requirement for 10% affordable home ownership does not apply on self-build sites, however, affordable provision is still applicable to such schemes in line with para 63. However, given the site is for self-build homes an off-site contribution would be appropriate because the development is unlikely to be attractive to a registered provider and there would be five or fewer affordable homes on the site. At the reserved matter stage when precise details of the scheme are available an exact contribution would be calculated by the Council's Affordable Housing Team based on the number, type and size of units to be delivered and their value, and would need to be secured via a s106 agreement.

Open space / Green Infrastructure

84. Paragraph 98 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. The Council prepared its Open Space Needs Assessment (OSNA) in 2018 as part of the preparation of the County Durham Plan and as such it is considered that this is the most up to date assessment of need for the purposes of Paragraph 98 of the NPPF.
85. Policy 26 (Green Infrastructure) states that development will be expected to maintain, protect, and where appropriate, improve the County's green infrastructure network. In accordance with Policy 26 and having regards to the

Councils Open Space Needs Assessment (OSNA) it is considered that the development is required to provide offsite contributions towards open space provision which would equate to **£27,825.60** towards enhancement, maintenance or provision within the vicinity of the development

86. Policy 25 requires new development to mitigate any matters necessary to make the development acceptable through either planning conditions or planning obligations.

Education provision

87. Paragraph 95 of the NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement. The Councils Education team have confirmed that there is sufficient existing educational provision within the area to the extent no contributions are necessary.

Health Contributions

88. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users. The local NHS Clinical Commissioning Group (CCG) have confirmed that there is sufficient local health service facilities to accommodate future residents of the development and have therefore stated that no financial contribution is necessary.

Developer contribution conclusion

89. As detailed above it is considered that the proposal is in accordance with Policy 25 and 26 of the CDP to mitigate the impact on the development subject to the completion of a s106 agreement to secure the obligations.

Impact upon Residential Amenity

90. 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. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping,

access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.

91. In addition to the above policies within the CDP, the Local Authority has adopted a residential design SPD which sets out the Councils expectation in relation to privacy distances and private outdoor amenity space (Gardens). In this regard the development would need to achieve a minimum of 21.0m between two storey buildings and 18.0m between bungalows and provide rear garden lengths of at least 9.0m.
92. The above policies and SPD are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
93. It is acknowledged that given that the application seeks outline planning permission with all matters reserved, it is not appropriate to assess the proposal against these considerations at this stage and that will be for considerations at the reserved matters stage. However, sufficient information has been provided to assess the extent to which the site could accommodate the 16 No. dwellings listed in the application description, taking into consideration the separation distances required by the SPD. If the application were to be considered acceptable precise details of layout would be subject to reserved matter application, and a suite of conditions could be imposed to secure a satisfactory development in regards to the policy requirements of Policy 29.
94. Crime, and fear of crime are material planning considerations. Paragraph 92(b) of the NPPF states that planning decision should aim to ensure that developments provide health, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. In this regard it is considered that, given the location and nature of the development that the proposal meets the test of Paragraph 92 of the NPPF and Policy 29(m)(1 and 6).
95. 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.
96. The Council's Env. Health officer has accessed the development and concluded that the proposal has the potential to cause a nuisance in relation to disturbance

during the construction phase for existing nearby residents. However, they have confirmed that subject to planning conditions the nuisances can be adequately mitigated. As such it is considered that the proposal is acceptable in relation to the impact on the surrounding residents subject to the requested conditions.

97. Therefore, it is considered that the proposal is acceptable in that there would not be any unacceptable impact upon residential amenity of future or existing residents in accordance with the aims of policies 29 and 31 of the County Durham Plan, the Residential Design SPD and Sections 8 and 12 of the NPPF, subject to appropriate conditions.

Highway and Pedestrian Safety

98. 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
99. The Council's Highway Engineers have assessed the proposal and concluded that the proposal requires some alteration to the road layout and the engineering arrangements of the access point. However, no objections have been raised in principle to the proposal. As this application outline with all matters reserved the engineering arrangements and layout can be addressed at the reserved matters stage and that the minimum the proposal requires to provide is that safe access can be obtained to the highway. It is therefore considered on the balance of the information provided that a safe means of access can be achieved subject to the amends requests which can be secured by condition. The scheme is therefore acceptable in this regard.
100. However, is acceptable subject to the submission of further information and details that can be secured through planning conditions
101. Policy 21(a) also requires that all development delivers, accommodates and facilitates investment in safe sustainable modes of transport for people with mobility issues or disabilities, walking, cycling, bus and rail transport. In this regard and as detailed above, the site due to its location is primarily reliant on private motor vehicles to access facilities
102. In light of the above it is considered that the proposal is contrary to Policy 21(a) of the County Durham Plan, and Part 9 of the NPPF.

Trees

103. Policy 40 (Trees, Woodlands and Hedges) of the CDP 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.

104. The Council's Arborist has assessed the proposal and concluded that the scheme is acceptable in this regard.
105. Therefore, in light of the above it is considered that subject to an appropriate condition to ensure an appropriate landscape scheme is submitted as reserved matter stage the proposal is in compliance with Policy 40 of the CDP.

Ecology

106. 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.
107. In relation to the above a County Ecologist has considered the proposal requested further information in terms of BNG calculations. However, given that the proposal is all matters reserved it would not be reasonable to require a full BNG calculation to be undertaken at this stage, but rather this information could be subject to appropriate condition or s106 agreement requiring the submission of BNG calculations and mitigation measures at reserved matters stage which could be managed through condition the development would deliver net biodiversity gain.
108. The application site is located within 6km of the Heritage Coast SAC which is designated as such for its ecology and biodiversity value. Specifically, the JNCC designation confirms that the Durham Coast is the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. These cliffs extend along the North Sea coast for over 20 km from South Shields southwards to Blackhall Rocks. Their vegetation is unique in the British Isles and consists of a complex mosaic of paramaritime, mesotrophic and calcicolous grasslands, tall-herb fen, seepage flushes and wind-pruned scrub. Within these habitats rare species of contrasting phytogeographic distributions often grow together forming unusual and species-rich communities of high scientific interest. The communities present on the sea cliffs are largely maintained by natural processes including exposure to sea spray, erosion and slippage of the soft magnesian limestone bedrock and overlying glacial drifts, as well as localised flushing by calcareous water.
109. The Council's recently adopted its Habitat Regulations Assessment: Developer Guidance and Requirements and as such this is a material consideration in determination of this application. It includes a requirement for the payment of commuted sum to mitigate the impact of the development upon increased visitors to the SAC. The Council's Ecologist has advised that the required figure in this instance (in lieu of on-site mitigation) would be £12,105.76 for use towards schemes contained within the Coastal Access Management Measures.

Drainage

110. 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.
111. Whilst Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
112. The Council Drainage and Flooding section have assessed the scheme and concluded that due to the constraints of the site it is not possible to fully comply with surface water management train, however subject to appropriate conditions they are satisfied that the development is acceptable.
113. It is therefore considered that the scheme is acceptable in relation to Policy 35 and 36 of the CDP subject to appropriate planning conditions.

CONCLUSION

114. In summary, it is considered that the site does not represent a sustainable location with regards to access to shops, services, employment and education provision contrary to policy 6 of the CDP and paragraph 105 of the NPPF, particularly with respect to managing patterns of growth to promote sustainable transport.
115. In addition, it is considered that the development would have a significant detrimental impact upon the predominantly rural character of the area and result in considerable encroachment into the open countryside beyond the built framework of the former farm, contrary to the aims of policy 6 and 39 of the County Durham Plan and Part 15 of the NPPF.

RECOMMENDATION

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

1. It is considered that due to the lack of facilities and services within the settlement and reliable and regular sustainable transportation links and foot paths linking to other settlements that future residents would be reliant on private motor vehicles to access services and employment. As such the site is considered to be an unsustainable location contrary to Policy 6 and 21 of the County Durham Plan,

Section 2 of the NPPF with particular reference to the three overarching objectives of Paragraph 8 of the NPPF.

2. The development would have a detrimental impact on the character and appearance of the rural settlement and the surrounding countryside and result in an unsympathetic incursion into the open countryside to the North beyond the well-established built framework and character of the area contrary to Policy 6, 29 and 39 of the County Durham.

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

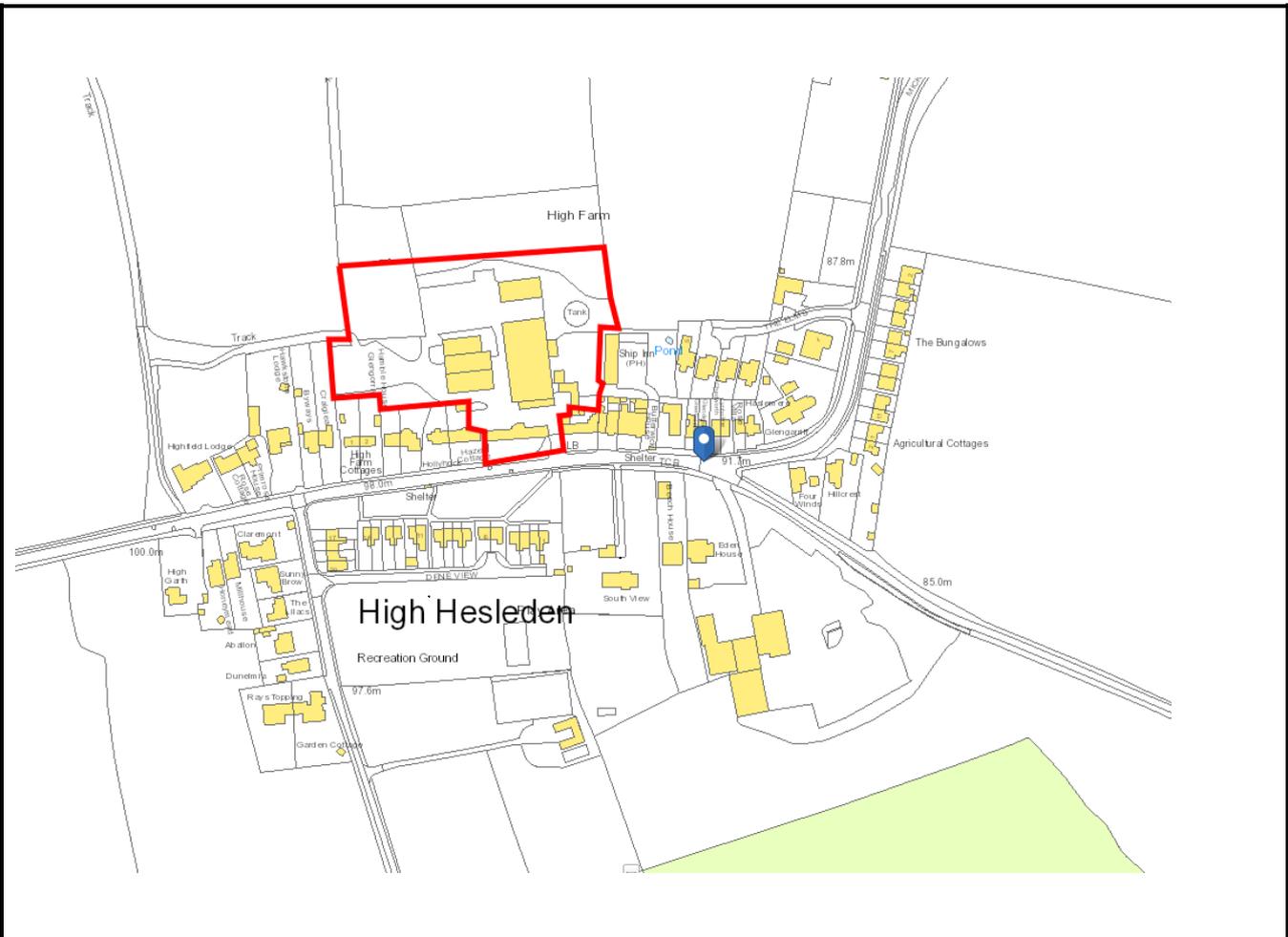
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Outline application for the erection of 16no. self build plots with all matters reserved.</p>	
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	<p>Date 04.07.2022</p>	<p>Scale NTS</p>