



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/22/01695/FPA
Full Application Description:	Resubmission of DM/22/00885/FPA for the conversion of lambing shed to single dwelling and engineering works to create lower ground floor, new access road, install ground source heat pumps and klargester package sewage treatment plant, create 3 ponds and construct new footpath (part retrospective)
Name of Applicant:	Mr Malcolm Wass
Address:	Stockley View, Stockley Lane, Oakenshaw, Crook, DL15 0TL
Electoral Division:	Willington and Hunwick
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site comprises a parcel of land measuring approximately 0.285ha located to the south of Stockley Lane some 400m to the south west of the Brancepeth settlement. The site occupies a predominantly rural setting with the nearest residential properties sporadically located 130m to the west (Stockley Lodge), and 270m to the east (Stockley Grove). Previously a wooden clad, breezeblock agricultural storage building with a breezeblock base and corrugated metal sheet roof, was sited on the land. The remnants of this structure remain, now consisting of the wooden clad external walls with corrugated metal sheet roof.

2. The site is partially screened from the adjacent highway to the north by a narrow landscape strip whilst also being set below the road level at the base of a raised verge. Land immediately surrounding this structure was previously used for agricultural purposes but currently comprises the storage of loose materials and the siting of a metal storage container currently sited adjacent to the northern site boundary. The site lies within a defined Area of Higher Landscape Value (AHLV) and opposite the edge of the Brancepeth Conservation Area.
3. Access to the site is achieved from an existing farm access gate off Stockley Lane to the east and via a narrow track through the adjoining field. Planning permission DM/17/01924/FPA was previously granted for an improved access to the site, which has been partially implemented.

### The Proposal

4. Application reference DM/20/03733/PNC was approved by the Local Planning Authority in 2019 to convert the agricultural building to a dwelling and was considered to meet the criteria of Class Q of Part 3 (Schedule 2) of the Town and Country Planning (General Permitted Development) (England) Order 2015. Since the approval of DM/20/03733/PNC engineering works have begun to create a lower ground floor to the building, two ponds, and to allow the installation of ground source heat pumps and a klargester package sewage treatment plant. A new driveway from the access to the building has also been created. Retrospective planning permission is sought for these works. In addition, the application seeks planning permission for engineering works to create a third pond which has not yet been excavated and to construct a new footpath leading from the barn for a length of 240m along the northern boundary of the site and 100m along the eastern boundary to provide access to the bus stop on the A690.
5. The ground underneath the building has been excavated and the breezeblock walls and base removed. A new breezeblock base has been formed and steel supports installed to this to hold up the remnants of the building. Therefore, the works to convert the building have started on site but have not taken place in accordance with the approved plans from DM/20/03733/PNC and consequently planning permission is now required for the conversion of the building to a dwelling and the associated engineering operations. The appearance of the building is proposed to be the same as that granted prior approval under DM/20/03733/PNC.
6. The application is being reported to planning committee at the request of Councillors Tinsley and Gunn on the grounds of highway and landscape impacts, the suitability of the development for its location and the planning history of the site.

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## **PLANNING HISTORY**

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7. The applicant has sought to convert the barn to a dwelling since March 2015 when application DM/15/00727/PNC was submitted. The applicant was

informed that prior approval to convert the agricultural building to a dwellinghouse (use class C3) and for associated operational development was required on the 5<sup>th</sup> May 2015.

8. DM/16/01219/PNC for the same proposal was refused and dismissed at appeal due to concerns regarding the extent of the building operations proposed being beyond what is permitted by the aforementioned Class Q.
9. DM/17/01200/FPA sought consent to provide an improved vehicular access to the site. Refused 1<sup>st</sup> June 2017 due to concerns over the access arrangements not achieving adequate visibility and the removal of roadside vegetation.
10. Application DM/17/01924/FPA sought consent to relocate the existing access to the east. The track leading to the barn was not included within the red line boundary. Approved 14<sup>th</sup> July 2017.
11. Application DM/19/02215/PNC to convert the agricultural building to a dwellinghouse was granted prior approval on the 10<sup>th</sup> September 2019 as it was considered to meet the criteria of Class Q of Part 3 (Schedule 2) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
12. A revised scheme, DM/20/03733/PNC, was approved by the Local Planning Authority on the 9<sup>th</sup> February 2021.
13. The applicant withdrew application DM/22/00885/FPA which sought planning permission for the same proposals as this application, with the exception of the newly proposed footpath, after being advised it was going to be refused.

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## **PLANNING POLICY**

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### **National Policy**

14. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from

contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

### **National Planning Practice Guidance:**

24. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

### **Local Plan Policy:**

The County Durham Plan (CDP)

25. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
26. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
27. *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.
28. *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.

29. *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.
30. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
31. *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.
32. *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.
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 (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 wastewater 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.
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)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
38. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
39. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

### **Neighbourhood Plan:**

40. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Statutory Consultee Responses:**

41. *Greater Willington Parish Council* – No response received.
42. *Highways Authority* – Raise no objections.

### **Non-Statutory Responses:**

43. *Spatial Policy* – Advise that the existing building did not make a positive contribution to the area and that it could not be converted into a dwelling without substantial or complete rebuilding, contrary to CDP Policy 10. It is also advised that the future occupants would be dependent upon private vehicles to reach most essential services and places of employment and recreation.
44. *Design and Conservation* – Consider that the existing building does not make a positive contribution to the character and appearance of the area and would clearly require substantial rebuilding to facilitate conversion, contrary to CDP Policy 10. The building in its original state featured limited fabric with partially open sides and timber which would likely require replacement in its entirety.
45. *Landscape Section* – Consider the proposal to be contrary to CDP Policy 10 and to appear as a negative feature in the rural landscape, particularly when considering the introduction of an associated property curtilage, lite pathways and large amounts of glazing on prominent elevations which would erode the functional and utilitarian agricultural appearance of the existing building.
46. *Archaeology* – Raise no objections as the submitted Desk Based assessment of the site concludes that there is no evidence of archaeological remains having been affected.
47. *Ecology* – Recommend conditions requiring adherence to the Recommendations detailed in Section 5.2 of the PEA report, and the submission of a detailed habitat creation, management and monitoring plan for the proposed habitats as detailed in the Defra metric prior to the commencement of works.
48. *Environmental Health Contamination* – Confirms there is no requirement for a contaminated land condition.

### **External Consultees**



49. *Health and Safety Executive* – Advise that the proposed development is within the Consultation Distance of a major hazard pipeline and that the pipeline operator should be contacted prior to the determination of the application.
50. *National Grid* – Advise that the site has been found to be outside the High Risk zone from National Grid Gas Transmission plc's apparatus and can proceed.
51. *Northumbrian Water Ltd* – No response received.

**Public Responses:**

52. The closest residential property was notified in writing and a site notice was posted. No representations have been received.

**Applicants Statement:**

53. I started the development to provide a home for my daughter and her disabled partner and I wanted her to have a green and energy efficient building that was proof against the looming energy crisis. At every stage I have taken specialist advice to make this a state of the art fully sustainable development.
54. We all now realise that renewable energy sources are a mitigation of climate warming, so I decided to install a ground source heating system and sought specialist engineering advice from world renowned companies on how best to do it. I freely admit that I did not appreciate that renewable energy systems being promoted by government needed planning permission.
55. I wanted the finished site to look as natural and undisturbed as possible and for it to be a haven for wildlife. Again, I didn't think that widening the watercourse to create ponds to mitigate downstream flooding and conserve water that the wildlife and deer drink from needed planning permission.
56. Again, I didn't think the ponds I built that the livestock wildlife and deer drink from by widening the watercourse to conserve water and mitigate flooding needed planning permission. Again, I sought specialist architectural and engineering advice on all of the engineering aspects for the basement construction, but omitted planning. Being underground I considered it would not cause any problems to anyone.
57. I regret not asking the planning department for their advice but would stress that if allowed to continue with the development, the barn will look exactly like the conversion that was approved by the Council twice, with the exception that all of the cars and other domestic paraphernalia would be hidden away underground, leaving a cleaner and greener site than would otherwise have been the case.
58. Councillors will appreciate that I have spent many tens of thousands of pounds in construction work, moving the access to suit the highway department, building the ponds and installing the ground source heat pumps. I think this

project could be an asset to County Durham as a showcase of energy efficiency, green energy and nature conservation best practice.

59. Policies are designed to achieve an objective and a degree of common sense always has to come into good decision making. I am profoundly disappointed that so little weight is being given to the fact that a barn conversion has been approved here already, the converted barn would be 100% identical to that approved, significant gains to Biodiversity would result and all domestic goods would be hidden from landscape views. Any rational outside person would say 'take the win' -I hope members can see the benefits to the countryside and the County of 'taking the win'.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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60. As set out above Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GDPO) grants planning permission for the conversion of agricultural buildings to dwellings and building operations reasonably necessary to convert the building. This is subject to complying with specific criteria and limitations set within the class, relating to the extent and nature of works. The provisions also require the submission of an application to establish whether prior approval is required for specific matters of consideration.
61. These provisions are known as permitted development rights and have been established by the government to enable the conversions of certain agricultural buildings without the need for full planning permission. The provisions under the GDPO differ from the consideration of suitable buildings for conversion under planning policy at a national and a local level when full planning permission is required, where a higher bar of suitability is required.
62. The GDPO does not grant planning permission for works that fall beyond the specific provisions and limitations set out in the GDPO must be followed. Guidance is provided by the government setting out what works are permitted while there is extensive case law on the matter. Therefore, any development beyond these provisions would be unlawful, requiring full planning permission.
63. In this respect, in accordance with the provisions in the GDPO, an application for prior approval for the conversion of the building in question, and specified building operation was submitted by the appellants planning agent in 2020 and was approved under application DM/20/03733/PNC. This followed on following the granting of a previous application for prior approval in 2019, the granting of full planning permission of access and also the refusal of a prior approval and subsequent dismissal of appeal in 2017 and refusal of a prior notification in 2016.
64. Following the granting of the most recent prior approval appellation work commenced on the development. However, it was brought to the Authority's attention that this included the excavation under the building to create a lower ground floor, to provide a garage and storage area. Further to this, additional

steel supports have been installed to reinforce the metal framework of the building itself. Consequently, the building has no connection to the ground other than these steel supports. New foundations and walls to the ground and first floors would be required to facilitate the development.

65. Government guidance makes it clear that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to be able to utilise permitted development rights. Furthermore, the excavation and installation of foundations are not included in the list of permitted operations set out in the GDPO to facilitate the use.
66. Overall, in this instance the extent of the works undertaken are considered to go beyond what could be reasonably considered to be reasonably necessary for the conversion of an existing building. It is also considered that the excavation and subsequently required building operations once complete would result in a substantial/complete rebuild. Full planning permission is therefore required for the development undertaken/proposed.
67. Regard is therefore required to be given to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received. In this instance, it is considered that the main planning issues in this instance relate to the principle of development, locational sustainability, landscape and visual impacts, highway issues, residential amenity, flooding and drainage, ecology, ground conditions, and sustainability.

#### Principle of Development

68. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
69. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the 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. Policy 1 of the County Durham Plan (CDP) sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. The site is not allocated for housing by Policy 4 of the CDP and has not been previously assessed under the SHLAA.
71. The application site is located outside the settlements of Brancepeth to the north east and Oakenshaw to the south west and so lies within the open countryside. Therefore, CDP Policy 10 is relevant which states that development in the countryside will not be permitted unless allowed for by one or more listed exceptions or other specific policies in the Plan. Exception h) relates to the development of existing buildings and permits development that is necessary to support the change of use of an existing building or structure which:
1. already makes a positive contribution to the character and appearance of the area and is capable of conversion without complete or substantial rebuilding, disproportionate extension or unsympathetic alterations;
  2. results in an enhancement of the building's immediate setting;
  3. does not result in the unjustified loss of a community service or facility; and
  4. in the case of a heritage asset, represents the optimal viable use of that asset consistent with their conservation.
72. The building is not a community service or facility, nor a heritage asset, and has a purely functional and utilitarian appearance; in its previous form had the external walls consisting of concrete blockwork and timber cladding and the roof of metal sheeting. Therefore, it is considered that the building did and does not make a positive contribution to the character and appearance of the area and is therefore not worthy of retention if no longer required for agricultural purposes. Furthermore, as set out above substantial demolition and rebuilding to facilitate the conversion of the building to a dwelling has been undertaken and would clearly be required to complete the development. Therefore, the proposal would not be permitted by exception h) of Policy 10.
73. As highlighted above, work has been undertaken to enable excavation under the building to create a lower ground floor, and additional steel supports have been installed to reinforce the enlarged metal framework of the building itself. Consequently, the building has no connection to the ground other than these steel supports. The lower ground floor level is proposed to comprise a garage and storage area of which the floor has been constructed with the concrete blocks that previously formed the walls of the building. New walls to the ground and first floors would be required. The applicant has confirmed in a meeting on site that a retaining wall is proposed to provide structural support to the highway embankment, although no details of this have been submitted with the application.

74. The application is supported by a brief statement from a chartered and civil structural engineer, in which they conclude that the strengthened structure in its current form is suitable for use without further significant modification. However, this does not seem to take into account that the building has already been substantially modified through the excavation works and additional steel supports. It is unclear exactly what works have taken place to result in the building being in its current position on steel supports and the application does not identify the level of intervention or rebuilding that would be required for its conversion to a three storey dwelling. Due to the extent of the works, it is considered that the remaining structured could now not be converted and a substantially new building would be formed.
75. It is concluded that, the building in its previous or current form does not already make a positive contribution to the character and appearance of the area and it is clear that complete or substantial rebuilding is required to convert the building to a dwelling, contrary to the requirements of exception h) of Policy 10.
76. None of the other exceptions listed by Policy 10 are relevant to this proposal, and there are no other policies within the CDP that would permit the conversion of an existing building in the countryside to a dwelling.
77. NPPF Paragraph 80 advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more listed circumstances apply. Of these circumstances, the only potentially relevant circumstance is listed under c) relating to the re-use of redundant or disused buildings which would enhance its immediate setting. However, in this instance given the engineering operations that have already taken place to create a basement garage, the building could not be converted into a dwelling without substantial or complete rebuilding and so is not considered to consist of the re-use of a redundant building but instead the forming of a new building. The proposal is considered contrary to NPPF Paragraph 80.
78. In summary, the site occupies an isolated position within the open countryside, the existing structure, or previous building does not already make a positive contribution to the character and appearance of the area, and the structure could not be converted into a dwelling without substantial or complete rebuilding. Therefore, the proposal is in conflict with CDP Policy 10 and NPPF Paragraph 80 and is considered to be unacceptable in principle.

#### Locational Sustainability

79. Criterion p) of CDP Policy 10 states that development in the countryside should not be solely reliant upon 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.
80. This is in line with NPPF Paragraph 110 which advises that when determining planning applications it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of

development and its location. Paragraph 105 also seeks to focus development at locations that can limit the need to travel and offer a genuine choice of transport modes, whilst acknowledging that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

81. The application site lies within the open countryside. The road linking the site to Brancepeth (Stockley Lane) has no footpaths or street lighting which would make walking to and from the site unattractive and potentially dangerous all year round. The A690 road linking to Willington has footpaths but with no street lighting, so it would present similar issues in that walking would be unattractive during winter months and late on an evening during other times of the year when the paths are unlit, and again there is no footpath connecting the site to the A690. In addition, the northbound bus stop sits on the western side of the A690 and there is no footpath to this side of the road. The Brandon to Bishop Auckland Railway Path (BARP) lies 200m to the west of the site and connects to Willington. The path is accessed from Stockley Lane, however there is no footpath along this 200m stretch of road, which has a national speed limit of 60mph, to provide a safe and attractive walking route to access this path. The BARP is also unlit which would discourage use during the winter months and during late evenings.
82. The closest services to the site are in Willington, with the industrial estate being 2.9km away, and with the Willington C of E Primary School, the Willington Medical group, and the edge of the local centre as defined by CDP Policy 9, all being approximately 3.6km away when accessed via the BARP. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets'. In addition to the lack of lit footpaths connecting the site to services, the closest services lie far beyond the upper end of what could be considered a reasonable walking distance. Consequently, the proposal would be largely car dependent.
83. In terms of available bus services, the site is within 400m of a bus stop (the closest is located on the A690). There is currently no footpath connecting the site to these stops and so the application proposes the construction of a footpath. The applicant has not specified the proposed surface material or lighting at this stage and has suggested these details could be secure via a suitably worded condition, with the lighting to come forward suggested to consist of low level LED lighting. However, there are only 2 services available there (X46 and X6) with the X6 only having a limited frequency. The X46 connects Stanhope to Durham City via several other local settlements and runs at relatively frequent intervals from 6:20am to 11:10pm: every 20/25 minutes from 6:20am to 6:11pm and then hourly until 11:10pm Monday to Friday, with a later 7:41am start on Saturdays and an hourly service from 9:10am to 11:10pm on Sundays. However, that there is only one regular bus service available to the future occupants running on weekdays (with infrequent services

on Saturdays and none on Sundays) is not considered to amount to a genuine choice of transport modes. Overall, the remoteness of the site and lack of continuous lit footpaths would discourage future occupiers from walking and cycling and consequently this proposal would be largely car dependent.

84. NPPF Paragraph 79 also advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that where there are groups of smaller settlements development in one village may support services in a village nearby. The two closest settlements of Brancepeth and Oakenshaw between them have facilities amounting to one café (located at Brancepeth Castle), with them scoring a low 9.9 and 3.9 respectively in the Council's 2019 Settlement Study. Willington scores 118.7 reflecting its larger size and wider range of services and facilities available. Given the size of this settlement, and the proximity of neighbouring settlements of Oakenshaw, Sunny Brow and Helmington Row which do not have services and facilities of their own, the addition of one dwelling at the application site is not considered to make a material difference to the services in nearby villages.
85. NPPF Paragraph 80 advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more listed circumstances apply. Of these circumstances, the only potentially relevant circumstance is listed under c) relating to the re-use of redundant or disused buildings which would enhance its immediate setting. However, in this instance given the engineering operations that have already taken place to create a basement garage the proposal, the building could not be converted into a dwelling without substantial or complete rebuilding and so is not considered to consist of the re-use a redundant building but instead the forming of a brand new building.
86. Overall, the site is considered to constitute an unsustainable location with the future occupants being reliant upon the private car for access to everyday services, education and employment opportunities, contrary to CDP Policy 10 p) and NPPF Paragraph 110.

#### Landscaping and Visual Impact

87. The application site lies within an Area of Higher Landscape Value (AHLV). Criterion l) of Policy 10 requires that new development in the countryside should 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.
88. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. CDP Policy 29 requires all development to make a positive contribution to the character of the area. CDP Policy 40 seeks to

avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.

89. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
90. Works have ceased on site following an investigation by the planning enforcement team and so the site currently has an untidy appearance with a shipping container, tipping vehicle, materials and earth mounds all visible. However, if the works were to be completed the converted building would have a similar appearance to that granted prior approval under DM/20/03733/PNC, where the design and external appearance of the building was a consideration. The basement garage would be underground and so would not be visible. The ground source heat pumps and package treatment plant have already been installed and covered with earth. The new track connecting the access point to the site would not be considered to adversely affect the special qualities of the AHLV and the parking areas are proposed to be to the south of the building where they would be screened from Stockley Lane.
91. The submitted Planning Statement states that the applicant is part way through a program of hedge restoration and reinstatement, with gaps and missing stretches of hedging being replaced by a double staggered layer of new hedging plants. Additional tree planting is also proposed on and around the application site. The submitted Planning Statement also confirms that all excess earth from the ponds, basement garage, and ground source heat pumps has been spread along the southern edge of the site to infill a number of dips, which has been re-seeded with grass. The agent has stated that the land to the south of the site has been raised by approximately 200mm to accommodate the additional soil excavated from the site. Topographical plans have been provided to support this. Conditions could be imposed to secure details of a landscaping scheme and the method of tree protection.
92. In terms of the proposed footpath, there is existing roadside vegetation along approximately 60m of the western boundary of the site that would be parallel to the new footpath, the position of which is not indicated on the proposed site plan. A condition could be imposed to secure details of a Tree Protection Plan to ensure the retention of this vegetation.
93. Therefore, the proposal is considered to conserve the special qualities of the AHLV according with CDP Policy 39.

#### Highway Issues

94. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle



and car parking provision. In addition, criterion q) of Policy 10 states that development in the countryside must not be prejudicial to highway.

95. The NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
96. The site would be accessed by the access approved under approval DM/17/01924/FPA. A new track leading from this access point to the building has been partially constructed but this lies outside the red line shown on the approved Location Plan and so planning permission is required for this. Highways Officers have raised no objections to the proposals and the access and track are considered to be safe and suitable for all users. In addition, the dwelling would contain three bedrooms and would be served by a sufficient amount of in-curtilage car parking spaces. A condition could be imposed to secure details of an EV charging point.
97. Therefore, the proposal would not adversely affect highway safety, according with CDP Policy 10 q) and 21 and Part 9 of the NPPF.

#### Residential Amenity

98. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
99. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
100. In addition, CDP Policy 29 requires all development to provide high standards of amenity and privacy, and criterion r) of Policy 10 does not permit development in the countryside that would impact adversely upon residential or general amenity.
101. The closest dwelling to the site is Stockley Lodge 130m to the west and given this distance away the occupants are unlikely to have their amenity adversely affected by the proposed development. The proposed dwelling would be situated within close proximity to a road. The Environmental Health Officer previously advised that a condition should be attached requiring noise mitigation measures to be incorporated into the development to ensure compliance with specified thresholds in different parts of the dwelling and curtilage. This condition could be imposed on this application. Therefore, the noise impacts of the development would be acceptable in accordance with CDP Policy 29 and 31 and Parts 12 and 15 of the NPPF.

102. In addition, CDP Policy 29 requires that all residential development complies with the Nationally Described Space Standards (NDSS). The proposal would comply with NDSS.

#### Drainage

103. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
104. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
105. Criterion s) of Policy 10 expects development in the countryside to minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
106. The submitted application form states that surface water will be disposed of into an existing watercourse, with foul sewage to be disposed of via a newly installed package treatment plant discharging to the watercourse. Three ponds are also proposed to be created as recommended by the submitted ecology reports, which would provide a degree of attenuation for surface water runoff. Overall, this is considered to be in accordance with the hierarchies advocated by CDP Policy 35 and 36.
107. The submitted Planning Statement states that the Northumbrian Water main has been diverted around the barn and is now unaffected by any of the development proposals. Northumbrian Water have been consulted and have not provided any comments.
108. Overall, the proposal is considered to accord with CDP Policy 35 and 36 and Part 14 of the NPPF.

#### Ecology

109. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks.
110. The application proposes to create three ponds, to plant new hedgerows along site boundaries, and to re-seed grass around the ponds and above the ground

source heat pumps and package sewage treatment plant, in order to provide biodiversity enhancements. The County Ecologist has reviewed the submitted information and raised no objections subject to conditions being imposed requiring adherence to the Recommendations detailed in Section 5.2 of the PEA report, and the submission of a detailed habitat creation, management and monitoring plan for the proposed habitats as detailed in the Defra metric prior to the commencement of works.

111. The proposals are considered to comply with CDP Policy 41 and NPPF Paragraph 180 d).

#### Ground Conditions

112. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
113. The Council's Environmental Health Officer has confirmed that no contaminated land reports are required to support the application and suggests an informative regarding unforeseen contamination.
114. Overall, the proposal is considered to accord with CDP Policy 32 and NPPF Paragraph 183.

#### Sustainability

115. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
116. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
117. The submitted Planning Statement states that 2,400m of underground pipes have been installed which the applicant has calculated would be able to heat the barn without the need for any fossil fuels; and that old concrete blocks and floor slabs have been crushed, graded and turned into new construction materials to form the new base to the sub-basement floor. This is considered sufficient to comply with criterion c) and d).

#### Other Matters

118. CDP Policy 28 relates to safeguarded areas and states that proposed development within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would not prejudice current or future public safety.
119. The proposed development is within the Consultation Distance of a major hazard pipeline and so the Health and Safety Executive is a statutory consultee on this application. They have been consulted and advised that the pipeline operator should be contacted prior to the determination of the application. Accordingly, National Grid have been consulted and they have advised that the site lies outside the High Risk zone from National Grid Gas Transmission plc's apparatus and so can proceed.

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## **CONCLUSION**

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120. The development previously benefited from permitted development rights which granted planning permission for the conversion to a dwelling along with limited building works reasonably necessary to convert the building. The applicant has significantly departed from the limitations and provisions set out the General Permitted Development Order by undertaking substantial engineering and building work which has and would amount to a rebuild, not a technical breach.
121. Planning permission is therefore required for the development and regard is required to be given to the County Durham Plan and other material planning considerations, including the NPPF. These policies set a substantially higher bar of acceptability for the conversion of buildings in the countryside and could be untaken by permitted development rights.
122. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the 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.
123. The application seeks retrospective planning permission for the conversion of a building in an isolated position within the countryside to a dwelling. It is concluded that the former building and resulting structure cannot be converted to a dwelling without substantial or complete rebuilding, essentially amounting to the forming of a brand new building. The previous building and resulting structure also does not already make a positive contribution to its surroundings. Therefore, the proposal conflicts with CDP Policy 10 and NPPF Paragraph 80.
124. In addition, the site occupies a remote location with the future occupants likely to be reliant upon the private car for access to everyday services, education and employment opportunities, contrary to CDP Policy 10 p) and NPPF Paragraph 110, the benefits or the reuse of the building would not outweigh this harm and policy conflict

125. Overall, whilst recognising the potential benefits of increasing housing supply in the County and the boost to the local economy during the construction phase it is concluded that these benefits would not outweigh the identified conflict with the CDP and NPPF. There are no material considerations which indicate otherwise and therefore the application is recommended for refusal.

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## **RECOMMENDATION**

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

1. The building is not considered suitable for conversion as it does not already make a positive contribution to the character and appearance of the area and would not result in an enhancement of the buildings immediate setting. A substantial or complete rebuild would also be required resulting in the formation of an isolated new dwelling in the countryside. The proposal is therefore considered contrary to Policy 10 of the County Durham Plan and Paragraph 80 of the NPPF. Given the remote location of the development residents and users would be solely reliant on private car journeys to access the site, local services and facilities, in conflict with Policies 10 and 21 of the County Durham Plan and Part 9 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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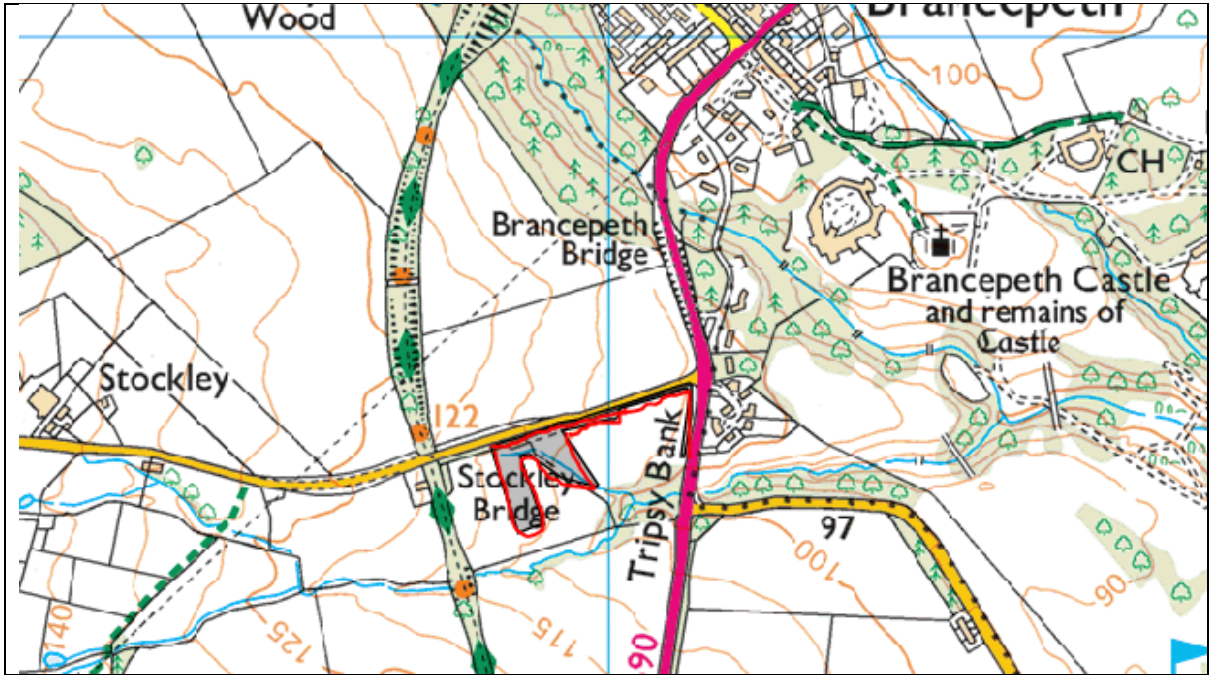
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Residential Amenity Standards Supplementary Planning Document 2020  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>Resubmission of DM/22/00885/FPA for the conversion of lambing shed to single dwelling and engineering works to create lower ground floor, new access road, install ground source heat pumps and klargester package sewage treatment plant, create 3 ponds and construct new footpath (part retrospective)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date: 14<sup>th</sup> September</p>	