



## Planning Services

# COMMITTEE REPORT

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### **APPLICATION DETAILS**

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Application No:	DM/21/03639/FPA
Full Application Description:	Proposed 15 no. Holiday Lodges
Name of Applicant:	Mr Anthony Smith
Address:	Bowlees Farm, Durham Road, Wolsingham, Bishop Auckland, DL13 3JF
Electoral Division:	Weardale
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 relates to approximately 6.2ha of land to the south of Bowlees Farm, located 540m to the eastern boundary of the settlement of Wolsingham in the west of the County. Bowlees Farm now operates as Bowlees Holiday Cottages, providing 6 self-catered holiday lodges sleeping between 6 to 13 guests within a group of former agricultural buildings directly to the north of the application site. The site is accessed from the A689 via an unadopted single width road.
2. The application site comprises two fields: the main field measures 2.9ha in area and lies approximately 250m south of Bowlees Farm, with the other to the north west of this and measuring 3ha in area. Both fields are grassed and bordered by hedgerows. The main southern field features an engineered pond and an electricity pylon, with a gravel track approximately 160m in length connecting to the unadopted single width road to the west. Gallows Beck watercourse lies to the east.
3. The site occupies an isolated position within the open countryside, located within an Area of Higher Landscape Value (AHLV) and 865m outside the North Pennines Area of Outstanding Natural Beauty (AONB) which lies to the north.

4. To the east of the site lies New Hall Farm 390m away and to the south lies Hunters Field Farm comprising a dwelling and three agricultural buildings 190m away. To the south west is Lovesome Hill Bungalow 200m away, and to the west there are agricultural buildings 400m away. Distances are taken from the southern field. PRow no.25 lies 255m away from the closest edge of the southern field.
5. The land slopes significantly down from the north to the south resulting in the site occupying an elevated position above the A689 and below the main Bowlees Farm site.

### The Proposal

6. The application seeks full planning permission for the siting of 15no. holiday lodges to the southern field, along with associated grass, hedge and tree planting. Two large scrapes and a new pond are also proposed to the field to the north west to provide ecological mitigation.
7. 6no. lodges would be sited in a linear arrangement across the north of the field, with the remaining lodges to be clustered around the pond which is to be used as a fishing lake. Each lodge would have its own timber decked area and be served by 2no. car parking spaces. A new track is proposed to connect from the existing gravel track and span the western and northern boundaries of the site, with informal overflow parking spaces to be provided either side of the track to the north west corner of the site. The track and parking spaces are to be finished in limestone gravel, with the overflow spaces to consist of reinforced grass. Informal gravel footpaths are proposed to run through the site. A new pond is proposed to be created to the north east of the site and a bin store area would be created off the existing access road 140m along from the entrance from the A689.
8. The lodges are proposed to be finished in timber and consist of a simple rectangular form with dual pitched roofs. Internally, they would comprise of a kitchen, dining area, lounge, study, bathroom and either 3 or 4 bedrooms to allow up to 6 or 8 guests.
9. The majority of the trees on site would be retained, but 2no. tree groups (rated category U) would need to be removed due to their poor condition. An embankment is proposed to be constructed to a depth of 300mm on the southern side of the existing pond to provide attenuation, with surface water to discharge via this to the watercourse to the east.
10. The applicant has submitted a Phasing Plan whereby planting, ecological mitigation, works to the existing pond, and the siting of 5 lodges and associated access, parking and footpaths would take place within the first 4 years after the receipt of planning approval. A further 5 lodges and associated access and parking would then be sited between 5-7 years after the receipt of planning approval, with the remaining 5 lodges to be sited in years 7-10.
11. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as the proposals represent major development with the application site area exceeding 1ha.

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## **PLANNING HISTORY**

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12. There have been numerous applications relating to land at Bowlees Farm which have sought to convert and/or extend former agricultural buildings for use as holiday cottages. One of the most recent (DM/16/03666/FPA) was granted consent to convert a barn to 2no. dwellings in January 2017.

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## **PLANNING POLICY**

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### **National Policy**

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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:**

21. 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)

22. *Policy 8 (Visitor Accommodation)* states that all new visitor accommodation will be supported where it is appropriate to the scale and character of the area and it is not used for permanent residential occupation. Proposals for visitor accommodation in the countryside will be supported where they are also necessary to need identified visitor need, it is an extension to existing visitor accommodation and helps to support future business viability or is conversion of an existing building and it respects the character of the countryside and it demonstrates clear opportunities to make its location more sustainable.
23. *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.

24. *Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources)* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
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 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.
27. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* states that residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
28. *Policy 28 (Safeguarded Areas)* states that consultation should take place with the National Grid and regard should be had to their design guidelines for development near pylons and high voltage overhead power lines.
29. *Policy 29 (Sustainable Design)* details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
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 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.

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 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.
33. *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.
34. *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
35. *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.
36. *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.
37. *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.

38. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

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

#### **Neighbourhood Plan:**

39. 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:**

40. *Wolsingham Parish Council* – No response received.
41. *Environment Agency* – Offer no objections, it is advised that the applicant would need to secure an Environmental Permit for the discharge of foul water. This is a separate process to the planning application.
42. *Lead Local Flood Authority* – Consider the submitted Drainage Statement to be acceptable, however request construction details for the filter drains and swales proposed and a key relating to these to be added to the Drainage Strategy Plan to be secured by condition.
43. *Highways Authority* – Advise that it would be beneficial for the applicant to install additional passing places on the access track to lessen the chances of conflict occurring between two vehicles meeting each other, however raise no objections to the application on the grounds of highway safety.
44. *Natural England* – Consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

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

45. *Spatial Policy* – Advise that the key determining factors will be the economic and tourism benefits of the proposals balanced against the potential impact on landscape and the natural environment. In addition, issues around access,

water management, infrastructure, archaeology and soil resources will need to be fully addressed by the applicant.

46. *Landscape Section* – Advise that the proposals would cause harm to the local landscape and the special qualities of the AHLV and that it is unlikely this harm could be reduced through design changes or additional mitigation, in conflict with CDP Policy 8 and 39.
47. *Ecology* – Object to the application on the grounds that there is insufficient information to provide certainty that the degree of biodiversity net gain suggested is achievable.
48. *Archaeology* – Advise that as the site comprises a greenfield over 1 hectare in size an archaeological field evaluation comprising a geophysical survey, trial trenching, and an element of desk based research is required prior to the determination of the application.
49. *PRoW Section* – Comment that the proposed access follows the route of Wolsingham Footpath 25 and advise that any surface improvements required for the surface of this path for increased vehicle traffic use associated with this application would be for the applicant / landowner / private vehicular users to undertake. It is advised that passing places would be desirable to provide a refuge for pedestrians using the access route.
50. *Environmental Health Nuisance* – Advise that the submitted Lodge Management Plan is acceptable and raise no objections to the development.
51. *Environmental Health Contamination* – Advise that the Phase 2 contaminated land report is acceptable and there is no requirement for a contaminated land condition.
52. *Tree Officer* – Offer no objections, advising that the conclusions of the Arboricultural Impact Assessment are sound. The loss of 3 no. trees and 3 sections from two tree groups is noted.

### **External Consultees**

53. *Visit County Durham* – Indicate their support for the proposal commenting that there is a general undersupply of visitor accommodation in the county to meet market demand, with the limited offer holding back the attraction of higher spending overnight visitors and this in turn is limiting visitor spend and employment. Note that there has been considerable visitor attraction investment within the county recently i.e. Raby Castle, Beamish, the Auckland Project and Durham City which will enable the county to compete better with nearby destinations.

### **Public Responses:**

54. The application has been advertised by way of a site notice and an advertisement in the local press. Notification letters were sent to neighbouring properties.



55. One objection has been received from the Countryside Charity (CPRE) who note that the site is in a relatively exposed position within an Area of Higher Landscape Value and visible when travelling in an eastwards direction along the A689. The site would be accessed via a PRoW, and that whilst the development is outside of the AONB to the north consider it is likely to have an impact into and from the AONB. Question whether there is an identified need for the visitor accommodation and raise concerns over the increased vehicular use of the PRoW.

**Applicants Statement:**

56. No statement provided prior to publication.

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**PLANNING CONSIDERATION AND ASSESSMENT**

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57. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Locational Sustainability, Landscaping and Visual Impact, Highway Safety, Flooding/Drainage, Ecology, Archaeology, Residential Amenity, Ground Conditions, Sustainability, and Other Matters.

Principle of Development

58. 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.
59. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. 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.
60. CDP Policy 8 states that proposals for visitor accommodation that are in the countryside will be supported where they are appropriate to the scale and character of the area and are not used for permanent residential accommodation. In addition, it states that proposals will also only be supported where they are necessary to meet identified visitor needs; or is an extension to existing visitor accommodation and helps to support future business viability or is a conversion of an existing building; and it respects the character of the countryside; and it demonstrates clear opportunity to make its location more sustainable.

61. CDP Policy 10 is also relevant and relates to development in the countryside. It states that development in such locations will not be permitted unless allowed for by specific policies in the Plan (such as Policy 8 relating to visitor accommodation), relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to stated exceptions.
62. The approach contained within CDP Policy 8 is considered to display a broad level of accordance with NPPF Paragraph 84 which advises that decisions should enable; the sustainable growth and expansion of business in rural areas, the development and diversification of agricultural and other land-based rural business; and sustainable rural tourism and leisure developments which respect the character of the countryside.
63. The application proposes the siting of 15no. holiday lodges with associated soft and hard landscaping.
64. CDP Policy 8 notes that development for visitor accommodation in the countryside will be supported where it is necessary to meet identified visitor needs or it is an extension to existing visitor accommodation and helps to support future business viability.
65. In this regard Visit County Durham have been consulted and offer support for the proposals noting that the development is consistent with current market and visitor intelligence which identifies a need for overnight accommodation in the County, detailing the associated benefits that this would have on the County's tourist economy.
66. Overall, the benefits of the proposal in terms of meeting identified visitor needs and supporting the local economy should be weighed against the landscape and visual impact of the development in the planning balance.

#### Locational Sustainability

67. Criterion p) of CDP Policy 10 does not permit development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
68. In addition, CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. CDP Policy 29 also requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.

69. NPPF Paragraph 105 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. NPPF Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
70. The site lies approximately 2.15km from the edge of Wolsingham town centre, as defined by CDP Policy 9, which is beyond what would normally be considered within a reasonable walking distance. Furthermore, the only route is via a steep, unlit PRow and there is no roadside footpath until reaching the edge of the built up area of Wolsingham. There are also no frequent bus services serving the site. Therefore, the occupants of the lodges are likely to be heavily reliant on the private car.
71. Criterion f) of CDP Policy 8 aims to mitigate the impact of increased car journeys to an area by taking advantage of opportunities to make the site more sustainable in other ways, for example by including links to nearby footpaths or by using more sustainable building materials, incorporating elements of renewable energy, etc. The method of making a site more sustainable will depend on what is most appropriate in any given case. In this instance, it is noted that there is an extensive network of PRows within the vicinity of the site, including the Weardale Way, which links Cowshill in Weardale to Sunderland Bridge (Croxdale) within County Durham. This is considered to provide a walking option for the future occupants in addition to the private car and is considered to be sufficient to accord with the above policies in this instance.

#### Landscaping and Visual Impact

72. The site lies in an area identified as an AHLV and 865m to the south of the AONB. Whilst outside the AONB, it is viewed from the south within its immediate setting.
73. NPPF Paragraph 130 advises that planning decisions should ensure that developments will function well and add to the overall quality of the area for the lifetime of the development; are visually attractive; and are sympathetic to local character including the surrounding built environment and landscape setting. NPPF Paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
74. CDP Policy 8 h) states that proposals for new, and extensions to existing, sites for static caravans, along with associated storage and infrastructure, will be supported where they are not unduly prominent in the landscape from either long or short range views by ensuring:
  - (i) adequate year-round screening through existing topography, vegetation or other features which are compatible with the landscape. Where new or additional screening is required this must be suitably established before development can take place;

- (ii) the layout would not adversely affect the character of the area; and
  - (iii) the materials and colour of chalets or static caravans, site services and infrastructure are designed to blend with the surroundings of the site and are limited in scale to the needs of the site occupants only.
75. CDP Policy 10 l) states that new development in the countryside must not, by virtue of their siting, scale, design and operation, give rise to unacceptable harm to the intrinsic character, beauty or tranquillity of the countryside which cannot be adequately mitigated or compensated for.
  76. CDP Policy 39 states that 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 will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
  77. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
  78. In addition, CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
  79. The site occupies an exposed, elevated position within the open countryside which is separate and distinct from the holiday cottages at Bowlees Farm, approximately 250m to the north. The local landscape character consists of isolated large farm buildings with associated agricultural buildings, set within hedge bounded fields. This is backdropped by agricultural and forested valley sides rising to the north and south. The proposed development would be isolated from the existing building group of Bowlees Farm and result in local intensification of use separate from any associated farm building(s).
  80. The application is supported by a Landscape and Visual Impact Assessment (LVIA) and a Landscape Strategy drawing, as well as a more recently submitted Phasing Plan for the development of the site. The LVIA identifies that views of the site would be available from several viewpoints (most notably 2, 4, 6, 9, 13, and 14) ranging from short and long distance.
  81. In terms of short to middle distance views, viewpoint 2 is from PRow no.25 to the north of Bowlees farm approximately 580m away from the main site. Due to its elevated position relative to the site views into the field are available and are unlikely to be effectively screened by planting. Viewpoints 13 a) and b) are taken from the north west of viewpoint 2 from PRow no.31. Clear views into the site are available from these areas which could not be mitigated due to their elevated position.

82. In addition, viewpoint 4 relates to the junction between Wolsingham Road and PRoW no.22 leading to Newholme Farm, just under 600m to the south east of the site. Views of the site would be available, particularly during the winter months, until planting becomes established. Viewpoint 14 is taken from the junction of Wolsingham Road and PRoW no.128, approximately 270m to the south of the site. Views of the development would be available on the approach to the North Pennines AONB along the A689, particularly during winter months when foliage is minimised. Due to the lower level of this area the intervening topography provides some screening although views of the lodges are still likely to be possible until planting becomes established. Landscaping Officers have advised that it would take at least 10 years before planting would become effective with it being unlikely to ever fully screen lodges and infrastructure, particularly in winter.
83. In terms of long distance views, viewpoint 6 is taken from PRoW no.148 at Friarside, approximately 1.64km to the south west of the site. Given its elevated position clear views are available into the site which are unlikely to be mitigated by planting even when established. Viewpoint 9 is taken from PRoW no.149 to the west of Black Bank Plantation, approximately 1.94km away to the south. Again, given its elevation position clear views are available into the site which are unlikely to be mitigated by planting even when established.
84. In addition, the LVIA includes models added to the photographs taken from viewpoints 6, 9, and 13 a) and b). Images are provided on the basis of the expected level of planting growth after 4 years (end of Phase 1) and 10 years (end of Phase 3). The models indicate that the lodges would be visible after the planting has established, in particular from viewpoints 13 a) and b). The models do not include the glazing of the lodges, parked cars, or lighting and so the impact would likely be greater than shown. Potential for light spill from the development would negatively affect the night time scene, particularly from any elevated viewpoint. Whilst the external materials for the lodges could be designed to utilise dark tones to reflect the colours of the landscape, this is not considered to sufficiently mitigate against the landscape harm identified.
85. After being informed of officers' concerns, the applicant submitted a phasing plan for the proposals. However as considered above, Landscaping Officers have advised that the planting even after 10 years is unlikely to mitigate the views available from multiple viewpoints due to the topography of the surrounding landscape and the sites separation from existing built form. Therefore, a phasing plan is not considered to adequately mitigate against the identified landscape harm.
86. To summarise, it is considered that the proposals would be unduly prominent in the landscape from short and longer range views due to the sites exposed, isolated location on a slope and the need for new planting which would take many years to become suitably established, contrary to CDP Policy 8 h). The proposals would also harm the intrinsic character and beauty of the countryside which could not be adequately mitigated or compensated for and fail to contribute positively to an area's character and landscape features, contrary to Policy 10 I) and Policy 29. In addition, the proposals would cause unacceptable harm to the special qualities of the AHLV contrary to Policy 39.

87. In conclusion, given the exposed, elevated position of the site distinct from existing built form, it is considered that in this instance the proposed development in this location would cause unacceptable harm that it would not be possible to mitigate. This harm should be attributed significant weight in the planning balance. This exercise is undertaken in the conclusion.

#### Highway Safety and PRow

88. 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. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criterion q) of Policy 10 does not permit development in the countryside where it would be prejudicial to highway safety.
89. Specifically, 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.
90. Highways Officers have commented that the proposals would not adversely affect highway safety. They have advised that the proposals would intensify the use of the site and increase the number of vehicular trips, and as such recommend that it would be beneficial for the developer to improve the existing, or install additional, passing places along the access road to lessen the chances of conflict occurring between two vehicles. These details could be secured via a suitably worded condition.
91. In relation to the position of the proposed bin store, Highways Officers advise that this would not be suitable to be served by the Council's Refuse Lorry and so the applicant would either have to arrange for private collection or take the bins to the nearest adopted highway on the day of collection and return them to the site once collection has taken place.
92. CDP Policy 26 relates to PRow's and states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing PRow's will not be permitted unless equivalent alternative provision of a suitable standard is made.
93. PRow no.25 is proposed to be utilised as the access road to the site and currently already provides access to the 6 holiday cottages at Bowlees Farm to the north. The Council's PRow team have advised that any surface improvements required for the surface of this path for increased vehicle traffic use associated with this application would be for the applicant / landowner / private vehicular users to carry out. This could be included as an information on the decision notice if the application were to be approved.
94. The PRow team also question the need for additional passing places along the access road in order to provide a refuge for pedestrians using this route. As above, details in this regard could be secured via a suitably worded condition.

95. Overall, the proposals are not considered to adversely affect highway or pedestrian safety and would accord with CDP Policies 10 and 21 and Part 9 of the NPPF.

## Drainage

96. 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. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
97. 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.
98. Part c) of Policy 35 states that all development proposals will be required 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. Development will not be permitted unless it can be proven through a Flood Risk Assessment that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere, any residual risk can be safely managed and where possible will reduce flood risk overall.
99. The application is supported by a Flood Risk Assessment and a Drainage Strategy Statement and Plan. Ground investigations have been undertaken and infiltration has been discounted due to the ground conditions being unsuitable. The approach proposed to address surface water drainage involves surface water being held by the existing pond before discharging to Gallows Beck watercourse to the east. As the southern side of the pond currently overflows, an embankment is proposed to be constructed to a depth of 300mm to facilitate the use of the pond as attenuation. The proposed new pool to the north east of the site is to have a dual function as a basin, with swales proposed to the north of the lodges adjacent to the north of the existing pond. Filter drains will be installed to footpaths and roads. The application is supported by hydraulic calculations and a maintenance schedule, which confirms that the applicant will be responsible for the future management of the SUDs.
100. The principle of the SUDs proposed is in accordance with the hierarchy set out by Policy 35 and the Council's Drainage team have indicated their satisfaction with this. They have however requested that construction details for the filter drains and swales are provided and a key relating to the position of the swales

and filter drains included on the Drainage Strategy Plan. In this instance, given that the principle of the strategy is considered to be acceptable, these further details could be secured via a suitably worded pre-commencement condition.

101. Foul water is proposed to be discharged to a newly installed package treatment plant and then the Gallows Beck watercourse. Given the rural location of the site the principle of this is considered to be acceptable and the Environment Agency have raised no objections to the completed Foul Drainage Assessment form provided by the applicant. It is however advised that an Environmental Permit would need to be secured, a separate process to the planning application.
102. Subject to a condition requiring construction details of filter drains and swales, the application is considered to accord with CDP Policies 35 and 36 and Part 14 of the NPPF.

## Ecology

103. NPPF Paragraph 179 b) seeks to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 d) goes on to advise 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.
104. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. The application is supported by an Ecological Impact Assessment, Breeding Bird Survey, Biodiversity Net Gain Assessment, Outline Landscape Management and Monitoring Principles document, and Defra Biodiversity Net Gain Metric in excel format.
105. The submitted Ecological Impact Assessment identifies that the trees to be felled as part of the proposals are of low suitability to support roosting bats, with the development considered to have a very low risk of harm and/or disturbance to bats. The Environmental Records Information Centre North East (ERIC NE) were consulted by the applicants Ecologist which provided records within 2km of the site of common reptile species, common toad, brown hare, badger, otter, hedgehog, up to six bat species and 168 records of birds.
106. The submitted Biodiversity Net Gain Assessment identifies that the proposals would result in net gain in biodiversity of 13.77% in the habitats category, 140% in the hedgerow category, and 64.77% in the river units category. This would be achieved by the planting of woodland, mixed scrub, wildflower grassland, species rich grass seed, and trees to the southern field, as well as two scrapes and a pond to the north western field.
107. The Breeding Bird Survey identified 22 pairs of 17 species within the site, with a further 12 pairs of an additional 5 species observed within the wider study area. In terms of species classified as red concern under the Birds of Conservation Concern 4: the Red List for Birds 2021, one pair of Grey



Partridges were observed within the site, with one pair of Curlews within the wider study area. In addition, a total of 17 pairs of Amber classified species were observed. The survey considers that the Grey Partridge, Red-legged Partridge, Meadow Pipit, Reed Bunting and Oystercatcher are most likely to be significantly impacted by loss of breeding habitat as a result of the development. Scrapes and a pond are proposed to the north western field to enhance the breeding and foraging opportunities to the bird species found during the survey. Six bird nest boxes are also proposed to be installed to provide nesting opportunities.

108. The County Ecologist has requested clarification over the extent of the tree works proposed and the impact of this on the amber classified Redstarts, of which one pair was observed within the site and another pair within the wider study area. It is noted that 3 no. trees and 3 sections from two tree groups would be felled or removed to facilitate the proposals, with various works proposed to 12 other trees, hedgerows, or tree groups. Table 3 within the Ecological Impact Assessment provides an assessment of the suitability of trees for bat roosting, but no such assessment has been provided for birds.
109. CDP Policy 43 relates to protected species and their habitats. It is stated that all development which, alone or in combination, has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless appropriate mitigation, or as a last resort compensation, can be provided, which maintains a viable population and where possible provides opportunities for the population to expand; and where the species is a European protected species, the proposal also meets the licensing criteria (the 3 legal tests) of overriding public interest, no satisfactory alternative and favourable conservation status.
110. In this instance, the application has not satisfactorily demonstrated that the proposals would conserve habitats utilised by birds identified as having a conservation status of moderate concern. Consequently, it is unknown whether the mitigation proposed is appropriate and sufficient to maintain a viable population. This is contrary to CDP Policy 43 and Part 15 of the NPPF.
111. In addition, the County Ecologist requested clarification as to whether the grazing density on the north western field included in the Defra Metric will be adjusted at all to ensure breeding success of focus species. Such clarification was requested of the applicant but has not been provided. Without these details the effectiveness of the mitigation measures proposed to the north western field, in terms of being sufficient to maintain a viable population, is unclear.
112. The Ecologist also advised that the Landscaping Plans must reflect the habitat types and areas stated in the Defra Metric and other supporting ecological reports, with particular reference to the proposed tree planting and woodland creation. The Outline Landscape Management and Monitoring Principles document states that 242 trees are to be planted but that full details of the planting plan are not yet provided. It goes on to recommend a selection of 13 different tree species. Of these recommended species only 7 are proposed in the landscaping scheme, amounting to 40% of the woodland mix. Because of this, the Ecologist considers that there is insufficient information to provide certainty that the degree of biodiversity net gain calculated is achievable.

Notwithstanding this, given the amount of planting proposed and that some of the recommended tree species are proposed, the scheme would still be expected to achieve some net gains in biodiversity in line with the requirements of CDP Policy 41 and Part 15 of the NPPF. A condition could be imposed to secure revised details of a landscaping scheme in order to address the Ecologists concerns.

113. Finally, the County Ecologist requested confirmation that there would be no access to the north western field for users of the lodges. It is considered that a suitably worded condition could be imposed to secure details of measures to prevent public access to the north western field.
114. Overall, concerns are raised that insufficient information has been provided to demonstrate that the tree works would not remove or adversely affect habitats used by birds, specifically Redstarts. Concerns are also raised regarding the whether the grazing density on the north western field would be adjusted to ensure breeding success of focus species. Therefore, the proposals are considered to be in conflict with CDP Policy 43 and Part 15 of the NPPF.

#### Archaeology

115. CDP Policy 44 states that a balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets. Archaeological features are considered to be non-designated heritage assets. In determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to ensuring that archaeological features are generally preserved in situ; and in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available. This is in line with NPPF Paragraph 203.
116. The County Archaeologist has advised that fieldwork and research over the last ten years has demonstrated that the geospatial density of archaeological sites in the county is far higher than thought previously and thus the possibility of any development encountering an unknown archaeological site has increased. As the site comprises greenfield land over 1ha in size an archaeological field evaluation comprising a geophysical survey and an element of desk based research is required. Trial trenching of the site would also be needed to confirm and test the results of the geophysics. The results of this evaluation would be expected to inform any necessary mitigation strategy, or any potentially required amendments to the proposed layout of the development if extensive and/or nationally important remains are discovered. This information is necessary prior to the determination of the application in order to ensure the archaeological issues of the site are understood and can be mitigated without damage.
117. The application is not supported by any archaeological information and so it is unknown whether there are any archaeological features at the site. Given the size of the site and the comments received from the County Archaeologist, further details are required in order to establish this. Without this information, the application is in conflict with CDP Policy 44 or NPPF Paragraph 203.

## Residential Amenity

118. 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.
119. 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.
120. Criterion r) of Policy 10 does not permit development in the countryside that would impact adversely upon residential or general amenity.
121. The site lies within the open countryside with few sensitive receptors nearby. Environmental Health Officers have advised that they do receive noise complaints concerning holiday accommodation and requested a noise management plan to help mitigate noise from people using the lodges, particularly during late evening and night-time hours.
122. A Lodge Management Plan was subsequently submitted which addresses lodge and noise management in general terms. Environmental Health Officers concur with the details and request that a condition to ensure adherence to them are secured via a condition should the application be approved.
123. Due to the isolated position of the site, there are not considered to be any issues arising from loss of light or privacy arising from the lodges and their occupants and the construction phase is not considered to cause significant disruption taking into account the scale of the proposals.
124. The lodges themselves would fall short of the Gross Internal Area set out by the Nationally Described Space Standards (NDSS), however each lodge would be served by its own decked area and the occupants would likely be visitors looking to explore the surrounding area who would have the option of choosing alternative accommodation elsewhere if desiring a larger lodge. Therefore, whilst the lodges would not comply with the NDSS they are considered to provide a good standard of amenity given their intended use.
125. Therefore, the proposals are considered to provide good, and not prejudice, standards of amenity according with CDP Policies 10 r) and 31, as well as Parts 12 and 15 of the NPPF.

## Ground Conditions

126. 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.

127. The application is supported by a Phase 2 Site Investigation Report. The Contaminated Land Officer has indicated their satisfaction with the details within this report and confirmed that no further information is required. They advise including an informative on the decision notice in relation to unforeseen contamination if the application is to be approved.
128. Therefore, the proposals are considered to comply with CDP Policy 32 and NPPF Paragraph 183.

#### Sustainability

129. 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.
130. 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.
131. The application is not supported by any information to demonstrate accordance with the above criteria, however in this instance it would be considered appropriate to secure further details via a suitably worded pre-commencement condition.
132. Subject to such a condition, the proposals are considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

#### Other Matters

133. CDP Policy 14 (Best and Most Versatile Agricultural Land and Soil Resource) seeks to protect the best and most versatile agricultural land. It is noted that the site has a Grade 3 Provisional Agricultural Land Classification, which means that it is classified as good to moderate. Grade 3 is subdivided into two sub grades 3a – good and 3b moderate and only grades 1 to 3a are classified by the ALC system as Best and Most Versatile (BMV) agricultural land. Although the site is over 1ha in size, even in the unlikely event that the land is classified as BMV agricultural land this is unlikely to be a decisive factor in determining the application given that the site is not in a productive agricultural use and the relatively limited area of the main field to be developed.
134. CDP Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) states that new residential and commercial development should be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate

infrastructure to enable future installation. No details of broadband connection have been provided with the application, however these details could be secured via a suitably worded condition.

135. It is noted that pylons and overhead lines cross the site. Paragraph 5.277 of the supporting text to CDP Policy 28 (Safeguarded Areas) states that the consultation should take place with National Grid and regard should be had of the National Grid design guidelines for development near pylons and high voltage overhead power lines.
136. The application is supported by a GS6 Safe Clearance Assessment Report which has been completed and issued to the Applicant. The recommendations states that the safe clearance, measured from the existing ground level is to be set at 7.3m. The wires are at 12.2 therefore a 4.3m minimum must be kept to building for a distance of 9m either side. The submitted Planning Statement confirms that the proposal has considered all aspects of this within the design and as such there are no conflicts expected to arise from the proposal with regard to the overhead cables.

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## **CONCLUSION**

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137. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. 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.
138. In this instance, it is concluded that the proposals would conflict with CDP Policies 8, 10, 29 and 39. This is because the lodges and associated infrastructure would appear as unduly prominent features in the landscape from short and longer range views due to the sites exposed, elevated position distinct from existing built form. New planting would take many years to become suitably established and in any event is unlikely to provide suitable screening from multiple viewpoints. Consequently, the proposals would harm the intrinsic character and beauty of the countryside which could not be adequately mitigated or compensated for, fail to contribute positively to an area's character and landscape features, and cause unacceptable harm to the special qualities of the AHLV. This is contrary to Policy 8 h), 10 l), 29, and 39 of the CDP.
139. The potential benefits of attracting new overnight visitors to the County and the boost to the local economy through increased expenditure is recognised. However in this instance, it is concluded that these benefits would not outweigh the identified landscape harm and conflict with the CDP.
140. In addition, the application has failed to demonstrate that there would not be an adverse impact on specially protected birds, and does not demonstrate that there would be no adverse impact on potential underground archaeological remains. The application is therefore in conflict with CDP Policies 43 and 44 and NPPF Paragraphs 179, 180, and 203.

141. Given the harm and policy conflict identified above, 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. Due to the sites exposed, elevated position distinct from existing built form the development would appear unduly prominent, thereby harming the intrinsic character and beauty of the countryside and the special qualities of the Area of Higher Landscape Value. New planting would not adequately mitigate or compensate for this harm. The proposals would also fail to contribute positively to the area's character and landscape features. The development conflicts with Policies 8, 10, 29, and 39 of the County Durham Plan and Paragraphs 130 and 174 of the National Planning Policy Framework.
2. The application has not satisfactorily demonstrated that the proposals would conserve habitats used by important birds or that the mitigation measures in this regard are appropriate and sufficient to maintain a viable population. This is contrary to Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
3. Insufficient information has been submitted to demonstrate that the development would not have an adverse impact on any underground archaeological remains are present underground in conflict with County Durham Plan Policy 44 and Paragraph 203 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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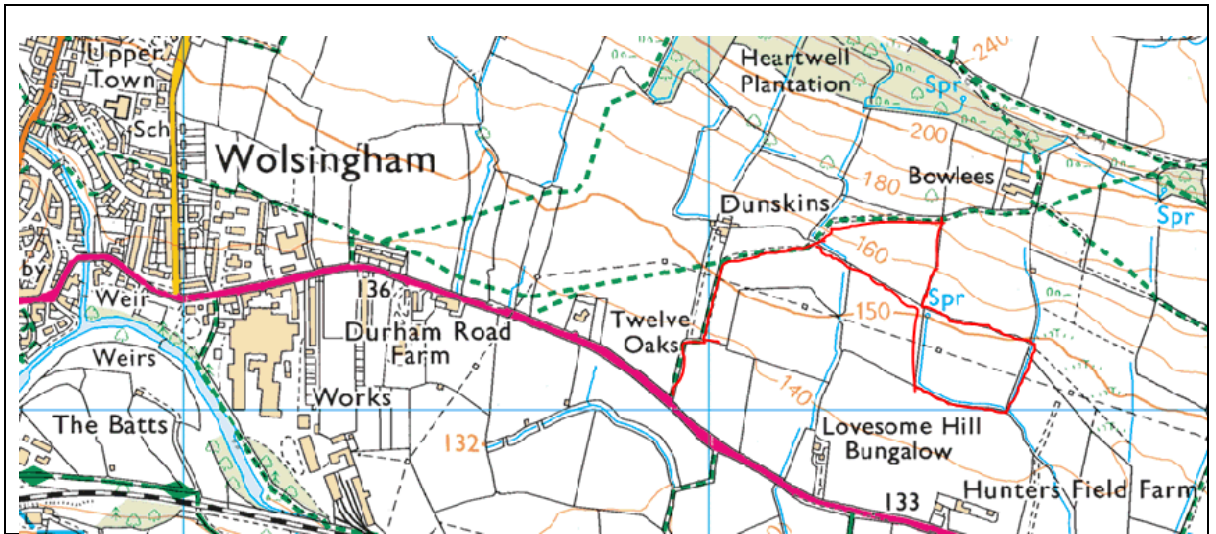
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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>Proposed 15 no. Holiday Lodges</p>	
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	<p>Date: 7<sup>th</sup> November</p>	