



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/00479/FPA
Full Application Description:	Retrospective consent for change of use from agricultural to a mixed use comprising of agricultural and equestrian for commercial purposes, erection of menage and flood lighting and infill extension between existing and proposed building
Name of Applicant:	Mr Grant Findley
Address:	Stream Valley Farm, Burnhope, Durham, DH7 0DS
Electoral Division:	Lanchester
Case Officer:	Gemma Heron (Senior Planning Officer) Tel: 03000 263 944 Email: gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a parcel of agricultural land and buildings sited approximately 435 metres to the north of the built settlement of Burnhope. The site extends over approximately 20.5 hectares of land. The site is accessed via an existing arrangement from Green Lane with the land sloping gradually North to South.
2. The site is bounded to the North by Public Bridleway (No.23), Public Footpath (No.38) to the East and Public Footpath (No.26) to the South with open countryside and the Settlement of Burnhope further to the South. The site is situated within Flood Zone 1 and there are no designated heritage assets within close proximity of the site. The boundary of the Area of Higher Landscape Value lies approximately 330 metres to the east of the application.

3. The agricultural land is identified as Grade 4 in the Agricultural Land Classification which identifies the land as 'Poor' under the standards.

The Proposal

4. Full retrospective planning permission is sought for the change of use from agricultural to a mixed use to include agricultural and equestrian use for commercial purposes, alongside the erection of an outdoor menage with flood light and infill extensions between existing buildings. All of these aspects of the proposal are retrospective. In addition to this, a new stable building is also proposed.
5. In relation to the commercial equestrian business, there is the provision (including the new building) for up to 38 horses to be stabled on the site. The business is operated by two full time members of staff and is operational from 06:00 to 20:00 every day. Information has been submitted to show there is 19.5 hectares of land available for the equestrian business for the grazing of the horses.
6. The menage approximately measures 43 metres by 22 metres and is marked by a 1.2 metre fence with timber gates. It includes the erection of 8no. 50W flood lighting around the boundary. It is located to the northern section of the site and will continue to be used by customers of the livery alongside the applicant themselves.
7. In terms of the agricultural activity to remain on the site, this consists of the cutting of haylage and the keeping of pigs by the applicant. Information has been submitted which shows the remaining 1 hectare will remain in agricultural use.
8. The application also seeks planning permission for the erection of a new building to be used for the commercial equestrian business to provide an additional 20 stables for the use as a livery business. The new building will approximately measure 44 metres by 11 metres, standing to 4.7 metres to the eaves and 7 metres to the ridge line. The building will be of a similar height and design as the existing buildings on the site. It is proposed to be constructed from white painted block work followed by painted green steel with metal roof cladding.
9. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it is greater than 1 hectare in size and the use proposed is a commercial equestrian use.

PLANNING HISTORY

- 1/2007/0811/62545 – Erection of double garage with workshop. Refused November 2007.
- 1/2007/0999/63387 – Erection of detached double garage (Re-submission). Approved January 2008.
- DM/16/03446/FPA - Erection of childrens play house, childrens swing and raised vegetable beds, surfacing works to patio and driveway, and creation of a wildlife pond (retrospective). Approved March 2017.

- DM/17/00305/FPA – Retention of lunge pen, horse walking area and storage building for quad bikes, and erection of intervening shed building. Approved March 2017.
- DM/17/03379/FPA – Erection of a link extension. Approved November 2017.
- DM/18/03506/FPA – Proposed gated entrance and change of use to agricultural use. Approved January 2019.
- DM/22/00074/FPA – Single storey rear extension (retrospective) with a roof terrace including a staircase and glass balustrade. Approved February 2022.

PLANNING POLICY

National Policy

10. 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.
11. 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.
12. 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.
13. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. NPPF Part 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.

15. 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.
16. 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.
17. 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:

18. 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)

19. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The

policy further sets out 9 General Design Principles for all development in the Countryside.

- Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of a design and scale suitable for intended use and well related to existing development.
- Provision for infrastructure development includes: essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.
- Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

20. *Policy 13 (Equestrian Development)* considers equestrian development as appropriate within the countryside subject to a number of criteria including: development being of an appropriate scale, size and design; buildings well related to the farm steading; proposals not unacceptably affecting the character, heritage or nature conservation value or the locality; appropriate screening being in place; appropriate waste management; and the amenity of neighbouring properties is protected and a safe access can be achieved.
21. *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.
22. *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.
23. *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.
24. *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.

25. *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.
26. *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.
27. *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.
28. *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.
29. *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

30. *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.
31. *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.

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

Neighbourhood Plan:

32. There is no neighbourhood plan for this area.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

33. *Highways Authority* – No objections subject to two planning conditions in relation to the construction of the access and site visibility being included on the consent and an informative.
34. *The Coal Authority* – No objection as consider that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system demonstrating that the application site is safe and stable for the proposed development.
35. *Burnhope Parish Council* – No response received.

Non-Statutory Responses:

36. *Spatial Policy* – Advice on the relevant planning policies to be used to determine the application.
37. *Ecology* – The recommendations of the ecology report are shown on the amended site plan and as long as the detail of the scrub planting and its delivery can be secured, no issues with the application.
38. *Environmental Health Nuisance* – No objection.
39. *Environmental Health Contamination* – No requirement for a contaminated land condition. Informative should be added in relation to unforeseen contamination.

40. *Public Rights of Way*: Note the inclusion of bridleway No.23 in the red line boundary and proposed improvements to accommodate vehicular access at the junction with Green Lane. The legal designation of this access is that of a public bridleway and not a public road, and that lawful public users of the bridleway take precedence at all times. There are concerns with the intended junction improvements, albeit in the interests of highway safety and therefore necessary, will reinforce the impression to passing motorist that the bridleway is a public road, encouraging existing users and other motorists to drive on it at a greater speed, possibly leading to unintentional conflict with lawful public use of the bridleway. As a section of the bridleway is in the ownership of Durham County Council, CPAL should be consulted on the proposed junction improvements.
41. *Corporate Land and Property*: No objections with comments provided in relation to land ownership and rights of access.

Public Responses:

42. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties. No public responses have been received.

Applicants Statement:

43. 'Hi and thank you for Durham County Council Planning Department for recommending this application for approval.

As the owner and occupier of Stream Valley Farm, it was always my wish to ensure all of the land is used appropriately and sympathetically. The stables proposed within this application allow the entirety of the 56 acre farm to be used most appropriately for equestrian use.

The application proposed 20 new stable boxes, bringing the total number of stable boxes on the site to 38. The proposal will provide ample grazing space and turnout for the site as well as the proposed outdoor riding arena to provide livery clients with a safe, on site riding facility.

The proposed sheltered barn provides a safe area for storage of our tractor, machinery, and other storage requirements.

I can also confirm that the conditions included within the application will be met. Since leaving the EU, farming subsidies have been reduced and the proposals within this application enable myself to make the farm work and attract new livery clients to ensure a viable business going forward into the future.

I would like to thank the planners involved within this application for what is now 9 months of consultation and I hope that the Committee can now agree and approve this application as a result of the hard work contributed by several parties.

The work involved within the proposal does not overlook anybody and should not impact any person or the environment.

The surrounding environment and remainder of the site has been considered within the proposals via guidance from the planning department, highways department and other relevant consultants.

Thank you for reading this short statement on behalf of our family farm.

Grant Findley LLB BVC SMSTS'

PLANNING CONSIDERATION AND ASSESSMENT

44. 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, Affordable Accessible and Adaptable Housing, Open Space, Design / Layout, Landscaping and Visual Impact, Residential Amenity, Highway Safety, Flooding/Drainage, Ecology, Ground Conditions, and Sustainability.

Principle of Development

45. The application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP) and the National Planning Policy Framework (NPPF). Paragraph 11C of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay.
46. The application site relates to a collection of existing buildings in a remote location, outside the built-up area of Burnhope. The site is considered to be within the open countryside for planning purposes. Policy 10 of the CDP states that development in the countryside will not be permitted unless allowed for by specific policies in the plan.
47. Policy 13 relates to equestrian development would be relevant in this case. It states:
- 'Equestrian development will be considered an appropriate countryside use and will be permitted where the following criteria are met:
- a) Stables are of an appropriate size, design and construction for their intended use and the number of stables reflects the amount of grazing land available;
 - b) The proposal involves the appropriate conversion of existing buildings or, where proposals involve new permanent buildings, these are located as part of, or close to, an existing farmstead or other building grouping;
 - c) The proposal would not, by virtue of their siting, design, scale, materials or layout, light or through the inappropriate intensification of existing bridleways, routes and land, unacceptably affect the character, heritage

or nature conservation value or the locality, either individually or cumulatively with other development;

- d) The proposals would provide appropriate measures for screening buildings, hard standings, arenas and storage areas with trees or hedges;
- e) The proposal is supported by details of appropriate waste storage, management, end disposal and surface and ground water drainage;
- f) The proposal would not adversely impact on the general amenity of neighbouring properties and the wider area; and
- g) Safe and suitable access can be achieved, and in the case of commercial establishments are located close to existing bridleways and other routes suitable for trekking or hacking out where this forms part of the business.

New equestrian development in the Green Belt will normally be regarded as inappropriate development. Where the proposal involves limited infilling relating to an existing use, small scale stables will be permitted where they do not harm the openness of the Green Belt or conflict with the purposes for which the land was included in the Green Belt.

In all cases, applicants will be expected to demonstrate adequate provision for the proper care of horses, including stabling, grazing and exercise, in accordance with the Equine Industry Welfare Guidelines and the British Horse Society Standards. Equestrian development commercial establishments need to be located sufficiently close to existing residential accommodation to allow for appropriate levels of supervision. Proposals for a residential use associated with the equestrian development will be determined against Policy 12 (Permanent Rural Workers' Dwellings.)'

- 48. In assessing the application against Policy 13 of the CDP, the existing and proposed buildings would result in the creation of 38no. stables for the livery business which would be constructed within the existing complex. The British Horse Society (BHS) Standards requires 0.4 – 0.6 hectares of grazing land per horse and the available land for equestrian use is 19.5 hectares. Therefore, there is adequate grazing land for the 38no. horses that will be stabled in the building based on the BHS standards.
- 49. Policy 13 also requires commercial equestrian development to be located sufficiently close to existing residential accommodation to allow for appropriate levels of supervision. The application site benefits from an existing residential dwelling within the main complex of the site which allows for natural surveillance of the equestrian business. It is considered to be reasonable and necessary to impose a planning condition to secure the business to the existing residential dwelling on the site, 'Stream Valley Farm' to allow retain the policy compliance of this element of the proposal into the future.

50. The comprehensive criteria listed under Policy 13 will be discussed under each relevant section of the forthcoming report in detail. However, overall the principle of equestrian development is considered to be an appropriate countryside use and would be allowed in principle in accordance with Policy 13 of the CDP.
51. Policy 14 of the CDP sets out that the 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. In considering this, the agricultural land subject of this application is identified as Grade 4 in the Agricultural Land Classification under the standards set out by Natural England. Grade 4 is identified as 'Poor' and therefore, there would be no loss of the best or most versatile agricultural land as a result of the proposal. Therefore, the proposal would be compliant with Policy 14 of the CDP.

Scale/Design

52. 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. In total, Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; 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.
53. CDP Policy 13 sets out that development should not, by virtue of their siting, design, scale, materials or layout, light or through an intensification of existing bridleways, routes and land, unacceptably affect the character, heritage or nature conservation value or the locality.
54. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
55. The new building would be of a similar size, scale and design as the existing buildings on the site and would appear to be in-keeping with the existing built development. It would be constructed from similar materials which are acceptable. The menage would be of a standard riding arena design with a simple timber fence to mark the boundaries of the menage which is acceptable in terms of design. The proposal does not cause any harm to the visual amenity of the surrounding area and would comply with Policy 13 and 29 of the County Durham Plan.

Landscaping and Visual Impact

56. 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.

57. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
58. 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) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
59. The application site is not within an area of designated landscape and it is not widely visible from public views due to the existing landscape screening which surrounds the application site, with extensive woodlands to the north, east and southern boundary. The proposal includes the change of use of existing buildings on the site which have been in situ for a number of years. The new building and menage would be located next to existing buildings on the site and would be seen within the wider context of the existing complex of buildings. Therefore, the proposal would not have any adverse harm upon the landscape.
60. Given the above, the proposal is acceptable in accordance with Policies 39 and 40 of the County Durham Plan and Parts 12 and 15 of the NPPF.

Residential Amenity

61. 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.
62. 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.
63. The application site is located within a countryside location with the nearest residential neighbouring property being located approximately 300 metres to the east of the site. There will be no issues in terms of overlooking, overshadowing or an overbearing impact on residential properties.
64. Environmental Health Officers (Nuisance Action) have been consulted on the application and they have no objection to the proposal. The information provided demonstrates that the application complies with the thresholds within the Technical Advice Notes which indicates that the development will not lead to an adverse impact.
65. Overall, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 31 and Part 12 and 15 of the NPPF.

Highway Safety/Access

66. 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.
67. 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.
68. Policy 26 of the County Durham Plan relates to 'Green Infrastructure'. In relation to Public Rights of Way it states: '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, deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent provision of a suitable standard is made.'
69. The Council's Highways Team have reviewed the application and have no objection to the proposal subject to two proposed conditions relating to the visibility splay and the access to be constructed prior to the first use of the building if members are minded to approve the application.
70. Comments have been provided by the Council's Public Rights of Way (PROW) Team as the application site includes Bridleway No.23 and there will be improvements to the access as required by the Highways Team. The PROW Team have concerns that the intended junction improvements will reinforce the impression that the bridleway is a public road which could lead to the unintentional conflict with the public use of the bridleway. In considering these comments, the relationship between the bridleway and the application site is a historic relationship as the bridleway provides the only access to the application site. The improvements to the junction will improve the highway safety and visibility at the junction and whilst it could encourage motorists to use the access, it only leads to the application site. Therefore, those motorists who use the access track will primarily be limited to those using the application site which will limit the users of the access. Whilst the concerns of the PROW are understood, they are not considered to warrant a refusal of the planning application under Policy 26 as the proposal is not considered to result in the loss or deterioration of the quality of the PROW, especially due to the highway improvements which will be undertaken.
71. Overall, subject to conditions, the proposals are not considered to adversely affect highway or pedestrian safety and would accord with CDP Policy 10, 21 and 26 and Part 9 of the NPPF.

Drainage

72. 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.
73. 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.
74. In considering the impact of the development upon flood risk, the application site is located within Flood Zone 1 and the proposed new building will be located on an existing area of hardstanding. The other buildings on the site are existing with the menage being constructed from a permeable surface. Given this, there would be no significant increase in non-permeable surfaces on the site and therefore, there would be no issues in relation to flood risk.
75. Also, Policy 13 of the CDP under (e) requires the proposal to be supported by details of appropriate waste storage, management, end disposal and surface and ground water drainage. A condition can be imposed on the consent to require details of the waste storage and management to be submitted and agreed by the Local Planning Authority if members are minded to approve the application.
76. Therefore, the application does sufficiently and robustly demonstrate that the proposed development would be safe without increasing or exacerbating flood risk elsewhere as required by CDP Policy 35 and Part 14 of the NPPF.

Ecology

77. 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 ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
78. The application is submitted alongside an Ecology Survey which has been reviewed by the Council's Ecology Team. They comment that the recommendations of the Ecology Survey are shown on the proposed site plan and they would have no objections to the proposal with the delivery of scrub planting and delivery being secured. A condition is proposed to require the submission of a landscaping

scheme to allow for the review of the specific native planting to be carried out on the site if members are minded to approve.

79. Subject to the above, the proposal will be acceptable in accordance with Policy 41 of the CDP and Paragraph 180 of the NPPF.

Ground Conditions

80. 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.
81. The Coal Authority confirm they have no objection to the application as the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the site is safe and stable for the proposed development.
82. The Contaminated Land Team have been consulted and confirm they have no adverse comments to make and there is no requirement for a contaminated land condition.
83. Overall, the proposal complies with Policy 32 of the County Durham Plan and is acceptable in this regard.

CONCLUSION

84. Overall, the proposal is considered to be acceptable and in accordance with Policies 10, 13, 14, 21, 26, 31, 32, 35, 36, 39, 40, 41 and 43 of the County Durham Plan and Parts 2, 4, 6, 9, 12, 14 and 15 of the National Planning Policy Framework.

RECOMMENDATION

It is recommended that the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 13, 14 21, 26, 29, 31,

32, 35, 36, 39, 40, 41 and 43; of the County Durham Plan and Parts 2, 5, 8, 9, 12, 14, 15 of the National Planning Policy Framework.

3. Prior to the first use of the new building hereby approved, details of an appropriate waste storage, management and end disposal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be carried out in accordance with these details and maintained in perpetuity for the lifetime of the use.

Reason: In the interests of the amenity of the area in accordance with Policies 13 and 31 of the County Durham Plan.

4. The external lighting hereby approved as shown on 'Proposed Riding Arena Elevations' Drawing Number: AL (00) 0221 and 'Proposed Site Plan' Drawing Number: AL (90) 0030 shall be erected and maintained in accordance with these details. No lighting shall be turned on when the menage is not in use.

Reason: In the interests of the amenity of the area in accordance with Policy 31 of the County Durham Plan.

5. Prior to the first use of the new building hereby approved, six bird boxes and four bat boxes shall be installed in accordance with 'Proposed Site Plan' Drawing Number: AL (90) 0030 and shall remain so in perpetuity.

Reason: In order for the development to meet biodiversity net gains as outlined in Part 15 of the National Planning Policy Framework and Policy 41 of the County Durham Plan.

6. Prior to the first use of the new building hereby approved, the access shall be constructed in accordance with 'Proposed Access Plan' Drawing Number: AL (90) 0013.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

7. Prior to the first use of the new building hereby approved, visibility splays as shown on 'Proposed Access Plan' Drawing Number: AL (90) 0013) shall be provided. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 1 metre above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan and Parts 9 of the National Planning Policy Framework.

8. Prior to the first use of the new building hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscaping scheme shall include accurate plan based on details of the following:

- Trees, hedge and shrubs scheduled for retention.
- Details of hard and soft landscaping including planting species, sizes, layout, densities and numbers.
- Details of planting procedures or specifications.

Reason: In the interests of the visual amenity and to secure biodiversity net gain to comply with Policy 29 and 41 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

9. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

10. No more than 38 horses shall be stabled on the site at any one time.

Reason: To define the consent in accordance with Policy 13 of the County Durham Plan.

11. The equestrian business hereby approved shall be operated by the occupant of the farmhouse known as 'Stream Valley Farm' only as shown on submitted plan 'Proposed Site Plan' Drawing Number: AL (90) 0030.

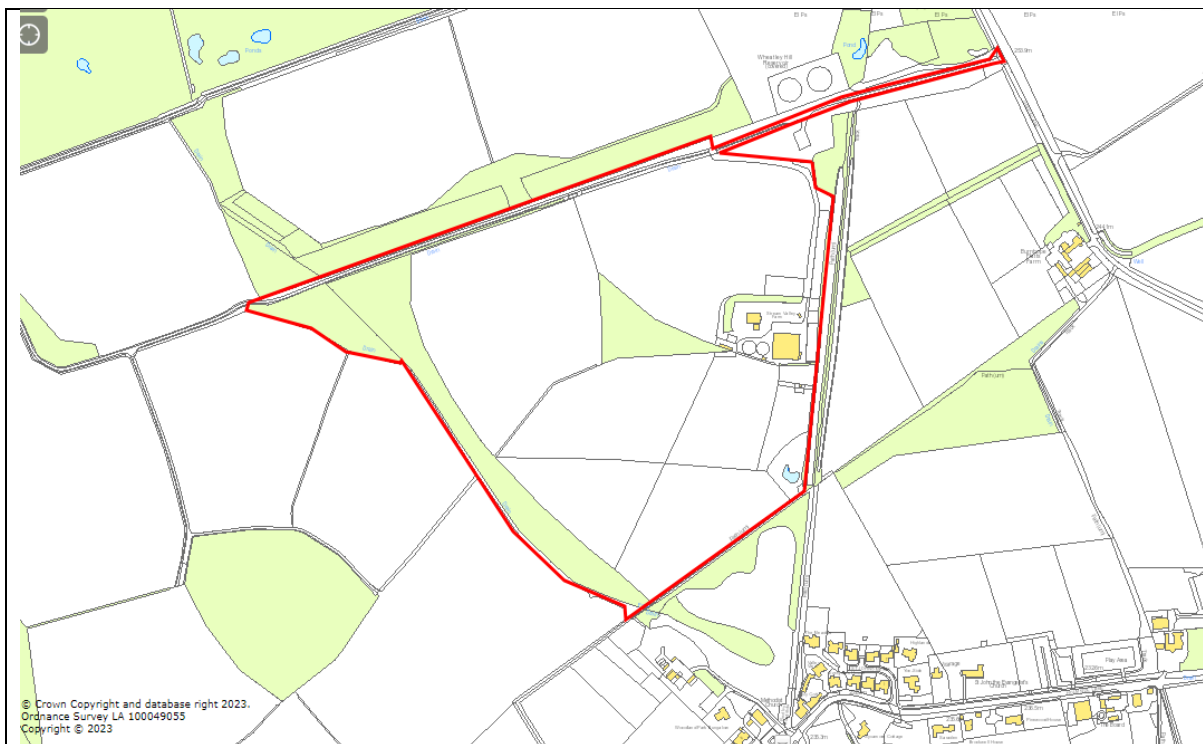
Reason: In order to allow for appropriate levels of supervision of the business to comply with Policy 13 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

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



<p>Planning Services</p>	<p>Retrospective consent for change of use from agricultural to mixed use comprising of agricultural and equestrian for commercial purposes, erection of a menage and flood lighting and infill extension between existing and proposed dwellings</p>	
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