

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/00910/FPA
Application Description:	Change of use of land to accommodate 24 No. camping and caravanning pitches including provision of portable toilet/shower facilities, external sinks, drinking water stand pipes and associated parking
Address:	Richys Stables, Rowntree Lane, Hamsterley, Bishop Auckland, DL13 3RD
Name of Applicant:	Mr Justin Breward
Electoral Division:	Evenwood
Case Officer:	Jayne Pallas Planning Officer 03000 268306 jayne.pallas@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of land 1.8 miles to the south of Hamsterley measuring approximately 0.83 hectares. The land is accessed from Nettlebed Lane (C32 highway) to the north via a double entrance gate. Public right of way No.46 runs parallel to the western boundary of the site, with a deciduous hedgerow providing partial screening. The northern boundary is lined with established hedging/vegetation and a mix of high timber fencing and stock fencing enclose the southern and western aspects of the site.
2. The application site currently benefits from planning permission for the siting of a stable building (personal use), 2 No. holiday chalets and for the installation of entrance gates from Nettlebed Lane. This permission has been partially implemented with the stable building, entrance gates and 1 No. holiday chalet erected on site. The second holiday chalet has not yet been built, however the supporting statement advises that this is to be erected in the near future (although no timeframe has been provided). The southern part of the site remains grassed paddock.

The Proposal

3. Planning permission is sought for the change of use of the grassed paddock to the south of the land to a campsite providing 24 No. pitches for use by caravans and tents. The Proposed Block Plan demonstrates that the pitches would be arranged into 3 No.

rows, each containing 8 No. pitches measuring 10m x 9m. A separation distance of 6m is proposed between the pitches, which would provide parking for guests if required.

4. As part of the scheme, 2 No. drinking water stand pipes are to be installed, with 2 No. external sinks and 2 No. portable toilets/showers shown to be positioned on the southern boundary. An Elsan point (for the disposal of chemical waste) is proposed in the south eastern corner of the site, alongside an additional water point (not for drinking).
5. The supporting documentation advises that ground reinforcement mesh would be installed at the site, which would allow grass to grow through it, whilst also providing a surface for the parking of vehicles. Access would be taken via the existing entrance from Nettlebed Lane to the north.
6. The Local Planning Authority is considering a second application on the site, DM/23/00921/VOC, which relates to the use of holiday chalet 1 as a manager's dwelling for a temporary 3-year period linked to the campsite currently under consideration.
7. This application is being considered by committee at the request of a Local County Councillor on the basis that the proposed development would assist in meeting visitor accommodation needs in this part of the County, where there is high demand for accommodation of all types and budgets. In addition, the Local County Councillor feels that consideration should be given to the landscape and visual impacts arising from the proposal, which have been identified as refusal reasons previously.

PLANNING HISTORY

8. The site has an extensive planning history. Planning permission was originally granted under reference number DM/20/01153/FPA for the construction of stables and a tack room, erection of 2 No holiday letting chalets, retention of static caravan, retention of containers and entrance gates. The applicant is currently residing on the site in breach of occupancy conditions relating to this approval.
9. A subsequent planning application (DM/21/03821/FPA) for the change of use of land to accommodate 30 No. camping pitches with shower/toilet facilities and associated parking was refused. This related to concerns regarding the landscape impact, the sustainability of the site, ecological impacts, the loss of equestrian grazing ground to serve existing uses on site, and the potential impact from the management of foul water.
10. Applications DM/22/01221/VOC and DM/22/03790/VOC for the variation of the occupancy condition of the chalets, to allow holiday chalet 1 to be occupied as a main residence for a temporary 18-month period and then a subsequently a 3 year period were refused in June 2022 and March 2023 respectfully. This related to the principle of the development, the isolated location of the development and loss of tourism accommodation.
11. An application for an extension to the existing stables and tack room to create storage area (DM/23/00089/FPA) was approved in July 2023.
12. Application DM/23/00921/VOC for the variation of condition 2 (occupancy restriction) pursuant to planning permission DM/20/01153/FPA to allow Holiday Chalet 1 to be

occupied as a manager's dwelling linked to the proposed use of the site for camping/caravanning is pending consideration.

PLANNING POLICY

National Policy

13. A revised National Planning Policy Framework (NPPF) was published in July 2021 (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 11 - Making Effective Use of Land -* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
19. *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.
20. *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.

21. *NPPF Part 15* - Conserving and Enhancing the Natural Environment – The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

22. 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; design process and tools; determining a planning application, flood risk, healthy and safe communities, land affected by contamination, natural environment, noise, 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

23. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
24. *Policy 8 Visitor Accommodation* sets out that new visitor accommodation or extensions to existing visitor accommodation will be supported where it would be appropriate to the scale and character of the area and would not be used for permanent residential accommodation. The policy sets out that proposals will be supported where they meet identified visitor need, would be an extension to existing visitor accommodation that would help support the future business, would respect the character of the countryside and demonstrates clear opportunities to make the location more sustainable. Proposals for new or extensions to existing chalet, camping and caravan sites will be supported where they would not be unduly prominent in the landscape.
25. *Policy 10 Development in the Countryside*. Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
26. *Policy 13 Equestrian Development*. Equestrian development will be considered an appropriate countryside use and will be permitted where specific criteria are met. This includes demonstrating 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.

27. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements.
28. *Policy 29 Sustainable Design* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria that relevant development is required to meet including; making a positive contribution to an area's character and identity; providing adaptable buildings; minimising greenhouse gas emissions and the use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; providing convenient access for all users and adhering to the Nationally Described Space Standards (subject to transition period).
29. *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.
30. *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.
31. *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.
32. *Policy 36 Water Infrastructure* advises, in relation to the disposal of foul water, that consideration should be given to a hierarchy of drainage options. Applications involving the use of non-mains methods of drainage (including Septic Tanks/Cess Pits) will not be permitted in areas where public sewerage exists.
33. *Policy 39 Landscape* 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 and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
34. *Policy 41 Biodiversity and Geodiversity* states that a 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.

35. *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.

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

37. Evenwood and Barony Parish Council – No comments or objections received.
38. *Highways Authority* – Advise that the proposal has a vehicular access from the C32 Nettlebed Lane, which is unlit and has no footpaths in either direction, thus making walking or cycling unsafe, especially in winter conditions. The rural location has limited public transport services, further adding to the sole reliance on the use of motorised vehicles. Due to the nature of the business, additional traffic would generally be seasonal and there are low volumes of existing traffic on the highway. The generated trips would therefore be considered to have a minimal impact on the highway network. No objections have been raised to the existing vehicular access following the submission of additional information. However further information is needed to demonstrate that vehicles can adequately park and enter/exit the site in a forward gear, and in relation to the method of waste storage and private collection management. The Highways Authority note that the applicant intends to encourage cycle use to and from the site and would be agreeable to the installation of EV charging points, which could be secured by way of planning condition.
39. Environment Agency – Object to the application because it involves the use of a non-mains foul drainage system, and there is insufficient information provided for the Environment Agency to make an assessment of the risks to the water environment.

Non-Statutory Responses:

40. Spatial Policy – The County Durham Plan is supportive of new visitor accommodation in appropriate locations that would be respectful to the scale and character of the area with year-round screening and would not be used for permanent residential occupation. The wider issue of developing this proposal within the open countryside (potentially affecting an Area of Higher Landscape Value) must be carefully considered, together with any highway implications.

41. Landscape Officer – Advise that 6 spaces have been removed from the previous proposal, however concerns regarding the landscape impact of the proposal are raised. This is because the development would result in an intensification of use at the site with further impacts in the form of domestic paraphernalia, parked vehicles and lighting. The hedge along the western boundary is deciduous and therefore the site is visible when the hedge is not in leaf.
42. Ecology Section – The updated metric has been assessed and the proposal currently fails to attain a net gain in biodiversity, which is a requirement under the NPPF and Planning Policy. Until this has been rectified, objections are raised due to a loss in biodiversity.
43. Environmental Health (Nuisance Action) – No objections subject to adherence to the Site Management Policy.
44. Environmental Health (Contaminated Land) – As the development constitutes a change of use to a more sensitive receptor, land contamination conditions are to be attached to any approval granted (Phase 1-4).
45. Visit County Durham - Support the proposal in principle. There is an undersupply of visitor accommodation in the County and the development would support visitor economy and employment.

PUBLIC RESPONSES:

46. The application has been advertised by means of a site notice and direct neighbour notification letters. 1 No. representation and 4 No. letters of support have been received in respect of the application.
47. The representation received requests that planning conditions be imposed to require the applicant to install additional dog waste bins in the area and to provide a footpath on the bend between the site and the village of Morley, to improve pedestrian safety.
48. The letters of support are summarised below:-
 - The site is located in a beautiful countryside location but is close to visitor attractions and facilities making it easily accessible.
 - Visitor accommodation nearby is limited and therefore it is imperative to support accommodation of all types and to suit all budgets.
 - There would be no landscape or amenity impacts. The site is well screened and the development is of a temporary nature.
 - National and local planning policies support rural tourism such as this.
 - The Head Teacher of a local primary school advises that the applicant has offered to accommodate residential stays for children from their school free of charge on weekdays should the application be approved. This would provide local children with an additional site for residential visits and access to the benefits of such trips. The site has suitable facilities and is close to Hamsterley Forest and the range of activities available there.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/>

Applicants Statement:

49. Policy 8 of the CDP is broadly supportive of proposals for camping and caravanning sites as a matter of principle, especially when they are appropriate to the scale and character of the area as would be the case in this instance.
50. The proposal would assist in meeting identified visitor needs in this part of County Durham and this cannot be disputed. Visit County Durham have confirmed the need for this type of facility in the area and that much more accommodation types are needed following the recent investment in local visitor attractions.
51. It has also been evidenced that the proposal would not result in any adverse landscape or visual impacts with the camping and caravanning operation being temporary/transient in its nature and the application site being entirely screened in both long and short range views.
52. The two key requirements of Policy 8 of the CDP have been satisfied in this case confirming that the proposal represents an appropriate form of development in the countryside.
53. The Local Planning Authority has raised concerns that due to the rural location of the site, the development would rely on access solely by private motor vehicle contrary to the locational sustainability objectives of Policies 8 and 10 of the CDP. The site is far from being isolated and in fact the locational sustainability objectives of these policies would be satisfied. The site already benefits from an established tourism use following the previous granting of planning consent for two holiday chalets and therefore it would be perverse to suggest that the site is no longer a sustainable or appropriate location for visitor accommodation.
54. Overall, it is the case that sustainable development would be achieved and a wholly policy compliant scheme has been presented that would make a significant and meaningful contribution towards addressing visitor accommodation needs in this part of the County where demand for such is increasing exponentially.

PLANNING CONSIDERATIONS AND ASSESSMENT

55. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in design making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, landscape/visual impacts, residential amenity, highway safety, drainage, ground conditions and ecological issues:

Principle of the Development

56. 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 in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out 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.
57. 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.

58. CDP Policy 10 is considered the starting point for the consideration of development in the countryside. The policy sets out that development in such locations will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to a specific exception.
59. Relevant to this application is CDP Policy 8, which provides general support for visitor accommodation in the countryside where development is appropriate to the scale and character of the area and would not be used for permanent residential occupation. The policy sets out that proposals must be necessary to meet identified visitor needs; or would be an extension to existing visitor accommodation that would help to support future business viability and would demonstrate clear opportunities to make its location more sustainable.
60. Paragraph 84 of the NPPF 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 development which respect the character of the countryside.
61. With regard to the application site, planning permission was granted in 2020 for the erection of a stable building (personal use) and 2 No. holiday chalets. Whilst 1 No. holiday chalet has been erected, this is occupied as a residential dwelling by the applicant and therefore the site is not actively in use for tourism purposes. The supporting documentation states that the applicant intends to construct chalet 2 in the near future, however no timescale has been provided.
62. Letters of support state that the site is easily accessible and national and local planning policies seek to support rural tourism such as this, to provide a range of accommodation types to suit all budgets.
63. Visit County Durham advise that there is a general undersupply of visitor accommodation in the County and that considerable investment has gone into many large attractions, including nearby Bishop Auckland. This investment should allow Durham to compete nationally for overnight visitors, however as a destination, there needs to be a suitable range and quality of visitor accommodation. Economic impact and visitor research has shown that there is a lack of visitor accommodation to cater for the current market demand. Given the large levels of investment in visitor attractions within the County, the market demand for accommodation is expected to increase. Visit County Durham therefore support the principle of the proposal, however, note that they urge investors to benchmark with similar developments to meet national standards and to avoid offering the bare minimum in terms of facilities.
64. County Durham as a destination needs to increase its visitor accommodation capacity to encourage a greater level of spending, which in turn would support more visitor economy businesses and employment. It is therefore considered that the proposed development would meet this aim and would assist in increasing the level of overnight visitors in the County, attracting a higher spend and visitor economy development. In line with the requirements of CDP Policy 8, there remains an identified need for such proposals, although concerns are raised about the limited facilities to be offered at the site with drinking stand pipes and portable toileting and showering facilities only.

65. This is reflected in Part 6 of the NPPF, which seeks to support a prosperous rural economy, including sustainable rural tourism and leisure development. Paragraph 84 of the NPPF notes that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that the development is sensitive to its surroundings, does not have an unacceptable impact upon local roads and exploits opportunities to make a location more sustainable (for example by improving the scope of access on foot, by cycling or by public transport). Part 9 of the NPPF seeks to promote sustainable transport modes, including walking, cycling and public transport.
66. The application site is isolated both physically and visually from any surrounding settlement, accessed to the north by Crane Row Lane/Nettlebed Lane running between the settlements of Woodland to the west and Windmill to the east. It is approximately 5 miles from the edge of the settlement of Bishop Auckland, with no public transport links, and therefore any visitors would be reliant upon the private motor vehicle for access. Nettlebed Lane is not served by a footpath or streetlighting, preventing safe access to the site on foot.
67. Whilst CDP Policy 8 is generally supportive of new visitor accommodation within County Durham, the proposal is unsustainably located, where visitors to the site would be solely reliant on the private motor vehicle. Although the site has planning approval for 2 No. holiday chalets, this was assessed to be a small-scale operation and the economic benefits of providing additional visitor accommodation in the locality was considered to outweigh the harm resulting from the isolated nature of the site, particularly when taking into consideration the limited number of units approved.
68. Given the number of pitches included within the current application, it is considered that the proposed intensification of use at the site would conflict with sustainability objectives outlined in the CDP and the NPPF. Whilst the development seeks to promote cycling from the site to nearby visitor attractions, the site is not accessible on foot or by public transport and this is not considered sufficient to outweigh the reliance on unsustainable modes of transport for access or provide adequate evidence to demonstrate that opportunities to make the site more sustainable have been fully explored.
69. CDP Policy 8 requires proposals to respect the character of the countryside and this will be considered in more detail later in this report.
70. Taking into consideration the above, the scheme is considered in conflict with Policies 8 and 10 of the County Durham Plan and Parts 2, 6 and 9 of the National Planning Policy Framework, as the development would represent over-intensification of existing undeveloped land on a site that is locationally unsustainable and is not considered to relate well physically to the surrounding settlements. The economic and social benefits associated with the increased tourism offer are not considered to outweigh this harm.

Landscape and Visual Impacts

71. The application site lies within the countryside, but outside any designated or protected landscape area. Land identified as an Area of Higher Landscape Value (AHLV) is however situated 500m away. CDP Policy 39 (Landscape) advises 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.

72. CDP Policy 8 (Visitor Accommodation) advises that new visitor accommodation will be supported where it would be appropriate to the scale and character of the area and would respect the character of the countryside. Proposals for visitor accommodation should not be unduly prominent in the landscape and should evidence 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. Part h. iii) notes that the materials and colour of chalets, static caravans, site services and infrastructure should be designed to blend with the surroundings of the site and should be limited in scale to the needs of the site occupants only.
73. The general design principles for all development in the countryside, contained in CDP Policy 10 (Development in the Countryside) outlines that new development must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for.
74. CDP Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
75. NPPF Part 12 seeks to secure well-designed places, which will function well and add to the overall quality of the area. New development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and should be sympathetic to local character and history, including the surrounding built environment and landscape setting. NPPF Part 15, Paragraph 174 advises that planning policies and decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.
76. Letters of support outline that the scheme would have no landscape impact given that the site is well screened and the development is of a temporary nature.
77. The proposed site plan shows the position of 24 No. camping pitches on the southern part of the site, with the installation of drinking water stands, portable toilets and showers. The supporting documentation confirms that ground reinforcement mesh would be installed allowing grass to grow through it, whilst providing a suitable surface for the parking of vehicles associated with the campsite.
78. The Council's Landscape Officer advises that key visual receptors of the site would be users of the adjacent public right of way (No.46 Evenwood and Barony Parish) and users of Nettlebed Lane to the north. The existing hedging on the north and western boundaries provide a visual buffer from principal views into the site, however it is recognised that in Winter months, filtered views would be achievable.
79. The Landscape Officer notes that the proposed development would introduce camping pitches and associated infrastructure to the site in place of existing grassed paddocks. The proposal would result in an intensification of use of the site, with potential further impacts in the form of domestic paraphernalia, parked vehicles and lighting. The hedge along the western boundary with the public right of way is deciduous and therefore fails to provide adequate all year-round screening as required by CDP Policy 8. In addition, due to the height of the hedge, it is likely that elements of the development

would be visible over this feature, including larger parked vehicles (such as caravans and motorhomes).

80. The southern stretch of the eastern boundary of the site is enclosed by stock fencing, allowing views across open countryside into the development. As such, the proposal fails to mitigate against the landscape harm caused by the proposed intensification of use at the site, with no year-round screening of the land in views from the east across open countryside.
81. To conclude, the proposed use of the land as a camping site would have a transformative impact upon the existing undeveloped nature of the southern part of the site, adversely impacting the character, quality and distinctiveness of the local landscape, where suitable screening would not be afforded all year round. The development would significantly intensify the use of the site and would result in the loss of the existing grassed paddock to accommodate tent pitches, parking of vehicles (including caravans and motorhomes) and associated paraphernalia, which would be of a density that would harm the intrinsic character, beauty and tranquillity of this countryside location. In this respect, the scheme is considered to conflict with Policies 8, 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Residential Amenity

82. CDP Policy 10 stipulates that new development should not impact adversely upon residential or general amenity. This is broadly reflected in CDP Policy 29(e) which requires proposals to provide high standards of amenity and privacy.
83. CDP Policy 31 (Amenity and Pollution) states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
84. Part 15 of the NPPF seeks to prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air and noise pollution.
85. Letters of support feel that the scheme would have no amenity impacts.
86. The application site is situated in a rural location, however there are some residential properties in the vicinity (Rowntree Farm being the closest at around 80m away).
87. The application has been supported by a site management policy, this provides details of how the applicant intends to manage the site, including general safety, arrivals, pitches, pets, noise/disturbance and departures. Of particular relevance to the assessment of the potential impacts upon neighbouring amenity, the Site Management Policy states that there should be no noise or movement of vehicles between the hours of 2100 and 0700. At all times, the policy requires noise to be kept to a reasonable level, so not to disturb others.

88. The Site Management Policy has been assessed by the Environmental Health Officer, who advises that the site is remote and the policy addresses the key concern (noise). As a result, no objections are raised to the principle of the proposed development by the Environmental Health Team.
89. The scheme is therefore considered to preserve amenity in accordance with the provisions of Policies 10, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework, subject to a condition requiring the site to be operated in accordance with the Site Management Policy appended to the application.

Highway Safety and Access

90. CDP Policy 21 (Delivering Sustainable Transport) promotes the use of sustainable modes of transport and ensures that sufficient car parking at developments is provided whilst also limiting the amount to encourage the use of sustainable transport modes, having regard to the accessibility of the development by walking, cycling, and public transport.
91. CDP Policy 10 advises that new development should not be prejudicial to highway safety and should not be solely reliant upon, or significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
92. NPPF Part 9 advises that safe and suitable access to a site should be achieved for all users. Paragraph 111 outlines that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
93. The site is located in a rural setting and is served by a vehicular access from the C32 Nettlebed Lane to the north. This is an unlit road with no footpath links in either direction. The Highways Authority advise that this makes walking or cycling to the site unsafe, especially during the Winter months. The site is also not served by public transport, meaning that any visitors would be solely reliant upon the private motor vehicle. As such, the site is not considered to be sustainably located to support the proposed development.
94. The agent has submitted details of the access from the C32 highway and this has been agreed as satisfactory by the Highways Authority. In addition, the Highways Authority advise that sight visibility from the access with Nettlebed Lane is acceptable, subject to the boundary hedges being suitably maintained by the landowner.
95. In terms of traffic generation, the Highways Authority note that due to the nature of the proposed business (with associated traffic likely to be seasonal), the development is unlikely to have a significant impact upon the highway network.
96. The internal layout indicates that 24 No. pitches would be provided at the site, each pitch measuring 10m x 9m with a separation distance of 10m x 6m (which could be used for parking). The Highways Authority have requested a scale drawing showing the precise layout of the 24 No. pitches, so that an assessment can be made as to whether vehicles could adequately park and enter and exit the site in a forward gear, with no reversing onto the C32 highway. The Highways Authority add that further information is needed to show the swept path of a vehicle towing a caravan to

demonstrate the above is achievable. If not, the scheme must be reconsidered to include a turning head/circle within the layout to ensure safe access would be provided.

97. No details have been provided regarding the methodology of waste storage or for the private collection of waste at the time of report preparation and the implications for access and egress. The applicant has however stated that they would be agreeable to the installation of EV charging points, which could be secured by way of planning condition.
98. A letter of representation requests that the applicant provides a footpath on the bend between the site and the village of Morley, to improve pedestrian safety. Whilst the lack of footpath is acknowledged, this is the case for the entire stretch of road between Morley and the application site via the highways of Dobinson's Lane and Nettlebed Lane. As such, providing a short stretch of footpath around the bend in the road, which would not be connected to any other footpath within the vicinity, would not be deemed appropriate in terms of highway or pedestrian safety, but highlights the unsustainable location of the development.
99. To summarise, the site is considered to be locationally unsustainable and fails to demonstrate safe access for users on foot. Insufficient information has also been submitted to demonstrate that the proposed layout of the pitches would be appropriate in terms of access and manoeuvrability and that visitors would be able to enter and exit the site in a forward gear. Furthermore, no details have been submitted to demonstrate how waste from the proposed use would be stored and how this would be collected. In this regard, the scheme fails to evidence accordance with the requirements of Policies 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Drainage/Flooding

100. CDP Policy 35 advises 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 predicated impacts of climate change for the lifetime of the proposal.
101. CDP Policy 36 advises that in the consideration of development proposals, the hierarchy of drainage options that must be considered and discounted for foul water are (in the following order):
 1. Connection to the public sewer;
 2. Package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption); and
 3. Septic tank (which must drain into an appropriate soak away and not discharge directly into a watercourse).

Applications involving the use of non-mains methods of drainage (including Septic Tanks/Cess Pits) will not be permitted in areas where public sewerage exists.

102. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed where it can be demonstrated, amongst other criteria, that it would incorporate sustainable drainage systems and any residual risk can be safely managed.
103. In terms of managing foul water, the application sets out that portable toilets and showers would be installed at the site. An Elsan point would be sited in the south eastern corner of the paddock to store chemical waste from the portable toilets.

104. The Environment Agency have objected to the scheme as it involves the use of a non-mains foul drainage system and insufficient information has been provided for an assessment to be made of the risks to the water environment. They advise that the supporting information fails to address the following issues as set out in Paragraph H1 of Schedule 1, Building Regulations 2010 to demonstrate that the proposed foul drainage system would be designed and sited such that:-
- a) It would not contaminate any watercourse, underground water or water supply; and
 - b) Any septic tank, holding tank or cesspool would be of an adequate capacity and would be appropriately designed.
105. To overcome the objection of the Environment Agency, further details have been requested to include:-
- Calculations which provide clarity that the toilets/showers would only need to be emptied fortnightly.
 - Confirmation that there is an adequate means of access for emptying.
 - Details to show that any holding tank or cesspool would have adequate capacity and would be appropriately designed.
 - Justification for the use of a cesspool or holding tank over preferred alternative means of foul disposal, for example a septic tank or package treatment plant in accordance with the hierarchy set out in Paragraph H1 of Schedule 1.
106. Taking into consideration the above, and the potential number of guests on site at any one time, the scheme fails to demonstrate that the proposed arrangement for foul water would be suitable for the intended use in terms of sustainability, capacity and siting. In this respect, the scheme does not demonstrate a suitable effluent disposal system, contrary to Policy 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

Ecological Issues

107. CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. CDP Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
108. The application has been supported by a Biodiversity Net Gain Statement and metric. However no created habitats are proposed and all existing habitats would be retained (including grassland and the western boundary hedge).
109. The information has been carefully assessed by the Council's Ecologist, who advises that the scheme fails to attain a net gain in biodiversity which is a requirement under local and national planning policy. The Council's Ecologist therefore objects to the proposal due the failure to achieve a biodiversity net gain, in conflict with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Ground conditions

110. CDP Policy 32 advises that development will only be permitted where the developer can demonstrate that any existing despoiled, degraded, derelict, contaminated and unstable land can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development. In addition, developers must evidence that the site is suitable for the proposed use and does not result in

unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.

111. Paragraph 183 of the NPPF advises that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
112. The application sites lies in a High Risk Coalfield Development Area. However, given the minimal groundworks proposed, a Coal Mining Risk Assessment is not deemed proportionate in this instance in line with Coal Authority guidance.
113. The Environmental Health Officer advises that based on the available information, historical maps relating to land contamination and that the development constitutes a change of use to a more sensitive receptor, contaminated land conditions (Phase 1-4) should be applied to any approval granted. An informative should also be added to address any risk from unforeseen contamination.
114. Subject to the inclusion of the relevant conditions and informative as outlined above, the scheme is considered to accord with the provisions of Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Additional Matters

115. A letter of representation has been received requesting that a planning condition be imposed to require the applicant to install additional dog waste bins in the area. Although the proposed use may result in additional dogs being walked nearby, it is not deemed proportionate to stipulate that the applicant provide additional bins in the vicinity. If there are issues relating to the existing level of provision, a request for new dog bins can be made via the Council's website.
116. In support of the application, the agent/applicant have highlighted the Government's ongoing consultation to relax the permitted development rights relating to the temporary use of land for recreational campsites within England. If implemented, this right would allow for the placing of tents on land and the provision of moveable structures related to that use, without having to submit a planning application. The agent/applicant note that whilst in the consultation phase, the proposed relaxation of permitted development rights shows the clear sign of direction of travel that the Government are taking in providing support for the UK tourism industry. Paragraphs 8 and 9 of the consultation documentation seek to ensure that holidaymakers can continue to visit and stay in popular destinations around the country and provide a boost to local economies and businesses, in line with the Government's levelling up ambitions.
117. It is understood that the proposed consultation seeks to allow for no more than 30 tents to be erected at any one time, which would not include the siting of caravans, motorhomes or campervans. The right would allow for campsites to operate for up to 60 days per calendar year and would require the on-site provision of temporary facilities for showers and toilets, as well as waste storage and collection. Moveable structures only could be installed on the land where they would support the campsite use.
118. Whilst the comments of the agent/applicant are acknowledged, the changes to the permitted development rights are under consultation by the Government at this stage, therefore there is no guarantee that the existing rights will be relaxed, or the extent of the conditions/limitations that will be imposed to control such uses. In this regard, this

is not deemed to be a material planning consideration that would weigh in favour of the application at this time.

119. Turning to the 'Local Precedents' section of the Planning Statement, all development proposals are assessed on their own merit and therefore the examples discussed would not set a precedent in the assessment of the current application, nor represent a material planning consideration.
120. Planning reference DM/20/01153/FPA allowed for the construction of a stable block on the land for personal use, with the paddock to be utilised for grazing by the horses stabled there. CDP Policy 13 requires applicants 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. The proposed development of the paddock as a campsite would result in the loss of all grazing land under the control of the applicant. The Planning Statement confirms that in the event the application is approved, the applicant's horses would be grazed on land immediately adjacent to the site which is currently owned by a close family friend. This arrangement would be formalised by a lease agreement, but beyond the control of this application.

CONCLUSION

121. The proposal has been assessed against the relevant national and local plan policies. The development of a camping site of the proposed scale, in an unsustainable countryside location is considered to conflict with Policies 8 and 10 of the County Durham Plan and Part 9 of the National Planning Policy Framework, which seek to direct development to sustainable sites which are not solely reliant upon the private motor vehicle or have demonstrated clear opportunities to make the location more sustainable.
122. The proposal would see an intensification of the use of the site with tents, parked vehicles (including larger motorhomes/caravans), toileting/shower facilities, associated domestic paraphernalia and potential lighting introduced in the currently undeveloped paddock. Taking into consideration the above and coupled with the lack of all year round screening afforded by the existing boundary treatments, the development would result in an adverse impact on the character and appearance of the area, on the special landscape qualities of the surrounding countryside and on the enjoyment of Public Right of Way No.46 which runs along the western boundary of the site, contrary to Policies 8, 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
123. The scheme also fails to demonstrate that the proposed layout would provide adequate manoeuvrability, particularly for larger vehicles or for vehicles towing a caravan, or refuse/service vehicles to enter and exit the site in a forward gear, preventing reversing onto the C32 highway. This is contrary to the provisions of Policies 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.
124. Inadequate information has also been submitted to demonstrate that net gains in biodiversity would be achieved, in conflict with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
125. The scheme does not demonstrate that an acceptable means of foul drainage can be achieved on site without resulting in pollution to the environment contrary to Policy 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework

126. The development of the site would remove the only available grazing land associated with the established stables on the site contrary to Policy 13 of the County Durham Plan which requires adequate grazing land to serve equestrian developments.
127. Taking into consideration the above, the scheme is considered to conflict with Policies 8, 10, 13, 21, 29, 36, 39 and 41 of the County Durham Plan and Parts 2, 6, 9, 12, 14 and 15 of the National Planning Policy Framework. There are no material considerations which indicate otherwise and therefore the application is recommended for refusal.

Public Sector Equality Duty

128. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
129. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

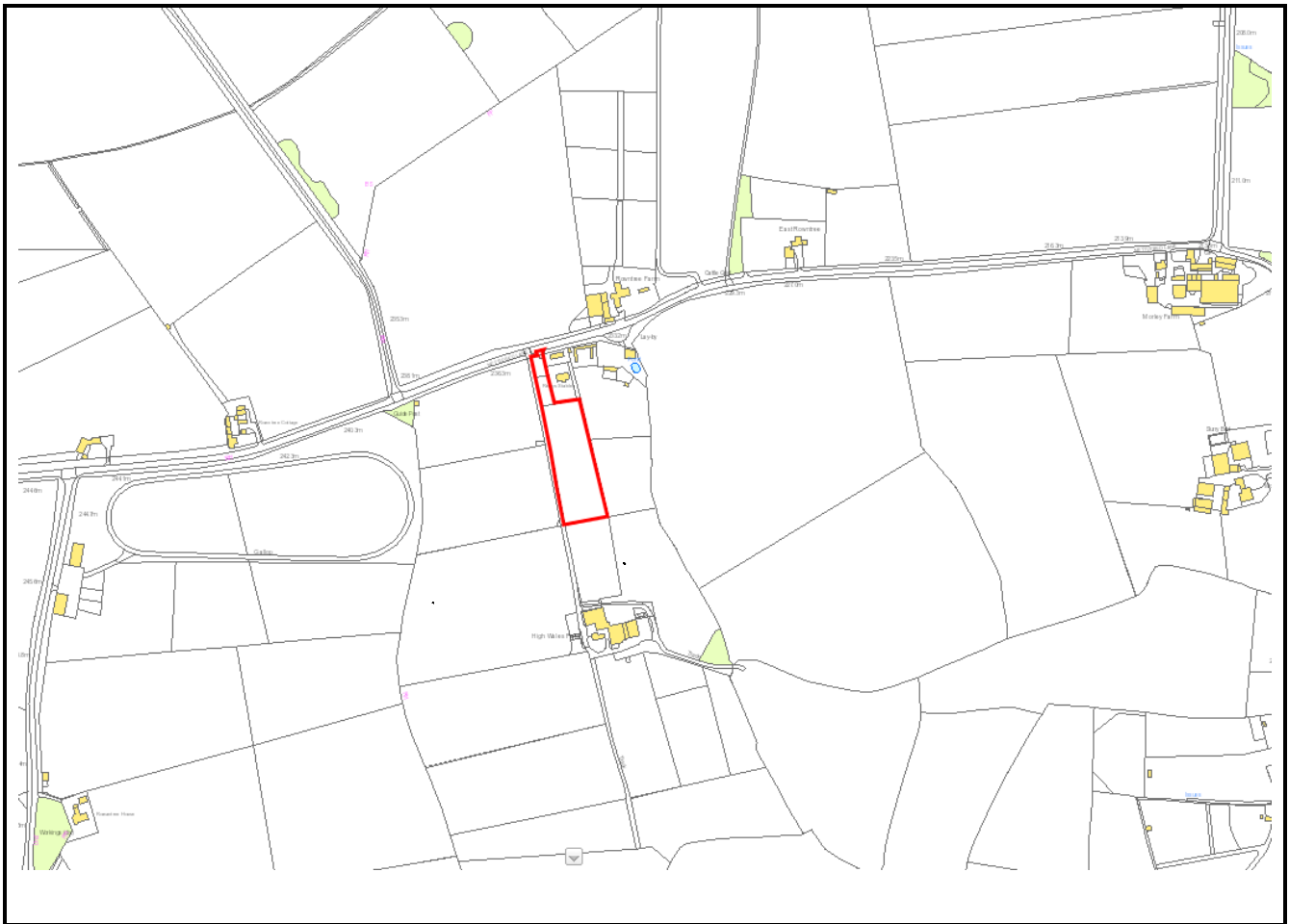
RECOMMENDATION

130. That the application be **REFUSED** for the following reasons:-

1. Due to the isolated rural location, the development would rely on access solely by private motor vehicle, contrary to locational sustainability objectives of Policies 8 and 10 of the County Durham Plan and Parts 2, 6 and 9 of the National Planning Policy Framework.
2. The development would result in an adverse impact on the rural character and appearance of the countryside contrary to Policies 8, 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
3. The scheme fails to demonstrate that safe and suitable access and layout could be achieved, especially for larger vehicles including refuse or service vehicles or vehicles towing a caravan. This is contrary to the provisions of Policies 8, 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.
4. The development fails to demonstrate the suitable management of foul water in accordance with the hierarchy of drainage options without risk of the pollution of the environment of the contrary to Policy 36 County Durham Plan and Part 14 of the National Planning Policy Framework.
5. Inadequate information has been submitted to demonstrate that the development would achieve a net biodiversity gain, in conflict with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
6. The application does not demonstrate that adequate grazing land would be retained to serve the existing stables on site, contrary to Policy 13 of the County Durham Plan which requires adequate grazing land to serve equestrian developments.

BACKGROUND PAPERS

Submitted application form, plans, supporting documents and subsequent information provided by the applicant
Statutory, internal and public consultation responses
The National Planning Policy Framework
National Planning Practice Guidance Notes
County Durham Plan



<p>Planning Services</p>	<p>DM/23/00910/FPA Change of use of land to accommodate 24 No. camping and caravanning pitches including provision of portable toilet/shower facilities, two external sinks, drinking water stand pipes and associated parking</p>	
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	<p>Date</p>	<p>Scale NTS</p>

