

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/23/00476/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Temporary siting of mobile home for a period of 3 years to be occupied by the farm manager.
<b>NAME OF APPLICANT:</b>	Mrs Patricia Sobota
<b>ADDRESS:</b>	Whitehouse Farm Wheatley Hill Durham DH6 3LX
<b>ELECTORAL DIVISION:</b>	Trimdon and Thornley
<b>CASE OFFICER:</b>	Michelle Penman Planning Officer Michelle.penman@durham.gov.uk 03000 263963

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site:

1. The application site relates to Whitehouse Farm which lies to the west of the settlement of Wheatley Hill and is located within the open countryside for planning purposes. The site is accessed via a tarmac track from Wingate Lane and a Public Right of Way (Thornley Footpath no. 7) runs through the site.
2. The existing farmland comprises approximately 15 hectares and is used to rear and sustain cattle.

#### The Proposal:

3. Planning permission is sought for the temporary siting of a mobile home for a period of 3 years to be occupied by the farm manager. The development is required to provide a full-time on-site presence for the farm manager for the specified period.
4. The mobile home is to be sited to the north of the existing farmhouse and cluster of farm buildings. The mobile home would measure approximately 3.65 metres by 9.15 metres with an overall height of 2.4 metres.
5. The application has been called in to the planning committee by Cllr Jake Miller to consider the impact on employability and the requirement for the accommodation at the site.

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### PLANNING HISTORY

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6. No relevant planning history.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

#### National Planning Policy Framework

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. 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.
9. 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.
10. NPPF Part 5 - Delivering a sufficient supply of homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
11. 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.
12. 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.
13. NPPF Part 15 - Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

### **NATIONAL PLANNING PRACTICE GUIDANCE:**

14. 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; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; 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

15. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
16. 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.
17. Policy 12 - Permanent Rural Workers' Dwellings - sets out the criteria needed to demonstrate the acceptability of a new permanent agricultural, forestry and other rural workers' dwellings outside the built-up area. These criteria include: details of the nature and demands of the work that demonstrate an essential functional need for a permanent full time worker to live on site; details that the rural business activity has been established for at least three years and is financially sound; the proposed dwelling should not be harmful to the landscape and character of the area; the scale of the dwelling should be commensurate with the functional requirement; the functional need cannot be fulfilled by another existing dwelling in the unit or area.
18. 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 the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
19. Policy 27 - Utilities, Telecommunications and Other Broadcast Infrastructure - requires any residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
20. 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.

21. 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.
22. 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.
23. 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.
24. 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.
25. Policy 41 - Biodiversity and Geodiversity - restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
26. The Council's Residential Amenity Standards Supplementary Planning Document January 2023 provides detailed guidance in relation to extensions and other works to dwellinghouses to ensure that these do not have an adverse impact upon the host dwelling, the character of the wider area and residential amenity.

<https://www.durham.gov.uk/media/41575/Residential-Amenity-Standards-SPD-January-2023-/pdf/ResidentialAmenityStandardsSPDJanuary2023.pdf?m=638107754686670000>

27. The County Durham Parking and Accessibility Standards Supplementary Planning Document 2023 sets out the Council's approach to vehicle and cycle parking provision on new development and extensions to existing development which includes both residential and non-residential.

<https://www.durham.gov.uk/media/43186/Parking-and-Accessibility-Supplementary-Planning-Document-2023/pdf/ParkingAndAccessibilitySupplementaryPlanningDocument2023.pdf?m=638324411438670000>

Neighbourhood Plan

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

29. Highway Authority – consider that the short-term temporary use for agricultural purposes would be acceptable from a highway's perspective, however, raise concern in relation to a permanent dwelling from a sustainability point of view.
30. Wheatley Hill Parish Council - support the application on the grounds that they support the farming industry and particularly local farmers. They comment that the mobile home is for use by the farm manager who carries out day to day running of the farm, as the applicant no longer lives there. The manager currently commutes from Peterlee and has difficulties getting to work and often needs to be at work in short notice at unsociable hours. They also note that the manager is required on site 24hrs a day to deal with any problems arising and consider their presence to also be beneficial from a security point of view. The PC consider that if the application is refused it could lead to the applicant ceasing farming the land and would result in the manager's redundancy.

### **INTERNAL CONSULTEE RESPONSES:**

31. DCC Ecology – raise no objection. The site is outside the HRA 6k buffer.
32. DCC Environment, Health and Consumer Protection (Contaminated Land) – have no adverse comments to make and confirm there is no requirement for a contaminated land condition, however, they recommend an informative relating to unforeseen contamination.
33. DCC Environment, Health and Consumer Protection (Nuisance Action Team) – are satisfied that the development would not lead to an adverse impact and is unlikely to cause a statutory nuisance.
34. DCC Public Rights of Way – raise no objection on the basis that Thornley Footpath 7 which runs through the farmyard, appears to be unaffected by the proposals. However, they do also provide some general advice with regards to the footpath.
35. DCC Spatial Policy – provide guidance and sets out the policies and issues that are relevant to this application.

### **PUBLIC RESPONSES:**

36. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. At the time of writing no representations have been received.

*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/applicationDetails.do?keyVal=RQDMR6GD0JA00&activeTab=summary>*

#### **APPLICANT'S STATEMENT:**

37. This statement is to be read in conjunction with original planning statement dated 15th. February 2023 and the additional statement dated 21st. March 2023 in response to the Planning Officers initial comments on the application.

The Council's description of the application is very specific. It is for the 'Temporary siting of a mobile home for a period of 3 years to be occupied by the farm manager'.

The Planning Departments objection to the proposal is based on their application of Policy 12 (page 96 of the County Durham Plan) which specifically refers to PERMANENT RURAL WORKERS DWELLINGS and also Policy 10 – DEVELOPMENT IN THE COUNTRYSIDE (page 56 of the CDP).

Our proposal is not for a permanent dwelling, only the temporary placement of a mobile home and we have addressed the planning objections raised in our March 21st.

We note that all the County Councillors for the ward are in support of our proposal as are Wheatley Hill Parish Council, who have submitted a letter strongly in favour of our application.

We also note that none of the Council departments consulted during the planning process have raised any conclusive objections to our proposal.

As requested, we have provided site photographs and a screening assessment. We have also provided a letter from the applicants accountants confirming that the long established farm business is financially sound and in a position to continue on that basis for the foreseeable future.

Throughout the application process we have emphasised that if the current tenants of the farmhouse vacate the premises then the Farm Manager would be able to move into the then vacant farmhouse and the temporary mobile home would be removed.

We are happy to have this as a Planning Condition attached to an approval of the application.

However, the applicant has stressed that she is not willing to forcibly evict her tenants because she is unwilling to go back on her word that the tenants could remain in the property as long as they desired.

At the time the agreement was made with her tenants it must be stressed that the applicant was not in a strong negotiating position.

They have been good tenants and she has no issues with them.

It seems totally iniquitous that the Planning Section's view is that the applicant should evict the tenants to resolve the current situation.



We conclude that the temporary location of a mobile home is not equivalent to the building of a permanent dwelling and the criteria raised by CDP policies 10 & 12 are not entirely appropriate in this instance.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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38. 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 planning issues in this instance relate to the principle of development, impact on visual amenity and the character of the landscape, residential amenity, impact on highway safety, green infrastructure, broadband, ground conditions and ecology.

### Principle of development

39. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
40. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Where a planning application conflicts with an up-to-date development plan paragraph 12 of the NPPF further advises that permission should not usually be granted. Local Planning Authorities (LPA) 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.
41. The proposals relate to the temporary siting of a mobile home at Whitehouse Farm, to the north of the existing farmhouse and associated buildings, to provide accommodation for the farm manager. The application site is located outside of any established settlement boundary and is located within the open countryside for planning purposes.
42. NPPF paragraph 80 states that the development of isolated homes in the countryside should be avoided unless, amongst other things, there is an essential need for a rural worker, including those taking majority control of a farm business to live on site. Paragraphs 84 and 85 are supportive of economic growth in rural areas including through the sustainable growth and expansion of all types of business and enterprise in rural areas providing it respects the character of the countryside and ensures locations are made as sustainable as possible.
43. CDP Policy 10 (Development in the Countryside) does not permit development in the countryside 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 development is not considered to benefit from any of the exceptions in Policy 10, however, it would be considered to relate to other specific policies within the plan, namely, policy 12 relating to permanent rural workers' dwellings. Therefore, it is considered that this Policy is of most relevance in this instance.

44. CDP Policy 12 (Permanent Rural Worker's Dwellings) permits proposals for new permanent agricultural, forestry and other rural workers' dwellings outside the built-up area provided that it can be demonstrated that:
  - a. the nature and demands of the work involved means that there is an essential existing functional need for a permanent full-time worker to live at, or very close to, the site of their work in order for the enterprise to function effectively, or the dwelling is required to accommodate a person with majority control of the farm business;
  - b. the rural business activity has been established for at least three years, is currently financially sound as verified by a qualified accountant, and has a clear prospect of remaining so;
  - c. the proposed dwelling is not harmful to the rural landscape and character of the area and is physically well related to the activities required;
  - d. the scale of the dwelling is commensurate with the established functional requirement of the enterprise; and
  - e. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.
45. In the supporting text of the Policy, paragraph 5.88 states that whether the need is essential in any particular case will require a demonstration that there is a functional requirement for a full time worker to be available at all times on the site for the enterprise to function properly; that the enterprise is financially sound so that this functional requirement is likely to continue well into the future; and that the need for a dwelling could not be met by existing buildings on the site or existing housing in the area. Cases will be judged on the needs of the enterprise and not the personal preferences of the specific individuals.
46. A statement and other supporting information have been submitted with the application which sets out the reasons why the dwelling is considered to be required in this instance. The statement suggests that there is a requirement to provide a full-time on-site presence for the farm manager, who carries out the day to day running of the farm on behalf of the applicant and her husband, who no longer live at the farm due to health reasons. The supporting information sets out that there are approximately 50 cattle on the farm at any one time and the farm manager is engaged in all aspects of caring for the cattle and needs to be on site on a 24-hour basis to deal with problems that are likely to arise. The farm manager is also required to assist with calving during December and March. In addition, it is suggested that the full-time on-site presence of the farm manager would assist with security of the site and deter crime. The farm manager has also provided a statement outlining his present difficulties getting to the farm and dealing with incidents requiring immediate attention.
47. In respect of CDP Policy 12 a) while the information seems to suggest that the farm manager needs to be on site on a 24-hour basis to deal with problems that are likely to arise, it is not considered that sufficient information has been provided to demonstrate that there is an essential existing functional need to live at the site permanently in order for the enterprise to function effectively. There is no breakdown of specific activities with details of working hours to demonstrate that the duties amount to the requirement of 1 full time equivalent worker to be present on site, such information being expected to accompany applications of this nature. While the information submitted does suggest the farm manager has some difficulties getting to the site and that there have been incidences that have required his immediate attention, some of which have been during the night, the evidence provided is not considered to be sufficient to demonstrate that the farm manager is required to be



onsite on a permanent basis in order for the enterprise to function effectively or that the enterprise has not been functioning effectively. The applicant has therefore failed to demonstrate compliance with criteria a) of Policy 12.

48. In terms of CDP Policy 12 b) the applicant has provided a short statement from their accountant which suggests that the business is on a sound financial footing and will continue to trade for many years going forward. However, this is not considered to meet the tests of Policy 12 which requires the applicant to demonstrate that the rural business activity has been established for at least three years, is currently financially sound as verified by a qualified accountant and has a clear prospect of remaining so. No accounts or financial information have been provided in order that compliance with this requirement can be fully assessed, despite being requested of the applicant. Accordingly, the applicant has failed to demonstrate compliance with criteria b) of Policy 12.
49. In relation to CDP Policy 12 e) there is an existing farmhouse on the site which is currently occupied on a rent-free basis by tenants who are not connected with the farm or farming activities. The applicant has explained that they have a verbal agreement in place and the arrangements began following the applicant and her husband leaving the farm, due to ill health and needing to find a tenant to live there for security reasons. While the applicant has suggested the tenants have lived there for five years and they are not willing to break that agreement, they have provided no reasons or justification for this, given they now consider there is a demand for onsite presence of a farm worker to operate their farm. It is reasonable to make the assertion that the farm manager could live in this accommodation and be on hand to deal with emergencies if this rental arrangement was not in place. It is therefore considered that the existing dwelling on the unit could fulfil any functional need and be available for the occupation of the farm manager. The case put forward for the requirement of this temporary mobile dwelling is therefore considered to be a personal preference rather than an essential functional requirement contrary to Policy 12 e).
50. In addition, while the applicant suggests that should the current tenants vacate the farmhouse it would then become available for use by the farm manager, it is noted that the tenants have already lived here for five years and with no timescales in place in terms of the property being vacated, this arrangement could be in place indefinitely.
51. Notwithstanding the existing farmhouse on site, Policy 12 e) also requires it to be demonstrated that the functional need could not be fulfilled by other existing accommodation in the area which is suitable and available for occupation. In the Statement provided by the farm manager he also mentions that he has been unable to find a suitable home nearby due to financial circumstances, however, no further information has been provided. A Rightmove search appears to show that within 1 miles of the site, 32 properties are currently available for sale with a starting price of £50,000 which would suggest that there are properties for sale in the local area.
52. In addition, it is noted that security is raised as a concern and it is considered that the permanent presence of the farm manager would help to deter crime and trespassing. While concerns around crime are genuine and the applicant has referred to an incident which was reported to the police last year, there are no details of other incidents occurring at the site or that the site is particularly vulnerable to crime opportunities. It is not necessarily considered that the addition of the mobile home would act as a security deterrent anymore than the existing occupied farmhouse does. In addition, it is noted that the site has existing CCTV, however, there is nothing to demonstrate that the applicant has exhausted all viable means to improve security.

53. In respect of d) given that there is an existing dwelling on site, it is not considered that the provision of an additional dwelling is commensurate with the established functional requirement of the enterprise.
54. CDP Policy 10 also sets out a range of General Design Principles which new development in the countryside must meet. Of most relevance to this application are criteria l), p), q) and r) which require that development by virtue of their siting, scale, design and operation must not:
  - l. 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;
  - p. be solely reliant upon, or in the case of an existing use, 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;
  - q. be prejudicial to highway, water or railway safety; and
  - r. impact adversely upon residential or general amenity.
55. Criteria l), q), and r) will be considered in more detail in the relevant sections of this report. In relation to p), due to the relatively isolated nature of the site it is considered that there would potentially be a reliance on unsustainable modes of transport, such as the car, to access facilities and services in the nearest settlements. While there is a PROW running through the site which joins Wheatley Hill to the north-east and Wingate Lane to the south, both are unlit.
56. While the support for the development from the Parish Council is acknowledged, it is noted that there is an existing property on the site which could fulfil any functional need and it is not considered that sufficient information or justification has been provided in terms of essential need for the mobile home or financial justification. Therefore, the principle of the development in the countryside is considered to be unacceptable and contrary to NPPF paragraph 80 and CDP Policies 10 and 12.

#### Impact on visual amenity and the character of the landscape

57. NPPF paragraph 124 advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work.
58. CDP Policy 10 l) requires new development by virtue of their siting, scale, design and operation, not to give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside. Policy 12 c) requires the dwelling to not be harmful to the rural landscape and character of the area and to be physically well related to the activities required. Policy 29 (Sustainable Design) requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features and Policy 39 (Landscape) permits proposals for new development where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views.
59. The proposals relate to the siting of a mobile home to the north of the existing farmyard and existing farmhouse and associated farm buildings. The submitted plans indicate it would measure approximately 3.65 metres by 9.15 metres with an overall height of

2.4 metres. The applicant has confirmed that the dwelling would be finished in a light shade of green.

60. Whitehouse Farm sits in a prominent location to the north of Wingate Lane. The Council's Landscape officer was consulted on the proposals and commented that mobile homes are not generally considered to be of a high standard of design and would not be accepted on a permanent basis. Static caravan residency often attracts piecemeal unregulated development and clutter. In this case, whilst the proposal would be located next to existing built form and an existing residential dwelling, a caravan and any associated elements would be prominently visible from public vantage points. These effects would be temporary and reversible should the mobile home be acceptable on a temporary basis.
61. However, the Landscape officer did suggest that the appearance of the mobile home could be improved with appropriate landscaping and being clad in naturalistic muted colours. They suggested that a location to the rear of the farm could also be considered, where it would be screened by existing built form. The comments made by the Landscape officer were forwarded to the applicant, however, no amendments were forthcoming. The applicant has advised that the dwelling is to be sited in the proposed location because it gives a clear siting of the only access road into the farm all the way back to the farm gates at the junction with the old A181 road. However, it is noted that the existing farmhouse which is sited to the south of the existing cluster of farm buildings would likely have sighting of the access which would negate the functional requirement for the new dwelling to be sited in this location from a security point of view.
62. Taking the above into account, it is considered that while the design and siting of the mobile home is not ideal and would likely appear prominent in the landscape, noting that the development is proposed on a temporary basis only, it is considered that should planning permission be granted that this could potentially be mitigated through appropriate conditions relating to materials and suitable landscaping to provide screening to the development and help it to assimilate better with the surrounding area.
63. CDP Policy 29 also requires all proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and minimise the use of non-renewable and unsustainable resources during both construction and end use. No details have been provided in this regard; however, it is considered that details could be secured via condition should permission be granted.
64. Taking the above into account, the development is considered to accord with the aims of NPPF Part 12 and CDP Policies 10, 12, 29 and 39.

#### Impact on residential amenity

65. Paragraph 130 of the NPPF requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
66. In line with this, CDP Policy 10 r) requires development by virtue of its siting, scale, design and operation not to impact adversely upon residential or general amenity. 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. Policy 29 e) states that all development proposals will be required to provide high standards

of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.

67. The dwelling will be sited to the north of the existing farmhouse and farm buildings. Due to the nature of the development and association with the existing farm and farming activities it is not considered that there would be any adverse impact on residential amenity. Due to separation distances, there would be no impact on amenity of the existing occupants of the farmhouse or the proposed occupant of the mobile home.
68. The Council's Environmental Health Nuisance Action Team (EHNAT) were consulted on the proposals and considered that, given the proposed location of the mobile home on a temporary basis, in principle the development would be unlikely to have a significant impact in terms of any statutory nuisance and associated matters.
69. Taking the above into account, the proposals are not considered to raise any adverse impacts in terms of residential amenity in accordance with CDP Policies 29 and 31 and NPPF Part 15.

#### Impact on Highway Safety

70. NPPF Paragraph 110 requires new development to provide safe and suitable access to the site.
71. CDP Policy 10 q) states that by virtue of their siting, scale, and design, development must not be prejudicial to highway, water or railway safety. CDP Policy 21 (Sustainable Transport) requires development to ensure 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. Development should also have regard to the Parking and Accessibility Supplementary Planning Document (2023).
72. The mobile home is proposed to be sited to the north of the existing farmyard and no additional hardstanding is proposed as part of the development. The development will share the existing private access to the farm which joins Wingate Lane to the south of the site.
73. The Council's Highway Development Management section were consulted on the proposals and considered that the short-term temporary use for agricultural purposes would be acceptable from a highway's perspective. They also consider there to be adequate parking space available within the farmyard to serve the new dwelling. However, they do consider that the longer-term use of the unit would not be sustainable in terms of connection with facilities and services and would constitute development in the countryside. They would not support long-term use due to the reliance on the private motor vehicle for transportation. However, the proposals are presented as a temporary requirement in this case and although the Highways concern is noted, it would not be justified as a reason for refusal as part of this application.
74. On that basis, it is not considered that the development would result in any unacceptable harm regarding highway safety and adequate parking could be provided. The development is therefore considered to accord with the aims of NPPF Part 9 and CDP Policies 10 and 21.

#### Green Infrastructure

75. CDP Policy 26 (Green Infrastructure) states that proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Thornley Footpath 7 runs through the farm site. The Council's PROW Team were consulted on the proposals and raised no objection. The development is therefore considered to accord with CDP Policy 26.

#### Broadband

76. CDP Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) requires new residential development to be served by high-speed broadband connection. No details have been provided in this regard; however, it is considered that should planning permission be granted then submission of details could be secured via an appropriate condition.

#### Ground Conditions

77. CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development; the site is suitable for the intended use; and all investigations and risk assessments have been undertaken by an appropriately qualified person. The Council's Environmental Health Contaminated Land section were consulted on the proposals and confirmed that they have assessed the historical maps and submitted screening assessment with respect to land contamination and have no adverse comments to make. On that basis, there is no requirement for a contaminated land condition and the development is therefore considered to accord with CDP Policy 32 in this respect.

#### Ecology

78. CDP Policy 41 (Biodiversity and Geodiversity) does not permit development if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. The Council's Ecology section were consulted on the proposals and raised no objection to the development, noting that the site lies outside of the Council's 6km HRA buffer. The development is therefore considered to accord with CDP Policy 41.

#### Public Sector Equality Duty

79. 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.
80. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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81. 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.

82. The proposal constitutes new residential development in the open countryside and Policy 10 does not permit such development unless allowed for by the listed exceptions or another policy in the plan. Policy 12 provides support in principle for the development of new permanent agricultural worker's dwellings providing they demonstrate compliance with certain specified criteria. In this instance there is already an existing property on the site which could fulfil any functional need, and it is not considered that sufficient information and justification has been submitted to demonstrate a functional need for the dwelling or the viability of the business. Consequently, it is considered that the proposal is contrary to guidance contained within NPPF paragraph 80 and CDP Policies 10 and 12. In addition, it is not considered that the proposed temporary nature of the accommodation would overcome this conflict.
83. When assessed against other relevant policies in the development plan, it is not considered that the development would result in significant harm to the visual amenity and character of the landscape, that could not be mitigated. In addition, there are not considered to be any significant adverse impacts in terms of residential amenity, highway safety, contaminated land, ecology and the Public Right of Way would be unaffected by the proposals. It is considered that other matters such as provision of broadband could be dealt with via condition.
84. While support from the Parish Council is acknowledged, as described above it is considered that the development would be contrary to CDP Policies 10 and 12 and there are not considered to be any material considerations in this instance that would outweigh that conflict. Therefore, on that basis, the application is recommended for refusal.

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## **RECOMMENDATION**

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

The proposals would result in new residential development within the open countryside, and it is not considered that sufficient information and evidence has been submitted to demonstrate that there is a functional need for a new dwelling in this location or that the business is currently financially sound and will remain so. Furthermore, insufficient information has been provided to demonstrate why any functional need could not be met by the existing dwelling on site or elsewhere. On that basis, the development is considered to be contrary to National Planning Policy Framework paragraph 80 and County Durham Plan Policies 10 and 12.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application 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. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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

Statutory, internal and public consultation responses

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Residential Amenity Standards SPD (2023)

County Durham Parking and Accessibility Standards (2023)





**Planning Services**

Whitehouse Farm  
Wheatley Hill  
Durham  
DH6 3LX

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Temporary siting of mobile home for a period of 3 years to be occupied by the farm manager.

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**Date**  
December 2023

**Scale**  
NTS

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