



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/03451/FPA
Full Application Description:	Extension to inn to accommodate swimming pool, gym, and 11 additional bedrooms. Erection of new building for storage and function use. Extension of car park (part retrospective).
Name of Applicant:	Mr and Mrs Baines
Address:	Brown Horse Inn, High Stoop, Bishop Auckland, DL13 4HJ
Electoral Division:	Esh and Witton Gilbert and Tow Law
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises approximately 0.6ha of land associated with the Brown Horse Inn, a public house and hotel located at a crossroads between the A68 and B6296 at High Stoop in the west of the County. The site occupies a position within the open countryside located 1.2km to the north western edge of Tow Law, 3.4km to the north east of Wolsingham, and 9km to the south west of Lanchester. The site lies within 50m of the North Pennines National Landscape (formerly known as Areas of Outstanding Natural Beauty) which lies to the west of the site.
2. To the north west of the site lies a caravan repair yard with a dwelling and workshop building, adjacent to the A68. To the north a grouping of agricultural buildings which have been converted into five dwellings at High House Farm are sited. A stud farming business comprising a dwelling and a single storey equestrian storage building are located at Dapple Farm to the south beyond the A68. To the west of Dapple Farm beyond the B6296 lie a pair of stone semi-detached bungalows. A mix of stone and rendered properties and metal

sheeted industrial buildings line either side of the A68 on the approach to Tow Law to the east.

3. The Brown Horse Inn is of some considerable age, appearing on the first edition OS Map of the mid-nineteenth century where it was known as High Souk, and is considered to be a non-designated heritage asset (NDHA). Internally, the existing building comprises a kitchen, a seating area associated with a cafe, a bar, and a dining room on the ground floor which are accessed via the rear north elevation. 15no. hotel bedrooms and a two bed managers flat are located above on the first floor. The applicant has explained that the premises is open from 8am to 10:30pm seven days a week, with breakfast, lunch and dinner served in the café Monday to Saturday, and Sunday lunch served in the restaurant. Currently three full time staff, five part time staff and two casual staff for ground works are employed at the site.
4. The property has been considerably altered and extended over the years, most recently with a two storey side extension with a width measuring approximately 20.6m (the original building is 16m wide). This existing extension is of no architectural merit, being a purely functional structure to provide further accommodation and a kitchen and dining room associated with the restaurant. The original part of the building is finished in stonework to its southern and western elevations, with the extensions finished predominantly in a buff coloured render.
5. Access to the site is taken via an existing junction leading from the B6296 to the west. A car parking area comprising 29 spaces is located to the north of the existing building, which has been extended without the benefit of planning permission. An open wire framed structure, along with two shipping containers and a static caravan are located to the east of the site and are understood to be used for general storage. A low stone wall spans the western site boundary.

The Proposal

6. The application seeks full planning permission for the erection of a two storey side extension to the existing premises, the erection of a two storey detached building to the rear, and an extension to the existing car parking area.
7. The proposed side extension is proposed to be set back from the south elevation of the existing building to which it would connect via a small ground floor lobby area and an external lift. The extension has been designed to feature a front facing gable end with a ridge height of 8.5m when taken from the south elevation (reduced from 10.8m during the course of the application) and is of a substantial size measuring 16.4m wide by 28.5m long. The material palette is proposed to comprise cedar wood vertical cladding with sandstone columns, anthracite window frames with anthracite cladding above and below, and a composite metal roof.
8. Internally, the extension is proposed to accommodate a swimming pool, gym, and associated changing facilities on the ground floor, with the existing kitchen relocated to abut an external wall so that improved ventilation can be provided. This would be achieved through the relocation and provision of a larger toilet block to the front of the extension, which results in the glazing to the ground floor of the south elevation being proposed to be obscure glazed. An additional

eleven bedrooms are proposed to the first floor. The applicant has suggested that as the swimming pool is only intended to be available for the private use of visitors staying at the Inn it does not require planning permission, however this is not the case with the works proposed amounting to development for which planning permission is required.

9. The detached building is proposed to measure 10m by 20m with a ridge height of 7.5m and to be sited to the rear of the extension, orientated at a perpendicular angle and finished in materials to match the proposed extension. The ground floor is proposed to be used for the storage of tables and chairs, a tractor and two JCB's, as well as a function room to enable the hosting of larger gatherings which would extend to a first floor. Separate entrances are proposed to serve the storage (70m²) and function room areas (330m²). In summary, the application proposes a total of approximately 1,335m² floor space to provide additional leisure, accommodation, and storage facilities. The applicant has stated that six additional full time and twelve additional part time staff would be hired to assist in the running of the expanded business.
10. The existing car parking area is also proposed to be extended from approximately 1,294m² featuring 29 spaces, to 3,891m² featuring 96 spaces (including two accessible bays and five spaces served by electric vehicle charging points). Access to the site from the B6296 would remain unchanged. From visiting the site, it is noted that works to extend the car park have already begun without the benefit of planning permission. The proposals now involve the laying of a permeable surface with underground drainage which would require the hard surfacing that has been laid to be taken up and replaced. Post and rail fencing and a 1m wide hedgerow are proposed to form the boundary treatment to the west, north, and east of the extended car park. A raised deck area is indicated in between the rear of the existing building and the west side of the extension, although no details of its height or materiality have been provided.
11. The application is being reported to the North Area Planning Committee in accordance with the Council's scheme of delegation as it represents major development with a proposed floor area in excess of 1000m², and at the request of Councillor Coult on the grounds of the unfavourable scale of the proposed development. It is noted that the development falls in both the Esh and Witton Gilbert and Tow Law Electoral Divisions. However, as the majority of the development and application site is located within the Esh and Witton Gilbert Electoral Division it is therefore reported to the North Planning Committee.

PLANNING HISTORY

12. An extension to the public house and the formation of a car park was approved under reference 3/1995/0696 on the 31st of January 1996.
13. Application 3/2006/1026 to convert and extend a garage to first floor level to provide a managers flat was approved on the 16th of March 2007. As part of this the first floor of the public house was converted from a managers flat to bed and breakfast rooms.

14. A single storey side extension to provide a dining room, a replacement front entrance porch, and dormer windows to provide improved bedroom accommodation were approved under application 3/2011/0114 on the 25th of July 2011. A resubmission of this application was approved on the 20th of December 2011 under reference 3/2011/0417, and again on the 27th of February 2013 under reference 3/2012/0411.
15. A first floor side extension to create ten additional hotel bedrooms was approved under application 3/2013/0300 on the 8th of January 2014.
16. Retrospective application DM/15/00571/FPA for the retention of a flue to the rear, a 2.4m high fence to the southern boundary, and railings above the existing porch was approved on the 21st of April 2015.

PLANNING POLICY

National Policy

17. A revised National Planning Policy Framework (NPPF) was published in December 2023. 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.
18. *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.
19. *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.
20. *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.
21. *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.

22. *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.
23. *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.
24. *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.
25. *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.
26. *NPPF Part 16 - Conserving and Enhancing the Historic Environment*. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

National Planning Practice Guidance:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

28. *Policy 8 (Visitor Accommodation)* supports new and extensions to visitor accommodation provided it is appropriate to the scale and character of the area and not used for permanent residential occupation. In the countryside such accommodation would also need to meet an identified need, support business viability (if an extension) and demonstrate how the location can be made sustainable.
29. *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 nine General Design Principles for all development in the Countryside.
30. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document 2023.
31. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all 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.
32. *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.
33. *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.

34. *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.
35. *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.
36. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
37. *Policy 38 (North Pennines Area of Outstanding Natural Beauty)* states that in making decisions on development great weight will be given to conserving landscape and scenic beauty, and that development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB and Moorland Tracks and Access Roads Planning Guidance Note as material considerations.
38. *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.
39. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

40. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
41. *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:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

43. *Satley Parish Council* – No response received.
44. *Wolsingham Parish Council* – No response received.
45. *Highways Authority* – Advise that there have been no accidents in the area and that visibility from the junction is suitable for the speed of road. Consider that the proposed development would not be detrimental to road safety and would not have a severe cumulative impact on the local road network. Recommend a condition to require the car parking spaces to be marked out and made available for use prior to the first occupation of the development.
46. *Lead Local Flood Authority* – Recommend that the application should be supported with a Surface Water Management plan to consider attenuation and treatment of surface water prior to leaving the site.
47. *Environment Agency* – No response received.

Non-Statutory Responses:

48. *Design and Conservation* – Advise that the proposed buildings appear out of character with the local vernacular, primarily due to the approach to the fenestration pattern and materiality, while raising concerns over scale and massing. Advise that a complete review of the design approach is required.

49. *Landscape Section* – Advise that the site is an important gateway to the North Pennines AONB and Area of Higher Landscape Value (AHLV) and consider the built form indicated to be uncharacteristic of the local vernacular and to negatively impact the approach to the AONB.
50. *Ecology* – Advise that the proposed development would result in biodiversity net losses, with no information submitted to demonstrate how these would be offset to achieve a net gain.
51. *Environmental Health Nuisance* – Advise that as the proposed development is located in a reasonably isolated location with no direct sensitive receptors it is envisaged relevant impacts will be within reasonable parameters given the character of the area, indicating that the development would not lead to an adverse impact providing relevant good practice and guidance is complied with. Therefore, no objections are raised, subject to conditions to secure further details relating to lighting and the management of the function room.
52. *Environmental Health Contamination* – Advise a conditional approach in relation to land contamination to secure further testing and monitoring.
53. *Archaeology* – Confirm that as the site falls below 1ha in area there is no requirement for further Archaeological surveys in this instance, but express their disappointment that works to extend the car park have already begun without the benefit of planning permission.

External Consultee Responses:

54. *Visit County Durham* – Support the principle of the development, advising that the current visitor accommodation supply in the County is not meeting market demand, making it difficult to attract and retain higher spending overnight visitors.
55. *Northumbrian Water* – No response received.
56. *AONB Partnership* – Raise concerns over the large scale, uncharacteristic design, and the installation of any external lighting, harming the special qualities of the North Pennines AONB / National Landscape.

Public Responses:

57. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
58. Six letters of objection have been received raising the following concerns:

Principle of the Development

- The business case presented is unrealistic,
- The current accommodation is rarely fully booked, with reference made to capacity within the existing hotel according to booking.com every Saturday in August and September of this year (objection received during the second week of August),

- The presence of five public swimming baths with associated gyms and other services within a 30 minute drive of the site are referenced, including those at Wolsingham, Consett, Stanley, Durham City, and Bishop Auckland,
- Considers the claim that 400 covers are accommodated every Sunday to be an exaggeration,
- The existing Inn already has a large dining room which could be used to host functions and the new function room proposed is detached from the existing building and so would require food and drink to be transported outside,
- The storage building does not have an access/doors suitable to allow the equipment stated to be stored here, casting doubt over its proposed use. A concern is raised that the applicant would seek to convert this building to a dwelling in the future,
- The site and associated infrastructure is not able to support the demands associated with the proposed expansion,
- The anticipated demand for car parking has been overestimated and considers there to be no need for an extended car parking area of the size proposed.

Design / Landscape Impact

- The height, scale, massing and style of the proposed buildings are out of keeping with the surrounding area and the gateway to the AONB, with views also available from the A68 to the east and west and Satley Road to the north,
- The proposed extension would extend above the existing buildings,
- Building 2 has no visible link to the existing buildings,
- The external space is poorly managed which detracts from its appearance,
- The materials proposed for the extended car parking area have not been specified.

Residential Amenity

- Noise pollution,
- Light pollution from floodlights if installed to car park,
- Overlooking from the windows within the north elevation of building 2 which is to be used as a function room.

Ecology

- The Preliminary Ecological Appraisal was undertaken in December 2022 which is not an appropriate time to identify wildlife,
- The removal of topsoil in Autumn 2022 adversely affected flora and fauna which is not referenced by the submitted ecology reports,
- There is no mention of newts, toads, or frogs within the report but these are known to be present on site,
- The proposals would result in net losses in biodiversity.

Highway Safety

- The access to the site is unsafe due to its proximity to the junction onto the A68 and causing queuing on the A68 at peak times. Instances of regular road traffic accidents at this junction are cited which would increase by virtue of additional customers,
- Questions whether electric vehicle charging points will be provided,
- There is no existing footpath connection to the site and none is proposed.

Drainage

- No details have been provided as to how surface water runoff from the extended parking area will be managed,
- Concerns that the existing drainage system does not have capacity to cope with additional water used in connection with the proposed swimming pool.

Other Matters

- No details regarding how the new buildings would be heated and ventilated have been provided.
- Concerns that the applicant may seek to convert part of the development to a dwelling in the future.
- No provision is made for access for non-ambulant people which is contrary to the Equalities Act.

Concerns Raised That Are Not Material Planning Considerations

- Concerns have been raised that no drainage measures are proposed to cater for the additional rooms, spa and swimming pool.
- Reference is made to an existing problem with foul water from High Stoop to Wards End Cottages (to the East) being discharged into the Butterworth Syke and Pan Burn river which is stated as being investigated by Northumbrian Water and the Environment Agency.
- Reference is also made to the current sewer connection serving the premises and connecting to the public sewer in Dans Castle having failed, and foul water regularly being seen at the road edge of the A68 immediately east of the pub demonstrating that the existing infrastructure cannot cope with current levels.
- Concerns are raised that a pipe installed by the applicant not being done so correctly leading to waste pollution into streams and neighbouring farmland, with it requested that topsoil is reinstated over its full length.
- Concerns are raised that the depth of the swimming pool has not been specified and its construction may impact on existing ground works, as well as that no details regarding fire safety precautions have been provided.
- Concerns are raised that no reference is made to the management and disposal of chemically contaminated water in line with HSE, Sport England or PWTAG guidance on pool management and that the applicant would not manage the swimming pool correctly leading to health and safety risks for users.
- Concerns are raised that water pressure and supply in the area is limited and would be worsened by these proposals.
- Concerns have been raised over the impact of the development on a private water pipe underneath the site which serves the five properties at High House Farm to the north and the extended car parking area making this pipe inaccessible.
- Concerns are raised that works to level the site to accommodate the extended car park began without planning permission, have incrementally continued since the applicant was advised by Planning Enforcement Officers of the need for planning permission, with the works now having paused and been left unmanaged, with thistles blowing onto neighbouring land including farmland used for grazing.
- Reference is made to an incinerator being used on site. However, Officers have travelled past the site on numerous occasions and have not witnessed

an incinerator being used. No evidence of an incinerator being in use on the site has been provided.

59. Councillor Coult shares the concerns of residents and has objected to the application on the grounds of the proposed development resulting in biodiversity net losses contrary to NPPF Paragraphs 174 d) and e) (now 180), and 180 a) (now 186); the scale of the proposed extension; the impact of additional traffic on the surrounding highway network; the impact of noise and light pollution on nearby residents; and that the car park has been developed without planning permission.
60. Following the receipt of amended plans showing the reduction in the height of the extension and omission of the managers flat within the roof space, a further two letters of objection were received. These reiterated previous concerns confirming that the amendments were insufficient to address them.

Applicants Statement:

61. This application for Mr and Mrs Baines at the Brown Horse Inn is for a PRIVATE swimming pool, along with a second building to act as a function suite with storage. (we have noted on our local research that a private swimming pool is normally not required to have planning consent).
62. The site lies outside the conservation area, furthermore the site lies off the A68 next door to a caravan storage park, and it is of opinion this new development will enhance the area, showing a marked contemporary look.
63. The proposal involves redevelopment of the existing Brown Horse Inn to allow for much needed growth expansion to cope with the additional requirements and new potential customers.
64. 2 New buildings are proposed on the site – Building 1 will house a private swimming pool, new toilet block, changing facilities, lift to the first floor and bedrooms on the first floor. A further additional building (2) is intended to offer a function suite and additional storage on the ground floor.
65. The swimming pool is for guests staying at the Brown Horse Inn and is not being offered open to the public. Private Guests only.
66. We note the comment from the planner Policy 29 regarding BREEAM – We are not contesting this as we have offered a full SBEM Calculation along with the BREEAM assessment to be offered as condition, all as part of our fully comprehensive Building Regulations Application prior to the construction phase. Furthermore CDP Policy 29 does not state the BREEAM assessment must be part of the planning documents, merely the building must comply.
67. We again ask for this as part of our ongoing design Building Regulations Compliance Documentation, a regulatory requirement on any new building to be compliant.
68. We have redesigned the building heights to comply with the planner's request. We had been working with the planner on this, and only at the late stage in late November did we get a definitive comment "no new height to exceed that of the

existing". We fully complied. The new height which was a major stumbling block from the planner has now been fully approved by the planner.

69. The planner extremely late in the process December 2023 now states that he may have an issue with the width of the building. We have been working with the planner for over 12 months and never had any comment, written or verbal – so until now. We asked for an extension so that we can address this, but the planner has insisted on going to committee and recommending refusal.
70. We ask for our scheme to be approved with condition where appropriate as we have satisfied the requirements.

PLANNING CONSIDERATION AND ASSESSMENT

71. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Highway Safety/Access, Design and Impact upon Heritage Assets, Landscape/Visual Impact, Residential Amenity, Flooding/Drainage, Ecology, Ground Conditions, Carbon Emissions, and Other Matters.

Principle of Development

72. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. 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.
73. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
74. The application site occupies a position outside of any settlement and so lies within the open countryside. CDP Policy 10 seeks to direct development to built up areas but is permissible towards development in the countryside where allowed for by one or more listed exceptions, or specific policies in the Plan. The application proposes to create a swimming pool and gym, additional hotel bedrooms, and a function room and storage building. Therefore, of the listed exceptions under CDP Policy 10, the most relevant to the application is exception b) which relates to the expansion of an existing business falling beyond the scope of a rural land based enterprise, where it can be clearly

demonstrated that it is, or has the prospect of being, financially sound and will remain so.

75. In this regard, The Brown Horse Inn has been operated by the applicant since 2008 and so is an established business. During this time the building has been extended to provide a dining room and 15 bedrooms to allow visitors to stay overnight. The applicant has explained that the coffee shop has proven to be popular with bikers given its position at a prominent crossroads along the A68, and that contractors undertaking repairs to structures including bridges and wind turbines nearby regularly stay overnight on Mondays to Thursdays, with visitors to the County for events, including the Wolsingham Show and Kynren, regularly staying overnight on Saturday nights. Three quarters of bookings are stated to be taken through the website booking.com, with the remaining quarter kept back for telephone calls from regular visitors. A carvery is offered at Sunday lunch times, with the applicant stating 400 covers are regularly served.
76. To justify the proposed function room, whilst no evidence of a specific demand for this has been provided, the applicant has explained that they receive regular requests for space to be hired to hold events including weddings and christenings parties. They have explained that the existing dining room cannot be used due to its use for serving carveries on Sundays and to avoid creating noise that could lead to complaints from the visitors occupying the rooms directly above. The presence of JCB's and shipping containers has been observed on the site, with the application proposing to keep these within the detached building to be jointly used as a function room. The principle of this is considered to have a positive impact on the appearance of the site, although reservations exist around the practicality of the 'L' shaped function room space shown internally on the proposed ground floor plan due to the use of part of the ground floor for storage.
77. The principle of the proposal to increase the number of bedrooms and provide a function room are considered to be a logical extension of the existing business. Whilst the proposed development is of a substantial scale and no detailed financial accounts have been provided, given the length of time the business has been operating for as a public house and hotel it is not contested that the existing business is currently financially sound.
78. The application also proposes to create a swimming pool with a jacuzzi and gym on the ground floor of the proposed extension. The applicant has explained the intention behind this is to try to attract visitors for longer overnight stays over a weekend, although no evidence to demonstrate that there is a demand for these facilities in this location have been provided. Officers also have concerns regarding the viability of these facilities with no details provided to set out the costs of constructing and heating the swimming pool. The applicant has provided a general estimated cost for the construction of the proposed development and the installation of the swimming pool from a surveyor, which amounts to approximately £1.5 million. It is unclear whether this figure includes the costs of installing internal fittings and does not include operational costs associated with the swimming pool. Given the above and that the swimming pool represents a diversification of the existing business, a concern is raised that the proposals would not have the prospect of being financially sound.

79. Residents have raised concerns that the business case presented is unrealistic and questioned whether there is a need for the facilities proposed. CDP Policy 10 does not specifically require an applicant to demonstrate a need for the extensions to the business, only that the existing business is financially sound and will remain so. Whilst it is not contested that the business is currently financially sound, the proposed development is, on the whole, of a significant scale and the introduction of a swimming pool, jacuzzi and gym would effectively represent the introduction of a new leisure element which would be a notable diversification from the existing business model. The supporting text to CDP Policy 10 at Paragraph 5.76 advises that 'the modernisation and diversification of existing activities as well as the creation of new activities, will be supported where this can be achieved in a sustainable manner and, where applicable, will enable their retention as a viable use.'
80. In the context of exception b), concerns are raised that the swimming pool and associated leisure elements of the proposals would not be viable in themselves and would adversely affect the overall viability of the business. No information to demonstrate that the business would have the prospect of remaining financially sound after the development have been provided. This would be expected to be in the form of market research to demonstrate a need for the type and scale of leisure facilities proposed, along with a business plan detailing the estimated construction and operational costs of the scheme compared to anticipated revenue to be generated. These concerns have been communicated to the applicant but no such information has been forthcoming. As such, the application has not clearly demonstrated the business has the prospect of being financially sound following the proposed development and so is considered to be contrary to CDP Policy 10. There are no other policies within the Plan that would be permissible towards the proposed development in this location. The harm in this instance would be that the proposed development would adversely affect the viability of the business resulting in a development of a significant scale becoming vacant and falling into disrepair, to the detriment of the character and appearance of the area. The design and visual impact of the proposals will be discussed in greater detail under the relevant headings below.
81. As the application proposes to create an additional 11 bedrooms associated with the hotel, CDP Policy 8 relating to visitor accommodation is also a relevant policy. Policy 8 is permissible towards proposals for visitor accommodation in the countryside where it is necessary to meet identified visitor needs; or it is an extension to existing visitor accommodation and helps to support future business viability. The proposals represent an extension to existing visitor accommodation and Visit County Durham have offered their support to the proposals, advising that the current visitor accommodation supply in the County is not meeting market demand, making it difficult to attract and retain higher spending overnight visitors. They advise that overnight visitors are more valuable in terms of their contribution to sustaining local businesses and jobs. Therefore, the principle of providing additional visitor accommodation is considered to be acceptable and in accordance with CDP Policy 8
82. A planning condition to prohibit the occupation of the development as permanent residential accommodation could be imposed, in accordance with criterion b) of CDP Policy 8.

83. Overall, it is accepted that the existing business is currently financially sound. The benefits of employing additional staff (six full time, twelve part time) is also acknowledged. However, in the absence of any information to evidence a demand for the new leisure offer in the form of a swimming pool, jacuzzi and gym in this location and construction and the ongoing operational costs concerns are raised that the introduction of this element would adversely affect the viability of the business. Therefore, while the proposals can draw general support, concerns remain regarding the prospect of the development being financially sound into the future and at this point in time the development would conflict with CDP Policy 10

Locational Sustainability

84. CDP Policy 10 p) goes on to state that new development in the countryside should not be solely reliant upon unsustainable modes of transport and that locations 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. In addition, CDP Policy 8 f) requires proposals for visitor accommodation in the countryside to demonstrate clear opportunities to make its location more sustainable. NPPF Paragraph 110 advises that appropriate opportunities to promote sustainable transport modes should be taken.
85. The site is located approximately 2.4km away from the edge of the defined local centre of Tow Law and there is no roadside footpath along the A68 or the B6296. The X1 and the 764 provide services into Crook from the Inkerman bus stop (approximately 1.45km away) but there is no lit footpath connecting the site to this stop. The distance away from the site and the relatively infrequent bus services are likely to discourage the use of public transport. Therefore, visitors to the site will be reliant upon the private car.
86. However, NPPF Paragraph 109 acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in both plan-making and decision-making. In this instance, given the lack of footpaths and public transport options, and that the existing business has operated from this location for several years, the proposed development is not considered to conflict with the aims of CDP Policy 10 p) and 8 f), or Part 12 of the NPPF.

Highway Safety/Access

87. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 10 at criterion q) does not permit development where it would be prejudicial to highway safety.
88. The NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 115 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

89. Residents have raised concerns that the access to the site is unsafe due to its proximity to the junction onto the A68 and queuing on the A68 at peak times. Instances of regular road traffic accidents at this junction are also cited with concerns raised that these would increase by virtue of additional customers travelling to and from the site to use the extended facilities.
90. Access is proposed to be taken from the existing site access from the B6296. The Local Highways Authority have advised that there have been no recorded accidents in the area, and that visibility from the junction is suitable for the speed of the road. Accordingly, they raise no objections considering that the proposed development would not be detrimental to road safety or have a severe cumulative impact on the local road network.
91. The Council's Parking and Accessibility SPD 2023 requires car parking to be provided at a rate of one space per bedroom, one per 8m² of public space used as a café, pub, or restaurant, and one per 50m² of sports facility space. The applicant has confirmed that the swimming pool would only be available to staying guests. Therefore, this equates to a requirement for 74 car parking spaces. The application proposes to provide a total of 96 car parking spaces which exceeds these requirements.
92. The proposed car parking provision includes five electric vehicle charging points which accords with the standards. If the application were to be approved, a condition could be imposed to require a minimum of 74 car parking spaces to be marked out and the EV charging points to be installed and made available for use prior to the first occupation of the development. This would cater for the site at full capacity after the completion of the development, assuming the bedrooms were all occupied, the café, bar and restaurant all at full capacity, and the function room in use by customers not staying at the hotel. As a result, it is unlikely that 74 car parking spaces would actually be required to meet the likely demand.
93. Two accessible car parking spaces are proposed which falls short of the 4 required by the 2023 standards. At least one of these bays should also be served by an EV charging point. It is considered that there is scope to provide the required number of accessible car parking spaces within the site whilst providing an appropriate number of car parking spaces overall and so a condition could be imposed to secure further details in this regard.
94. The 2023 standards also require a total of 27no. short stay and 7no. long stay cycle spaces. No details of cycle spaces have been provided however there appears to be scope to provide these within the site and so in this instance further details in this regard could be secured via a suitably worded condition.
95. Overall, it is considered that the proposed development will not adversely affect highway safety, according with CDP Policies 10 and 21, and Part 9 of the NPPF.

Design and Impact upon Heritage Assets

96. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape

features, helping to create and reinforce locally distinctive and sustainable communities.

97. In addition, CDP Policy 8 is permissible towards proposals relating to visitor accommodation where it is appropriate to the scale and character of the area. In relation to non-designated heritage assets (NDHA's), CDP Policy 44 states that a balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets.
98. NPPF Paragraph 135 also advises that planning decisions should ensure that developments will function well and add to the overall quality of the area over its lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). This is in line with NPPF Paragraph 209 relating to NDHA's.
99. NPPF Paragraph 139 advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
100. The Design and Conservation Officer has advised that there are no heritage matters of concern in regard to this application. Map regression confirms a public house structure on this site at the western end of the site as early as 1860, however there is nothing on site that suggests original fabric of significance remains and as such there are considered to be no heritage assets on site. The development proposed would not harm the setting of heritage assets located further from the site boundary given the intervening distance, topography and vegetation. Therefore, there is no conflict with CDP Policy 44.
101. The extension is proposed to be orientated at a perpendicular angle to the existing building so that it would front the A68 with a gable end. It would be of a significant scale with a width of 16.4m (extending out from an existing 20.6m wide extension) with a length of 28.5m. During the course of the application, the ridge height has been reduced from 10.8m to 8.5m to match that of the existing building.
102. The proposed extension would perform the function of concealing the less attractive functional activities to the rear of the hotel and the orientation of the extension and design approach is not opposed in principle, having been discussed previously at the pre-application stage. Notwithstanding this, the scale, massing, materiality and detailing that has come forward is at odds with the host building.
103. The site is located in a prominent position at a crossroads and the southern elevation facing the A68, a well travelled route, features a framed glazing system and series of opening lights, with the windows to the ground floor proposed to be obscure glazed to serve the relocated and extended toilet block and surrounded by a form of grey cladding. Above, three square windows are proposed which bear little relationship with the size, position or style of those below. The result is an elevation with an overly elaborate and fussy appearance more akin to an office or school building. Consequently, the extension appears

as an odd addition of which the impact is magnified given its scale and prominent position.

104. The detached function / storage building would occupy a position perpendicular to the proposed extension and parallel to the existing building. It is of a scale and massing which sits in context to other buildings on the site and across the wider developments around the crossroads and is not considered to be unduly prominent given its siting to the rear, having a nod to vernacular barns and storage buildings which would be expected in the locality. However, as with the extension, the fenestration pattern and materiality appears awkward and out of context with the host property.
105. Overall, the proposed buildings lack clarity of purpose in design and fail to respond to local influences and vernacular, primarily due to the approach to the fenestration pattern and materiality, and would have an overly assertive impact on the wider landscape leading to an uncomfortable relationship to the current buildings.
106. It is recognised that a sensitively designed development has the potential to improve the visual amenity of the site through the removal of various unsightly elements, however the development proposed in this application is not the correct approach. In this instance a complete review of the design approach is considered necessary and so it would not be appropriate to impose a condition to secure further details of materials, as this would not be capable of addressing and overcoming the harm identified above. In addition, concerns over scale and massing are driven by the proposed use which also requires reconsideration.
107. Consequently, the proposals do not contribute positively to the character of the area contrary to CDP Policy 29 a). In addition, the proposals are not visually attractive, nor sympathetic to local character, and are considered to represent poor design, contrary to NPPF Paragraphs 135 and 139.

Landscape and Visual Impact

108. The site does not lie within an area identified in the County Durham Plan as an Area of Higher Landscape Value (AHLV), with the closest lying 1.1km away to the north and 1.3km to the south, and lies outside but within 50m of the North Pennines AONB / National Landscape to the west, adjacent to its entrance from the North.
109. CDP Policy 38 states that in making decisions on development great weight will be given to conserving landscape and scenic beauty, and that development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, and the North Pennines AONB Building Design Guide as material considerations.
110. CDP Policy 8 is permissible towards proposals relating to visitor accommodation in the countryside where it respects the character of the countryside. In addition, CDP Policy 10 at part I) is permissible towards

development in the countryside provided it would give rise to unacceptable harm to the intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for.

111. NPPF Paragraph 180 also advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
112. Section 85 of the Countryside and Rights of Way Act (2000) places a duty on Local Planning Authorities and other public bodies to have due regard to the purpose of AONB designation (the conservation and enhancement of natural beauty) in the discharging of their functions.
113. The site is prominent at the junction of the A68 and A689 and the approach to the North Pennines National Landscape, occupying a high point in the landscape with the land sloping down both to the north and south of the site. The Landscape Officer has advised that the site is an important gateway to the North Pennines National Landscape and AHLV.
114. The Landscape Officer also advises that the proposed development will increase the amount of built form locally and that there will be some cumulative impact with large scale warehousing and barns between the site and the adjacent settlement of Tow Law, as well as a caravan storage site to the west of the junction, although the siting of the development would help to screen a proportion of currently unsightly car parking area from views from the south and the east.
115. The North Pennines AONB Planning Guidelines document advises that in some circumstances development outside of a nationally designated area can have impacts on the special qualities that form the basis of its designation and underlie its purpose. In those cases, the potential impact on the designated area will be a material consideration to be taken into account in the determination of the planning application.
116. In addition, the North Pennines AONB Building Design Guide advises that the key characteristic of almost all successful extensions lies in the respect shown to the original building so that the existing volume or massing of the house remains the dominant form.
117. The original building has already been significantly extended and the scale of the development proposed in this application is again substantial. The built form and appearance of the proposed development is also uncharacteristic of the local vernacular. Views of the proposed development would be available on the approach to North Pennines National Landscape when travelling westwards along the A68 and south along the B6296, as well as from within the North Pennines National Landscape when travelling north along the B6296. This would negatively impact the approach to and views of the North Pennines National Landscape. Views of both buildings would also be available when travelling west along the A68, although this would be in the context of the caravan storage site.

118. In addition, the Landscape Officer has also raised concerns that the glazing to the northern elevations of the proposed development could potentially result in extensive light spill which would negatively impact the rural character locally. Given its position to the west, light spill from the proposed extension is not considered to result in a level of light spill that would adversely affect the dark skies of the North Pennines National Landscape.
119. Although the open space to the north of the site is of low landscape value its loss to accommodate the proposed extension to the car parking area would also negatively impact the local landscape, even with the use of permeable ground compound indicated on the proposed site plan. As discussed earlier, it is questionable whether a car park the size of that proposed is actually likely to be required. Nevertheless, the 1m wide hedgerow planting indicated on the proposed site plan is considered to be insufficient to effectively screen the hardstanding and parked cars from the B6296, with the Landscaping Officer recommending a 10m wide hedgerow and landscape buffer. Only outline details of the proposed hedgerow planting have been provided at this stage, and if the application were to be approved a condition to secure details of a full landscaping scheme would be required. However, based on the current amount of hard surfacing proposing it is considered unlikely that a suitable landscape buffer could be achieved and that a reduction in the amount of car parking proposed would be required.
120. It is recognised that a sensitively designed development has the potential to improve the visual amenity of the site through the removal of various unsightly elements, however the development proposed in this application is not the correct approach.
121. Overall, the proposed development is of a significant scale and its external appearance and built form would appear out of character with the surrounding landscape from a range of viewpoints, including those on the approach to and out of the North Pennines National Landscape. The scale of the extended car park and lack of a landscape buffer to screen the hard surfacing and parked cars, along with the extent of glazing to the north elevation of the detached building, would alter and cause harm to the rural character of this area which is typified by undeveloped grassland. This is contrary to CDP Policy 8 e) and 10 l).
122. The proposed buildings are not appropriate to the scale and character of the area and does not respect the character of the countryside, contrary to CDP Policy 8 a) and e). In addition, whilst the proposed development lies outside of the North Pennines National Landscape given its close proximity it is considered to adversely affect its special qualities by virtue of its significant scale and use of uncharacteristic vernacular. This is contrary to CDP Policy 38.

Residential Amenity

123. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

124. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
125. In addition, criterion r) of Policy 10 is not permissible towards development that would impact adversely upon residential or general amenity.
126. The closest residential property to the site is Fell View located 145m to the west, with two dwellings located 155m to the south and five dwellings approximately 240m to the north at High House Farm. Given these distances, the proposed development would not adversely affect the amenity of any neighbouring residents in terms of visual dominance, or loss of light or privacy. Whilst residents of the dwellings at High House Farm have raised concerns over the amount of glazing proposed to the north elevation of the proposed detached building which would serve a function room, given the distance away it is not considered that views from these windows would allow views into the curtilage or windows of these properties or that the occupants would suffer from any loss of privacy in this regard.
127. Residents have also raised concerns regarding the proposed development causing noise and light pollution. Particular concern is raised regarding the hosting of large events within the function room in the detached building. Environmental Health have requested details regarding how noise generated from events held in the detached building would be managed, in particular noise from amplified music, as well as details relating to the type of events that would be held, the capacity, and opening hours. The applicant has suggested that the function room would be used to host weddings, christenings, and other parties, although no details regarding noise management measures, the number of patrons that could be catered for at one time, or opening hours have been provided. Whilst it would be preferable to secure these details prior to the determination of the application, it is considered that they could be secured by a suitably worded conditions. Subject to such conditions to ensure the appropriate management of the function room, it is not considered that the amenity of nearby residents would be adversely affected by noise generated from the use of the function room within the detached building.
128. It is accepted that the proposed development would generate noise from additional vehicle movements associated with an increased number of visitors to the site, however given the distance away from the closest residential properties and the position of the site adjacent to busy main roads with a national speed limit, the increase in traffic generated by the proposals is not considered to have a tangible impact on the amenity of nearby residents in terms of noise.
129. In terms of light pollution, concerns have been raised over light generated from external floodlights to the car parking area. No details regarding external lighting have been provided. Environmental Health have requested that an external lighting plan for all outside areas be provided, to include details of manufacturers specification for the lighting units. If the application were to be approved such a condition could be imposed to secure these. Whilst glazing is proposed to the north elevations of the extension and detached building and

which would alter the rural character of the area, this is not in itself considered to be to the extent that it would cause a nuisance or an adverse impact upon the amenity of the occupants of the properties at High House Farm given their distance away. No adverse impacts from light pollution from the proposed development are considered to affect the occupants of Fell View or the two dwellings to the south. It is noted that Environmental Health have reviewed the proposals and have not raised any concerns, subject to conditions.

130. A condition could be imposed to restrict construction working hours and to secure details of a Construction Management Plan to ensure the amenity of surrounding residents is safeguarded during the construction phase of the development.
131. Overall, subject to conditions, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 31 and Part 12 and 15 of the NPPF.

Drainage

132. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
133. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
134. The site is not located within a Flood Zone or an area identified as being at high risk of surface water flooding.
135. The LLFA have advised that the application should be supported with a surface water management plan to consider attenuation and treatment of surface water prior to leaving the site. In response to this, the applicant has provided an amended proposed site plan which now proposes the hard surfacing to comprise a permeable ground compound and indicates the position of box drains and associated underground pipework beneath the extended car park which would connect to the public sewer. In the absence of a nearby watercourse, this approach is considered to be acceptable in principle. A condition could be imposed to secure further details, to include construction details of the extended car park and measures to provide treatment of surface water runoff.

136. Foul water is proposed to be discharged to the public sewer. This accords with the hierarchy of preference set out by CDP Policy 36 and so is acceptable in principle. Whilst residents have raised various concerns regarding problems with the existing sewerage system and its capacity, Northumbrian Water have been consulted on the application, as the operator of the public sewerage system and the body responsible for water services and sewerage, and have not provided any comments on the application.
137. It is noted that in their Drainage and Wastewater Management Plan (DWMP) covering the River Wear, Northumbrian Water have identified the Tow Law Wastewater Treatment Works as requiring an investigation for discharge quality compliance for Phosphorous between 2025 and 2030. The DWMP also identified a delivery period of 2040-45 to implement a Storm Overflow Spill Frequency Reduction Scheme for the Drainage Area. Given these anticipated improvement works and in the absence of an objection from Northumbrian Water, it is considered that the application does not warrant refusal on these grounds.
138. Overall, subject to a condition, the principle of the proposals is considered to accord with CDP Policies 35 and 36 and Part 14 of the NPPF.

Ecology

139. NPPF 180 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
140. NPPF Paragraph 186 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
141. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. 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.
142. The site does not lie within an area covered by any ecological designations. Wolsingham North Moor Local Wildlife Site lies 750m to the north west and the closest SSSI lies 3.5km to the west (Muggleswick, Stanhope & Edmundbyers Commons & Blanchland Moor).
143. The application is supported by a Preliminary Ecological Appraisal which includes a desk based study and the results of a site survey that was undertaken on the 1st of December 2022. It concludes that approximately 0.31ha of semi-improved grassland in poor condition and 0.03ha of sparsely vegetated land would be lost as a result of the development. The Appraisal found a record of one hedgehog on site dating back to 2019 and various species of birds, but no mammals, bats, invertebrates, reptiles, or local plants. It concludes that the proposed development would not have any impact of priority habitats and a low risk on European badgers and hedgehogs. Whilst

there are records of small heath butterflies within 1km of the site the habitat on the site is considered to be of low value.

144. The Appraisal recommends that any pits or holes dug during the construction phase must be covered at night to prevent hedgehogs, badgers, and other mammals being trapped, and that artificial lighting must be installed in line with relevant guidance. Conditions could be imposed to secure adherence to these recommendations.
145. Whilst the application is not supported by a bat risk assessment, it is noted that an Assessment undertaken in January 2013 provided to support an earlier application for a first floor side extension (reference 3/2012/0411) concluded that there was a low risk to bats. The submitted Appraisal includes a Preliminary Roost Assessment which concluded that the habitat is of low suitability for commuting and foraging bats with no linear hedgerows and trees in close proximity. The County Ecologist has advised that given the exposed location of the site with a lack of foraging habitat, that the building is well lit with very few suitable bat roosting features, and that the proposed extension would only connect to the existing building at ground floor level and would not alter the main roof, there is no requirement for an updating survey to be undertaken in this instance as it is unlikely that the conclusions of the former Assessment would be altered. Therefore, it is considered that the proposed development would not adversely affect bats or their habitats.
146. Residents have raised concerns that December is not an appropriate time to identify wildlife. The Appraisal sets out at Paragraph 2.21 that whilst a comprehensive list of plants and animals will be limited by factors that influence their presence, i.e. dormancy periods, but that assessment of the habitats present can be made. In this regard, the purpose of the Appraisal is to identify the possible presence of protected or priority species and the likely importance of habitat features on site for such species.
147. Residents have also raised concerns that the removal of topsoil in Autumn 2022 adversely affected flora and fauna which is not referenced by the submitted ecology reports. The Preliminary Ecological Appraisal at Paragraph 2.20 acknowledges that the top layer of an area of land has been stripped and covered in gravel and inspected the unaffected field edges and the grassland in the neighbouring field to the east to establish a baseline. The County Ecologist has reviewed the Appraisal and indicated their satisfaction with its findings and that the proposed development would not adversely affect protected species or their habitats.
148. The application is supported by a Biodiversity Net Gain Statement and completed version of the Defra metric Biodiversity Impact Assessment Calculator. These identify that the proposed development would see the loss of 1.83 habitat units, resulting in an overall on-site net loss in biodiversity of -98.97%. This is primarily due to the loss of grassland. The Biodiversity Net Gain Statement recommends that the proposed plans are altered to include the retention and enhancement of habitats, that additional habitats are created on site, and that habitat enhancements take place on land nearby.
149. Other than the planting of a 1m wide boundary hedgerow on site shown on an amended version of the proposed site plan, which has not been included within

a revised version of the Defra metric, no details of enhancements to deliver net gains have been provided.

150. It is noted that the applicant also owns a parcel of land measuring approximately 1.5ha directly to the north of the application site. However, no site survey to establish the baseline ecological value of the site or a plan demonstrating that sufficient habitat enhancement could take place to offset the net losses arising on site is achievable. As such, it is not considered appropriate to secure these details via a condition or a legal agreement as it has not been demonstrated that it is possible to carry out sufficient enhancements to deliver an overall biodiversity net gain. In addition, no management or monitoring details for any habitats to be enhanced or created have been provided, although it is considered that these details could be secured via a condition or a legal agreement.
151. Overall, the application does not demonstrate that biodiversity net gains could be achieved, contrary to CDP Policy 41 and NPPF Paragraph 180 d) and 186 d).

Ground Conditions

152. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 183 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
153. The application site does not lie within a Coalfield Development Risk Area. The Council's Contaminated Land Officer has advised that as the proposed development is of a significant scale and constitutes a change of use to a more sensitive receptor further information is required and so recommends a pre-commencement condition to secure the submission of a contaminated land scheme.
154. Subject to such a condition, the proposed development is considered to comply with CDP Policy 32 and NPPF Paragraph 189.

Carbon Emissions

155. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
156. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
157. NPPF Paragraph 164 advises that in determining planning applications, Local Planning Authorities should give significant weight to the need to support

energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.

158. No details regarding how the new buildings would be heated and ventilated have been provided. However, it is considered that these details, including those of mechanical plant and flues, could be secured by way of a suitably worded condition in this instance, to ensure adherence to criteria c) and d) of CDP Policy 29.
159. In addition, CDP Policy 29 states that all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).
160. The application is supported by a document entitled "BREEAM" Local Planning Supportive Development Document. This document sets out that the proposed development would comply with the relevant Building Regulations requirements. However, complying with the relevant Building Regulations does not guarantee that a development will achieve a 'Very Good' BREEAM score. The Local Planning Authority's approach to this policy requirement is for developers to provide a report undertaken by a suitably qualified individual to provide an indication of scoring and opportunities for achieving BREEAM as 'Very Good'. If the report were to demonstrate that a 'Very Good' rating could be achieved, often subject to appropriate measures being undertaken, a condition could be imposed to secure a verification report prior to the first occupation of the development to ensure that it has been completed and achieves the 'Very Good' rating. The information submitted with the application does not demonstrate that a 'Very Good' BREEAM score could be achieved. As it is unknown whether a 'Very Good' BREEAM score could be achieved it would not be appropriate to secure further details by way of a condition in this instance.
161. Therefore, the proposed development is contrary to CDP Policy 29.

Other Matters

162. CDP Policy 27 requires all new residential development to be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation. No details of how the development would be served by a high speed broadband connection have been submitted with the application, but it is considered appropriate to secure these details via a suitably worded condition.
163. Residents have raised concerns that the applicant may seek to convert part of the development to a dwelling in the future. If the application were to be approved, a condition could be imposed to restrict the use of the development to prevent its use as a dwelling.
164. Residents have raised concerns that no drainage measures are proposed to cater for the additional rooms, spa and swimming pool. However, issues in

relation to the drainage and the appropriate linkage to the existing systems is not a material planning consideration and would be addressed through the construction phase, being overseen by the appointed Building Inspectors, to ensure the proposal meets the appropriate Building Regulation requirements.

165. Residents have made reference to an existing problem with foul water from High Stoop to Wards End Cottages (to the East) being discharged into the Butterworth Syke and Pan Burn river which is stated as being investigated by Northumbrian Water and the Environment Agency. Reference is also made to the current sewer connection serving the premises and connecting to the public sewer in Dans Castle having failed, and foul water regularly being seen at the road edge of the A68 immediately east of the pub demonstrating that the existing infrastructure cannot cope with current levels. In addition, concerns are raised that a pipe installed by the applicant not being done so correctly leading to waste pollution into streams and neighbouring farmland, with it requested that topsoil is reinstated over its full length.
166. In response to these concerns, it is noted that issues regarding the discharge of foul water to nearby watercourses is already stated to be under investigation by Northumbrian Water (the body responsible for water services and sewerage) and the Environment Agency (the regulator for licensing abstractions, pollution control and the quality of the water environment). The means of installing pipes to the existing drainage infrastructure falls beyond the remit of the planning system and would be dealt with by Building Inspectors at the construction phase and the operator of the existing drainage infrastructure. The concern is understood to be an existing problem that is being investigated outside of the planning process. Therefore, it does not warrant the refusal of this planning application. It is noted that neither Northumbrian Water nor the Environment Agency have objected to the application.
167. Residents have also raised concerns that the depth of the swimming pool has not been specified and its construction may impact on existing ground works, as well as that no details regarding fire safety precautions have been provided. However, these details would be addressed through the construction phase, being overseen by the appointed Building Inspectors, to ensure the proposal meets the appropriate Building Regulation requirements.
168. Concerns have also been raised that no reference is made to the management and disposal of chemically contaminated water in line with HSE, Sport England or PWTAG guidance on pool management and that the applicant would not manage the swimming pool correctly leading to health and safety risks for users. However, planning permission is granted in relation to the land not the applicant and it cannot be assumed that the relevant guidance relating to the management of swimming pools would not be adhered to throughout the operational phase of the development. Compliance with the above guidance falls outside of the remit of the planning system, with it being the responsibility of the operator and the relevant bodies to ensure the applicable standards and guidance is met.
169. Concerns have been raised by residents that water pressure and supply in the area is limited and would be worsened by these proposals. However, this falls beyond the remit of the planning system, with it being the duty of Northumbrian Water as the water supplier for the area to ensure water supply at an adequate

pressure. It is noted that Northumbrian Water have been consulted on the application and have not made an objection.

170. Residents have raised concerns over the impact of the development on a private water pipe underneath the site which serves the five properties at High House Farm to the north and the extended car parking area making this pipe inaccessible. However, the impact of development upon private pipes falls beyond the scope of the planning system and is a civil issue between the applicant and the neighbouring residents which does not warrant the refusal of this planning application.
171. Residents have also raised concerns that works to level the site to accommodate the extended car park began without planning permission, have incrementally continued since the applicant was advised by Planning Enforcement Officers of the need for planning permission, with the works now having paused and been left unmanaged, with thistles blowing onto neighbouring land including farmland used for grazing. Whilst it is disappointing that works have taken place without the benefit of planning permission, the Town and Country Planning Act 1990 allows planning applications to be submitted retrospectively to authorise development that has already been carried out. Therefore, that the car park has already been extended to a degree does not warrant the refusal of the application. Section 215 of the Town and Country Planning Act 1990 gives Local Planning Authorities the power to require the proper maintenance of land when its condition is adversely affecting the amenity of the area. As there are potentially other powers to resolve such concerns, the current condition of the land does not warrant the refusal of this planning application.
172. Concerns have also been raised by residents in relation to the proposed development not making provision for access for non-ambulant people, contrary to the Equalities Act. CDP Policy 29 f) states that all development proposals will be required to consider the needs of existing and future users, including those with sensory or mobility impairments. In this regard, although limited details regarding how the development would meet the needs of those with mobility impairments have been provided with the application, it is noted that access to the rear of the existing extension to the building can currently be taken via a ramp which the proposed site plan appears to show connecting to a raised decked area adjacent to the access to the proposed extension. A lift in between the existing and proposed extensions is also indicated on the plans to provide access to the bedrooms on the first floor. The entrance doors to the function room within the proposed detached building appear to be wide enough to meet the needs of wheelchair users. Two accessible car parking spaces are also indicated on the proposed site plan, and there appears to be scope to secure an additional two accessible spaces via a condition to meet the requirements of the Council's Parking and Accessibility SPD. These details are considered to be sufficient to comply with the aims of CDP Policy 29 f) in this instance and ultimately it is the responsibility of the site occupier to comply with any requirements imposed upon it under the Equality Act 2010.
173. The applicant has suggested in their Applicant's Statement that concerns over the width of building were not communicated to them and that they would be willing to agree an extension of time to allow them the opportunity to address this. The applicant has consistently been advised of Officer concerns over the

scale of the proposed extension, both at the pre-application stage and during the course of this planning application. The applicant has had the opportunity to revise the proposals and in this regard has provided amended plans which show the height of the extension reduced to that of the existing building. However, as discussed earlier in the report, whilst it is recognised that a sensitively designed development has the potential to improve the visual amenity of the site through the removal of various unsightly elements, concerns remain over the design approach which requires a complete review. Concerns are also still raised over the scale and massing which are driven by the applicant's desire to accommodate a swimming pool, over which concerns are raised over its viability and its impact on the viability of the business. Concerns are also raised over the proposed development resulting in biodiversity net losses and insufficient information being submitted to demonstrate that a 'Very Good' BREEAM score could be achieved. It is now six months since the application became valid and the applicant has had the opportunity to provide amended plans and additional information to address these concerns, however several outstanding concerns remain. Therefore, it is not considered appropriate to delay the determination of the application any further.

CONCLUSION

174. 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.
175. The application relates to the Brown Horse Inn, an existing business located within the countryside which operates as a 15no. bedroom hotel with a coffee shop, bar, and restaurant area. The application seeks to add an additional 1335m² of floor space in the form of an extension to accommodate a swimming pool, jacuzzi and gym, and 11no. additional hotel bedrooms, as well as a detached building that would operate as a function room and storage area.
176. CDP Policy 10 seeks to direct development to built up areas in the first instance but criterion b) is permissible towards development in the countryside where it relates to the expansion of an existing business falling beyond the scope of a rural land based enterprise, where it can be clearly demonstrated that it is, or has the prospect of being, financially sound and will remain so. It is accepted that the existing business is currently financially sound.
177. However, concerns are raised regarding the swimming pool adversely affecting the viability of the business. This is due to the location of the site and it being questionable whether there is a demand for a swimming pool. No evidence or market research has been provided to demonstrate a demand for these facilities in this location, or that they would help to attract additional customers. Concerns are also raised regarding the construction and operating costs of the swimming pool, with no information provided to set out estimated costs and anticipated returns. As the introduction of these facilities represents a significant diversification of the business, likely at great cost and with no market research to establish whether there is suitable demand for them, concerns are raised that

the swimming pool and associated leisure facilities do not have the prospect of being financially sound, and that this could affect the viability of the existing business. Consequently, there is a prospect that the building may become vacant and its condition deteriorate, to the detriment of the surrounding area given its prominent position. As such, the application has not clearly demonstrated the business has the prospect of being financially sound following the proposed development and so is considered to be contrary to CDP Policy 10. There are no other policies within the Plan that would be permissible towards the proposed development in this location.

178. In terms of the design of the development, concerns are raised over the significant scale of the proposed extension. Whilst the ridge height has been reduced, the overall massing of the building appears large and disproportionate to the host property, which has already been significantly extended. This is exacerbated by the materiality and detailing which is considered to be inappropriate, poorly conceived, and out of character with the local vernacular. The external appearance of the extension is driven from the applicants' desire to incorporate a swimming pool to the ground floor, which requires the large ground floor area and includes the position of a relocated toilet block to the southern elevation, which is proposed to be obscure glazed and relates poorly to what is the principal elevation. Similar concerns are raised regarding the materiality and detailing of the detached building. This is contrary to CDP Policy 8 a), 10 l), and 29, as well as Part 12 of the NPPF.
179. Furthermore, the proposed extension occupies a prominent position within the landscape and would be visible when travelling south and west on the approach to the North Pennines National Landscape, as well as when travelling north out of the National Landscape. The poor design and large scale of the proposed extension is considered to adversely affect the special qualities of the North Pennines National Landscape, contrary to CDP Policy 38.
180. In addition, it is questionable whether there is a need for the number of car parking spaces proposed, with the additional hard surfacing appearing as an incursion into the countryside. The planting of a 1m wide hedgerow buffer would be insufficient to screen the hard surfacing and parked cars, representing an adverse impact upon the local landscape, contrary to CDP Policy 8 a) and e), 10 l) and 39. Concerns are also raised regarding the potential for light spill from the glazing proposed to the north elevation of the detached building further altering the character of the local rural landscape.
181. The proposed development is considered to be acceptable in terms of Highway Safety, Residential Amenity, Flooding/Drainage, Ground Conditions, and Other Matters, and in accordance with CDP Policies 21, 29, 32, 35, 36, 43 and 44, and Parts 6, 9 and 14 of the NPPF in this respect.
182. Whilst it is acknowledged that the proposals would allow the expansion of an existing business, with the applicant suggesting an additional six full time and twelve part time staff would be hired as a result, it is not contested that a well designed, appropriate form of expansion to the business could come forward, with the potential to improve the visual appearance of the site. However, the form of development that has come forward is considered to have a detrimental visual and landscape impact as a result of its large scale, and awkward materiality and detailing. In addition, the application also fails to demonstrate

how biodiversity net gains or a 'Very Good' BREEAM rating would be achieved, contrary to CDP Policies 29 and 41. Therefore, in this instance the benefits of the proposals are not considered to outweigh the harm and policy conflict identified.

183. It is therefore concluded that the application is unacceptable and in conflict with Policies 8, 10, 29, 31, 38, 39 and 41 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. There are no material considerations which indicate an alternative decision should be made and therefore the application is recommended for refusal.

Public Sector Equality Duty

184. 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.
185. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

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

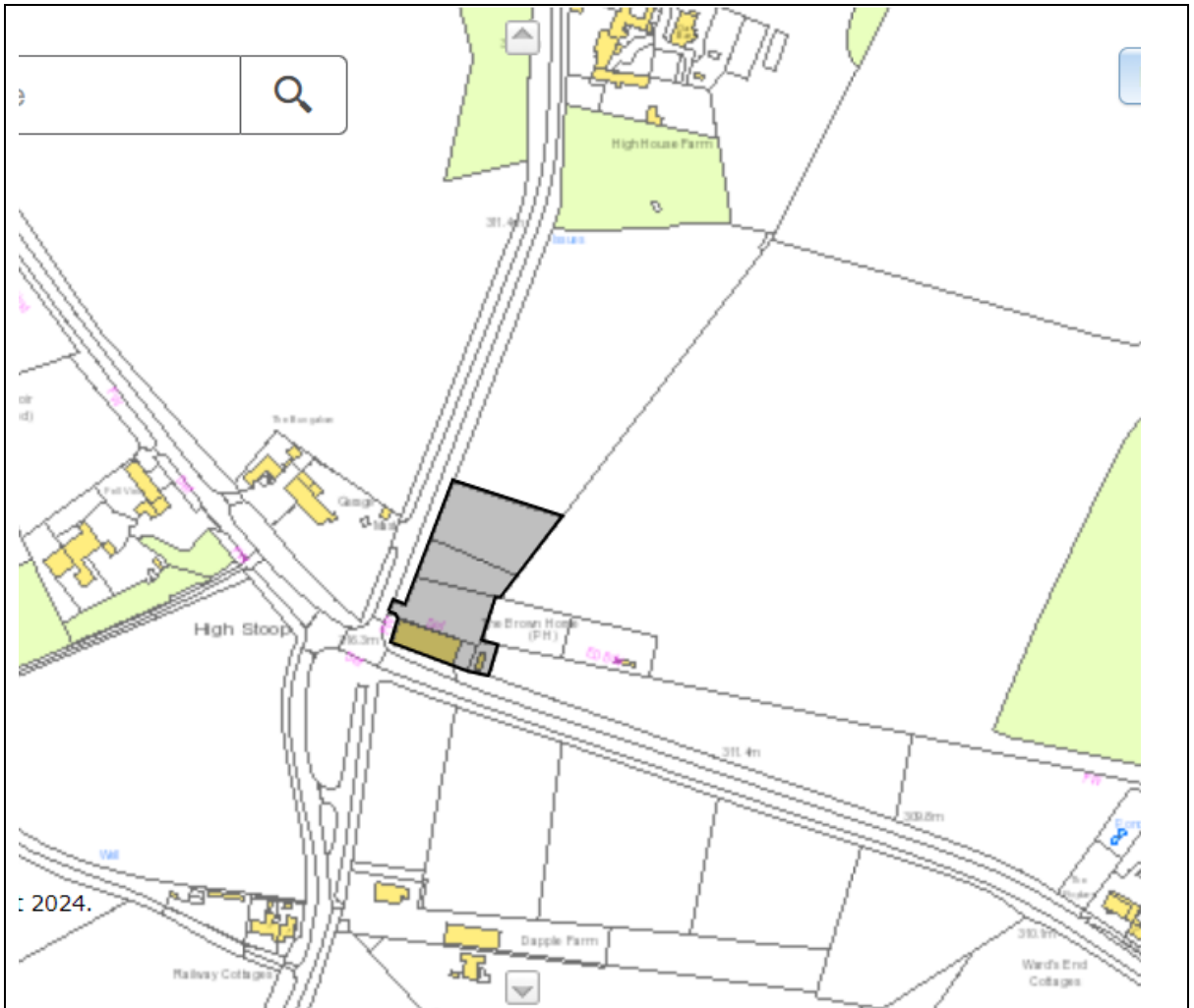
1. The proposals represent development in the countryside and the application has not clearly demonstrated that the business has the prospect of being financially sound following the completion of the proposed development, contrary to Policy 10 of the County Durham Plan.
2. The proposed development, by virtue of its scale, materiality, detailing, and prominent position, would dominate and adversely affect the character and appearance of the host building, the surrounding landscape, and the special qualities of the North Pennines Area of Outstanding National Beauty. The scale of the extended car parking area would also appear as an incursion into the countryside. This is contrary to Policies 8, 10, 29, 38 and 39 of the County Durham Plan and Paragraphs 88 c), 135, 139, and 180 of the National Planning Policy Framework.
3. The proposed development would result in the loss of 1.83 habitat units on site and it has not been demonstrated that it would be possible to deliver the required habitat enhancements to offset these net losses and deliver a biodiversity net gain, contrary to Policy 41 of the County Durham Plan and Paragraph 180 d) and 186 d) the National Planning Policy Framework.
4. The application has not demonstrated that the proposed development is capable of achieving a 'Very Good' BREEAM score, contrary to Policy 29 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Residential Amenity Standards Supplementary Planning Document 2023
The Council's Parking and Accessibility Supplementary Planning Document 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Extension to inn to accommodate swimming pool, gym, and 11 additional bedrooms. Erection of new building for storage and function use. Extension of car park (part retrospective).</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date: 4th January 2023</p>	