



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/23/02803/FPA
Full Application Description:	Resubmission of DM/22/03077/FPA for the erection of one permanent rural equine workers dwelling
Name of Applicant:	Mr Brent Green
Address:	High Green Farm, Binchester, Bishop Auckland, DL14 8AU
Electoral Division:	Spennymoor
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site relates to a parcel of grassed land to the west of an unclassified road linking Binchester and Byers Green, and to the north of Clergy House and the adjacent cemetery at Binchester. The land currently accommodates a static caravan granted consent for a temporary 3 year period in September 2019.
2. The wider site comprises 7.11ha of grazing land, and an agricultural building used to store winter feed and stable block of eight stables situated around a gravelled yard area. Vehicle access into the site is via a gated track leading from the unclassified numbered road to the north east. Post and wire fencing forms the boundary treatment of the site.
3. The applicant has operated an American miniature horse stud business at High Green Farm since 2019, having previously bred Welsh Cobs as a personal hobby. The applicant currently keeps 4 stallions and 18 mares on the site, which has increased from 1 stallion three years ago. Prior to 2019 the applicant also kept sheep, cattle and poultry and had leasehold tenancies on land at Brancepeth, Whitworth and Coundon amounting to approximately 17 hectares of agricultural land which have since been surrendered.

4. The site is bordered by Church Street to its east and south west, and by the Auckland Way Railway Path to its north west. Beyond these lie open fields. The site lies within Old Park, which is included on the Local List of Historic Parks, Gardens and Designed Landscapes.

#### The Proposal

5. The application seeks full planning permission for the erection of a single storey rural workers dwelling. The dwelling would have a footprint of approximately 133m<sup>2</sup> comprising a rectangular form featuring two storey projecting gable ends to the south west and north east elevations. Four dormer windows are proposed to accommodate three bedrooms within the roof space. The dwelling is proposed to be finished in brickwork to the external walls, with Marley Modern roof tiles and upvc window frames and composite doors. The dwelling would be sited in a similar position to the existing static caravan over an enlarged footprint, orientated north west to south east. Within its curtilage, there is space to accommodate a parking area and a garden.
6. The application is being reported to the South West Area Planning Committee at the request of Councillor Molloy in the interest of the welfare of the horses kept on the site.

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### **RELEVANT PLANNING HISTORY**

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7. An agricultural storage building in situ on the site was approved on the 11<sup>th</sup> of October 2013 under application reference 7/2013/0355/DM. At that time the building was used for the keeping of winter animal feed, hay and agricultural machinery associated with the use of the adjacent land for the rearing of cattle and sheep.
8. An additional storage building and retention of surrounding hardstanding was approved on the 21<sup>st</sup> of September 2015 under application reference DM/15/01643/FPA. Condition 4 of this approval related to the removal of an unauthorised static caravan from the site.
9. Applications seeking approval for the siting of a caravan on the site to be used as an office and for sleeping accommodation for temporary periods during lambing and calving times were withdrawn in April and July 2018.
10. The change of use of the land and existing agricultural building to an equestrian stud business, including the retention of a residential static caravan for a temporary 3 year period was approved on the 16<sup>th</sup> of September 2019 under application reference DM/19/01236/FPA. The static caravan remains on the site, in breach of condition 2 of this approval. If the current application is refused, the matter will be passed to the Planning Enforcement team to take appropriate action.
11. Application DM/22/03077/FPA for the erection of a rural workers dwelling was withdrawn by the applicant on the 5<sup>th</sup> of May 2023 after being advised that it could not be supported.

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## PLANNING POLICY

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### National Policy

12. 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.
13. *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.
14. *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.
15. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
16. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *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.

19. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
20. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
21. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
22. *NPPF Part 16 Conserving and enhancing the historic environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These 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:**

23. 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)

24. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
25. *Policy 12 (Permanent Rural Workers' Dwellings)* sets out the criteria needed to demonstrate the acceptability of a new permanent agricultural, forestry and other rural workers' dwellings outside the built-up area. These criteria include: details of the nature and demands of the work that demonstrate an essential functional need for a permanent full time worker to live on site; details that the rural business activity has been established for at least three years and is financially sound; the proposed dwelling should not be harmful to the landscape and character of the area; the scale of the dwelling should be commensurate with the functional requirement; the functional need cannot be fulfilled by another existing dwelling in the unit or area. If planning permission is to be granted, it must be subject to an occupancy condition and removal of householder permitted development rights. Further provisions for temporary accommodation and removal of occupancy conditions.
26. *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.
27. *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.
28. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
29. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where

inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.

30. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
31. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. 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.
32. *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.
33. *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.
34. *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.
35. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

36. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
37. Residential Amenity Standards SPD (2023 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

#### **Neighbourhood Plan:**

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **Statutory Consultee Responses:**

39. *Spennymoor Town Council* – No response received.
40. *Environment Agency* – No response received.
41. *The Coal Authority* – Raise no objections.
42. *Highways Authority* – Raise no objections.

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

43. *Spatial Policy* – Advise that CDP Policy 10 and 12 are permissible towards the erection of rural workers dwellings provided that key tests regarding the functional need for the dwelling and whether this could be met through alternative accommodation nearby, as well as the financial soundness of the enterprise, are met.
44. *Design and Conservation* – Advise that the site lies within Old Park, Spennymoor, which is included on the Local List of Historic Parks, Gardens and Designed Landscape and that in this historic context the proposed dwelling is of limited architectural merit.
45. *Landscape Section* – Advise that the dwelling would be visually and functionally related to the associated agricultural buildings grouping, but that dormer bungalows are not characteristic of rural dwellings.
46. *Ecology* – Raise no objections subject to conditions to secure adherence to the recommendations within the submitted preliminary Ecological Appraisal.

47. *Environmental Health Contamination* – Confirm there is no requirement for a contaminated land condition.

**Public Responses:**

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

**Applicants Statement:**

49. This is the applicant's statement in support of their re-submission application DM/23/02803/FPA for the erection of a permanent rural workers dwelling in connection with the operation of a commercial equine stud.
50. The applicants in support of their current application refer to application DM/19/01236/FPA approved on 16 September 2019, for a change of use and land and existing buildings to equestrian stud business including the siting of a residential caravan for a temporary 3-year period.
51. The applicants consider the granting of this temporary permission is relevant to the current re-submission application seeking permission for the erection of a permanent rural workers dwelling essential for the welfare of the horses and daily operation management and functioning of the equine stud business that has been developed and grown over the 4-year period that has elapsed since DM/19/01236/FPA was approved.
52. The applicants argue this temporary permission was granted in acceptance that residential accommodation on the site was essential to grow and develop the equestrian stud business and secure the necessary welfare provision for the stud horses. Accepting that since this approval was granted the new County Durham Plan adopted in 2020 has superseded the previous local District Plan the broad planning principles that applied then remain significantly unchanged both in terms of Policy 12 of the CDP and the NPPF in relation to the granting of planning permission for permanent rural workers accommodation in the countryside.
53. The applicants believe that none of the circumstances and supporting evidence submitted previously about demonstrating the key criteria for essential need for having full-time residential accommodation on the site have altered during the intervening 4-year period. If anything, the current supporting written evidence, and justification provided by the applicant's equestrian consultant simply reinforces the essential need for a permanent rural worker dwelling to replace the temporary mobile home.
54. Contrary to the planning officer's recommendation of refusal on the grounds the current proposed development does not meet criteria a) and e) as set out in CDP policy 12 the applicants argue the earlier temporary approval granted by DM/19/01236/FPA established the principle of essential need was met and nothing has changed to suggest this situation has fundamentally changed and the proposed development is acceptable in regards to the requirement set out in CDP policy 12 a). The applicants also argue that living off site would put the welfare of the stud mares at high risk specifically during foaling and the detailed



reasons for this have been submitted and described in the equestrian consultant's report and ancillary responses to additional questions raised by the planning officer.

55. The applicants note the proposed development is considered acceptable in respect of criteria b), c), and d) that form policy 12.
56. On balance and without specific knowledge as to the detailed reasons put forward by the planning officer in terms of recommending refusal of the current application the applicants are of the opinion the crucial consideration of essential need is met in terms of both criteria a) and e) and members should overturn this recommendation of refusal and approve this application for a permanent rural workers dwelling to ensure the long-term financial viability of the equestrian stud business and protect the welfare and well-being of the foals and stud mares.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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57. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Impact on the Character and Appearance of the Area, Highway Safety, Residential Amenity, Ecology, Ground Conditions, Carbon Emissions, and Other Matters.

### Principle of Development

58. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at 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.
59. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
60. The application seeks full planning permission for the erection of a rural workers dwelling in an unsustainable countryside location. County Durham Plan (CDP) Policy 10 permits development in the countryside provided it falls under one or more listed exceptions or is permitted by another specified policy within the plan. One of these specified policies is CDP Policy 12 which relates to rural

workers dwellings. Policy 12 sets out criteria a) to e) which such proposals must demonstrate compliance with. These will be discussed in turn below.

### Functional Need

61. Criterion a) requires the application to demonstrate that the nature and demands of the work involved means that there is an essential existing functional need for a permanent full time worker to live at, or very close to, the site of their work in order for the enterprise to function effectively.
62. This is in line with NPPF Paragraph 84 which sets out that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more listed circumstances apply, one of which relates there being an essential need for a rural worker to live permanently at or near their place of work in the countryside.
63. Whilst the site is not considered to be in an isolated position due to the presence of existing dwellings Clergy House, Binchester Old School and Old Park Lodge Farm within 150m, there are very limited facilities in Binchester, comprising only a Community Centre and bus stops, with the closest primary local services being situated in Byers Green and Spennymoor, around 1 and 1.5 miles from the site respectively. Therefore, occupiers of the dwelling are likely to be heavily reliant on private car journeys and the site is not considered to be a sustainable location for residential use.
64. Planning Practice Guidance (PPG) at Paragraph: 010 Reference ID: 67-010-20190722 advises the considerations that it may be relevant to take into account when applying NPPF Paragraph 84 a) could include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural or similar land-based rural enterprise. To this effect, it gives the examples of where farm animals or agricultural processes require on-site attention 24-hours a day, where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products.
65. The applicant's business comprises two elements which both contribute to its profitability. The first relates to a stud farm operation whereby a third party will bring their mare to the application site to breed with one of the applicants four stallions. The information submitted with the application states that up to two mares per stallion per week can visit the site during the breeding season, with mares typically staying on site for an average of four weeks before returning to their owners to give birth when it has been confirmed they are in foal. In 2022, 68 mares are stated to have been covered in this way, which generated approximately 58% of the income brought in by the enterprise. The second element of the business relates to the foaling of the applicant's own miniature horses, whereby the colts are sold as pets and the fillies either retained or sold at six months of age. The applicant currently keeps 18 mares on the application site.
66. The Justification Statement also states that 'According to the Equine Business Guide, the total labour requirement is now just over 3 full time labour equivalents'. Whilst this exceeds one full time worker, the detailed breakdown

of this has not been provided for review. The Statement also makes reference to five part time staff working at the site in connection with the enterprise when needed, which the applicant has confirmed comprises of unpaid family members.

67. Generally, it is not considered that on-site attention 24-hours a day is required to ensure the welfare of horses. In this regard, the British Horse Society (BHS) advise that horses “*need to be checked a minimum of twice a day to ensure their health and welfare is maintained*”, with Paragraph 3.3.5 of the submitted Justification Statement setting out that “*Miniature horses have very similar management to large horses.*” It is not uncommon for horses to be stabled and grazed in locations which do not have a residential occupant within sound and site, with the majority of similar sized equestrian operations across the County able to operate successfully without the benefit of a dwelling on the site and the majority of care being able to be provided around social hours. Responding to daytime incidents would not be dependent upon on a worker living on or near the site, as if living remotely the applicant would still be able to monitor the horses twice a day during social hours, as recommended by the BHS. Therefore, the presence of the horses alone is not sufficient justification for someone to live permanently on the site.
68. In terms of ensuring the welfare of the horses, the application sets out a number of emergencies to which the applicant suggests a permanent on-site presence is required. This includes complications during foaling, as well as horses becoming cast or stuck on their backs, suffering from illnesses such as colic, and being injured. The applicant’s case is that if such emergencies are not responded to quickly it can lead to fatalities.
69. In terms of foaling, it is accepted that close monitoring of horses is required during the period just before, during, and just after birthing, and that this may take several hours and include supervision overnight. Foaling on site is stated to take place during a nine month period April to December. The number of foals born on the site each year has not been specified but it is noted that 11 horses were sold in 2022. Given this, whilst acknowledging the enterprise has been profitable, foaling that has occurred on the site to date has taken place on a relatively small scale.
70. The Details of Emergency table at Paragraph 5.15 in the Justification Statement records 11 incidences of intervention during foaling required to save the foal between October 2019 to June 2023 (approximately one every four months), with a vet being called on one occasion. From the information submitted with the application, there are no records of a vet being called to the site outside of social hours to provide care to a horse in foal. In addition, it is not clear at what time of day the attention was required, and if any overnight attention was required at what time of day this need became apparent. As such, there is a lack of evidence to demonstrate that frequent overnight attendance is required.
71. It is appreciated that birthing times are not regular and so overnight attendance could not necessarily be planned for in advance, however from the information submitted with the application it has not been demonstrated that there has been any or anything above a low number of occasions when overnight attendance has been required. In this regard, the submitted Justification Statement acknowledges that ‘*Some conditions whilst not predictable, will be expected*

*after foaling and will usually only exhibit themselves as an emergency situation if not detected early enough to treat effectively.'* The applicant would be expected to be on site for large portions of the day, even if living elsewhere, which would enable them to detect potential emergency situations arising after foaling.

72. There is a stable building on site to accommodate horses overnight and it is considered possible to remotely monitor expectant mares and those that have recently foaled from here outside of social hours. It is understood that a range of low light cameras which can connect to wi-fi or a mobile network are available, some of which also display colour, to allow monitoring to take place during the dark. Some of these cameras also come with built in microphones to capture audio, as well as infrared, motion detection and alarm systems. Therefore, it is considered that an appropriate camera system could be installed to allow effective remote monitoring of horses in foal and after foaling outside of social hours to enable the applicant to detect and respond to emergency situations.
73. Overall, the information submitted with the application does indicate that there are times when horses may require attendance or attention during the night, however it does not indicate that unexpected incidences that cannot be planned for are frequent, with such incidences not being daily, or even weekly, occurrences.
74. The applicant makes reference to three appeal decisions relating to the erection of an equestrian workers dwelling where an Inspector considered that there was a functional need for a person to live on site that could not be met by the installation of CCTV cameras. However, it is noted that these decisions were made in 2008, 2009, and 2012 and it is considered that a greater range of cameras with features such as those discussed above are now available. When combined with the merits of this case in terms of the extent of the foaling operation occurring on site and the infrequent incidences requiring human intervention recorded by the applicant, it is considered that the installation of remote monitoring systems could adequately safeguard the welfare of horses on the site to enable potential emergency situations to be detected and responded to. Therefore, it is considered that a 24-hour presence on site is not required for the effective functioning of the enterprise.
75. The applicant has explained that once foaling has taken place they initially remain with the mare and new foal to ensure it is feeding correctly and regularly with no problems, as mare miniature horses tend not to have the same mothering instincts after foaling resulting in human intervention being required. Where feeding is a problem foals are hand fed by bottle several times a day. During the most recent foaling season, the applicant states that up to ten foals had to be hand fed every two hours day and night for the first few weeks of life due to rejection by their mother. Whilst more convenient to live on site to carry out this activity, there does not appear to be any reason that this activity could not to an extent be planned for if living nearby, as following the identification of a feeding problem it would be an anticipated regular task to be carried out for a limited temporary period of time.
76. Excluding those relating to foaling, the Details of Emergency table at Paragraph 5.15 in the Justification Statement records the following incidences that

occurred between October 2019 to June 2023: two incidences of a horse becoming cast; one incidence of a horse suffering from colic; and no incidences of horses panicking during thunderstorms, fires, or from cuts and kicks. Four incidences of a horse being injured were recorded which comprised occasions where a stallion got his leg caught in a hay net, a foal got trapped in a water trough, and horses were spooked and got caught in the post and wire fencing along the site boundary. There are no records provided of a vet being called to the site in response to these incidences.

77. Generally, arguments relating to a need for a worker to be on hand to protect and care for valuable animals which may be highly-strung and prone to injury or sickness do not justify on-site attention 24-hours a day through the provision of a rural workers dwelling. In this case, it is not clear at what time of day these incidents occurred and even if not permanently living on site the applicant would be expected to be present at the site for the majority of the day to observe and care for the horses, at least in compliance with the BHS's recommendation to check horses at least twice a day to ensure their welfare.
78. Over a near three year period, the incidences recorded in the Details of Emergency table demonstrates that the occurrence of such incidences is relatively low, at a rate just under one every seven months. Therefore, a permanent dwelling is not considered essential to ensure satisfactory levels of welfare for the animals at the application site, or that on-site attention 24-hours a day is required to ensure the welfare of the horses and enable the effective functioning of the enterprise through the avoidance of stock loss.
79. In response, the applicant contends that their 24-hour on-site presence and constant supervision significantly lowers the likelihood of such emergencies occurring through early intervention, hence the low level of such incidences arising. However, there is nothing within the information submitted with the application to suggest that these incidents have been prevented by the applicant's presence in the static caravan and if the applicant was not living on site this would not be anticipated to lead to a higher number of incidences of horses becoming cast or suffering from illnesses such as colic. Overall, the risks to the business of a horse becoming injured cannot be fully mitigated by an on-site presence.
80. In addition, it is considered that remote monitoring systems with audio could be installed to allow animals to be checked upon outside of social hours. This would allow the applicant to observe and become aware of horses showing signs of injury or distress. The applicant would be able to check up on livestock using a remote monitoring system just as frequently as could be achieved on site, with many such systems including audio which could notify them of emergencies such as animals in distress. Whilst such systems would be unlikely to effectively cover the entire field, they would be more effective within the stable building and are considered to provide a comparable level of animal welfare to that which is currently provided from the caravan on site, with it noted that the far end of the site is 270m away from the static caravan and considered that the applicant cannot reasonably expect to hear all instances of animals in distress even if living on site, for example when asleep.
81. The applicant also raises concerns over the cost of installing and maintaining any CCTV and alarm system, as well as shortcomings in picking up the

presence of Chinese lanterns, hot air balloons, fires, and foxes. No information regarding such costs has been provided, and in any event are considered to be less than those involved in the construction of a new dwelling. The Details of Emergency table provided by the applicant is a log of incidents on which the applicant has needed to respond to in order to ensure the welfare of the horses and this makes no reference to incidences involving Chinese lanterns, hot air balloons, fires, or wild animals.

82. In terms of security, the applicant contends that a 24-hour on-site presence is required in order to safeguard the site from theft. The submitted Justification Statement states that prior to the temporary dwelling being sited at High Green Farm in 2019 and the applicants living on site, the farm suffered from incidences of crime at a rate of one incidence per year. Crimes are stated to have varied from theft of equipment to livestock being worried and killed by dogs. This relates to the death of four lambs. However, it should be noted that the nature of the enterprise has changed from 2019 as the applicant no longer keeps cattle, sheep or poultry.
83. The applicant states that the National Farmers Union have noticed a sharp increase in rural crime in recent years and that miniature horses are extremely valuable and could well be considered an easy target for criminal gangs due to their size. The applicant also states that whilst living on site there have been no instances of trespass or crime. Whilst it is accepted that the applicant living on site would help to deter potential criminals, it is considered that there are alternative means that could achieve a similar level of deterrence and security, so a 24-hour on-site presence is not required to avoid stock loss and to allow the effective functioning of the enterprise.
84. The site is bounded by post and wire fencing to all three sides, with a short section of roadside hedgerow present on the outside of this for a stretch of approximately 240m along the eastern perimeter. The Auckland Way Railway Path spans the western boundary, also bounded by post and wire fencing. It is considered that the security of the site could be improved through the planting of additional hedgerows along the inside of the site perimeter and/or the installation of new boundary fencing up to a height of 1m under permitted development. In addition, there is limited evidence to demonstrate that the horses and equipment on site could not be adequately protected using security systems such as alarms and CCTV, and that the installation of such appropriate technology could improve security at the site. It does not appear that installation of technology such as CCTV and warning alarms has been seriously considered by the applicant but this is considered to provide a reasonable deterrent.
85. The applicant suggests that CCTV and warning alarms are not practical solutions as they would require 24-hour surveillance, could be disabled by professional thieves, and would not offer a reasonable deterrent to vandalism of theft. However, it is considered that the installation of an appropriate security system incorporating CCTV and alarms would deter people from trying to access the site in the first place, as well as notifying the applicant of unauthorised persons attempting to access the site and any buildings. This is considered to adequately safeguard against thieves without requiring the applicant to personally survey the site for 24-hours a day.

86. It should be noted that there are several relevant appeal decisions where the issue of security has been considered. An Inspector reached a similar view to the above when considering appeal decision APP/X1355/W/18/3218968 relating to a rural workers dwelling in connection with an equestrian business which included foaling in Stanley. Similarly, when dismissing appeal decision APP/X1355/W/19/3243270, relating to the siting of a static caravan as a rural worker's dwelling in relation to a livery business in Easington, an Inspector considered that whilst CCTV cannot physically prevent the taking or harming of horses, or prevent vandalism to the site, it would have some deterrent effect. When dismissing appeal APP/X1355/W/22/3313275 relating to a permanent rural workers dwelling in Ramshaw, the Inspector accepted that living at the site would be more convenient for the appellant but did not find that the incidence or risk of crime or trespass was so great that a constant presence was required, concluding that there was not an essential need for a permanent presence at the site in order for the enterprise to function effectively.
87. Furthermore, whilst occupying a countryside location, Clergy House and Binchester Old School lie approximately 60m and 130m to the west of the site of the proposed dwelling, with Old Park Lodge Farm 125m to the north. These properties would provide some informal surveillance of the site which may help to deter potential criminals. The applicant suggests that the residents of these properties would be unable to tell whether visitors to the site were genuine or not and may not wish to involve themselves in ringing the police should they see any untoward activities taking place. However, it is considered that the presence of these properties alone would provide a level of deterrence which when taking into account the potential to install an appropriate security system does not require a 24-hour on-site presence to enable the effective functioning of the enterprise.
88. Overall, instances of crime occurring on the site have been relatively low in the past and it is considered that the site could be further safeguarded against this through the installation of additional security measures. These security upgrades are considered capable of deterring crime without the applicant needing to live permanently at the site.
89. Whilst it is acknowledged that planning permission was granted (under application DM/19/01236/FPA) to allow the siting of a temporary static caravan on the site to be lived in by the applicant to run the enterprise, the number of incidences anticipated at that time to require human intervention have not been as numerous as expected, as demonstrated by the relatively low frequency of such incidences recorded in the Details of Emergency table. In addition, at the time of the granting of that permission, the applicant also kept cattle and sheep on the site which is no longer the case. It should also be noted that application DM/19/01236/FPA was approved prior to the adoption of the CDP, although the national policies in place at that time remain similar to those currently in place.
90. Overall, it is considered that there is not a functional need for a 24-hour on-site presence and so the application is contrary to criterion a) of CDP Policy 12.

### Financial Soundness

91. Criterion b) requires the rural business activity to have been established for at least three years and be currently financially sound as verified by a qualified accountant, with a clear prospect of remaining so.
92. The application is supported by financial accounts for the years ending May 2020, 2021, and 2022. The accounts show an upward trend in profit since the business was established, with net profits of £17,239 in 2020, £32,529 in 2021, and £70,548 in 2022. This indicates that the business would be capable of paying the applicant the national minimum wage of £20,048 per worker (from April 2023).
93. The value of the current foundation stock purchased by the applicant in 2019 is stated to have totalled £33,100, comprising 1 stallion and 11 mares, but this is not included within the expenses for the year ending May 2020, the first year of the operation of the miniature horse enterprise. Nevertheless, when accounting for this the enterprise could still be profitable whilst paying the applicant the national minimum wage.
94. The applicant states the enterprise requires the equivalent work of three full time labourers according to the Equine Business Guide, despite the applicant being the only person paid in connection to work carried out at the enterprise. It is questionable for how long the applicant would be able to carry out the work of three people and if additional workers were to be hired on a part time basis in the future as the applicant suggests, this would affect the profitability of the enterprise.
95. Nevertheless, the enterprise has been established for more than three years and is currently financially sound, according with criterion b) of CDP Policy 12.

#### Scale of the Dwelling

96. Criterion d) requires the scale of the dwelling to be commensurate with the established functional requirement of the enterprise.
97. The proposed dwelling would have a footprint of approximately 133m<sup>2</sup>, featuring an open plan kitchen dining room, lounge, utility room and office on the ground floor, with three bedrooms within the roof space. Whilst larger than the static caravan it would replace, a dwelling of this size is considered to be commensurate with the established functional requirement of the enterprise, according with criterion d) of CDP Policy 12.

#### Alternative Accommodation

98. Criterion e) is only permissible towards the erection of a rural workers dwelling where the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.
99. It is accepted that none of the existing buildings on the site are suitable for use as part time accommodation. One of the buildings is used for storage of animal feed and machinery and the other is used as stables for the horses.



100. However, it is noted that the applicant previously owned the dwelling 52 High Street in Byers Green which they sold in 2021 and is located approximately 1.8km away from the application site, around a two minute drive. It is considered that the proximity of this dwelling to the site would have allowed the applicant to promptly respond to emergencies occurring on the site as they become aware of them through remote monitoring systems installed at the application site. In addition, it is noted that according to Rightmove, as of the 29th of February 2024 there is one three bed property for sale in Byers Green at Greenhills, approximately 2.2km away, and 15 three bed properties for sale in Middlestone Moor, 2.3km away or around a three minute drive (many of which comprise those located on the Middlestone Meadows site to the north of Durham Road where the construction of 300 dwellings is well underway).
101. The applicant contends that having to get dressed and drive to the site would delay immediate action which could lead to fatalities. However, the applicant would need to get dressed even if living on site and the two to three minute travel time to the application site is considered unlikely to prevent a sufficiently timed response to an emergency. The foaling period is stated to occur between April to December and the applicant also raised concerns over adverse weather conditions potentially delaying any journey to the application site. Whilst it is accepted that this would be beyond the applicant's control, given the short distance away from the site and that Church Street is a main bus route for the no.111 to Spennymoor and no.104 to Bishop Auckland and therefore a priority route for the Council to grit to prevent ice forming on the road surface, this is considered to be unlikely to materially impact upon travel times to the site.
102. The applicant also contends that regular attendance from an off-site location is likely to cause noise and light nuisance to nearby residents from car engines and headlights at unsociable hours. In this regard, the driving of a vehicle to and from the application site during the night is not considered to represent an adverse impact on the living conditions of nearby residents, particularly given the infrequency of these occasions as set out by the Details of Emergency table which records a log of incidences responded to by the applicant.
103. Overall, it is considered that the functional need could have been fulfilled by 52 High Street had it not been sold by the applicant in 2021, with alternative three bed properties nearby currently on the market, and so the application is contrary to criterion e) of CDP Policy 12.

#### Impact on the Character and Appearance of the Area

104. Criterion c) of CDP Policy 12 is permissible towards rural workers dwellings where they would not be harmful to the rural landscape and character of the area and are physically well related to the activities required.
105. 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.
106. CDP Policy 44 states that when determining application particular regard will be given to the sustainable management of the landscape of Registered Parks and Gardens, and their features and setting. A balanced judgement will be

applied where development impacts upon the significance and setting of non-designated heritage assets.

107. Parts 12 and 15 of the NPPF also seek to promote good design, while contributing to and enhancing the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site. Specifically, NPPF Paragraph 135 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
108. The site lies within 80m to the south of an Area of High Landscape Value, and within Old Park, Spennymoor which is included on the Local List of Historic Parks, Gardens and Designed Landscapes and is considered to be a non-designated historic asset (NDHA).
109. The site is primarily seen from the unclassified road to the north east, Long Lane to the south west, and the Auckland Way Railway Path which runs along the western boundary of the site. The dwelling is proposed to be sited to the west of the existing buildings where it would be seen in the context of existing built form with a backdrop of existing residential properties and mature trees which would help anchor the proposal into the landscape, with the dwelling being both visually and functionally related to the associated grouping of agricultural / equestrian buildings.
110. Whilst dormer bungalows are not considered to be characteristic of rural dwellings and the dwelling itself is of little aesthetic merit in its own right, it would sit at a similar height to the adjacent agricultural buildings and be viewed within the context of this grouping and adjacent dwellings. Therefore, whilst the proposed dwelling would not make a particularly positive contribution to the area's character due to its lack of any particular architectural merit or reference to the heritage of the area, on balance it is not considered to harm the character or appearance of the rural landscape or the Old Park given its small scale and position well related to existing built form, in accordance with CDP Policies 12 c) and 44.
111. If the application were to be approved, conditions could be imposed to secure further details of external materials and a landscaping scheme to include the planting of a native hedgerow to the west side of the dwelling.

#### Highway Safety

112. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. In addition, CDP Policy 10 q) is not permissible towards development that would be prejudicial to highway safety.

113. 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.
114. The site is served by an existing vehicular access, which is capable of accommodating the existing equestrian use and the proposed dwelling. No significant increase in vehicle traffic is expected as a result of the proposed dwelling and the existing gravel hard standing would provide adequate space for the turning and parking of vehicles. The Highways Officer raises no objections to the application.
115. Overall, the proposed development would not adversely affect highway safety, according with CDP Policies 10 q) and 21, as well as Part 9 of the NPPF.

#### Residential Amenity

116. 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. In addition, CDP Policy 10 r) is not permissible towards development that would adversely affect residential or general amenity.
117. 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.
118. The application seeks consent to replace a static caravan with a permanent dwelling. Due to its distance away, the proposed dwelling would not adversely affect the amenity of the occupants of the closest dwellings to the site in the form of Clergy House, Binchester Old School, or Old Park Lodge Farm, either in terms of loss of privacy, visual dominance or overshadowing. If the application were to be approved, a condition could be imposed to restrict construction working hours to safeguard the amenity of nearby residents during the construction phase.
119. Overall, the proposed development would not adversely affect the amenity of neighbouring residents, according with, CDP Policies 10 r) and 31, as well as Parts 12 and 15 of the NPPF.

#### Ecology

120. 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. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. CDP Policy 43 relates to protected species and nationally and locally

protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

121. The application site lies approximately 660m to the north east of Bellburn Wood Local Wildlife Site. The application is supported by a Preliminary Ecological Appraisal which identifies the presence of four ponds within 500m of the site, with the closest being located within a garden area approximately 30m from the southern boundary of site.
122. The County Ecologist has indicated their satisfaction with this Appraisal, advising that due to the presence of koi carp, and subsequent lack of emergent vegetation, the isolated nature of the pond, and the lack of known records of the species within the locality, that the risk of impact on Great Crested Newts is likely to be negligible. This is provided that a detailed method statement is secured via a suitably worded pre-commencement condition as recommended within the Appraisal. If the application were to be approved a condition would also be required to secure details of the locations of the two integrated bat boxes and bird boxes recommended in the Appraisal prior to the first occupation of the dwelling.
123. Overall, subject to these conditions, the proposed development would not adversely affect any protected species or their habitats and would deliver a biodiversity net gain, according with CDP Policies 41 and 43, as well as Part 15 of the NPPF.

#### Ground Conditions

124. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 189 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
125. The site falls within the defined Development High Risk Area and so the application is supported by a Coal Mining Risk Assessment. The report considers that whilst shallow coal mining may be present beneath the site, there is sufficient competent rock cover present and concludes that the risk from historic coal mining activity at the site is very low, with no intrusive site investigations or remedial / mitigation measures required to ensure safe and stable development. The Coal Authority has indicated their satisfaction with this report and on this basis raise no objections to the application.
126. Accordingly, the proposed development is not expected to adversely affect the stability of surrounding land, according with to CDP Policy 32 and NPPF Paragraphs 189.

#### Carbon Emissions

127. Criterion c) of CDP 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.

128. Criterion d) of CDP 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.
129. In addition, 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 (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).
130. The application is not supported by any details regarding how the development would minimise greenhouse gas emissions, however in this instance it is considered that these could be secured via a suitably worded condition if the application were to be approved.
131. Given the above, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

#### Other Matters

132. CDP Policies 35 and 36 relate to flood water management and infrastructure. Surface water run-off must be managed at source wherever possible and disposed of in accordance with the hierarchy of preference: to an infiltration or soak away system; to a watercourse; to a surface water sewer; lastly to a combined sewer. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. The site is not located within a flood zone or an area identified as being at high risk of surface water flooding. The applicant proposes to dispose of foul water to a Klargestær septic tank that was approved and installed as part of permission DM/19/01236/FPA, which is considered to be acceptable in this instance. Therefore, the application accords with the aims of CDP Policies 35 and 36.
133. 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 dwellings will be served by a high speed broadband connection have been submitted with the application, but it is considered that these details could be secured via a suitably worded condition if the application were to be approved.

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## **CONCLUSION**

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134. 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.

135. The application seeks full planning permission for the erection of a detached dwelling, to serve the current operations on the site. Whilst the dwelling would add to the urbanisation of the site and its design is not characteristic of rural dwellings in the locality, it is considered that on balance any harm would not result in policy conflict given the nature of the site and surrounding built form. Subject to conditions, the proposed development is considered to be acceptable in terms of its impact on the Character and Appearance of the Area, Highway Safety, Residential Amenity, Ecology, Ground Conditions, Carbon Emissions, and Other Matters, and in accordance with Policies 21, 29, 31, 32, 35, 36, 39, 41, 43, and 44 of the CDP, and Parts 6, 8, 9, 12, 14, 15, and 16 of the NPPF in this respect.
136. However, it is considered that a permanent 24-hour on-site presence is not required to ensure the welfare of the horses, respond to emergencies, or safeguard against crime. Most of the required care for the horses is capable of being provided around social hours, with there being the potential to install remote monitoring systems including cameras and alarms to enable the applicant to become aware of and respond to emergencies occurring overnight. The information submitted with the application indicates that there have been a low number of emergencies requiring a response from the applicant since the enterprise began operating in 2019. Whilst there are times when horses may require attendance or attention during the night, the information submitted with the application does not indicate that unexpected overnight incidences that cannot be planned for are frequent occurrences. The hand feeding of foals at regular intervals is an activity that, once identified as necessary, could be planned for and carried out even if not living on site. Instances of crime occurring on the site have been relatively low in the past and it is considered that the site could be further safeguarded against through the installation of additional security measures.
137. Therefore, it is concluded that the proposed dwelling would represent isolated residential development in an unsustainable rural location without meeting the functional test set out by CDP Policy 12. It is also concluded that any functional need could be met by existing dwellings in close proximity to the site, including those at Byers Green and Middlestone Moor which are within a three minute drive away. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for refusal.

#### Public Sector Equality Duty

138. 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.

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

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## **RECOMMENDATION**

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

1. The proposed development would represent residential development in an unsustainable location within the open countryside without meeting the relevant functional test to satisfy the policy requirements of such a development in this location. It is also concluded that any functional need could be met by existing dwellings in close proximity to the site. The development is therefore contrary to Policies 10 and 12 of the County Durham Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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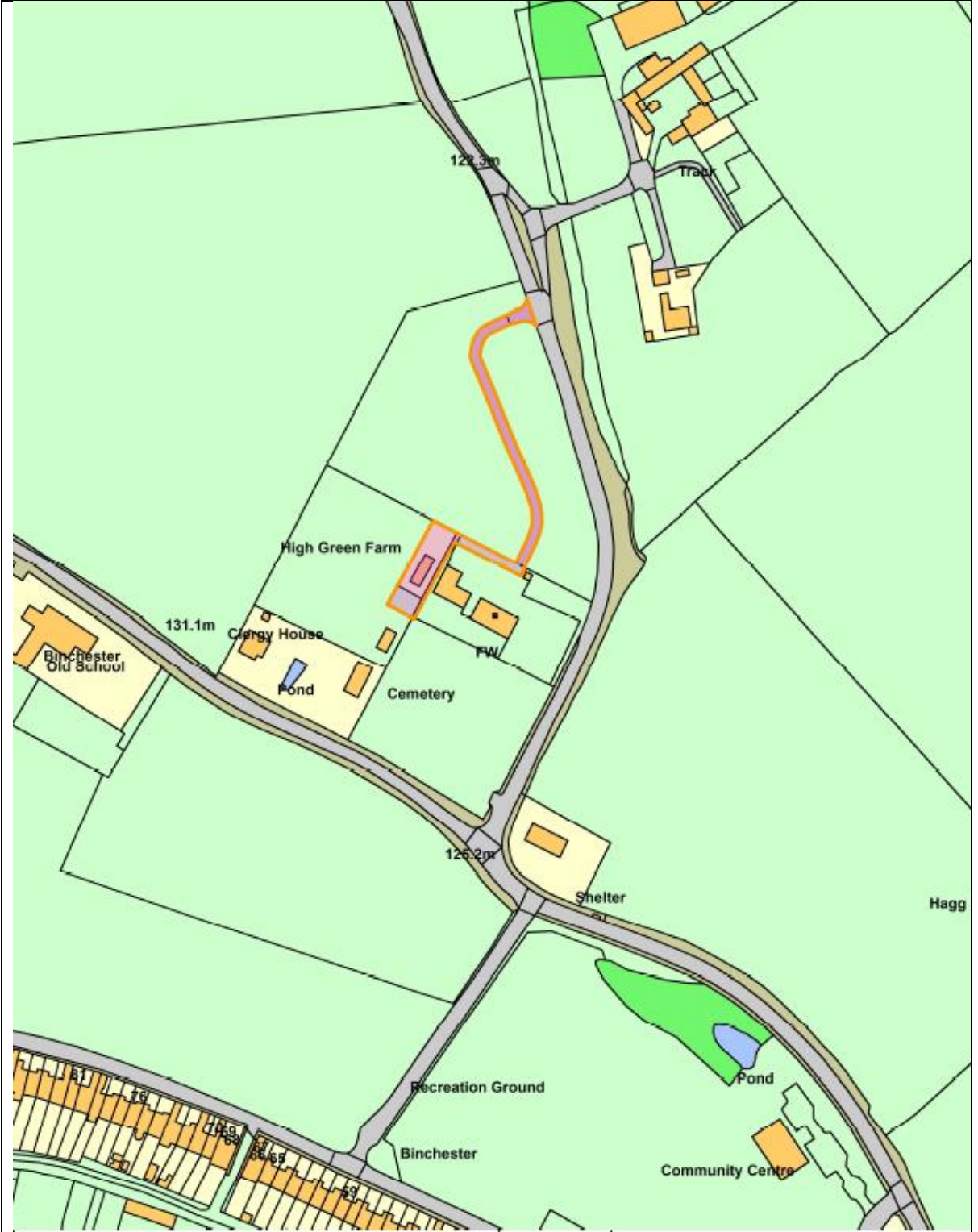
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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



<p><b>Planning Services</b></p>	<p>Resubmission of DM/22/03077/FPA for the erection of one permanent rural equine workers dwelling</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 <a href="#">20052024</a></p>	<p>Comments</p>	
	<p>Date: 12<sup>th</sup> of March 2024</p>	