

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/02403/FPA
Full Application Description:	Erection of 2no. residential dwellings and associated works
Name of Applicant:	Mr Simon Carson
Address:	Land North of Hill Top Cottage, Eggleston, DL12 0AU
Electoral Division:	Barnard Castle West
Case Officer:	Gemma Heron (Senior Planning Officer) Tel: 03000 263 944 Email: gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located to the northwest of the village of Eggleston in an area known as Hill Top, in Upper Teesdale. The site relates to a rectangular parcel of agricultural land measuring approximately 0.16 hectares, sat within a larger agricultural field. A dry-stone boundary wall is located along the north-eastern boundary of the site, adjacent the B6278 / Roman Road. The wider site boundaries predominantly consist of dry-stone walls and post and rail fencing. The residential property of 'Cloud High' lies beyond the north-western site boundary, beyond the south-eastern boundary of the site lies the property of 'Hill Top Cottage'. The Moorcock Inn lies to the east of the site across the highway. The application site itself is level, but the level of the wider field falls away sharply to the southeast.
2. In terms of planning constraints, the site lies immediately adjacent to the boundary of North Pennines Natural Landscape (previously Area of Outstanding Natural Beauty). The site itself located within a designated Area of Higher Landscape Value (AHLV) with Public Rights of Way approximately 100 metres to the north (Footpath no.14), approximately 175 metres to the southwest (Footpath no.15) and approximately 70 metres to the southeast (Footpath no.38). The site also lies within the Teesmouth and Cleveland Nutrient Neutrality constraint Area.

The Proposal

3. Full planning permission is sought for the erection of 2no. detached dwellings on the site. The dwellings would be constructed from random rubble stone under a slate roof with timber windows and doors.
4. Each dwelling would measure approximately 16 metres by 14.5 metres, standing to 8 metres to the highest ridge and 5 metres to the highest eaves point. Living accommodation would be provided across two levels with a total of 4 no. bedrooms. Each of the dwellings would have their own access from the B6278 with parking provision to the front of the properties.
5. The dwellings would provide four bedrooms each and would be compliant with the Nationally Described Space Standards (NDSS) which requires a 4-bedroom 8 person dwelling to have a 124m² gross internal floor area. House Type 1 would be 191.3m² and House Type 2 would be 167.2m². The dwellings would therefore comply with NDSS.
6. The application is being reported to Planning Committee upon the request of Councillor Savory to allow assess the landscape harm, design and location of the development given the changed scheme.

PLANNING HISTORY

7. DM/22/01836/FPA – Construction of 2no. dwellings. Refused by members of the South West Planning Committee on 20th April 2023 for the following reasons:
 1. *The application site is located within the countryside away from any established settlement and does not comply with any exceptions set out in Policy 10 of the County Durham Plan for development on such a location and is not permitted by any specific policy in the County Durham Plan. In addition, the site is in unsustainable location with a reliance upon private motor vehicles to access services and facilities. The development is therefore considered to conflict with Policies 6, 10 and 21 of the County Durham Plan and Parts 5 and 9 of the National Planning Policy Framework.*
 2. *The development is considered to represent poor design that does not relate well to the local vernacular of the surrounding area in terms of its scale, mass and appearance resulting in the loss of a site which positively contributes to the character of the local area and wider landscape. The development does not conserve or enhance the special qualities of the Area of Higher Landscape Value and is considered contrary to Policies 6, 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

PLANNING POLICY

National Policy

8. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the

role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

9. *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.
10. *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.
11. *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.
12. *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.
13. *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.
14. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in

greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

17. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; 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; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Local Plan Policy:

The County Durham Plan (CDP)

19. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
20. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
21. *Policy 10 (Development in the Countryside)* states the development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing

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

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of a design and scale suitable for intended use and well related to existing settlement.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes; changes of use of existing buildings, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

22. *Policy 14 – Best and Most Versatile Agricultural Land* – Seeks to ensure that development of best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the developing outweigh the harm.
23. *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.
24. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
25. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
26. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
27. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable,

including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

28. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
29. *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.
30. *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.
31. *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.
32. *Policy 38 (North Pennines Area of Outstanding Natural Beauty)* states that the North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Major developments will only be permitted in the AONB in exceptional circumstances and where it can be demonstrated to be in the public interest, in accordance with national policy. Any other 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 Moorland Tracks and Access Roads Planning Guidance Note as material considerations.

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 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.
35. *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.
36. *Policy 42 (Internally Designated Sites)* states that development that has the potential to have an effect on internationally designated sites, either individually or cumulatively with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely, and, if so, will be subject to an Appropriate Assessment.
37. *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.
38. Residential Amenity Standards SPD (January 2023).

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

Neighbourhood Plan:

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

Supplementary Planning Documents:

40. Parking and Accessibility Supplementary Planning Document (October 2023)

41. Residential Amenity Standards Supplementary Planning Document (January 2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

42. *Eggleston Parish Council* – Object to the application on grounds of the land has had sheep grazing during recent summer periods; the land has been fallowed for less than four years; the land has been used for haymaking which is a vital agricultural product in the area. The development is outside of the planning outline of the village and does not follow the rainbow development of the area; there is no information on whether the development will be used as holiday lets or second homes and there is concern that the development will interfere with medieval terracing within the area.
43. *Highways Authority* – No objection subject to a S184 Agreement with the Highways Authority for the provision of two access.

Non-Statutory Responses:

44. *Spatial Policy* – Advise that the area of Hill Top forms a sporadic hamlet set within the open countryside. It is noted that Hill Top is not recognised as a settlement within its own right within the Settlement Study and it is physically separated from Eggleston settlement. Due to the location of the application site being of an open and rural nature, the proposal should be assessed against Policy 10 of the CDP. Policy 10 states that development in the countryside will not be permitted unless allowed by specific policies in the Plan. There has been no information submitted to satisfy any of the exceptions within Policy 10.
45. *Ecology* – Advise that the development would need to mitigate for 2.33kg TN/year nitrates in relation to Nutrient Neutrality and the applicant would need to purchase Nutrient Neutrality credits to mitigate for this amount.

The proposal shows a biodiversity net gain through the enhancement of the existing grassland on the application site.

46. *Natural England* – Advise that additional information is required to determine impacts on designated sites and request than an updated appropriate assessment, nutrient budget calculator and further consideration of the mitigation strategy for nutrient neutrality is required.
47. *Landscape Section* – Advise that the site is located in the open countryside and lies within an Area of Higher Landscape Value (AHLV). The North Pennines AONB lies directly to the north. The surrounding landscape at Hill Top is characterised by scattered pattern of development with small clusters or string of wayside dwellings of single or small terraced houses, in the most part, distinctive local vernacular and of modest scale, with development separated by agricultural fields which gives the area a strong sense of both visual unity and cultural continuity.

The loss of the open land would cause harm to the character, quality or distinctiveness of the local landscape and to important views to some degree. It is considered that the effects of development to be significant at the local level. In respect of the Area of Higher Landscape Value (AHLV), its special qualities relate to primarily its representativeness and condition interests on account of the individual elements and overall landscape structure being generally intact and in good condition and therefore its high scenic qualities. The proposals would not conserve or enhance these special qualities. It is unlikely that this harm could be reduced through design changes or additional mitigation.

48. *Design and Conservation* – Advised through the Informal Officer Design Drop-In that the site has been historically undeveloped from the 1st Edition OS c.1856 to the present day, has landscape and amenity value, is an important large gap between the buildings in the north and south that provided important views out to the surrounding open countryside. This visually connects the buildings to the landscape, and the site seems very important to the rural character.
49. In design terms, the development has moved forward positively compared to the previous scheme. The size/scale of the dwellings has been reduced and the built form in their surroundings is mixed in position, style, size/scale, some abut the road, some have gables, while others are set back where there is more separation with front gardens. The new proposals are more appropriate in scale, mass and by way of the simpler, more robust design approach. The main issue with the design is the parking and hard standing dominating the frontage, this would be out of character (more urban rather than rural) with in-plot parking generally provided to the side or rears, with fronts, where there is space, taken up by gardens.
50. *Environmental Health Nuisance* – Advise that the proposal is likely to comply with the thresholds set out within the TANS. This would indicate that the development would not lead to an adverse impact. Noise from the road may give rise to concern and recommend a condition in relation to noise levels is imposed.
51. *Environmental Health Contamination* – No adverse comments to make and no requirement for a contaminated land condition.
52. *Archaeology* – No objection.

Public Responses:

53. The application has been advertised by way individual notification letters being sent to 27 neighbouring properties.
54. Four letters of objection have been received with the following concerns summarised below:
 - Impact upon the daylight, sunlight and views of the landscape from the Moorcock Inn which would reduce the visitor appeal of the public house.
 - The previous application was refused as it did not comply with Policy 6 of the CDP and this proposal challenges this based on a new property gaining planning permission in 2013 (Jacobs Lodge). However, this was

on the site of a derelict building, was considered to be an infill plot and was assessed under the Teesdale District Council policies.

- The application does not comply with Policy 6 of the County Durham Plan as it would effectively be ribbon development as it is along a road leading out of the settlement; it results in the loss of open land that contributes to the character of the locality which cannot be mitigated or compensated for; there is a very limited bus service and there are no local amenities like schools and shops. The Post Office and The Three Tuns in Eggleston have both closed.
- The proposal will fail to meet Policy 10 as it will give rise to unacceptable harm to the beauty and tranquillity of the countryside; will contribute to ribbon development; will impact important vistas; it will not exploit any opportunities to make the location more sustainable and will impact upon residential and general amenity.
- The proposal neither protects the countryside, nor helps the rural economy. It is likely to damage agriculture (loss of the grazing land) and tourism (The Moorcock Inn).
- The proposal does not meet the requirements of Policies 38 and Policy 39 in regard to the impact upon the Area of Higher Landscape Value and Area of Outstanding Natural Beauty.
- There appears to be little material change compared to the previous application to justify this application receiving approval.
- The application is a misrepresentation of the term 'infill' as the site is sited in the middle of a viable agricultural field and would be surrounded by productive agricultural land.
- Concerns relating to the sustainability of the site. The previous application was refused due to anticipated reliance on motor vehicles, and this is still the case. The applicant references two bus services in their supporting information. However, Service 73 provides only two buses per week, on Wednesdays, travelling to and from Barnard Castle and this service does not have a bus stop adjacent to the proposed dwellings. The nearest bus stop is sited several hundred yards away along a dangerous road with no pavement. Service 95/96 is extremely limited to Barnard Castle with the bus stop being located approximately half a mile away.
- Hill Top and Eggleston have minimal facilities and services with no doctor, no pharmacy, no shops, no school and no nursery.
- This proposal encroaches closer to Cloud High and away from Hill Top Cottage with four windows directly facing Cloud High with direct line of sight into the kitchen and living room of Cloud High. Should planning permission be granted, such side facing windows should be obscurely glazed.

- Residents would like assurance that the remaining agricultural field will be protected from further urbanisation.
- There are other sites that are designated for residential development and so the change of use from grazing land to residential is not necessary.
- Grazing land in Teesdale is a core element of the area with biodiversity and ecological value and changing this would intrinsically alter the character of the area.
- Concerns regarding the design of the dwellings.
- Concerns regarding the loss of agricultural land.
- Two additional dwellings would make a minimal contribution to housing supply.

Applicants Statement:

55. A previous application was ultimately refused by Council Members for two no. dwellings on this site at a Planning Committee meeting on 20th April 2023. Since then, the applicant has employed a new architect in order to focus much more on the design, bearing in mind the comments made on this matter by Members.
56. The application has been well supported by a range of documents, including new, additional planning requirements to address Nutrient Neutral and Biodiversity Net Gain, with a Landscape Appraisal, Landscape Drawings, a Design and Access Statement and a more comprehensive Planning Statement.
57. Whilst noting the detailed comments made in the Officer Report about a range of issues, we duly took note of the Members comments and concerns about the previous design made at the last meeting, accepting that it probably did not best reflect local design, and the local architectural vernacular, like the dwelling at 'High Cloud' only 50 metres from the application site approved by the Council under reference 6/2013/0390/DM.
58. Therefore, the new designs have sought to focus, inter alia, on the following improvements:
- 1) The submitted scheme shows the provision of two no. detached dwellings sited on this infill plot each with a drive and integral garages, driveways and domestic gardens.
 - 2) The proposed dwellings are both storeys in height and are set back from the roadside in line with existing residential properties in close proximity. Pedestrian and vehicle access is from B6278 to the north.
 - 3) The properties will not extend back from the existing building line of existing properties, with the remainder of the site remaining unchanged to the south side of the development, except improvements for Biodiversity Net gain and Nutrient Neutral.

- 4) The design of the proposed houses has been informed by those of the village with the gable of offshoots presenting to the road and the dwelling eave lines also facing the highway. The massing has been used to step down from two storey to single storey adjacent to the existing dwellings to the north west and south east to minimise the impact on neighbouring properties and accentuate the vista between the dwellings. This will also maintain the vista from the public house opposite.
- 5) The houses incorporate open plan living and dining accommodation, with separate utility rooms and space for a ground floor shower room. This will allow an opportunity to develop the future potential of ground floor bedroom accommodation for reasons such as ill health, old age or other changes in domestic circumstances. On the upper floor are 4 bedrooms and bathroom accommodation.
- 6) The houses will conform to the requirements of the Disability Discrimination Act and current Building Regulations to ensure that the development is accessible for all (M4(2)). It also conforms with Future Homes Standards due to come into effect in 2025, with a 'fabric first' approach, with increased levels of thermal insulation and increased air tightness incorporated to reduce the heating requirement. Additionally, air source heat pumps will be installed as standard as a low carbon, highly efficient, heat source giving a typical reduction in carbon emissions of 31%. Water saving measures will also be incorporated into dwellings, as well as cycle storage, sustainable drainage systems for water runoff and electric vehicle charging points.
- 7) The existing landscaping surrounding the site, including walls, fences, trees and hedges will be retained, with enhanced landscaping to help screen the development from the existing dwellings laid out along the rest of the settlement frontage whilst complementing both the site and the wider public realm. Further details are provided in the supplied Design and Access Statement (despite this not being a statutory validation requirement).

PLANNING CONSIDERATION AND ASSESSMENT

59. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development; locational sustainability; landscape and visual impact; scale and design; highway safety; ecology; nutrient neutrality; residential amenity; ground conditions; sustainable construction and other matters.

Background of the Proposal

60. Planning permission was recently refused for the erection of 2 dwellings (DM/22/01836/FPA) on the same application site as this application by South West Planning Committee in April 2023 as highlighted above.

61. In comparing the previously refused application and the current application under consideration, the application site is the same with the key changes relating to the design of the dwellings. The current application presents two dwellings of a reduced scale and size, resulting in a reduction in the mass of each proposed. It also introduces two attached double garages, one for each dwelling being set back from the roadside with a driveway for each. Therefore, the design of the development is the key difference between the previously refused and the current planning application for consideration, the application is still however required to be assessed in its entirety.

Principle of Development

62. 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 Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
63. 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.
64. The application site relates to an undeveloped parcel of land between two residential properties known as 'Cloud High' and 'Hill Top Cottage' within the Hill Top area located to the northwest of Eggleston. The area of Hill Top is not identified in the County Durham Settlement Study as a settlement, as the area is considered to form a sporadic hamlet within the open countryside. The application site is divorced from the identified settlement of Eggleston, being sited over 650 metres in distance from the main hub of Eggleston. The character and nature of the application site is open and rural in nature, marked by stone walls for the boundaries and appearing to be a purposeful gap in between the two residential properties and wider sporadic developments. Therefore, the application site is located within the countryside.
65. Policy 10 of the CDP sets out that that development in the countryside will not be permitted unless it relates to exceptions linked to economic development infrastructure development or the re-development of existing buildings or specifically allowed by other policies in the Plan. The application does not comply with any of the specific development exceptions policies outlined in CDP Policy 10.
66. However, the applicant and the agent for the application argue that the proposal should be considered against Policy 6 of the County Durham Plan. Policy 6 seeks to support the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined

in a neighbourhood plan) but well-related to a settlement and where the proposal complies with all the criteria of CDP Policy 6 which includes:

- a. are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. do not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
 - e. would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, make as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, reflect priorities for urban regeneration.
67. In considering the first requirement of CDP Policy 6, the site is not located within 'a built-up area' which is defined as land contained within the main body of a settlement. As set out above, given the sporadic cluster of dwellings and development in the area of Hill Top is also not considered a settlement, and not identified as such in the County Durham Settlement Study 2018. Furthermore, it is considered that there is clear separation from Eggleston itself. The application therefore fails to comply with the first requirement of CDP Policy 6; as it is not within a built-up area and it also fails to comply with the second requirement of CDP Policy 6 as it is not well-related to a settlement by virtue of its location and characteristics.
68. The applicant has referred to numerous planning approvals within the surrounding area of Hilltop and Eggleston which in their view, present Hilltop as a '*subsidiary part of Eggleston, to which it is well related both geographically and functionally*'. However, the LPA fundamentally disagrees with this for the following reasons set out. The applicant refers to a number of planning applications, in particular, reference is made to planning application 6/2013/0390/DM which granted planning permission for 'Erection of a detached dwellinghouse and garage' at Land adjacent to Cloud High, Hill Top. This site

is located approximately 50 metres to the northwest of the current application site so is within proximity. However, this application was determined over ten years ago and was assessed against the now superseded policies of the Teesdale Local Plan. In reviewing the Officer's Delegated Report, the application site was considered to be within the open countryside but an infill plot which complied with the Teesdale Local Plan at the time. The Officer's report did recognise Hilltop to be '*a subsidiary hamlet to Eggleston, which lies to the southeast, and has facilities including a church, village hall (including a post office service) and public house.*' However, based on an up to date Settlement Study which was carried out as part of the County Durham Plan, Hilltop is not identified as a settlement. Since the approval of the 2013 application, the Council have adopted the County Durham Plan and applications need to be assessed against the up-to-date development plan. Therefore, there has been a significant planning policy change between the planning policies used to assess 6/2013/0390/DM and the current proposal.

69. To conclude, as the site is located within the open countryside and not well related to a settlement, in principle the proposal gains no support from Policy 6 and is also contrary to Policy 10 of the CDP. Although not strictly necessary in such circumstances, further consideration of the remaining criteria of CDP Policy 6 is given below.

Locational Sustainability of the Site

70. Criterion p of CDP Policy 10 sets out that development must not be solely reliant upon unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
71. Criterion f of CDP Policy 6 sets out that development must have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and level of service provision within that settlement.
72. CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. At paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 116 amongst its advice seeks to facilitate access to high quality public transport.
73. It is recognised that the NPPF at paragraph 83 sets out that development within one village may support services within a village nearby.
74. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. In assessing this, the cluster of sporadic residential properties at Hill Top is not identified as a settlement, unlike Eggleston which is identified within the settlement study.
75. In considering the services and facilities within the area, it is recognised that the Moorcock Inn is located in close proximity to the site, which could provide some amenities and services for future residents. However larger settlements

provide more the widely used services and amenities such as schools, doctors and employment opportunities.

76. In relation to access to public transport, the Chartered Institute of Highways and Transportation 'Proving for Journeys on Foot' document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of 400 metres falls within the 'desirable' range as set out within this document. In relation to this proposal, the nearest bus stop to the application site is over approximately 730 metres to the southeast of the application site within Eggleston itself. Therefore, the nearest bus stop would be outside of the 400 metres 'desirable' distance range and would not comply with the Chartered Institute of Highways and Transportation 'Proving for Journeys on Foot' document and would result in substantial walking along the footway of the partially lit B6278 where there is a substantial level change.
77. Whilst there is not a bus stop within Hill Top, it is recognised that a bus service passes the site extending up to Middleton-in-Teesdale and down to Barnard Castle. The applicant has submitted a timetable for Service 73, however, this service only runs on a Wednesday. The practice of sustainable transport options would therefore not be fulfilled with a sole reliance of journeys by means of private motorised vehicle.
78. In conclusion, the application site is within the open countryside with evidence from the County Durham Settlement Study failing to identify Hill Top as a settlement. In addition, there are limited services and facilities within 400 metres of the application site which will inevitably lead to reliance upon the private motorised vehicle. Whilst recognising the limited contribution that the proposed dwellings could make to sustaining services within Eggleston, the site is not considered to be in a sustainable location and fails to comply with Policies 6, 10 and 21 of the County Durham Plan. This policy conflict and harm is required to be considered in the planning balance below.

Landscaping and Visual Impact

79. CDP Policy 6 sets out that development must not result in the loss of open land that recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for.
80. CDP Policy 10 under the general design principles states that development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for;
81. CDP Policy 38 states that the North Pennines Area of Outstanding Natural Beauty (AONB) (renamed National Landscape) will be conserved and enhanced. In making decisions great weight will be given to conserving landscape and scenic beauty. Any other 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.
82. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or

distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.

83. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
84. The application site is within the Area of Higher Landscape Value with the North Pennines Natural Landscape (previously Area of Outstanding Natural Beauty) lying directly to the north.
85. The landscape at Hill Top is characterised by scattered pattern of development with small clusters or a string of wayside dwellings of single or small terraced houses, in the most part, of distinctive local vernacular and of a modest scale, with development separated by agricultural fields. The pastoral fields between the existing built form to the west of the B6278 and in particular the proposed application site makes an important contribution to the character of the Hill Top and provides framed, panoramic views out across the attractive countryside of Teesdale and into Lunedale towards Mickle Fell. The site has been historically undeveloped from the 1st Edition OS c.1856 to the present day, has landscape and amenity value, is an important large gap between the buildings in the north and south that provided important views out to the surrounding open countryside.
86. The Council's Landscape Team have been consulted on the application. They comment that the proposal would harm key views out of the hamlet affecting a number of sensitive recreational and road receptors, most notably, the users of the footpath along the B6287 that forms the northern boundary of the site, customers of the Moorcock Inn and travellers. Although there may be some diversity in the street scene, the location, scale and design of the properties is not reflective of the existing pattern of traditional residential development and they would be seen as an incongruous feature that would neither relate to nor reflect the local context within which they would be situated.
87. The proposal would cause harm to the character, quality and distinctiveness of the local landscape by the development of an historic parcel of open land that makes an important contribution to the character of the area. It is considered that the effects of the development would be significant at local level. In respect of the AHLV, its special qualities relate primarily to its representativeness and condition interests on account of individual elements and the overall landscape structure being generally intact and in good condition leading to its high scenic qualities. It is considered that the proposal would not conserve or enhance these special qualities, contrary to CDP Policy 39. It is unlikely this harm could be reduced through design changes or additional mitigation. The proposal would also cause harm to the intrinsic character, beauty and tranquillity of the countryside which would fail CDP Policy 10 (l) and would result in the loss of open space which contributes to the character of the locality which cannot be adequately mitigated or compensated for and therefore would fail CDP Policy 6 (c) in this regard.

88. Overall, it is considered that the proposal would conflict with Policies 6, 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the NPPF. This policy conflict and associated harm needs to be weighed in the planning balance.

Scale/Design

89. CDP Policy 6 requires development to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of, the settlement.
90. CDP Policy 10 under criterion o) requires new development in the countryside, by virtue of their siting, scale, design and operation to not impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for.
91. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, CDP Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
92. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
93. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 131 of the NPPF also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities.
94. The site is not located within a conservation area and contains no designated heritage assets, however as set out above, the site is located within and AHLV and also adjacent the boundaries of the North Pennines Natural Landscape.
95. The surrounding area is characterised by modest, rural vernacular style houses that are simplistic and traditional in their size, form, proportions, fenestration and detailing. The surrounding dwellings have an active street frontage, being built tight up to the pavement edge or roadside, or where this is not the case, there is a front garden or undeveloped paddocks enclosed by stone walls. This generates a consistent building line to the street and reinforces a sense of linear enclosure that contributes to part of the rural character to the area.
96. In comparing this proposal against the design of the previously refused planning application, the size and scale of the dwellings has been reduced with fenestration changes alongside the inclusion of an attached single storey garage results in a simpler design approach. The dwellings would be

constructed from Natural Slate with Random Rubble stone for the walls which is an appropriate material palette for the development. The Case Officer has discussed the proposal with the Design and Conservation Team and on balance, given the mixed vernacular form of the surrounding houses in terms of their position, style, size and scale, the design of the proposal is acceptable and would accord with CDP Policy 29.

97. There are concerns regarding the parking and hard standing which is considered to dominate the frontage of the dwellings, which would not be characteristic of the rural setting. However, on balance, considering the use of high-quality materials and the improvements on the overall design of the dwellings themselves, the concerns regarding the parking and hardstanding would not warrant the refusal of the application on design grounds. A planning condition could be used to control the exact material for the hardstanding which could soften its impact.
98. Overall, on balance, the design of the dwellings is considered to accord with Policies 6 (d) and 29 of the County Durham Plan. The application has addressed the previous reason for refusal in this respect.

Highway Safety/Access

99. 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. Criterion e) of CDP Policy 6 requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Criterion q) of CDP Policy 10 does not permit development in the countryside where it would be prejudicial to highway safety.
100. Specifically, the NPPF sets out at Paragraph 114 sets out that appropriate opportunities to promote sustainable transport modes shall be taken up and that safe and suitable access should be achieved for all users. In addition, Paragraph 115 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
101. The development proposes two access points to serve the development separately from the B6278. An in-curtilage driveway/parking area would be provided in front of the properties, with space for up to 4 vehicles each.
102. The Highway Authority has reviewed the application and advise that there are no objections to the development from a highway safety point of view.
103. Overall, subject to conditions, the proposals are not considered to adversely affect highway safety and would accord with Policies 6, 10, 21 of the County Durham Plan and Part 9 of the NPPF.

Ecology

104. 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 ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
105. CDP Policy 43 sets out that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts while 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.
106. In this respect the application is supported by a Preliminary Ecological Appraisal which assessed the likely presence of protected species or habitats on the site concluding that the development would have a low risk to protected species and their habitats on the site. Plans have been submitted to demonstrate that the scheme will deliver a biodiversity net gain (BNG) through the enhancement of the existing pastureland through native planting. The Councils Ecology Officer has reviewed this information and has advised that undertaking these enhancements on the land to the immediate south of the application (land within the applicants ownership) would deliver a biodiversity net gain on the site. A planning condition could be imposed requiring the submission of a landscaping plan to assert the exact species which will be planted as part of the scheme.
107. Therefore, using planning conditions, a biodiversity net gain can be achieved on the site to comply with Policies 41 and 43 of the County Durham Plan.

Nutrient Neutrality

108. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must consider the nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. In this respect Natural England have identified that the designated sites of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is in unfavourable status due to excess Nitrogen levels within the River Tees.
109. In this instance the development proposes the formation of 2 additional dwellings, which although would be served by means of a package treatment plant, would ultimately give rise to additional loading of Nitrogen into the Tees catchment. Given the advice provided by Natural England, it is likely that in combination with other developments, the scheme would have a significant effect on the designated SPA/RAMSAR sites downstream both alone and in combination. The Habitat regulations therefore require the Authority to make an 'Appropriate Assessment' of the implications of the development on the

designated sites in view of the sites conservation objectives. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and the necessary compensatory measures can be secured.

110. Nutrient Neutrality advice is provided by Natural England, including the provision of a Neutrality Methodology. This requires a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system including residential development that would give rise to new overnight accommodation. In utilising the nutrient budget calculator produced by Natural England, even when using a package treatment plant with a high level of efficiency in removing Nitrogen, mitigation is identified as being required to achieve Nutrient Neutrality. In this instance, the applicant has confirmed they would purchase Nutrient Neutrality Credits from Natural England to mitigate for 2.33kg TN/year nitrates.
111. Natural England have advised that at this time, there is a limited supply of credits mitigation credits available, and demand is outstripping supply. Therefore, whilst the purchase of credits is an acceptable means of mitigation there is a high risk that credits could not be secured before a permission expires. It is therefore considered that it would not be appropriate to secure the purchase of credits by condition and the lack of secured mitigation would form a reason for refusal, despite the mitigation strategy being acceptable.
112. Therefore, the proposal will fail to accord with Policies 41 and 43 of the County Durham Plan and Paragraph 188 of the NPPF. The Local Planning Authority cannot also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations (2017).

Residential Amenity

113. 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.
114. 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.
115. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long. In considering this, each of the dwellings have a private amenity space which complies with the required 9 metres distance set out in the Residential Amenity Standards SPD.
116. The Residential Amenity Standards SPD also sets out the following separation distances for new development to comply with:-

- 'A minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey.
- Where a main facing elevation containing a habitable room windows is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.'

117. In regard to this, to the northeast and southwest of the application site are open fields. Predominantly the windows for each of the dwellings are sited on the northeast and southwest elevation. Given this existing relationship, the windows to the front and rear elevations will have an outlook over the open fields and would not cause any issues in terms of overlooking.
118. The nearest residential properties to the development are 'Cloud High' to the northwest and 'Hill Top Cottage' to the southeast. The nearest dwelling to 'Cloud High' will be approximately 21 metres away from this residential property. It is recognised that 'Cloud High' has several windows which face towards the application site and concerns have been raised by a member of the public regarding this. However, these windows would face towards one ground floor window serving an bathroom (where a planning condition could be utilised to require this to be obscurely glazed) and one first floor window which would serve a bedroom. Whilst there would be a first floor window of a habitable room facing towards windows of 'Cloud High', given the separation distance of 21 metres, this would be acceptable under the requirements of the Residential Amenity Standards SPD. Therefore, whilst the concerns raised in relation to overlooking are acknowledged, the proposal would meet the requirements of the Residential Amenity Standards SPD and therefore, the proposal would be acceptable in terms of the residential amenity of 'Cloud High' to the northwest of the application site.
119. In considering the impact upon 'Hill Top Cottage' to the southwest, there would be a separation distance of approximately 24 metres between the side gable of the closest dwelling and Hill Top Cottage. This separation distance would exceed the separation distances required by the Residential Amenity SPD and would be acceptable in terms of the residential amenity. In addition, the gable of the proposed dwelling would have two first floor dormer windows serving en-suite bathroom which could be conditioned to be obscurely glazed as well as serving a bedroom and there would be a ground floor window to serve a non-habitable room as a secondary window. Given this relationship, the proposal would be acceptable in terms of amenity upon 'Hill Top Cottage'.
120. Concerns have been raised about the impact of the proposal upon the 'Moorcock Inn' to the east of the application site, especially in regard to the impact of the development upon its patio and its light. In considering this, the Moorcock Inn is located across the road from the application site and the proposal for another residential dwelling in this setting is not considered to cause amenity concerns in relation the Moorcock Inn. It is accepted by Officers that the views of the application site from the Moorcock Inn will change, but maintaining a view is not a material planning consideration.
121. In terms of the amenity of future occupiers, the dwellings would provide four bedrooms and would be compliant with the Nationally Described Space

Standards (NDSS) which requires a 4-bedroom 8 person dwelling to have a 124m² gross internal floor area. House Type 1 would be 191.3m² and House Type 2 would be 167.2m². The dwellings would comply with NDSS.

122. Overall, the proposals are considered to provide a good standard of amenity for existing and future residents, according with Policy 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.

Drainage

123. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
124. 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.
125. The site is not located within a flood zone. Information has been submitted to show that the foul water will be dealt with via a package treatment plant. No details have been submitted in relation to surface water. However, the details of the drainage for both foul and surface water can be controlled by a planning condition which would be reasonable in this case to request additional information and detail to be submitted to demonstrate compliance with CDP Policies 35 and 36, it considered likely that surface water could be adequately attenuated before being discharged.
126. Therefore, the application, through the use of planning conditions, can ensure that acceptable foul water and surface water drainage is secured on the site to comply with Policies 35 and 36 of the County Durham Plan.

Ground Conditions

127. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
128. In this regard, the Council's Contaminated Land Team have been consulted and they confirm there is no requirement for a land contamination condition on the scheme.

129. Therefore, based on the comments from the Contaminated Land Team, the proposal is considered to comply with Policies 32 and 56 of the County Durham Plan and NPPF Paragraph 189.

Sustainable Construction

130. CDP Policy 29 requires new 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 water and prioritising the use of local materials.
131. No information in relation to this has been provided. However, it is understood that the site is within the gas network and in the event of an approval of the application, a conditional approach can be adopted to secure the submission of this information to show how the proposal would comply with this policy requirement, including the use of renewable energy and carbon reduction measures.
132. CDP Policy 27 states that any residential and commercial development should 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.
133. According to the OFCOM availability checker, the site has access to broadband in accordance with Policy 27 of the County Durham Plan.

Other Issues

134. CDP Policy 14 states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. NPPF Paragraph 174 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a.
135. A site-specific agricultural land classification has not been submitted in support of the application. However, the application site is identified as 'Grade 4' in DEFRA broad Agricultural Land Classification which identifies the land as 'Poor' under the standards. Therefore, whilst the concerns regarding the loss of agricultural land area acknowledged, there would be no loss of best or most versatile agricultural land.
136. To the immediate northeast of the application site there is a Roman Road with the Council's Archaeology Team having no objection to the development in this location.

CONCLUSION

137. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material consideration indicate otherwise. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date 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 the plan should not be followed.
138. In this instance the area of Hill Top has not been identified in the County Durham Settlement Study as a settlement and is more considered a sporadic grouping of dwellings in the countryside and therefore development is not supported by CDP Policy 6. The development does not comply with any of the exceptions set out under CDP Policy 10 for development within the countryside, nor does it comply with any other specific policy in the plan which would allow for development in a rural location.
139. It is identified that there are limited services and facilities within proximity of the application site with a reliance upon private means of motorised to access services and amenities further afield, transport due to limited bus routes and connections, The site is therefore not considered a sustainable location for development contrary to Policies 6, 10 and 21 of the County Durham Plan. The application has not addressed the previous reason for refusal in this respect.
140. In terms of design, on balance, the improved design of the dwellings alongside the use of high-quality materials is considered to outweigh the concerns regarding the dominance of parking and hard standing to the front of the dwellings. This results in the proposal being acceptable in regard to Policies 6 (d) and 29 of the County Durham Plan. The application has addressed the previous reason for refusal.
141. The application would also cause harm to the character, quality and distinctiveness of the local landscape and would not conserve or enhance the special qualities of the Area of Higher Landscape Value which would fail to comply with Policies 6, 10 and 39 of the County Durham Plan. The application has not addressed the previous reason for refusal in this respect.
142. In relation to nutrient neutrality, whilst the purchase of credits is an acceptable means of mitigation, there is a high risk that credits could not be secured before a permission expires. It is therefore considered that it would not be appropriate to secure the purchase of credits by condition and the lack of secured mitigation would form a reason for refusal, despite the mitigation strategy being acceptable. The proposal will fail to accord with CDP Policies 41 and 43 and Paragraph 188 of the NPPF. The Authority cannot also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations (2017).
143. The development would not impact on highway safety or residential amenity and would be acceptable in regard to the ground conditions.
144. It is recognised housing in villages can support services in other nearby villages, particularly in rural areas. The development would also result in a temporary

economic uplift during construction and provide housing choices in the locality. However, these benefits are not considered sufficient to outweigh the policy conflict and harm identified above.

145. The current proposal, whilst it has addressed the previous concerns in regard to the design of the development, would not overcome the reasons of refusal of the previously planning application in regard to the principle of the development, the locational sustainability and the impact of the development upon the landscape. Accordingly, the application is recommended for refusal.

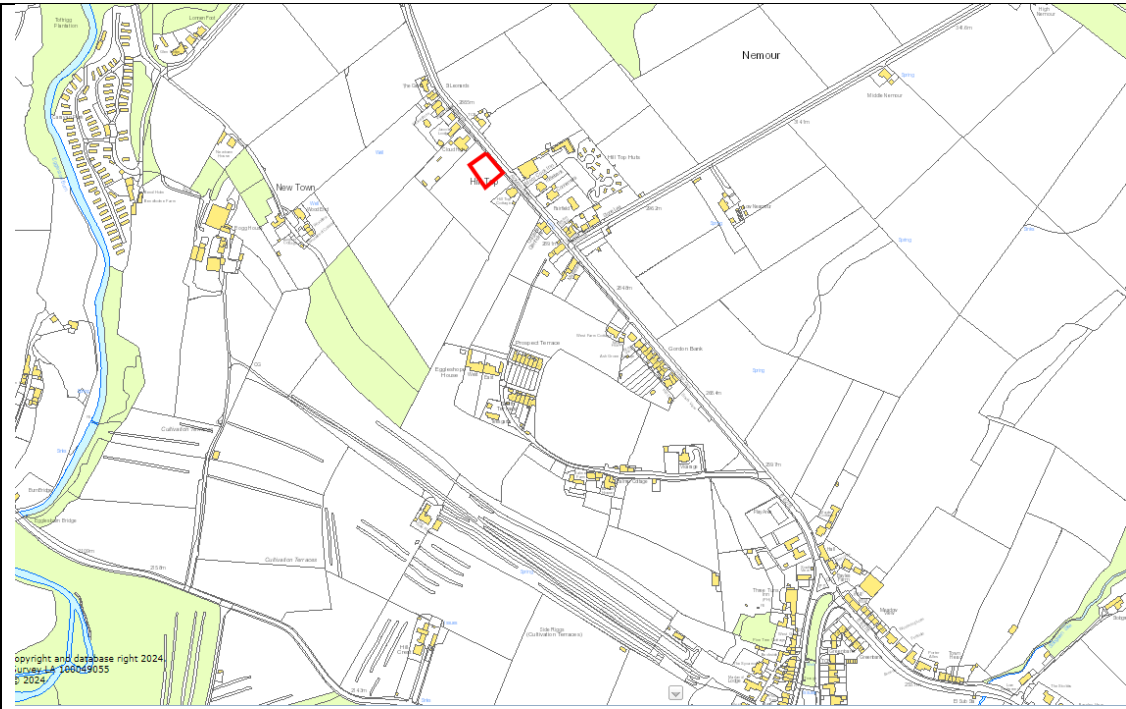
RECOMMENDATION

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

1. The application site is located within the countryside away from any established settlement and does not comply with any of the exceptions set out in Policy 10 of the County Durham Plan for development on such a location and is not permitted by any other specific policy in the County Durham Plan. In addition, the site is in unsustainable location with a reliance upon private motor vehicles to access of services and facilities. The development is therefore considered to conflict with Policies 6, 10 and 21 of the County Durham Plan and Parts 5 and 9 of the National Planning Policy Framework.
2. The development would result in the loss of an historic parcel of open land which positively contributes to the character of the local area and wider landscape. The development does not conserve or enhance the special qualities of the Area of Higher Landscape Value and is considered contrary to Policies 6, 10, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
3. The development has not provided evidence that it could mitigate its impacts in respect of Nutrient Neutrality and therefore, adverse impacts on the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) cannot be ruled out in regard to nitrates. The development would fail to comply with Policies 41 and 43 of the County Durham Plan, Part 15 of the National Planning Policy Framework and the Authority cannot also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations (2017).

BACKGROUND PAPERS

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



<p>Planning Services</p>	<p>Erection of 2no. residential dwellings and associated works</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 2024</p>	<p>Comments</p>	
	<p>Date:</p>	<p>12th March 2024</p>