



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/24/00692/OUT
Full Application Description:	Outline application for the erection of 1 no. rural workers dwelling (with all matters except access reserved)
Name of Applicant:	Mr and Mrs Haswell
Address:	Homer Hill Farm Pittington Road Rainton Gate Houghton-Le-Spring DH5 9RG
Electoral Division:	Sherburn
Case Officer:	David Richards (Planning Officer) Tel: 03000 261955  Email: david.richards@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 Homer Hill Farm situated to the south of settlement of West Rainton. The site would be served by the existing residential access off Pittington Road. The site is considered to be in open countryside, within the designated Green Belt and is also partially within a Coalfield Development High Risk Area. The wider site comprises of several buildings in association with the various operations including agricultural buildings, farm shop and café, and two existing dwellinghouses. The worker's dwelling would be sited to the southeast of the main cluster of buildings with the main farmhouse to the north and another dwelling is to the west of the proposed site.

## The Proposal

2. The application seeks outline planning permission for the erection of 1 no rural workers dwelling with design, scale and appearance of dwelling subject to reserved matters.
3. The application is being reported to Central and East Planning Committee at the request of Councillor David Hall, on the grounds of the importance of this application to the future sustainability and needs of this growing and very successful local family business, in accordance with the Council's Scheme of Delegation.

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## **RELEVANT PLANNING HISTORY**

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4. The following planning applications are relevant to the current application:

Planning reference: DM/14/00648/FPA Proposal: Single storey extension for cafe. Approved: 03 June 2014.

4/03/01007/FPA Proposal: Erection of agricultural building. Approved: 03 December 2003

4/08/00799/FPA Proposal: Change of use and conversion of agricultural building to farm shop and butchers with associated external alterations, provision of new access, 19 space car park, landscaping and minor alterations to adjacent livestock shed. Approved: 04 November 2008

4/09/00334/FPA Proposal: Change of use and conversion of existing agricultural shed to use as farm shop in association with previously approved (08/00799/FPA) conversion of adjacent building to farm shop. Approved: 17 June 2009.

4/09/00726/FPA Proposal: Revised site access arrangements in association with previously approved farm shop (08/00799). Approved: 23 October 2009.

4/09/00813/FPA Proposal: Erection of 1.3 to 1.5m high timber gates and stone wall to site access for use in association with previously approved farm shop. Approved: 02 December 2009.

4/10/00396/FPA Proposal: Erection of replacement general purpose agricultural building and change of use of agricultural land to extended parking area for use in association with previously approved farm shop. Approved: 20.07.2010

4/11/00260/FPA Proposal: Erection of pitched roof extension to existing farm shop to provide extended catering and cafe facilities (revised and resubmitted). Refused: 01 June 2011.

4/12/00417/FPA Proposal: Single storey kitchen extension. Approved: 22 June 2012.

DM/14/00648/FPA Proposal: Single storey extension for cafe. Approved: 03 June 2014

DM/17/01195/FPA Proposal: Erection of new dwelling. Withdrawn: 21 June 2017.

DM/18/00331/FPA Proposal: Erection of single storey building for general storage (amended description). Approved: 24 April 2018.

DM/19/02702/FPA Proposal: Erection of link corridor (amended description). Approved: 01 November 2022.

DM/21/04039/FPA Proposal: Proposed extension to existing butchery to support the farm shop and cafe (amended title). Approved: 30 June 2022.

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## **PLANNING POLICY**

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### **National Policy**

5. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
6. *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.
7. *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.
8. *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.

9. *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.
10. *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.
11. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
12. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
13. *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.
14. *NPPF Part 13 Protecting Green Belt Land* - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
15. *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.
16. *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:**

17. 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; Green Belt; Housing Needs of different groups; flood risk; healthy and safe communities; land affected by contamination; 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)

18. *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.
19. *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.
20. *Policy 20 (Green Belt)* development proposals within the Green Belt will be determined in accordance with national planning policy. There is a presumption

against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The National Planning Policy Framework (NPPF) sets out several exceptions as well as other forms of development which may be inappropriate in the Green Belt.

21. *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.
22. *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.
23. *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.
24. *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.
25. *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.
26. *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.

27. *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.
28. *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.
29. *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.
30. *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.
31. *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.
32. *Policy 42 (Internationally Designated Sites)* states that development that has the potential to have an effect on internationally designated sites, either individually or in combination 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.

Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.

Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.

33. *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.

#### Supplementary Planning Documents

34. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
35. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
36. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
37. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

<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.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>*

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## CONSULTATION AND PUBLICITY RESPONSES

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### Statutory Consultee Responses:

39. *Town / Parish Council* – No comment
40. *Highways Authority* – The principle of this development is acceptable from a Highways perspective. Parking should be provided in accordance with the 2023 Parking and Accessibility SPD. As the dwelling would be within a gated site, the Local Authority refuse vehicle would not enter the site to collect the bins. Therefore, either a private refuse collection would be required, or bins would need to be brought to the nearest adopted highway on the day of collection and be returned to the site the same day.

### Internal Consultee Responses:

41. *Spatial Policy* – provide guidance and sets out the policies and issues that are relevant to this application.
42. *Landscape Section* – Advised site lies within open countryside therefore the proposal will primarily be assessed against CDP Policy 10. The proposal would be physically well related to the activities required and would be viewed in the context of existing residential and agricultural built form and would not have an adverse impact on the landscape or the character and appearance of the area subject to the design of the dwelling being sensitive to their surroundings in terms of layout, scale and massing, and choice of materials and detailing is appropriate to its context, form and function and similar to the existing farmhouse. New buildings for agriculture and forestry in the Green Belt are listed as exceptions, but dwellings for rural workers are primarily intended for residential use, therefore advised it is likely that the proposal would be inappropriate development. The introduction of built form would reduce openness both spatially and visually.
43. *Arboricultural Officer (Trees)* – advised that the trees on site are primarily small ornamental garden trees and bushes of low amenity value that would not preclude any site development, e.g. none are worthy of protection via tpo and either individually or collectively.

It may however be appropriate to add some trees and screening as part of a landscape plan to mitigate visual impacts of an additional building

No objection in principle.

44. *Ecology* –The supplied ecology report is sufficient to inform the application and no further survey is required. No BNG is required as it is self-build and exempt.

Please request an integrated bird breeding unit into the new dwelling as ecological enhancement under the NPPF if it is approved.

45. *Environmental Health and Consumer Protection (Nuisance)* –

With reference to the planning application, I have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). As such I can provide the following information to assist you in your consideration of any impact upon amenity.

In principle we would have no objection to a dwelling being built for the specific use of farm and business. However, we would have concerns and the potential conflict of interest between the farming operations/business if that dwelling was at some point rented out or sold a third party and not connected to the businesses in hand.

The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. However, the planning officer should consider the supporting detail.

We would suggest, if planning permission is granted then a condition is attached which only allows the proposed dwelling to be used in connection with farming operations and butchery business.

46. *Environmental Health and Consumer Protection (Contamination)* –

With reference to the planning application, I would confirm that I have assessed the historical maps and available information with respect to land contamination. It is noted that topsoil is to be brought to site this needs to be tested in accordance with the YALPAG guidance prior to importation and therefore confirmation of this is required.

I would also advise that the development is located on a coalfield high risk development area. As such the planning authority should ensure that the coal authority is consulted and any relevant conditions applied.

The following should be added as an informative:

If unforeseen contamination is encountered, the Local Planning Authority shall be notified in writing immediately. Operations on the affected part of the site shall cease until an investigation and risk assessment, and if necessary, a remediation strategy is carried out in accordance with the YALPAG guidance

and agreed with the Local Planning Authority. The development shall be completed in accordance with any amended specification of works.

### **External Consultees**

47. The Coal Authority – The Coal Authority response: fundamental concern

I have reviewed the site location plan, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the application site falls partly within the defined Development High Risk Area.

The Coal Authority's information indicates that a coal seam is conjectured to outcrop at or close to the surface of the site, which may have been worked in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment to support their planning application. As no relevant information has been submitted at this time, the Coal Authority's Planning & Development Team objects to this application.

### **Public Responses:**

48. The application has been advertised by site notice and individual notification letters sent to neighbouring properties.

49. No representations have been received in relation to the application.

### **Elected Members**

50. Councillor David Hall supports the application.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

### **Applicants Statement:**

51. Homer Hill Farm and the applicant's business has been operational for more than 40 years, with an agricultural enterprise traditionally made up of cattle farming, later diversifying with the introduction of a farm shop, butchery and café. The business now attracts a significant number of visitors each year and is valued by the local community. Homer Hill Farm has remained in the Haswell family since the business began and the family wish to ensure it can remain in their control passed down through generations. The proposed development therefore seeks to provide an additional dwelling on site to assist with

succession planning and ensure effective management of the business. As with many rural businesses security is becoming a significant problem with a number of recent incidents including a car being set on fire and a homeless person sleeping in a building. Luckily a worker was on site to deal with both issues quickly, however had this not been the case there would have been detrimental losses to the applicant's business.

52. The proposed development site is located within the Green Belt and such due consideration should be afforded to the potential impact of new development. The NPPF advises that the development of new buildings in the Green Belt should be regarded as inappropriate unless they meet a number of exceptions, which includes the redevelopment of previously developed land. It should also be noted that the provision of a rural workers dwelling is considered to fulfil the requirements of very special circumstances therefore such developments are not uncommon in Green Belt locations. The application site comprises an area of garden land associated with the farmhouse and more generally associated with the Homer Hill farm complex. The land is by definition previously developed land. Whilst the application is in outline and the scale of proposed dwelling yet to be determined it is considered a dwelling can be accommodated on site which is visually subservient to the adjacent buildings and without resulting in a greater impact on the openness of the Green Belt. The proposed development can therefore be considered acceptable in accordance with paragraph 154 (g) of the NPPF.

53. Notwithstanding the above permission is sought for the provision of a rural workers dwelling, therefore support can also be provided by Policy 12 of the County Durham Plan. Policy 12 supports the provision of rural workers dwellings where there is an essential need and the business is financially viable with a prospect of remaining so. The business is made up of a butchery, farm shop, café, and traditional agricultural holding. Each element has its own demands and is managed by one of the family members. A typical day for the farm shop, café and butchery would start around 6am with work ongoing until 6pm. However the day to day agricultural activities including animal husbandry, welfare checks, calving and lambing often take place outside of typical working hours and require an on site presence, to prevent risk to human or animal health, crime or to deal quickly with emergencies that could cause serious losses. Mr Haswell is looking towards retirement but cannot do so unless there is a member of staff residing on site to ensure the safety of livestock and the security of the farm shop. It is therefore essential for a workers dwelling to be located on site. Homer Hill Farm has been established and profitable for 40+ years, with no signs of business slowing down. Year on year the business is seeing an increased number of visitors/customers, with profits reflecting this. The business is therefore able to sustain a worker residing on site.

54. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open however, in this instance the application site is considered previously developed land and the proposed development accords with the NPPF. In addition there is an essential need for a worker to reside on site. The unmet essential need for a dwelling to house a rural worker therefore carries substantial weight, amounting to very special circumstances necessary

to justify the development. It is considered that as the proposed development satisfies the keys points of Policy 12. Members are therefore respectfully requested to give due consideration to the requirements of this rural business and need to reside on site, with weight afforded to the previously developed nature of the land. Should members be minded to grant planning permission the applicant is willing to accept a necessary occupancy condition.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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55. 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.
56. 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, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
57. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Locational Sustainability, Highway Safety Issues, Design and Layout, Landscape and Visual Impact, Residential Amenity, Drainage and Flood Risk, Ecology, Ground Conditions and Land Stability, Planning Obligations, Other Matters, and Public Sector Equality Duty.

### 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 site is located beyond the built-up area of any recognised settlement and would therefore be classified as being located within the open countryside. Policy 10 (Development in the Countryside) of the County Durham Plan (CDP) (2020) states development in the countryside will not be permitted

unless allowed for by specific policies in the CDP or an exception within policy 10. One of the policies listed is Policy 12 (Permanent Rural Workers' Dwellings). The National Planning Policy Framework (NPPF) paragraph 84(a), which seeks to avoid the development of isolated homes in the countryside unless there is an 'essential need' for a rural worker to live permanently at or near their place of work in the countryside, is relevant. This approach is reflected within Policy 12 of the CDP.

61. Whilst the NPPF does not provide any further guidance on how to assess the 'essential need', the associated PPG does provide some insight on this issue, and Policy 12 provides a range of criteria whereby proposals for new permanent agricultural, forestry and other rural workers' dwellings outside the built-up area can be assessed.
62. Policy 12 states that proposals for new permanent agricultural, forestry and other rural workers' dwellings outside the built-up area will be permitted provided it can be demonstrated that:
  - a. the nature and demands of the work involved means that there is an essential existing functional need for a permanent full time worker to live at, or very close to, the site of their work in order for the enterprise to function effectively, or the dwelling is required to accommodate a person with majority control of the farm business;
  - b. the rural business activity has been established for at least three years, is currently financially sound as verified by a qualified accountant, and has a clear prospect of remaining so;
  - c. the proposed dwelling is not harmful to the rural landscape and character of the area and is physically well related to the activities required;
  - d. the scale of the dwelling is commensurate with the established functional requirement of the enterprise; and
  - e. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned
63. In the supporting text of the Policy, paragraph 5.88 states that whether the need is essential in any particular case will require a demonstration that there is a functional requirement for a full time worker to be available at all times on the site for the enterprise to function properly; that the enterprise is financially sound so that this functional requirement is likely to continue well into the future; and that the need for a dwelling could not be met by existing buildings on the site or existing housing in the area. Cases will be judged on the needs of the enterprise and not the personal preferences of the specific individuals.
64. A statement and other supporting information have been submitted with the application which sets out the reasons why the dwelling is considered to be required in this instance. The applicant states that the business is made up of

three elements; the butchery, farm shop and café, and an agricultural holding. Work in the butchery starts at around 6am to prepare meat for the day's sales with work ongoing until the shop closes. The farm shop and café open from 9am to 5pm Monday to Saturday and 10am to 4pm on Sundays. Regarding the agricultural holding, this predominantly comprises of breeding cows and ewes with the day-to-day activities typically including animal husbandry, welfare checks, calving and lambing. The cows and ewes calve each spring over a period of several weeks, with some births occurring outside of normal working hours. In light of the above, the applicant considers that there is a functional need for a worker to reside on site. In addition to the above, the applicant has said that the farm has experienced some security issues including a car being set on fire and a homeless person sleeping in one of the buildings, and an additional dwelling on site would make a material difference to the security of the farm.

65. The planning statement indicates that it is intended that the dwelling is to be occupied by one of the family members who plays a key role in management of the farm shop and butchery, and it has since been clarified that the dwelling would be occupied by Mr Haswell's granddaughter and her partner, although the statement implies that the dwelling is for a single worker. Both the granddaughter and their partner currently live onsite in the farmhouse with Mr Glan Haswell and Mrs Haswell. The family are planning for Mr Haswell's retirement and the provision of a new dwelling at the farm would ease pressure on the Haswell Family, enabling Mr and Mrs Haswell to retire. The other dwelling at the farm is occupied by Ms Joanne Moran (Director and Café Manager) who is currently taking a step back from work due to ill health.
66. In respect of CDP Policy 12 a) while the submitted information is seeking to put forward a case that there is a need for an additional worker to live on site on a 24-hour basis to deal with the workload and problems that are likely to arise, officers do not consider that it suitably demonstrates that there is an essential existing functional need to live at the site permanently in order for the enterprise to function effectively and would not therefore pass part a) of policy 12.
67. Limited details have been provided regarding what proportion of the business is traditional farming compared to the other elements of the business. The planning history outlined above would suggest that the retail element of the business has become a larger proportion of the business, but these details have not been provided. The applicant has clarified that the traditional farming element of the business predominantly comprises of breeding cows and breeding ewes, that both calve/lamb each spring over a period of several weeks which could occur outside normal working hours, but does not provide any details such as numbers of cattle and sheep or the calculated labour requirements of such. Generally such applications are expected to be informed by a methodology to establish the need for an agricultural worker citing for example, The Agricultural Budgeting and Costing Book or the Farm Management Pocket Book. However, none of this has been provided and therefore insufficient evidence has been provided to demonstrate a need for a full time permanent worker to live permanently on site. In respect of other duties such as care throughout the year i.e. regular health checks and treatments possibly outside of normal working hours, this could

reasonably be done by a worker who lives near the site, for example in nearby West Rainton rather than being required to live permanently onsite. Furthermore, there are technological solutions available to alert the applicant in the case of any issues to allow them to attend the site to rectify the situation. Therefore, the information provided has not satisfactorily demonstrated that there is an existing essential functional need for an additional permanent dwelling, contrary to Policy 12a.

68. However, it is understood that the dwelling proposed is intended for a family member who works in this butchery and farm shop part of the business and not the rearing of animals. In terms of these other elements of the business, whilst the butchery element starts a little earlier, the café and farm shop open during normal working hours and are unlikely to place demands on the workforce outside of normal working hours. Paragraph 5.89 of the CDP recognises this scenario and explains that “many people work in rural areas in locations such as offices, schools, farm shops, workshops, garages and garden centres, or carry out their business in the rural area, but being employed in a rural location is not sufficient to qualify as a rural worker with an essential housing need to live permanently at or near their place of work”. In that regard, there is no need for a worker to live permanently on site for the retail element of the business.
69. Further justification for the need for an additional dwelling is the security of the farm, however the applicant has confirmed that the recent incidents described above were dealt with quickly and efficiently by the existing workers onsite preventing an adverse impact to the applicant’s business. It is therefore unclear why an additional dwelling on site would have made any material difference to the security of the farm. In this case it is officer opinion that it would not, again demonstrating that essential need has not been suitably proven.
70. The PPG recognises the retirement scenario and whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process. In this case there are already two dwellings on the site. It also needs to be acknowledged that the main farmhouse will inevitably become available at some unspecified point in time in the future. A new dwelling would however be a permanent addition to the site and the landscape. The planning statement indicates that Mr Haswell is planning for his retirement, however there is no indication when this will be, and the statement makes it clear that they continue to play a key role in the management of the site. In these circumstances, any existing essential functional need is already met by the existing farm house on the site. It is considered that the application is contrary to Policy 12 a.
71. The PPG recognises that in the case of new enterprises, consideration should be given to whether it is appropriate to consider granting permission for a temporary dwelling for a trial period. Whilst this proposal is not a new enterprise, it is an enterprise which already has two dwellings associated with it and broadly sits in the category where temporary accommodation is more appropriate than further permanent accommodation. Temporary accommodation could be in the form of a caravan, a wooden structure which can be easily dismantled, or



temporary accommodation that can easily be removed from the location later. This option has not been satisfactorily explored by the applicant.

72. In terms of CDP Policy 12 b, the applicant has provided accounts statements for a 3-year period which shows that the business has made a net profit in each of those years. Despite this, it is not clear how the construction of the dwelling will be financed, and further clarity was sought from the applicant, however this was not provided. It is widely accepted that it is reasonable to expect a significant degree of linkage between business finances and the build costs of the dwelling. In essence the rural enterprise must be economically viable so that the business could afford the costs of constructing a small dwelling of a size which the unit could sustain. As no further clarification was given regarding the financing of the dwelling, it is considered that the LPA cannot be fully satisfied that the business would be able to finance the construction of the dwelling. Furthermore, the entry for the directors' salaries in the accounts was £35540 in 2022 and £32304 in 2021. However, the entry implies that this covers more than one person (as directors' is plural) and then on page 1 of the accounts it confirms 4 directors for the business. If £35450 and £32304 are split four ways (or even 2/3), it would take each salary below the national living wage. This also casts doubt over the financial soundness of the business.
73. In terms of criterion d, whilst the application seeks outline permission with scale and design being reserved matters, the applicant has provided some indication as to the scale and design of the proposal with an approximately 150sqm 3-bedroom dwelling being proposed. The Technical House Standards – Nationally Described Space Standard (NDSS) sets out internal space standards for new dwellings. The minimum standard floor space for a two storey 3 bedroom 4 bedspace dwelling is 84 sqm. The proposal would therefore be significantly higher than the floor space required by the NDSS. If there was an essential existing functional need for an additional dwelling, which the LPA disputes, a dwelling of this size would be far in excess of what would reasonably be required and would not be commensurate with the established functional requirement of the enterprise, contrary to Policy 12 d.
74. In relation to CDP Policy 12 e) there is an existing farmhouse on the site, which is currently occupied by Jean and Glan Haswell, and another separate dwelling which is occupied by Ms Joanne Moran. The intended occupiers of the worker's dwelling already live on site, and whilst this arrangement may not be ideal for the applicant, the applicant has admitted that the business runs efficiently with this arrangement, demonstrating that the functional need is already being fulfilled by the existing dwellings onsite.
75. Notwithstanding the existing farmhouse on site, Policy 12 e) also requires it to be demonstrated that the functional need could not be fulfilled by other existing accommodation in the area which is suitable and available for occupation. It was enquired as to whether the option of living near to the site had been explored but this option was dismissed due to the requirements of the business. It is considered that the option of living nearby has not been adequately explored and for the reasons outlined above, the LPA disagree that this option cannot work. The assessment must be based on the functional need of the enterprise,

not the personal preference of the applicant. At the time of writing, a search on Zoopla reveals that there are 3 properties for sale under £200000 within a mile radius of DH5 9RG. The proposed development would therefore be in conflict with Policy 12e.

### *Green Belt*

76. Policy 20 (Green Belt) of the CDP states that development proposals within the Green Belt will be determined in accordance with national planning policy. The supporting text confirms that there is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated.
77. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 143 that the Green Belt serves five purposes. Paragraph 152 of the NPPF under proposals affecting the Green Belt states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
78. Paragraph 154 advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
  - a. buildings for agriculture and forestry;
  - b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e. limited infilling in villages;
  - f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development; or
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to

meeting an identified affordable housing need within the area of the local planning authority.

79. The proposal would draw no support from any of the above exemptions and would therefore constitute inappropriate development and invoking the very special circumstances requirement. With regard to the applicant's assertion that exception (g) is met, this is dealt with in detail below. There is no definitive answer relating to what are "very special circumstances" which may justify the grant of planning permission for inappropriate development in the Green Belt. As set out in the NPPF (this is about application of national policy, rather than a matter of legislation), it is for the decision maker to determine whether the potential harm to the Green Belt by way of inappropriate development (the NPPF defines what is "inappropriate") is "clearly outweighed by other considerations". The NPPF establishes that substantial weight should be given to any harm to the Green Belt, and development should not be approved except in very special circumstances.
80. When considering the impact of development on green belt, the impact on 'openness' can have both a spatial and visual dimension. This has been confirmed in recent court cases including Turner (2016) and Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council [2020]. Development may impact on the spatial openness of the green belt, but it is relevant to consider the visual perception of development as a factor which may reduce the spatial harm from the effect of development on the openness of the green belt.
81. The proposal is outline, with most matters reserved for subsequent approval, however the plans submitted show an indicative location for the dwelling and that it would be approximately 150sqm. Despite being set back from Pittington Road; the site is very open to views from the south and therefore the introduction of built form in this location would be highly visible from surrounding vantage points including Pittington Road and would consequently harm the openness of the Green Belt both visually and spatially.
82. The applicant in their supporting committee statement above, states that the application site comprises an area of garden land associated with the farmhouse and more generally associated with the Homer Hill farm complex. Officers dispute this assertion and consider it is not clearly garden curtilage and more as incidental land associated with the farm. It is considered that the garden curtilage of the farmhouse is to the east of the access track and the garden curtilage of the other dwelling is clearly distinguishable from the rest of the farm complex. In any case, for the development to be acceptable under paragraph 154 g, it would not have to have a greater impact on the openness of the Green Belt than existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. As there is no existing development, the proposed dwelling would inevitably have a greater impact upon the openness of the green belt and as discussed above, the proposal would harm the openness of the Green Belt both visually and spatially and given the proposed use of the

dwelling, it would not contribute to meeting an identified affordable housing need within the area so would be contrary to paragraph 154 g of the NPPF.

83. Taking into account the indicative scale and location of the development and the public and private views that could be gained from locations beyond the site, in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation, and the impact would be substantial and permanent. Considering the assessment above in relation to Policy 20, the proposal has not demonstrated an essential need to ensure the continued viability of the business so is contrary to policy 12 and there would also be harm to the openness of the Green Belt. No considerations have been put forward which would clearly outweigh this harm to constitute very special circumstances. In light of this, the proposal would not be in accordance with the NPPF Part 13 and Policy 20 of the CDP.
84. CDP Policy 10 also sets out a range of General Design Principles which new development in the countryside must meet. Of most relevance to this application are criteria L, P, Q, R, S and T which require that development by virtue of their siting, scale, design and operation must not:
  - l. give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for;
  - p. be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport;
  - q. be prejudicial to highway, water or railway safety;
  - r. impact adversely upon residential or general amenity.
  - s. minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and
  - t. where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.
85. Criteria ,L Q, R and S will be considered in more detail in the relevant sections of the report. In relation to criterion P, despite the rural location, the site would be a 6-minute walk from the nearest bus stops which provide regular services (number 20) to Durham and Sunderland. There is also a pavement along Pitlington Road which is lit up until the entrance to Homer Hill Farm Shop and there is a signal-controlled pedestrian and cycle crossing across the A690 which provides a link to West Rainton and its services, north bound buses and a shared use path for pedestrian and cyclists. It is therefore accepted that the proposed dwelling would be in a reasonably sustainable location, however this would not outweigh the other policy conflicts in terms of policy 12 and 20 already outlined.
86. In summary, the case put forward by the applicant has not demonstrated that, due to the nature and demands of the work involved, there is an essential

existing functional need for a worker to live on the site. The financial information provided lacks clarity despite this being sought from the applicant and the indicative scale of the dwelling would be considered excessive. Furthermore, it is officer's view that a functional need could be fulfilled by other existing and available accommodation in the area. Therefore, the proposed agricultural workers dwelling would not be in accordance with paragraph 84 of the NPPF and County Durham Plan Policy 12.

87. The proposed dwelling would also cause substantial and permanent harm to the openness of the green belt both visually and spatially, and the circumstances set out would clearly not outweigh this harm to constitute very special circumstances. The development would therefore be contrary to the NPPF part 13 and County Durham Plan Policy 20.

### Highway Safety Issues

88. CDP Policy 21 requires all new development to provide safe and adequate access. This displays broad accord with Paragraph 114 of the NPPF which requires new development to provide safe and suitable access to the site. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
89. The application site benefits from an existing residential access onto Pittington Road. Given that the proposed occupiers of the dwelling already live on the site, there would not be a material increase in vehicular movements. DCC Highways Authority was consulted and confirmed that the principle of the development would be acceptable from a Highways perspective, and the parking should be provided in accordance with the 2023 Parking and Accessibility SPD. They also state that as the dwelling would be within a gated site, the Local Authority refuse vehicle would not enter the site to collect the bins. Therefore, either a private refuse collection would be required, or bins would need to be brought to the nearest adopted highway on the day of collection and be returned to the site the same day.
90. Whilst details of parking have not been provided, a site visit by the case officer confirmed that there is a significant amount of existing hardstanding around the existing farmhouse and other dwelling that provides ample parking. As there would be no material increase in the number of residents on site, there would be no material increase in the demand for parking, and therefore the proposal would be considered to accord with the NPPF Part 9 and CDP Policies 10 q and 21.

### Landscape and Visual Impact

91. The site lies within open countryside and County Durham Plan Policy 10 seeks to carefully control new development in the countryside and restrict development which would 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.

92. 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. Policy 12 c) requires the dwelling to not be harmful to the rural landscape and character of the area and to be physically well related to the activities required.
93. NPPF Paragraph 135 also advises that planning decisions should ensure that developments will function well and add to the overall quality of the area over its lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
94. The proposed worker's dwelling would be situated on an area of land close to the southeast of the main group of buildings. In that respect, it would be physically well related to the existing residential and agricultural built form. The application is outline, so details of its layout, scale and appearance would be considered at the reserved matters stage. Some details have been provided in respect of the proposed scale which is considered overly large for its intended functional purpose. DCC Senior Landscape Officer was consulted, and whilst they confirm that the proposal would not have an adverse impact on the landscape, this would be subject to the design of the dwelling being sensitive to its surroundings in terms of layout, scale, massing and choice of materials being appropriate to its context, form, and function.
95. Notwithstanding the above, the site lies within Green Belt, and as discussed above, the proposal would not meet any of the exceptions for development within the green belt as laid out in the NPPF, would adversely affect the openness of the Green Belt both visually and spatially, and there would not be any very special circumstances to permit the development.

#### Residential Amenity

96. 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.
97. 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.

98. In addition, criterion r) of Policy 10 is not permissible towards development that would impact adversely upon residential or general amenity.
99. Due to the nature of the development and association with the existing farm and farming activities it is not considered that there would be any adverse impact on residential amenity. Due to separation distances, there would be no impact on amenity of the existing occupants of the farmhouse or other dwelling.
100. The Council's Environmental Health Nuisance Action Team (EHNAT) was consulted on the application and raised no objection to the development subject to a condition which would only allow the proposed dwelling to be used in connection with the farming operations and butchery business.
101. Taking the above into account, the proposals are not considered to raise any adverse impacts in terms of residential amenity subject to inclusion of occupancy condition in accordance with CDP Policies 10, 29 and 31 and NPPF Part 15.

#### Drainage and Flood Risk

102. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment.
103. 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.
104. In addition, criterion s) of CDP Policy 10 requires new development in the countryside to minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
105. The site is not located within Flood Zone 2 or 3 or an area identified as being at high risk of surface water flooding, therefore there is no requirement for the applicant to provide a Flood Risk Assessment. Surface water would be disposed of via a soakaway, and foul water would be disposed of via the mains sewer. In terms of minimising vulnerability and providing resilience to impacts arising from climate change, a condition could be attached to provide details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible to a zero-carbon building.

106. In light of the above, the development would not be considered to conflict with CDP Policies 35 and 36 and NPPF Part 14.

#### Ecology and Biodiversity Net Gain

107. NPPF Paragraph 180 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
108. 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.
109. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
110. This application was valid from the 27<sup>th</sup> June 2024 but is exempt from the legal requirement to deliver biodiversity net gains of at least 10% as the proposed development is for the erection of a self-build dwelling.
111. The application site is supported by an Ecological Appraisal which does not recommend any further surveys. DCC Senior Ecologist was consulted on the application and confirmed that the report submitted was sufficient to inform the application and that no further surveys would be required. They advised that an integrated bird breeding unit should be installed into the new dwelling as ecological enhancement under the NPPF, and this could be secured by a planning condition.

#### Ground Conditions and Land Stability

112. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 180 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
113. The development is located partly on coalfield high risk development area, and therefore the Coal Authority was consulted on the application and raised a fundamental concern with the proposal. The Coal Authority's information indicates that a coal seam is conjectured to outcrop at or close to the surface of the site, which may have been worked in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. Therefore, the Coal Authority advised the applicant that they would need to submit a Coal Mining Risk Assessment to support the planning application.



114. A Coal Mining Risk Assessment has not been provided by the applicant and so the objection from the Coal Authority remains. It therefore cannot be determined whether the proposed development would either contribute or be put at unacceptable risk from or being adversely affected by unacceptable risk from pollution or land instability and would be contrary to the NPPF Paragraph 180 and County Durham Plan Policy 32.

#### *Planning Contributions*

115. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.
116. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. In this regard, CDP Policy 25 reflects NPPF Paragraphs 55 and 57.

#### *Public Open Space Provision*

117. Policy 26 (Green Infrastructure) of the CDP requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
118. On small-scale development, a contribution towards green infrastructure/open space improvement is necessary to make residential development acceptable in planning terms on account that the future residents of these proposed houses would be using the open space in the vicinity and wider area in which the new house(s) would be situated. It is therefore directly related to the development, and fairly and reasonably related in scale and kind to the development (para 57, NPPF).
119. The Development viability, affordable housing and financial contributions SPD was adopted in June this year which requires schemes of between 1 to 19 dwellings to make and off-site financial contribution for open space, sport and recreational facilities. In the event that the application is approved, an offsite contribution of £1739.10 would be required to be secured by a S106 agreement.

#### *Broadband Connection*

120. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) requires all new residential and commercial development to be served by a high-speed broadband connection. A suitably worded planning condition could secure high-speed broadband for the dwelling.

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## **CONCLUSION**

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121. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
122. 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.
123. The proposal constitutes new residential development in the open countryside and Policy 10 does not permit such development unless allowed for by the listed exceptions or another policy in the plan. Policy 12 provides support in principle for the development of new permanent agricultural worker's dwellings providing they demonstrate compliance with certain specified criteria. In this instance there are already two existing properties on the site which could fulfil any functional need, and it is not considered that sufficient information and justification has been submitted to demonstrate an existing essential functional need for the dwelling contrary to policies 10 and 12 of the County Durham Plan.
124. In addition insufficient information has been provided to demonstrate why any functional need could not be met by another dwelling in the nearby area. Consequently, it is considered that the proposal is contrary to guidance contained within NPPF paragraph 80 and CDP Policies 10 and 12.
125. The application site is situated within the Green Belt and does not draw any support from the exceptions listed within paragraph 154 of the NPPF. Consequently, it is inappropriate development in the Green Belt and the proposal would not provide sufficient justification that would clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm by reason of conflict with policy 12 to constitute very special circumstances. The development would therefore not accord with the NPPF Part 13 and CDP Policy 20.
126. The dwelling would be partially situated within a Coalfield Development High Risk Area, and no information has been provided to demonstrate that the development would not either contribute or be put at unacceptable risk from pollution or land instability contrary to the NPPF Paragraph 180 and CDP Policy 32.

127. When assessed against other relevant policies in the development plan, it is not considered that the development would result in significant harm to the character of the landscape, that could not be mitigated. In addition, there are not considered to be any significant adverse impacts in terms of residential amenity, highway safety, ecology and flooding. It is considered that other matters such as provision of broadband could be dealt with via condition.
128. While support from the County Councillor is acknowledged, as described above it is considered that the development would be contrary to CDP Policies 10, 12, 20 and 32 and there are not considered to be any material considerations in this instance that would outweigh that conflict. Therefore, on that basis, the application is recommended for refusal.

#### Public Sector Equality Duty

129. 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.
130. 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 reasons:

1. The applicant has failed to demonstrate that the demands of the work involved means there is an essential existing functional need for a permanent worker to live at the site in order for the business to function effectively contrary to Policy 12(a) of the County Durham Plan.
2. The applicant has failed to demonstrate that the functional needs of the business could not be fulfilled by another existing accommodation within the area contrary to Policy 12(e) of the County Durham Plan.
3. The development is inappropriate in the Green Belt would also cause visual and spatial harm to the openness of the Green Belt, and other considerations do not clearly outweigh this harm caused to the Green Belt, therefore the very special circumstances to justify the development do not exist conflicting with the aims of Part 13 of the NPPF and CDP Policy 20.
4. The applicant has failed to demonstrate that the development would not either contribute to or be put at unacceptable risk from pollution or land instability contrary to the NPPF Paragraph 180 and CDP Policy 32.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan (2020)

Trees, Woodlands and Hedges SPD (2024)

Development Viability, Affordable Housing and Financial Contributions SPD (2024)

Residential Amenity Standards SPD (2023)

Parking and Accessibility SPD (2023)

Statutory consultation responses

Internal consultation responses

External consultation responses



In

<p><b>Planning Services</b></p>	<p>Outline application for the erection of 1 no. rural workers dwelling (with all matters except access reserved)</p>	
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