

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/03779/OUT
FULL APPLICATION DESCRIPTION:	Outline application for the demolition of 21 Tudhoe Lane and erection of up to 7 residential self-build plots (all matters reserved except access) (amended red line plan received).
NAME OF APPLICANT:	Pamur Co Ltd
ADDRESS:	21 Tudhoe Lane and Land To The North Spennymoor DL16 6LL
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The application site is located on the edge of Tudhoe Village which is located to the south running east to west with Tudhoe Colliery located to the east of the site running north to south, essentially positioned in a reverse L shape. Land levels are generally flat across the site however there appears to be a slight slope down from those dwellings on Tudhoe Lane.
2. The area of land in question forms part of a wider area of agricultural land which is considered to be bordered by residential properties to the south namely 17 - 22 Tudhoe Lane. These dwellings are considered to form the current northern settlement edge of Tudhoe Village at this point which consists of boundary fencing to the existing dwellings. Open fields are located to the north and west of the site in question. To the east of the site is a church/church hall which extends further north than the existing dwellings.
3. To the east of the church hall, an infill development of three houses was approved in early 2019. To the north of this infill development outline consent was refused for the erection of up to 36 dwellings and this has been subsequently dismissed on appeal due to encroachment.
4. An existing dwelling no. 21 Tudhoe Lane is proposed to be demolished as part of the application to allow access through to the proposed site.
5. Tudhoe Village conservation area lies to the southwest of the site as does the village green which includes a listed war memorial. The site is also located within a coal authority high risk area but is not located within an area of high landscape value and is not within a flood zone.

The Proposal:

6. Consent is sought for the demolition of no.21 Tudhoe Lane, which is a detached bungalow, and the erection of 7 dwellings. Originally the application proposed 9 dwellings, however the site has been reduced in size as have the proposed number of dwellings.
7. This proposal is being sought on an outline basis with all matters reserved except access. The intention is for the dwellings to be self-build with an indicative layout being provided which shows the access will be taken through the existing plot of no. 21 and the dwellings will be positioned in a linear form directly behind the dwellings 17-24 Tudhoe Lane.
8. As the proposal is being sought on a self-build basis, a design code has been submitted to accompany the application which is proposed to reduce the potential for a mismatch of properties being constructed.
9. The application is presented to the South West Planning Committee in accordance with the Council's Scheme of Delegation as it constitutes a major development with the area being more than 0.5 hectares.
10. In addition, Councillor McAloon has requested the application to be heard due to the impact the proposal would have on the village and the adjacent conservation area through encroachment. Concern is also raised with regards to the self-build nature of the scheme.

PLANNING HISTORY

11. There is no relevant planning history on this site.

PLANNING POLICY

NATIONAL POLICY

12. A revised National Planning Policy Framework (NPPF) was published in July 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
13. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will

improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

15. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
16. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 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.
20. *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.
21. *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.
22. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

23. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

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

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

LOCAL PLAN POLICY:

The County Durham Plan (CDP)

25. *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.
26. *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.

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 design and scale suitable for intended use and well related to existing development.

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 change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

27. *Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources)* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
28. *Policy 15 (Addressing housing need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
29. *Policy 19 (Type and mix of housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
30. *Policy 21 (Delivering sustainable transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
31. *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.
32. *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.
33. *Policy 29 Sustainable Design* details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
34. *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.

35. *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.
36. *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.
37. *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.
38. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
39. *Policy 40 (Trees, woodlands and hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
40. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

Supplementary Planning Documents

41. *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.

42. *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.
43. *Residential Amenity Standards SPD (2023)* – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
44. *Parking and Accessibility SPD (2023)* – Provides guidance on parking requirements and standards.

Neighbourhood Plan

45. 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 most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY CONSULTEE RESPONSES:

46. Coal Authority – No objection subject to conditions
47. Highways Authority – No objection
48. Lead Local Flood Authority (Drainage and Coastal Protection) – No objection in principle however notes it is in outline form only.
49. Spennymoor Town Council object to the proposal on the following grounds:
 - The effect the proposal would have on the character and appearance of the area and countryside including the whole setting of the Tudhoe Village Conservation area.
 - This development would extend the boundaries of the village and blur the distinction between the Village and Tudhoe Colliery which in turn could lead to a coalescence of Tudhoe Colliery and Tudhoe Village into one.
 - Aware the residents of Attwood Terrace and Front Street have not been informed of this development even though this would impinge on their views and the conservation area to the west of Attwood Terrace.
 - Further to the recent application to build 37 houses to the rear of Atwood Terrace. This was seen by many as a creeping, piecemeal deterioration of the distinction between Tudhoe Colliery and Tudhoe Village. This new proposed development is in much the same frame and if granted could lead to a further piece meal encroachment of the distinct characters of both communities.
 - Concerned by the fact that this development is only outline planning for self builds. Outline planning simply means that the plans are accepted “in principle”, even though no details of specific houses are submitted. It could be that at some later date the individual housing proposed to be built is not in keeping with the overall character of the village. We already see one flat roof construction to Saint David’s church hall the architecture of which is not in harmony of Tudhoe village.

- Tudhoe Lane itself has a tranquil peaceful rural aspect. The plots share a uniform size and are set against open countryside. Because they share a harmonious single storey appearance these properties provide a soft open aspect and are agreeable in character to the boundary of Tudhoe village. The proposed development would materially depart from the pleasant tranquil and characterful form of that area of the village.

INTERNAL CONSULTEE RESPONSES:

50. Archaeology – Report required which can be provided as a pre-commencement condition.
51. Affordable Housing – Affordable housing contribution is required.
52. Environmental Health (Contamination) – No objection subject to contaminated land condition
53. Environmental Health (Noise) – No objection subject to conditions regarding noise implications which can be controlled via pre-commencement conditions.
54. Ecology – Further information required in the form of an BMMP which should be secured through a legal agreement.
55. Landscape – Concern raised regarding the proposal being an encroachment into the countryside.
56. Design and Conservation - Should the principle of development be deemed acceptable; access should not be overly engineered. Any design code should be conditioned.
57. Trees – No objection
58. Policy – Advice given in respect of which policies to consider however concern raised over the proposal being inappropriate backland development.

PUBLIC RESPONSES:

59. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, 40 letters of objection including a 30 named petition have been received with the following comments:

Principle / Impact on streetscene/wider area

- Concern over the design of the properties given they are proposed as self-build.
- The proposal would be outside of the village boundary.
- Impact on conservation area
- Erosion of countryside and character
- The development is not in keeping with the character of the village and coincides with other developments in the immediate area which are further expanding the available housing stock rendering this proposed development unnecessary.
- Loss of a bungalow which are already in short supply.
- The proposal is not a brownfield site but a greenfield site.
- Loss of agricultural land

- Loss of linear layout of properties and the negative impact the demolition will have on this layout.
- The proposal will doubling the linear structure in that part of the village which will lead to coalescence of Tudhoe Colliery and Tudhoe Village by a second row of dwellings stretching from The Black Horse public house to The Green Tree and beyond.
- The historic character of Tudhoe village would be badly damaged.
- Concern regarding access to the remainder of the field at the east side of 17 Tudhoe lane as it would appear to be blocked by plot 1, how will the field be maintained.
- The site was considered unacceptable with the SHLAA.
- The Coal Authority question the stability of the land.
- Potential land subsidence at the back of existing properties particularly highlighting of 17 and 18 Tudhoe lane.
- There is a statutory duty on those making decisions affecting conservation areas to pay special attention to preserving or enhancing their character or appearance.
- Contrary to Countryside policies as set out within CDP
If this development progresses any further, the properties should accord to that in local planning application DM/23/02227/FPA, insomuch that they be subservient to the dwellings fronting the development.
- Incorrect assessment on the impact on the conservation area
- The amount of land currently being developed for housing in the wider Spennymoor area is baffling with the limited amenities and facilities available to the communities of the town and surroundings.
- Whilst the number of units have been reduced the access road is still laid out in a way which would enable it to be extended through Plot 7 to the land to the west as part of a further phase of development.
- Granting approval to this application would enable a development which creates a precedent for a series of further applications.
- The original drawing showed 6 houses to the north of nos. 17 to 24 Tudhoe Lane: the latest drawing shows an increase in density in this area with 7 building plots instead of 6.
- Concern regarding the design code document and that it should be given little weight.

Residential Amenity

- Noise and Disturbance during construction
- Additional noise and light pollution
- Loss of amenity to existing residents
- Noise pollution from the proposed access road to the neighbours either side

Ecology/Biodiversity Concerns

- Bats and other existing wildlife such as pheasants, owls, stoats, other birds and even deer (albeit halfway down the field) have often been seen in the field.
- Loss of hedging
- The EIA is focussed on the demolition of 21 Tudhoe Lane and the proposal to build 9 properties on greenfield land rather than impacts on the wider environment of the proposed development plot and beyond.
- Concern regarding reports and the mitigation provided particularly lighting and the impact on wildlife, expressions of intent do not appear to equal compliance on the ground.

Highway Safety

- There is no reference to any disability provision with any reference to any inclusive provision totally omitted from this application.
- The eastern visibility splay is compromised along Tudhoe Lane by very tall, bushy holly hedging in the western corner of 20 Tudhoe Lane's front garden. This would create conditions hazardous to highway safety.
- Pedestrians would be forced to walk on Tudhoe Lane road surface as there is no continual pedestrian footway out either way from the proposed road access. There is only a grass verge there, which is punctuated with sloping property accesses.
- This would create conditions hazardous to pedestrians and highway safety. It would be particularly prejudicial to a disabled person's access.
- No traffic survey.
- Increase in vehicles in an area where there are already significant vehicles parked on the road and congested at times.
- The proposed access to the site is considered dangerous due to its position.
- Concern regarding the sight lines and that they will not be safe.
- Concern regarding the footpath leading into nearby properties and neighbours being unable to park vehicles for fear of accidents.

Other Issues

- Date of consultation
- Concern regarding the design code being added to
- The don't own the property they intend to demolish.
- It is noted that no social housing is planned; the developer cynically stated that was why there were only nine houses in the plan.
- Concern regarding the application being linked with another application which is still pending (same owners).
- The proposal is simply for financial gain.
- Structural Integrity of neighbouring properties
- It is understood the applicant is expecting a refusal and using this application as a way of highlighting objections and will then resubmit an appeal (currently being drafted) that the public will not be able to comment on. This is a rather underhand way of manipulating the system.
- The residents of Tudhoe Village should be kept informed of this entire process due to the significant adverse impact this development would have on the village community.
- Wider consultation should have been carried out.
- Potential land subsidence at the back of existing properties particularly highlighting of 17 and 18 Tudhoe lane.
- Consideration of a previous application should not be taken into consideration.
- Previous applications have been refused to their physical and visual incursion into the countryside
- Sewage pipes in the area are already at capacity and will be unable to cope with the increase in developments.
- An Outline Only Application is Inappropriate given its location adjacent to the conservation area especially where it is intended to be for self-build plots and to ensure that all relevant CDP policies are met for example sustainability.
- Concern that no. 20 Tudhoe Lane was demolished without permission - The application to extend and renovate the house was approved by DCC, but the

house was demolished and is being rebuilt which does not give faith that plans will be followed.

60. 5 letters of support have been received with the following comments:

- They would be interested in a plot and move into the area to build an eco home.
- Tudhoe is a wonderful village and would be a dream come true to have self-build plots to purchase here.
- As a business owner with a telecommunication and traffic management company, they are committed to contributing in any way possible to ensure the success of this project.
- The prospect of having these self-build plots within Tudhoe Village is truly exciting,
- given the rarity of available properties.
- The value and significance of offering families the opportunity to establish homes in this wonderful community is understood.
- Note the Council's progressive approach in permitting self-build plots allowing families to create homes tailored to their specific needs, fostering a sense of ownership and community engagement.
- The inclusion of self-build plots aligns with the principles of sustainable development and promotes diversity in housing options, ultimately enriching the local area.
- Offer of my expertise and resources to help ensure that the development is as smooth and successful as possible.
- Confident that the addition of these self-build plots will not only enhance the community but also contribute positively to the lives of the families who will call this area their new home/

ELECTED MEMBERS

61. Councillor McAloon objects to the application for the following reasons:

- This application many believe could drastically alter the character and rural aspect of the village and the adjacent Conservation Area.
- The recent failed application to build 37 houses at the rear of Attwood Terrace was seen by many as a creeping, piecemeal deterioration and blurring of the distinction between Tudhoe Colliery and Tudhoe Village.
- This new proposed development is in much the same frame and if granted could lead to a further encroachment of the distinct characters of both communities.
- Concern regarding the self-build nature of the proposal.
- This proposed development would materially depart from the tranquil and characterful form of that area of the village.

APPLICANT'S STATEMENT:

62. The proposal relates to an outline planning application for the erection of up to 7no. residential self-build plots including access, with all other matters reserved.
63. The applicant has worked positively with comments received on the application to deliver a sympathetic and high quality residential addition to the village of Tudhoe. The application delivers a scheme of self-build opportunities which are encouraged by local and national planning policy. However, to ensure the homes are appropriate to their surroundings, a detailed design code is submitted with the application,

providing a series of parameters which must be complied with for any further development. Amongst other things, these include plot orientation and ratios and building heights (limited to 1.5 storeys or 6m) – a direct response to comments received from the Council’s design officers.

64. The proposed development follows the existing field boundaries, thereby respecting the historic field patterns and retaining these strong boundary features as part of the scheme.
65. There are no outstanding technical matters to be resolved (ecology, highways, drainage etc are all considered to be acceptable). The site boundary has been drawn to respond directly to the adjacent development to the east, following the exact same building line. As such it cannot be said that the proposal is not well related to the settlement or an inappropriate incursion into the open countryside – it follows the development which is already present in the village. Neither does it bring any one settlement any closer to another, resulting in any kind of coalescence.
66. The site is sufficiently separated from the Conservation Area, such that there are no historic environment objections or causes for concern.
67. The site is a well-related and well-integrated development proposal which satisfies the criteria set out by Policy 6 of the Local Plan. Safe and suitable access is achievable, and through the reserved matters stage, the design, layout, and form of the proposed plots will be agreed, in accordance with the Design Code. There are no known constraints to the development which cannot be suitably mitigated.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

68. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
69. 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 in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
70. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
71. In this context, it is considered that the main planning issues in this instance are as detailed below:

Principle of the Development

72. The site given its location is considered to be outside of any recognised settlement and as such is considered to be within the open countryside. CDP Policy 10 (Development in the Countryside) is therefore considered relevant.
73. CDP Policy 10 relates to development within the countryside and states that this will not be permitted unless allowed for by specific policies in the Plan (as identified in footnote 5), relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of a list of exceptions within the policy itself.
74. There is no adopted neighbourhood plan relevant to the area and the proposal is not considered to meet any of the economic development or infrastructure exceptions listed in CDP Policy 10. In respect of the specific policies detailed in footnote 56 this includes housing allocations; employment land allocations; development on unallocated sites; visitor attractions and accommodation; equestrian development; rural exceptions; travellers; green infrastructure; rural workers dwellings; low carbon and renewables, all applicable policies relating to minerals and waste development; and transport routes (roads, cycleways and rail).
75. CDP Policy 6 is one of the exceptions in CDP Policy 10 listed above as it relates to development on unallocated sites. This policy states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan can be supported 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 subject to a number of criteria.
76. It is noted that the CDP does not define what constitutes 'well-related' however the supporting text of CDP Policy 6 sets out at paragraph 4.110 that "*when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.*"
77. It goes on to state at para. 4.111 "*we want to ensure that new development does not detract from the existing form and character of settlements and will not be harmful to their surroundings. Therefore, not all undeveloped land within the built-up area will be suitable for development. Where buildings already exist on site, their retention will be encouraged where they make a positive contribution to the area or have intrinsic value. In determining whether a site is appropriate for new development, the relationship with adjacent buildings and the surrounding area will be taken into account along with the current use of the site and compatibility of the proposal with neighbouring uses. New development should also not contribute to coalescence with neighbouring settlements, result in ribbon development or inappropriate backland development*".
78. It is also worth noting that the definition of built-up area / countryside within the Glossary of the CDP is as follows:
 - Built up area: The built-up area is land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan.
 - Areas falling outside this definition will be regarded as countryside.
79. Significant concerns have been raised regarding the proposal being outside of the village boundary and therefore being encroachment into the open countryside resulting in erosion of the character of the countryside and providing coalescence

between Tudhoe Colliery and Tudhoe Village due to creating a second linear line of properties. In addition, concern is raised regarding the loss of agricultural land and that the proposal is being proposed on a greenfield site as opposed to a brownfield site.

80. CDP Policy 6 supports development on sites which are not allocated in the Plan, but which are either within the built-up area or outside the built-up area but well related to a settlement, stating that such development will be permitted provided it is compatible with the following criteria:
 - a) Development should be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b) Development does not contribute to coalescence with neighbouring settlement, would not result in ribbon development, or inappropriate backland development;
 - c) Development does 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 mitigate or compensated for.
 - d) Development is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement
 - e) Development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f) Development has 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) Development does not result in the loss of a settlements or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h) Development minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i) where relevant, development makes as much use as possible of previously developed (brownfield) land;
 - j) where appropriate, it reflects priorities for urban regeneration.
81. The site is surrounded to the south by residential and to the east by a church/community centre with the north and western boundary being bounded by open countryside/agricultural land. In line with criteria A of the policy, the residential use of this site would therefore be considered compatible with the existing residential use to the south, and not incompatible with remaining surrounding uses.
82. It is considered that parts b, c and d can be considered together. The characteristic of the settlement in this location is its linear form with residential dwellings fronting on to the main road on this side.
83. This development is proposed on open countryside land with the rear boundaries of 17-22 Tudhoe Lane delineating the existing settlement edge at this point followed by farmed agricultural land which is considered to display a strong rural character. The proposal would introduce new dwellings into this agricultural field which is considered to represent incursion into the open countryside at this point.
84. Although it is acknowledged that there is some infill development to the east of the site as described in the site description above, this sits more appropriately with the settlement form.
85. The current site by comparison reads more as a linear ribbon form of expansion, which would result in some coalescence between the settlements of Tudhoe Village and Tudhoe Colliery which is considered contrary to Part b of CDP Policy 6.

86. Furthermore, in assessing the character of the settlements of Tudhoe Colliery and Tudhoe Village, it is clear that they both have a distinctive linear format. Dwellings line and front the main roads and punctuate the settlement edge. The proposal would introduce a new line of dwellings into an agricultural field which sits behind existing dwellings, achieved only by demolishing no21 Tudhoe Lane.
87. This is considered to disrupt the current urban linear arrangement along Tudhoe lane, with its uniform arrangement of relatively attractive bungalows that leads to the adjacent Conservation Area. The proposed dwellings would in turn face onto the rear gardens of these existing houses. It is considered that this represents inappropriate backland development in this case, again contrary to part 6b of the CDP.
88. In respect of Part c, the application site does not fall within any designations for landscape or ecology value and is not within a conservation area however is located adjacent to a conservation area, the impact of this development in association with the conservation area will be discussed in more detail below. The development however is considered to result in the loss of open land which is considered to contribute to the character of the locality. It is not felt that the extension to the settlement edge could easily be mitigated as whilst planting could be instigated there is still a clear incursion northward from the existing settlement edge and as such the proposal is considered to conflict with Part c of CDP Policy 6.
89. In terms of criterion d, this is discussed in other parts of the report, but it is clear from the assessment that the development by reason of its location would not be in keeping with the character form, function and layout of the settlement.
90. In respect of criterion (e) this will be considered in more detail below within the highway safety section.
91. Tudhoe is considered within the County Durham Settlement Study to be within the Spennymoor Cluster which is considered as a large settlement with many facilities available, including local shops, pubs, school, GPs and a community centre. It is noted that the site is also within 400m of the bus stops which provides access to other villages/services. As such criterion (f) is considered to be met. It should be noted however that whilst this demonstrates that the site is physically well related with ready access to services, it is still considered that there remains conflict with other parts of CDP Policy 6 particularly in relation to the visual impact.
92. In addition, the development would not result in the loss of any facilities or services (criterion g). As such there is no conflict with this criterion of the policy.
93. In respect of Criterion h), the site is not contained within Flood Zones 2 or 3 of the Environment Agency mapping system. From assessing the Strategic Flood Risk Assessment mapping layers associated with the Local Lead Flood Authority, there are no noted flood risk areas within the application site area. There is no conflict with this part of the policy, but further consideration is provided below within the drainage section.
94. Criterion (i) relates to where relevant, development makes as much use as possible of previously developed (brownfield) land. Whilst the development would not be located on previously developed land the policy does not provide a moratorium against development upon any greenfield site and as such any refusal based on the fact that the site does not relate to previously development land could not be sustained. It is not considered that criteria j would be relevant in this instance.

SHLAA/Previous Appeals

95. The application site forms part of a larger field parcel which has been assessed within the Council's Strategic Housing Land Available Assessment (SHLAA) (ref: 7/SP/135). The outcome of the assessment concluded:

“Development of the site would represent an incursion in the countryside which would have significant adverse landscape impact. There are also a large number of commitments within Spennymoor which may impact on the deliverability of the site”.

96. Whilst it is recognised that this conclusion reflects a much larger land parcel, concern is raised regarding the incursion into the countryside. It is also noted that a nearby site has planning history with a scheme for 36no. dwellings (DM/21/01834/OUT) refused planning permission in November 2021 and a subsequent appeal (APP/X1355/W/21/3289081) dismissed in February 2022. In that case the Inspector found that significant harm would be caused to the character and appearance of the area and the countryside. This will be discussed in more detail below.

Conclusion of Principle

97. On the basis of the above assessment, it is considered that the proposal would conflict with criteria b, c and d of CDP Policy 6 and is therefore deemed unacceptable in principle. Further consideration however is also given to other issues below.

Loss of Agricultural Land

98. The site is located on agricultural land and as such CDP Policy 14 is also considered to be of relevance. Concern has also been raised regarding the loss of agricultural land and that the proposal would restrict access to the remainder of the land which sits to the north of the site.
99. 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 and significant weight can be attributed to this policy. NPPF Paragraph 180 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.
100. An Agricultural Land Classification Statement has been submitted in support of the application which identifies that the development would result in the loss of Grade 3b land however further investigations are required which could classify this as Grade 3a agricultural land. In a circumstance whereby the land is classified as best and most versatile it does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. In this instance, it is considered that as the area of land is small and a larger area of Agricultural Land remains in existence, its loss would not be significant, but nonetheless would be an adverse impact which should be given weight. The agent has also confirmed access to the larger site would not be restricted in that there are two additional access points which serve the fields to the rear being one off the B6288 and one further beyond north of the land. These are the primary access points for farming the land and would not be impacted by the proposals.

Impact on Conservation Area/Streetscene

101. Local Authorities have a duty to preserve or enhance the Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the same Act requires a similar duty to have special regard to preserving Listed Buildings or their setting or any features of special architectural or historic interest which it possesses. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas and Listed Buildings to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
102. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
103. This approach displays a broad level of accord with the aims of Part 16 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
104. CDP Policy 6d states a development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
105. CDP Policy 10 states that General Design Principles for all Development in the Countryside New development in the countryside must accord with all other relevant development plan policies and 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;
 - m. result in the merging or coalescence of neighbouring settlements;
 - n. contributes to ribbon development;
 - o. impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for
106. CDP Policy 29 relating to sustainable design states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
107. Concern has been raised that the proposal would have an unacceptable impact on the conservation area and that there is a statutory duty on those making decisions affecting conservation areas to pay special attention to preserving or enhancing their character or appearance.
108. The proposed development site lies adjacent to the northern boundary of Tudhoe Village conservation area however is not located within the conservation area. The impact of the proposal on the significance of the designated heritage asset however is required to be a primary consideration in the determination of the application.

109. The significance and character of the conservation area derives from its traditional Durham green village layout and the relationship of limited key buildings to this. The site is located to the eastern end of the village green, to the north of the existing dwellings which address the northern edge of the green. There is some inter-visibility between the village green (as a significant feature of the conservation area) and the proposed development site.
110. The key area of change and concern in relation to significance is the proposed access into the site and its impact on the character and appearance of the conservation area. The demolition of the existing bungalow and access requirements may result in an overly engineered estate style access. Concern is therefore raised in this instance with regards to the impact on the conservation area however, as the proposal is being sought on an outline basis albeit including access, it is considered that further details could be provided at a later date.
111. In respect of the requirements as outlined within Section 72 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990, in the view of the Design and Conservation officer, the scheme would likely provide a neutral impact on nearby designated heritage assets. Whilst these comments are acknowledged, concerns remain in relation to the new access which is deemed to be disruptive on the street scene, leading to the conservation area, and officers remain of the view, as highlighted earlier, that the scheme displays conflict with CDP policies 6d and 29.

Scale/Design/Layout

112. CDP 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.
113. Concern has been raised from neighbours that the proposal would have an unacceptable impact upon neighbouring properties due to the closeness of the properties. Layout and Scale is a reserved matter however an indicative layout plan has been provided. On the basis of the indicative details there is no reason to doubt that an acceptable scheme for residential development can be achieved within the site which would include meeting the Council's adopted Residential Amenity Standards SPD, in respect of separation distances and garden depths.
114. In addition, concern is raised over the design of the properties given they are proposed as self-build, and they would not be in keeping with the character of the village as well as the need for these dwellings due to the amount of other developments within the area.
115. The applicant has submitted a Design Code document setting out parameters and appropriate details in relation to form, scale, massing, architectural detailing, materials and boundary treatment. Concerns however have been raised with regards to the design code in that it would not be adhered to.
116. As discussed, the application is being considered in outline form with scale reserved for a later date however, given the self-build nature of the proposal, it is felt that a design code would be relevant in this instance. The details included within the design code are considered appropriate and now includes amendments to reduce

the overall scale of the proposals to be restricted to no more than 1.5 stories high (6m) to ensure any dwellings would be in keeping with the nearest bungalows and immediate surroundings.

117. As such the proposal in outline form subject to adherence to the design code is considered acceptable in respect of CDP Policy 29.

Residential Amenity

118. Paragraph 135 of the NPPF advises that planning decisions should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
119. In line with this, CDP Policy 31 states 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 should be integrated effectively with any existing business and community facilities. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
120. In respect of noise and disturbance, concern has been raised that the proposal would result in an increase of Noise and Disturbance not only during construction which could be considered to occur over an extended period of time due to the proposals being self-build but also from the position of the dwellings and the loss of a tranquil area which would occur to these neighbours with the properties being built behind them. In addition, noise and disturbance from the roadway has been raised as a concern to the two neighbouring properties through which the road is proposed.
121. Part r of CDP Policy 10 states proposals should not impact adversely upon residential or general amenity.
122. The Council's Environmental Health team have confirmed they considered that the proposal would not cause a statutory nuisance.
123. The housing development is noise sensitive. The locality maybe regarded as a rural setting with agricultural fields and residential dwellings being near the site. There are no major roads nearby, and Environmental Health officers confirmed that they were not aware of any environmental matters which might impact on the development. Therefore, relevant impacts should be within reasonable parameters and comply with the thresholds, stipulated in the TANs (Technical Advice Notes)
124. It is considered however that a Construction Management Plan, which should also include details relating to dust management, should be submitted and a condition added with regards to hours of operation if the application was considered appropriate, which would assist in mitigating against any potential noise which may occur during construction. It is acknowledged that a degree of disturbance can occur during construction which is normally considered limited and would not warrant a refusal of the application on this basis. It is felt that this can be controlled via pre-commencement conditions should the principle be accepted, and this would be required to apply to each self-build.
125. Based on the above and subject to conditions, the proposal would be considered acceptable in respect of Policy 31 of the CDP and Part 15 of the NPPF.

Landscape/Impact on Trees

126. CDP Policy 6 sets out developments should not contribute to coalescence with neighbouring settlement, would not result in ribbon or inappropriate backland development. The Policy also requires that development should be appropriate in scale, location and form and setting of a settlement.
127. 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. CDP Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in CDP Policy 29.
128. CDP Policy 10 states that General Design Principles for all Development in the Countryside New development in the countryside must accord with all other relevant development plan policies and 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;
 - m. result in the merging or coalescence of neighbouring settlements;
 - n. contributes to ribbon development;
 - o. impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for.
129. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. 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.
130. Significant objections have been received in that the proposal would result in coalescence and incursion into the open countryside which is considered unacceptable. Objections also make reference to an application which was refused and dismissed on appeal which cited incursion into the countryside.
131. It is considered that the application mentioned is not comparable to this application given it resulted in a much larger scheme which did project significantly into the countryside however notwithstanding this, it is considered that this proposal results in a development which will extend the settlement to the north into open countryside. By virtue of this, the proposal would transform the existing area in a negative way by impacting on the existing linear pattern within this area.
132. It is also noted that reference has been made within the applicant's information with regards to a nearby application which has been approved and implemented. This relates to three dwellings located to the east of the application site. The development site appears to extend to the north of the settlement by a similar distance. It is considered however that there are differences between these two schemes. Firstly, the implemented development to the east of the site was determined prior to the introduction of the CDP and was considered under paragraph 11 of the NPPF with its tilted balance, at a time when there was no up to date local plan to direct development. In addition, this development was also considered to be

better related to the existing settlement, representing infill development, surrounded on three sides between the existing pub, the church hall and dwellings and their curtilage, therefore not amounting to an incursion into countryside. As such this development that was approved to the east of the current application site is not considered comparable with the current scheme, the latter representing a form of ribbon development and incursion into the countryside harming the character and rural setting of the settlement edge, contrary to Parts l, m, n and o of CDP Policy 10, along with relevant parts of CDP Policy 6 already discussed above.

133. In respect of trees across the site, the submitted Arboricultural Assessment is dated July 2024 with the original site survey taking place July 2023. The data contained within the report is comprehensive and considered acceptable.
134. The AIA has not identified any tree removals to facilitate the development. All retained trees have been recommended for protection via appropriate fencing as per BS5837(2012) to ensure they are not negatively impacted by any development work.
135. There would be no objection from an arboricultural perspective to the submitted proposals.
136. Therefore, whilst the proposal would appear acceptable in respect of CDP Policy 40, it is considered that the proposal would be contrary to CDP Policy 39, parts l, n and o of CDP Policy 10 and part c of Policy 6 in respect of the impact on the landscape and it is not considered that suitable mitigation could overcome this issue.

Sustainability

137. CPD Policy 29 states that all new development should minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist.
138. Concern has been raised that the proposal has not provided sufficient information to ensure that sustainability issues would be met.
139. Due to the nature of the proposal being sought on an outline basis this information would be considered at a later date as part of the reserved matters application should an application be acceptable.

Broadband

140. CDP Policy 27 states new residential and commercial development should be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation.
141. As with the sustainability section above, due to the nature of the proposal being sought on an outline basis this information would be considered at a later date as part of the reserved matters application should an application be acceptable.

Highway and Pedestrian Safety

142. CDP Policy 21 requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document.
143. Part q of CDP Policy 10 states that proposals should not be prejudicial to highway, water or railway safety. Part e of policy 6 states proposals will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
144. Significant concern has been raised that the proposal would have an unacceptable impact on highway safety in that the access would be in a dangerous position due to the layout of the existing road and it was unclear as to whether sight lines would be safe especially due to concern from an existing hedge in a neighbouring property. In addition, concern was raised that pedestrians would be forced to walk on Tudhoe Lane road surface as there would be no continual pedestrian footway out either way from the proposed road access. There is only a grass verge there which would be particularly prejudicial to people with a disability. Also, concerns were raised regarding the neighbour being unable to park their motorhome for fear of it being unsafe.
145. Concern has also been raised with regards to the fact that no traffic surveys were submitted as part of the application and also with regards to the increase in traffic that would be created from the proposal in an area which is already congested at times with vehicles parked on the road.
146. The views of the Highway Authority have been sought. The proposed access is to be formed by the demolition of no. 21 Tudhoe Lane and creating a junction to Tudhoe Lane in the former plot site leading to the rear. The numbered unclassified road Unc 34.3 Tudhoe Lane is subject to a 30mph speed restriction and is circa 6.2 metres wide. The road is lit by a system of street lighting and features a footway on the south side up to the village green in the west. There is a highway verge on the northern side of the road circa 1.7 metres wide.
147. The proposed access arrangements are considered acceptable with an appropriate visibility splay provided and the footways either side of the access road has been brought round to meet Tudhoe Lane. Whilst concern is raised regarding this being within the boundary of the neighbouring properties, this appears to be the thickness of a red line in respect of the plan, either side of the access with dropped footway crossings to enable pedestrians to cross at the shortest point.
148. Originally the application was based upon a maximum number of dwellings proposed as 9 which would correspond to a peak hour two-way trip generation of 7 vehicle movements. The existing flow of vehicles on Tudhoe Lane is substantially less than the capacity of the road. It is therefore considered that the highway network can safely accommodate the additional vehicle movements. Given the number of dwellings has been reduced this still applies in this instance.
149. The separation distance between the junction of Elm Close and the proposed access is slightly below the guidance however the quantum of vehicles produced by the small numbers of dwellings on each side road along with low traffic flows on Tudhoe Lane would not be considered as a significant road safety issue.
150. With regard to concerns that the development would increase the presence of parked vehicles within surrounding streets or on Tudhoe Lane, it is noted that given the requirement to comply with the DCC Parking & Accessibility standards, the

proposed use would not increase on street parking to an extent that it would adversely impact upon existing network capacity. In instances where vehicles presently obstruct the adopted verge or road this is subject to legislative control via the Highways Act and cannot be afforded weight in the determination of this application. In addition, concern raised regarding where neighbours have previously parked their vehicles, this is on adopted highway and there is no stipulation that they are entitled to park in a particular area. Should the existing host property have created a new driveway entrance, this would not have required planning permission and would have had a similar outcome.

151. The construction of the estate road, footways, visitor parking bays and access, as well as their final completion are a concern due to the proposal being a self-build style development. Therefore, in order to secure the adequacy of the road and footways along with other essential services it will be necessary for the infrastructure to be suitably completed before to first occupancy of any dwelling and this can be controlled via conditions should the application be considered acceptable.
152. Further conditions would be required regarding the proposed estate roads to ensure they are designed and constructed to meet current highway design standards. It is also considered that a condition that the parking spaces serving each dwelling and visitor parking bays shall be retained and used for parking, in perpetuity.
153. Finally, a pre-commencement condition regarding a construction management plan should also be added which should include but not be limited to, details of the routing of delivery vehicles, delivery times, the control of deliveries to avoid peak periods, the protection of the public during site works, avoidance of mud and detritus being deposited on the public highway, highway works traffic management etc.
154. Given this and subject to the conditions above, the proposal is considered acceptable in respect of Policy 21 of the County Durham Plan and Part 9 of the NPPF.

Contamination / Land Stability

155. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:
 - a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
156. The application has been assessed by the Council's Land Contamination Officer and the Coal Authority given the site is within a high risk area coal authority area which included the submission of a Phase 1 Land Contamination Scheme.
157. Objections have been raised regarding the stability of the site given the concerns raised from the Coal Authority and also the stability of neighbouring properties either side of the proposed entrance.

158. The site is in an area of historic recorded and likely unrecorded coal workings at shallow depth. 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.
159. The report submitted makes further recommendations for ground investigations to be carried out on the site in order to establish the ground conditions beneath the site and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable. It is considered that these can be controlled via pre-commencement conditions. The condition of the site does not preclude building work being carried out providing the required remediation work is carried out.
160. Subject to this, the proposal is considered acceptable in respect of contaminated land issues in accordance with of Policy 32 of the County Durham Plan.

Drainage

161. CDP 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.
162. Whilst CDP 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.
163. Concern has been raised that sewage pipes in the area are already at capacity and will be unable to cope with the increase in developments.
164. A Flood Risk Assessment and Surface Water Drainage Strategy has been submitted and has been assessed by the Councils Drainage Team as Lead Local Flood Authority (LLFA) and they advise approval of the this. It should be noted however the approval is for the outline application only and the Flood Risk and Drainage Strategy should be developed further, which can be controlled via condition should the application be acceptable. Subject to this, the proposal, therefore, is considered acceptable in respect of Policies 35 and 36 of the County Durham Plan.

Ecology

165. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.

166. Concern has been raised that bats and other existing wildlife such as pheasants, owls, stoats, other birds and even deer (albeit halfway down the field) have often been seen in the field. Concern is also raised regarding the loss of hedging and that the EIA is focussed on the demolition of 21 Tudhoe Lane and the proposal to build 9 properties on greenfield land rather than impacts on the wider environment of the proposed development plot and beyond. In addition, concern regarding lighting and the impact on wildlife and that what is said on reports doesn't always happen on the ground.
167. The supplied Ecological Impact Assessment report is sufficient to inform the application regarding habitats and species information and no further surveys are needed. The site is considered to be of limited ecological value and bat activity surveys do not record any bat roosts in the property to be demolished.
168. The report proposes integrated swift boxes and integrated bat roost units in 50% of the properties however, it is considered that for a development of this size, each property should have an integrated bird breeding unit and an integrated bat roost unit as ecological enhancement under the NPPF. A condition could be added in this regard.
169. The Biodiversity Net Gain (BNG) report details a minor net gain in habitat units of 0.41% and a gain of 309.12% in hedgerow units if the offsite land is changed from cropland to other neutral grassland. The habitat management principles in the report should ensure that the created habitat provides net gain over the BNG period.
170. Therefore, should the principle of the development be found to be acceptable the offsite BNG will be required to be secured via an appropriate legal agreement and a full HMMP supplied before the development commences.
171. Subject to this, the proposal would be considered acceptable in respect of Policies 41 and 43 of the County Durham Plan and part 15 of the NPPF.

Developer Contributions

172. CDP 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.

Affordable Housing / Mix of Dwellings

173. CDP Policy 15 establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
174. CDP Policy 15 also aims to meet the needs of older people and people with disabilities. On sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.
175. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:

- level access flats;
 - level access bungalows; or
 - housing products that can be shown to meet the specific needs of a multi-generational family.
176. As the proposal is sought on an outline basis, it is not clear which dwellings are proposed to meet the standard however, a condition can be added with regards to the submission of this information being provided in the form of a plan indicating which plots will be required to meet the M(4)2 standard at the reserved matters stage.
177. CDP Policy 19 states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations. Again, as the proposal is being sought on an outline basis, none of these details have been received however the intention is to provide self-build plots and as such a mix of dwellings will be provided. CDP Policy 19 is therefore, considered to be broadly met.
178. Concern is noted that no social housing is planned, and it has been alleged that the developer cynically stated that was why there were only nine houses on the plan.
179. The site is located within a designated rural area. CDP Policy 15 states that affordable housing will be sought on sites of 10 or more units and in line with percentages set out within the plan. For developments of below that number, in designated rural areas only, schemes of between 6 and 9 units must provide a financial contribution towards the delivery of affordable housing.
180. As the application proposes up to 9 units, a financial contribution would need to be secured through a legal agreement if the principle of the development was considered appropriate.
181. CDP 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.
182. In accordance with CDP Policy 26 and having regards to the Council's Development Viability, Affordable Housing and Financial Contributions SPD which has now been adopted, all new residential units should contribute towards open space provision.
183. 7 dwellings would likely generate a minimum of 15.4 people (7 x 2.2) based on the 2021 census data of 2.2 persons per household. The scheme would fall into the first category of Table 19 of the OSNA where a contribution should be sought for all typologies of open space. Table 16 of the OSNA sets out the costings, therefore the contribution should be: $15.4 \times 790.50 = \text{£}12,173.7$. This would be secured through a legal agreement should permission be granted.

Developer contribution conclusion

184. The proposal is considered to be in accordance with Policies 25 and 26 of the County Durham Plan subject to the completion of a Legal Agreement to secure the above obligations identified to mitigate the impact on the development.

Archaeology

185. CDP Policy 44 states in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to the following:
- i. ensuring that archaeological features are generally preserved in situ; and
 - j. in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available.
186. Paragraph 198 of the NPPF states In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
187. The proposal area consists of previously undeveloped land exceeding one hectare in extent and thus, there is a requirement for a pre-determination archaeological evaluation to be carried out. It is considered that this could be added a pre-commencement condition should the principle of the development be considered acceptable.
188. The proposal is for self-build plots and this cannot be left until a full application is submitted for each plot as this would result in a piecemeal approach and preclude a clear understanding of any archaeology on the site.
189. Subject to this condition, the proposal would be considered in accordance with Policy 44 of the CDP and part 16 of the NPPF.

Self-Build Benefits

190. The applicant considers that the provision of self build dwellings could be considered as a benefit to the scheme.
191. The Council have a statutory obligation to grant sufficient planning permissions to match the level of demand for serviced plots for self/custom-build which is evident from the register. As it stands there are 112 entries on the self-build register since 2016 with 3 individuals added during last base period (31st October 2022 -30th October 2023). The 5th base period ran from 31 October 2019 to 30 October 2020 and 11 individuals were added to the register in this time; given this the council had a duty to grant planning permission for 11 plots that are suitable for self-build and custom housebuilding between the period 31 October 2020 and 30 October 2023 (i.e. the 3 years following the end of the base period). During the period 31 October 2020 and 30 October 2023 the council granted planning permission for 295 plots and so the duty was met for the fifth base period.
192. In summary, the supply of self-build plots is more than sufficient to meet demand and there is no additional imperative for the Council to approve sites based on this factor alone and it not considered as a sufficient benefit to outweigh the harm created.

Other Issues

193. Concern is raised that an outline only application is inappropriate given its location adjacent to the conservation area especially where it is intended to be for self-build plots and to ensure that all relevant CDP policies are met for example sustainability.
194. Concern has been raised with regards to the date in which the neighbour letters were sent. Due to the Christmas break, it would appear that most people did not get their letter till the new year. However, extra time has been provided to allow people to comment and any comment would be accepted up until the decision is made by members.
195. Concern was raised regarding the design code being added to and no re-consultation carried out. It should be noted that the application has been subject to three rounds of re-consultation, where amends to the scheme were considered to require further notification, including an amend to the red line boundary. The amends to the design code related to additional information to allow for further control to be exercised should any application be considered acceptable. It was not felt that a re-consultation was necessary in this instance.
196. Concern was raised that the applicants don't own the property they intend to demolish as land registry shows a different owner. The applicant has served notice on the owner as part of the application. An applicant does not need to own a property only ensure that the correct notices have been served which in this instance has taken place.
197. It has been considered that the proposal is purely for financial gain. This however cannot be considered as a material planning consideration.
198. Concern has been raised that a neighbouring property has been demolished without planning permission and therefore, does not give people hope that plans will be followed. It is understood a retrospective application has been received in regard to this which is currently under consideration but carries no material weight in the determination of this scheme.
199. It has been suggested that the residents of Tudhoe Village should be kept informed of this entire process due to the significant adverse impact this development would have on the village community and that wider consultation should have been carried out. Consultation was carried out in accordance with the Town and Country (Development Management Procedure) Order 2015 (as amended) which requires adjoining neighbours and a site notice to be erected. In addition, a press notice was also issued. Given this, it is felt that the correct level of consultation was carried out and amendments to the scheme have further been consulted on.
200. Concern has been raised regarding the application being linked with another application which is still pending being the same owners. This is not something which can be considered as a material planning consideration and the application is to be considered as submitted and the Council cannot pre-empt what may or may not occur in the future.
201. Comments have been made that it is understood the applicant is expecting a refusal and using this application as a way of highlighting objections and will then resubmit an appeal (currently being drafted) that the public will not be able to comment on. This is considered a rather underhand way of manipulating the system. The Council is unable to comment on the expectations of an applicant however they do have a

right to appeal should the application be refused. During this process, people who have already made comment on this application will be informed and given a chance to comment further.

Public Sector Equality Duty

202. 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.
203. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

204. The application site is located outside of a settlement and is not considered well related visually to either Tudhoe Colliery or Tudhoe Village and so lies within the countryside. The erection of new dwellings in the countryside does not meet any of the exceptions within CDP Policy 10 or the requirements of Policy 6 and is accordingly, contrary to both of these policies.
205. Furthermore, the proposal would constitute a development within the open countryside that would create an incursion into the countryside creating coalescence between Tudhoe Village and Tudhoe Colliery and visual harm to the amenities of the area thereby contrary to Policies 6, 10 and 39 of the County Durham Plan and parts 12 and 15 of the NPPF.
206. In addition, the demolition of the dwelling to allow access through to the site would interrupt the existing linear street scene and would facilitate a ribbon form of backland development beyond the settlement edge that would be harmful to the amenities of the area.
207. The proposal has generated significant public objection to the scheme the reasons of which have been taken into due consideration in presenting the recommendation to the planning committee and are detailed within this report.
208. Whilst the proposal may be considered acceptable subject to conditions with respect to residential amenity, contamination, trees/hedgerows, it is not considered that there are any benefits to the scheme which would outweigh the policy conflict in this instance.
209. The proposal therefore, is considered to be contrary to Policies 6, 10, 39 and 44 of the County Durham Plan and is recommended for refusal.

RECOMMENDATION

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

1. The application site lies within the open countryside in a position that is outside of, and not considered well related visually to, the settlement of Tudhoe Village and is not considered to accord with any of the exceptions listed as acceptable through Policy 10 of the County Durham Plan, nor deemed permissible by other specific

policies in the Plan as outlined at footnote 54, in particular Policy 6. The principle of the development in this location is therefore considered unacceptable.

2. The proposal by virtue of its position is considered to result in an unacceptable incursion into the open countryside and would contribute to coalescence between neighbouring settlements of Tudhoe Village and Tudhoe Colliery. Furthermore, the proposal would require the demolition of no. 21 Tudhoe Lane to facilitate the development, disrupting the current urban linear arrangement in order to create an inappropriate ribbon form of backland development that would adversely harm the existing form and setting of the settlement, contrary to development principles outlined in criteria b, c and d of policy 6 and criteria l, m, n and o of policy 10 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

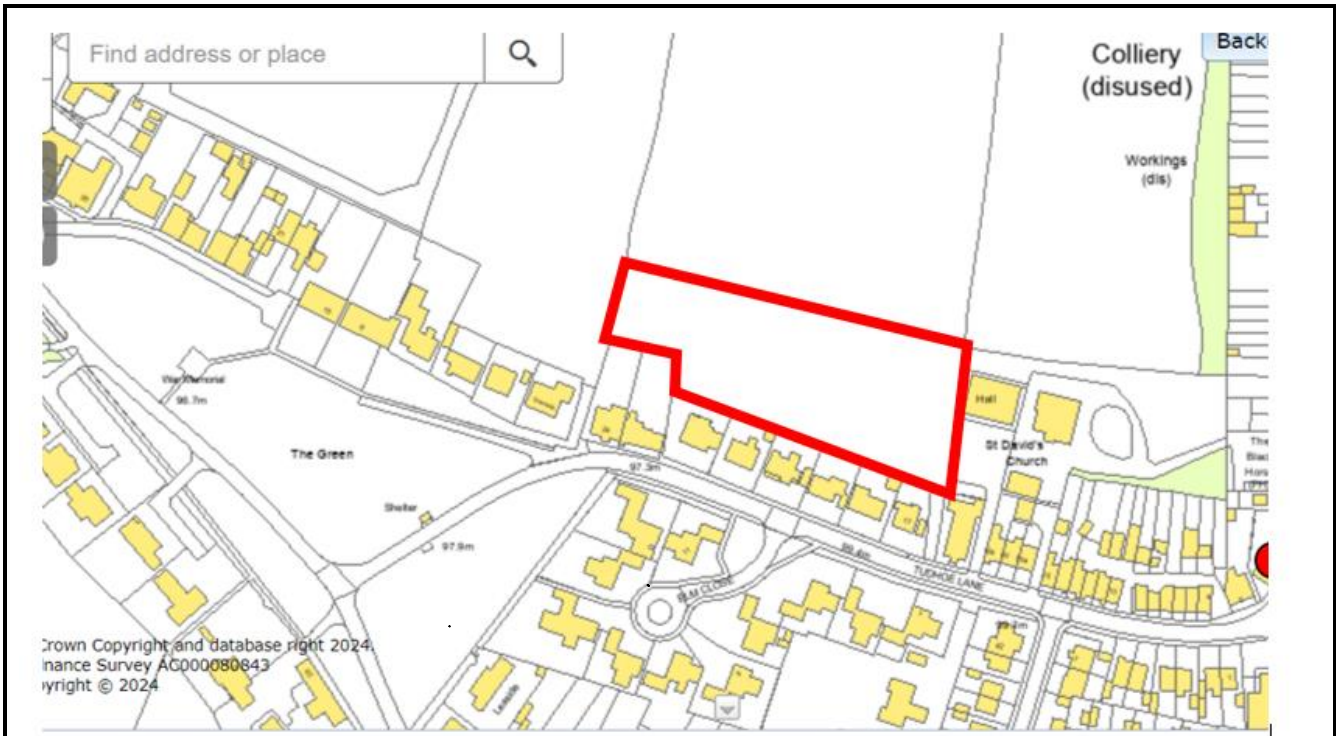
The National Planning Policy Framework (2021)

Residential Amenity Standards Supplementary Planning Document

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Outline application for the demolition of 21 Tudhoe Lane and erection of up to 7 residential self-build plots (all matters reserved except access) (amended red line plan received) at 21 Tudhoe Lane And Land To The North, Spennymoor, DL16 6LL</p> <p>Application Reference: DM/23/03779/OUT</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date: Oct 2024</p>	<p>Scale NTS</p>