

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 17 October 2024 at 10.00 am**

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, D Brown, N Jones, L Maddison, S Quinn, G Richardson, G Smith, M Stead, R Yorke and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillor Jim Atkinson.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

Councillor L Maddison declared that she was a Spennymoor Town Councillor but she had not taken part in any discussions and came to the meeting with an open mind to decide on the application.

4 Minutes

The minutes of the meeting held on 19 September 2024 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/23/03779/OUT - 21 Tudhoe Lane and Land To The North Spennymoor, DL16 6LL

The committee considered a report of the Senior Planning Officer that was for an outline application for the demolition of 21 Tudhoe Lane and the erection of up to 7 residential self-build plots (all matters reserved except access) (amended red line plan received) on land to the North Spennymoor, DL16 6LL (for copy see file of minutes).

L Morina, Senior Planning Officer gave a detailed presentation which included the site location, aerial photographs, site photographs and the proposed indicative layout of the site. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. The application had originally been for nine dwellings but this had been reduced to seven. There had been a previous planning application submitted for a larger site adjacent to the application site for 36 dwellings which was dismissed on appeal. The dwellings would be positioned in a linear form directly behind the dwellings 17-21 Tudhoe Lane. Upon consultation there were no objections from the Coal Authority, highways, conservation or drainage but concerns were submitted from Spennymoor Town Council. They raised concerns that the development would impact on the character of the countryside, blur lines between the two villages and as there were no details of specific houses submitted it was unclear if they would be in keeping with the village. The development would be considered inappropriate backland development and encroachment into the countryside and harmful to the landscape. There were 40 letters of objection and 5 letters supporting the application. Since the report had been published a further concern had been received relating to how a parcel of land that was not in the red line boundary would be managed raising concerns that it would attract flytipping. The application conflicted with Policy 6, 10 and 39 of the County Durham Plan and it was officers' recommendation to refuse the application.

Councillor B McAloon local member addressed the committee to object to the application. He was concerned that the development would change the character of the village as there was uncertainty as to what the self-build dwellings would look like once complete and modern designs would not be in keeping with the village. There would be a loss of countryside, the development would destroy the tranquillity of the village and there would be an encroachment on the adjacent conservation area. He also worried that the development would decrease the boundaries between the two villages of Tudhoe village and Tudhoe colliery bringing them closer together. He asked that members refuse the application.

Mr A Willis, agent addressed the committee in support of the application. He noted that it was a well considered proposal which delivered a high quality self-build opportunity. He stated that there had been no objections from statutory consultees and that members should proceed with caution if they followed officers' recommendation for refusal. He stated that the application was contrary to officer's assessment as he believed it satisfied Policy 6 as the development would not bring anyone settlement closer to another resulting in any kind of coalescence as there was no definitive boundary. This did not contradict Policy 6b or 6d.

The development would not impact the conservation area as it would be sufficiently separated therefore was not in conflict with Policy 6c. The County Durham Plan did not give a definitive objective as to what would classify as an inappropriate backland therefore that should not be a defensible reason for refusal. There would be no loss of trees or hedges.

Mr Willis referred to paragraph 91 of the report that noted that the development would have a strong relationship with a settlement as it was part of the Spennymoor cluster and would be sustainable as there was development on three sides of the site and would not be an inappropriate incursion in the countryside as it followed the development which already existed in the village. There had been many expressions of interest in the self-build plots and he asked members to consider approving the application.

J Jennings, Principal Planning Officer stated that planning officers had made a judgement to refuse the application based on relevant policies in the County Durham Plan, noting conflict with relevant parts of policy 6. Whilst Design and Conservation had not objected the scheme, planning officers were still entitled to come to the conclusion that there was a negative visual impact, through the loss of a bungalow to allow access to the site and the impact this would have on the street scene. She noted that a planning application had been submitted for the adjacent site in 2021 for 36 dwellings which was refused and then dismissed on appeal. As part of the Planning Inspector's decision concerns were raised that the scheme would negatively impact the character of the area and the setting of the settlement and it was specifically regarded as inappropriate backland development. Therefore the grounds for refusal detailed in the committee report for this scheme were considered wholly defensible.

Councillor G Richardson attended the site visit and had met residents who raised concerns that the scheme would impact the conservation area. He asked if clarity could be given on where the conservation area started and ended.

Councillor E Adam asked if the bungalow was occupied at 21 Tudhoe Lane which was to be demolished. He queried if there was any other reason other than to create access why the bungalow was to be demolished.

Mr A Willis confirmed that the bungalow was occupied and the tenant had been offered the option to buy the property. The only reason why the bungalow was to be demolished was to grant access. He noted that both highways and conservation had not raised any objections to these proposals.

The Senior Planning Officer confirmed that the conservation area lay to the southwest of the site and highlighted the area to Members on the site location map which was included in the presentation.

Councillor D Brown referred to paragraph 191 of the report and queried what the current situation was and what the future policies were on self-build schemes.

The Senior Planning Officer responded that the report contained up to date information regarding self-build schemes.

Councillor D Brown asked if there was a demand for self-build schemes or whether it was oversubscribed.

The Senior Planning Officer stated that paragraph 191 within the report contained information for the current situation as at the end of 2023. There would be a further assessment carried out at the end of 2024. As of October 2023 the duty was met in respect of self-build schemes.

Councillor D Brown mentioned that within the report the application had been assessed using revised government guidance from July 2023. He queried if any further guidance had been issued from the new government which reflected their vision to build 1.5 million houses as he considered the use of the County Durham Plan which had been adopted four years ago outdated.

The Senior Planning Officer confirmed that the County Durham Plan was adopted in 2020 and is less than five years old and would be reviewed in 2025 but was statutorily relevant. Although amendments to the National Planning Policy Framework (NPPF) had been drafted by the new government the local planning authority still referred to the adopted national planning policy guidance, as the proposed amendments were still out to consultation.

L Ackermann, Legal Officer (Planning and Highways) added that the current NPPF 2023 was the one the local planning authority still used. It was acknowledged that a new draft NPPF had been consulted on and provided an indication of the direction of travel from government and could be given some weight, however there was no guarantee that all the proposed changes would make it into the final version. The LPA had an up to date Local Plan and therefore these policies and plans were used along with the in place NPPF. The Legal Officer noted that the CDP was less than 5 years old and therefore the Council only needed to demonstrate a 4 year housing land supply but currently had a more than 5 year housing land supply figure.

The Chair opened up the meeting for debate.

Councillor E Adam had expected more details to be presented at the committee from both the agent and the planning officer to make an informed decision. Officers had recommended to refuse the application based on the conflict with Policy 6, 10 and 39.

Councillor E Adam substantiated that a previous planning application for the adjacent site had been refused and upheld by the planning Inspectorate on appeal due to development in the countryside. He was opposed to demolishing a good building just to gain access and the position of the linear form at the back of the buildings on Tudhoe Lane was not appropriate.

Councillor S Quinn had attended the site visit and met residents who had voiced their reasons for their objections. She could not understand the reason why it had been proposed to demolish a sound bungalow for access. She was concerned that there would be no set timeline for the self-build properties to be completed which would cause disturbance to residents for years. The site was part of an agricultural field that should be steered away from for planning. She **moved** to accept the officer recommendation to refuse the application.

Councillor G Richardson asked if the committee voted to refuse the application how it would stand up if it went to appeal.

The Legal Officer (Planning and Highways) stated that planning officers were content with their judgement and decision to refuse the application. She acknowledged that planning officers would not make decisions to refuse development if they did not think they were defensible on appeal.

Councillor L Maddison mentioned that she was a County Councillor for the Spennymoor division and knew the site which was a quiet area that residents enjoyed. She was worried that the self-build scheme would create disruption to the tranquillity. There was an uncertainty as to how long these builds would take to complete which would cause a detrimental impact on the village and the residents of Tudhoe Lane. She noted that the land was part of a greenfield site of open countryside that was not included in the County Durham Plan and if developed would bring the settlements of Tudhoe village and Tudhoe Colliery further together. She stated that Tudhoe village had been established for a very long time and had been discovered on ancient maps.

The Senior Planning Officer responded to Councillor E Adam's request for information on whether the site was allocated referring to paragraphs 95 and 96 in the report which detailed the development was part of a wider parcel of land which upon being assessed as part of the Strategic Housing Land Availability Assessment (SHLAA) was considered to cause a significant adverse impact on the landscape. The SHLAA outcome further considered that commitments within Spennymoor could impact the deliverability of the site and as such, the site was considered unsuitable.

Councillor E Adam **seconded** the officer's recommendation to refuse the application.

Upon a vote being taken it was:

Resolved:

That the application be **REFUSED**.