

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	CMA/5/33
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed caravan site to accommodate three caravans, two dayrooms, (to be accommodated within the existing haystore) & erection of a three bedroomed chalet and stable block
<b>NAME OF APPLICANT:</b>	Mr John Paul Dolan
<b>ADDRESS:</b>	Land to the south of Greenacres, west of Salters Lane and north of Woodland View, Haswell, Co. Durham
<b>ELECTORAL DIVISION:</b>	Shotton
<b>CASE OFFICER:</b>	Ann Rawlinson – Senior Planner <a href="mailto:ann.rawlinson@durham.gov.uk">ann.rawlinson@durham.gov.uk</a> 03000 261393

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site

1. The application relates to a parcel of land located to the south of 'Greenacres Farmhouse' (a residential property) and 'Jevandi Greenacres Stables' (a dog kennels), to the north of the residential property of Woodland View Haswell is located 854 metres to the north and Shotton 1100 meters to the south.
2. The application site comprises approximately 0.286 ha of land, 65m in length by 30m in width, currently occupied by a brick building with a tiled roof that has the appearance of a small stables. The site has been gravelled and landscaped with trees to the western boundary. A brick wall and gates have been erected at a newly formed access point adjacent the main road and brick planters installed within the site.
3. The site is level and is currently open in nature to the rear and can be seen across open fields when travelling from Durham along the B1823, Durham Lane. A post and rail fence separates the site from grazing land to this rear western side. A hedge is situated along the majority of the frontage of the site, to the southern side of the access. A large brick wall of appropriately 1.5-2.0m in height stands either side of the access point. A large brick wall of approximately the same height occupies the boundary with Woodland View to the southern side.
4. There are residential properties in close proximity, opposite, to the north and directly to the south. The dog kennel buildings occupying the site directly to the north consist of a brick stable type building, open forecourt areas and a 'chalet' style building. There are also numerous derelict buildings and a caravan behind the frontage buildings. Further up Salters Lane there are other agricultural/stable/garage buildings to the rear of the residential property of 'Greenacres Farm'

5. To the south the residential property of Woodland View, has side elevations and gardens facing the application site. Further south down Salters Lane, directly to the south of Woodland View is an agricultural building and stable. Also on this site is a mobile home and a caravan, both of which appear to be unauthorised. To the south of this site is a further area of land set out in a similar fashion to the application site. There are a small number of touring caravans parked on the southern side, adjacent residential properties located on the corner of Salter's Lane and Durham Lane.

## Proposal

6. Planning permission is sought for a traveller site to accommodate a chalet, two dayrooms, one static caravan, one touring caravan and then one further static or touring caravan. Permission is also sought for a stable block to the southern side of the site. This level of accommodation would house three families. Information submitted with the application confirms that the applicants are Irish Travellers.
7. Some work has already taken place on site including the erection of a brick building, fencing, landscaping, permeable gravelling and erection of gates. This is unauthorised and thus the application would seek to reconcile these aspects. Brick walls have already been erected around the perimeter of the site, accommodating an access into the field to the rear of the site. Iron gates have been erected to the front of the site. Tree planting has been undertaken to the rear of the site and brick planters installed adjacent to the entrance.
8. The proposed day rooms would be accommodated within one existing single storey building already on the site. This building measures 18m in length by 7m in width with a pitched roof and a height of 4.2m at the ridge. Planning permission has been granted for a building in this location, although this was an agricultural hay storage building, rather than a brick building, which has now been constructed, without permission in its place. Each day room would comprise of kitchen, shower, toilet and laundry facilities as well as a dining/living area. This is located, and is proposed to remain to the northern side of the site.
9. The building presently has iron bars to the windows, these would be replaced and enlarged to fit upvc windows and doors to the southern elevation. Windows would also be installed to the northern, western and eastern elevations. The existing concrete tiles would remain and upvc rainwater goods installed.
10. The proposed single storey chalet would be sited to the western/centre area of the site. This would comprise, a porch, three bedrooms, kitchen/dining/living area, bathroom and timber decking to the rear and northern side. It would be orientated so that its gable faces in an easterly direction towards the main road. It would be 12.2m in length, 6.3m in width, as well as an additional porch extending a further 1.5m. It would be 4.3m in height at ridge with a pitched roof. The chalet would incorporate windows to its north, south and west elevation and comprise of render and concrete tiles to the roof, akin to the structure, appearance and size of a holiday chalet.
11. The proposed stable block would consist of six stables and be sited close to the southern boundary. It would be constructed of concrete block, to be painted or rendered, concrete tiles to the roof and have timber stable doors. It would be 23m in length and 5m in width. It would be 4.5m in height with a pitched roof. A tack room and feed store would be accommodated within the six stables.

12. A midden measuring 6m by 4m to a height of 1.2m to match the stables would also be provided for the storage of manure from the stables until it was disposed of off site. This is described in the Design and Access statement that accompanies the application but was not shown on the submitted plans.
13. The applicant's agent has advised that the applicant has an immediate need for a site and a settled location for his family. The applicant is currently located on an unauthorised site in Peterlee and has moved site on three occasions in three months.
14. The application is reported to the planning committee at the request of local members.

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## **PLANNING HISTORY**

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15. A planning application for an agricultural style steel hay store was approved on the site in February 2011. An application for the present brick building to be used as a hay store was withdrawn in August 2011.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

16. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving *sustainable* development under three topic headings – economic, social and environmental, each mutually dependant.

The presumption in favor of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal;

17. *NPPF Part 4 – Promoting Sustainable Transport.* States that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
18. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example where development may support services and facilities in a nearby village.

19. *NPPF Part 7 – Requiring Good Design.* 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
20. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

## **PLANNING POLICY FOR TRAVELLER SITES**

21. The Government's planning policy for traveler sites was also published in March 2012 along, and to be read in conjunction with, NPPF. This policy replaces ODPM Circular 04/2006: Planning for Gypsy and Traveler caravan sites.
22. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

To help achieve the Government's aims in respect of traveller sites the following points are listed;

- That LPAs should make their own assessment of need, for the purposes of planning and plan for sites over a reasonable timescale
  - To ensure that LPAs working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
  - That decision making should protect green belt from inappropriate development
  - To promote more private traveller sites
  - That decision taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
  - To increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
  - To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
  - For local planning authorities to have due regard to the protection of local amenity and local environment
23. Local planning authorities should consider the following issues amongst other relevant matters when considering applications for travellers sites:
    - a) the existing level of local provision and need for sites
    - b) the availability (or lack) of alternative accommodation for the applicant
    - c) other personal circumstances of the applicant
    - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
    - e) that that they should determine applications for sites from any travellers and not just those with local connections

24. Local planning authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. It should be ensured that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on local infrastructure.
25. When considering applications local planning authorities should attach weight to the following matters:
  - a) effective use of previously developed (brownfield), untidy or derelict land
  - b) sites being well planned or soft landscaped in a way as to positively enhance the environment and increase its openness
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
26. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or obligations.

#### Design of sites for Gypsies and Travellers (CLG guidance 2008)

27. Requires that the following criteria are met in respect of sites for gypsies and travellers:
  - Access from properly surfaced roads
  - Hard standings for caravans and 6m separation distance between occupied caravans
  - Parking space for cars
  - Electricity and drinking water supplies
  - Washing facilities
  - Sewerage disposal
  - Refuse collections
  - Fire extinguishers
  - Boundary treatment

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>*

#### **REGIONAL PLANNING POLICY**

28. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
29. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant:

30. *Policy 1 – North East Renaissance* – developments should support a renaissance throughout the north east by delivering sustainable economic growth and conserving, enhancing and capitalising on the region's natural and built environment, heritage and culture.
31. *Policy 3 -The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.*
32. *Policy 4 – Sequential Approach to Development* – Requires a sequential approach to development giving priority to previously developed sites in sustainable locations.
33. *Policy 7 – Connectivity and Accessibility* – requires the internal and external sustainable connectivity and accessibility of the North East of England, with focus upon the reduction in use of the private motor car and increase in green and sustainable infrastructure. New development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
34. *Policy 8 - Protecting and Enhancing the Environment-* requires new development to maintain local distinctiveness. Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
35. *Policy 11 - Rural Areas* - proposals should support development of a vibrant rural economy whilst protecting the Region's environmental assets from inappropriate development.
36. *Policy 24 - Delivering Sustainable Communities* - all development within the Region should be designed and located to deliver sustainable communities. Proposals should assess the suitability of land for development and the contribution that can be made by design in relation to 16 detailed criteria, including concentrating development in urban locations, reducing need to travel, proximity to infrastructure, health and well-being, biodiversity and crime prevention/community safety.
37. *Policy 30 - Improving Inclusivity and Affordability-* advises that local authorities should carry out an assessment of the housing needs of gypsies, travelers and show people. Local development Frameworks should then provide the criteria following the plan, monitor and manage and adopt sequential approaches for the provision and release of pitched for the gypsy and travelling communities and, where appropriate, identify locations for these pitches
38. *Policy 31 - Landscape Character* -planning proposals should, sustain nationally, regionally and locally valued landscape

**LOCAL PLAN POLICY: (Easington District Local Plan)**

39. *Policy 1 General Principles of Development-* Account will be taken of whether the proposal would accord with the principles of sustainable development together with any benefits to the community and the local economy. It will also require that certain principles be applied to the location, design and layout of all new development
40. *Policy 3-Protection of the Countryside-*Developments outside the settlement limits will be regarded as development in the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.

41. *Policy 35-The Design and Layout of Development* -will be required to amongst other things; (ii) Reflect the scale and character of adjacent buildings and the area generally, (iii) Provide adequate open space, appropriate landscape features and screening, where required; (iv) Have no serious adverse affect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation;
42. *Policy 36-Design for Access and the Means of Travel*- To ensure good access and to encourage alternative means of travel to the private car, the design and layout of development will be required to provide, amongst other things: (i) Safe, attractive and convenient footpath and cycleway links between residential areas and shopping facilities, schools, public transport facilities, leisure facilities and places of employment as an integral part of any major development proposal, where appropriate;; (iii) Safe and adequate access capable of serving the amount and nature of traffic to be generated;
43. *Policy 37-Design for Parking*-The design and layout of new development should seek to minimise the level of parking provision (other than for cyclists and disabled people) which, other than in exceptional circumstances, should not exceed maximum levels.
44. *Policy 38-Designing out Crime*-The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.
45. *Policy 72 – Control of Sites for Travellers*- The development of permanent, temporary or transit sites will not be allowed in the green belt, the coastal zone or on visually intrusive sites in the countryside. Elsewhere development will be allowed provided that it meets the criteria set out, including being a reasonable distance from local facilities and services, safe and adequate access, no serious adverse effect on the amenity of neighbouring occupants.

*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>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

46. Northumbria Water- Recommends a condition requiring that development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development has been approved. This is because a public sewer crosses the site and is shown built over on the application.
47. Durham Constabulary (Architectural Liaison officer) – No recommendations to make other than to suggest that the planned screen of conifer trees should not be allowed to grow any higher than their stated purpose otherwise their eventual height may prove a loss of amenity to people using Salters Lane.
48. Environment Agency: No objections. Provides advice in relation to surface water and foul sewage drainage.

## INTERNAL CONSULTEE RESPONSES:

49. Highways Authority– The proposed site plan does not accurately reflect the width of the existing public highway verge either side of the entrance into the site off the B1280 Salters Lane. It suggests an existing highway verge width of between 4.6 and 5 metres on the north and south side respectively, of the entrance into the site off the B1280 Salters Lane, which is clearly not the case and as such is misleading in relation to the actual junction sight visibility splays that are achievable at the existing access point.
50. Junction sight visibility has been an issue in relation to previous planning applications along this section of the B1280, Salters Lane. The highways officer therefore requests a suitably worded planning condition relating to the construction of the 2.4 x 215 metres junction sight visibility splays as follows:
51. Subject to acceptable junction sight visibility splays being created the applicant will need to upgrade the existing vehicular access within the public highway. The vehicular access crossing must also be constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980.
52. Landscape Architect: Understand that it is the intention of the family to undertake additional tree planting, over and above that shown on plan, on a strip of land beyond the fence and west of the mound that borders the surfaced area. In this location, would favour the planting of native species.
53. Planting to the southern boundary would be unnecessary as a screen. The plan indicates leylandii around the hard surfaced area. On the west side raised bed, recently planted conifers would form an acceptable hedge and contributor to the intended screening from distant receptors.
54. However, in the broad raised bed between the roadside hawthorn hedge and the low brick retaining wall, would suggest trees/plants that are less suburban in character and more sympathetic solution to screening.
55. In respect of the extent of any impact that the development would have on Landscape and visual amenity value, the main receptors can be grouped as firstly: those to the south west at distances over half a kilometre from the B1283 Durham Lane and an adjoining footpath - and secondly: adjacent to the site in Salters Lane to the east.
56. Distance helps to mitigate what can be defined as puncher development in the countryside. The effect on landscape and visual amenity value of such a proposed development including grouped white caravans might be described as moderate/ slight - until structure planting can begin to mitigate over time.
57. In the case of Salters Lane, the seasonal factor and the presence of well built, but suburban in character, brick walling and gates are matters of concern. They contribute to an evaluation of moderate negative impact. However, planting and maintenance regime could help, over time, to reduce moderate negative impact to slight negative impact.
58. Planning Policy Officer- The proposal is in general compliance with the general principles of development as set out in policy 1, 35 and 72. There are no policy objections.



59. The local plan fails to identify suitable locations for Gypsy-Traveller sites in line with national planning guidance and therefore due regard must be taken of the requirements of standard Caravan Site Licences and CLG guidance on design and layout of sites. The unmet need for sites across the County is a material consideration in assessing this proposal. The Council is currently carrying out an updated travellers sites need assessment but in the interim the site needs to be treated on its merits in accordance with national guidance
60. Environmental Health Officer-No adverse comments
61. Ecology Officer-no objections

**PUBLIC RESPONSES:**

62. The application has been advertised in the local press and through the erection of site notices on and around the site. Neighbour consultation letters have been also been sent to adjacent properties.
63. No letters of representation have been submitted from local residents
64. Haswell Parish Council have raised concerns regarding the overdevelopment of Salter's Lane.
65. The Local ward members have raised concerns regarding the environmental impact of the proposed development due to its prominence along Salters Lane which is a gateway into Shotton. The application site also lies adjacent to several other caravan storage areas along the same route. Concern is also raised that the development may have a negative impact on recently approved developments for 170 dwellings by Persimmon Homes and for the eight dwellings approved on the site of the former miners hostel

**APPLICANTS STATEMENT:**

66. The applicants are Irish travellers with close connections to the area and have travelled extensively. The site would be a private gypsy-traveller site and associated stabling/keeping of horses. The family has lived in the Easington area for 10-12 years. Three related families (brothers and sister) would occupy the site. The father of the families lives just up the road.
67. The families are horse dealers; horses are bought and sold through traditional horse fairs. They have between 20-30 horses, including trotting horses and coloured cobs which graze mostly on land rented on an annual basis at Leamside, approximately 9 miles to the north of the application site.
68. Permission is sought for three caravans of which one would be a touring caravan and one or two would be static/mobile homes. Two dayrooms would be accommodated in the existing hay storage block and a chalet would be provided.
69. The caravans would be sited in the yard area where they would be largely hidden from view from the existing hedge row and proposed row of conifer trees.
70. The applicants live in their caravans. The design and appearance of the static and touring vans cannot be prescribed as these can be changed. The caravans are low level structures which provide compact living accommodation. They are typical of most Gypsy-Traveller sites. The touring caravans are of a design seen on the drives of residential properties. External lighting would be limited to the caravans and outside of the utility block and stables.

71. The stable block would accommodate the horses as well as a general purpose tack room. The stables are required for when the mares are in foal and to prepare the horses for taking them to shows. The stables are for their own personal use and for no commercial purposes such as a livery. A condition restricting their use would be acceptable. The keeping of horses and travelling to fairs are a traditional way of life and also a source of income.
72. The local plan fails to identify suitable locations for gypsy-traveller sites nor does it provide any guidance of layout criteria. The applicant's agent considers that the site is brownfield and the countryside is not specifically designated. There is a need for additional pitches and access to services. A condition restricting the site to occupation by gypsy-travellers would be acceptable as is a restriction on the number of caravans to three (including one touring caravan).

*The above 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 the office of the Strategic Team Development Management, County Hall, Durham.*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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73. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, the main planning considerations are; the principle of the development, impact on visual amenity and the character and appearance of the area, impact on residential amenity, highway safety, proximity of local services and transport links, provision and layout of services and any other matters.

### Principle of the Development

74. The Government's Planning Policy for Traveller sites was published in March 2012 along with, and to be read in conjunction with the NPPF. This policy replaced the ODPM Circular 04/2006: Planning for Gypsy and Traveller caravan sites.
75. The Government is seeking to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life, whilst respecting the interests of the settled community. The Government requires that LPAs should make their own assessment of need for the purposes of planning, and plan for sites over a reasonable timescale to meet need through the identification of land for sites in order to address under provision and maintain an appropriate level of supply. The government is promoting more private traveller sites, and wishes to increase the number of traveller sites in appropriate locations, in which travellers can access services and infrastructure.
76. In July 2007 the 'Gypsy and Travellers Needs Assessment', identified a County Durham wide requirement for 61 additional pitches to offset current shortfall and for a further 37 pitches to accommodate household formation up until 2015. These cannot be provided on existing gypsy sites given the need to upgrade these sites, concluding that between 3-5 small permanent sites (with up to 12 pitched each) should be identified through the Local Plan. However an update to this work is currently ongoing and this would not be finalised in the near future to enable it to influence current planning decisions. The current situation at the public sites in the County is that there is no spare capacity and the rate of turnover is generally low. It has been recognised at appeal that there is a demonstrable unmet need in the county.

77. The County Durham Plan Preferred Options suggests that work on a Gypsy and Traveller Development Plan Document will commence in 2012, although no adoption date is set. It is understood that this document is likely to deal with sites which can accommodate in excess of 15 pitches.
78. The site is not located in the green belt, although is located within the open countryside of which new traveller sites, away from settlements should be strictly limited. In this respect though, the government highlights its primary concern as the importance of ensuring that the scale of such sites does not dominate the nearest settlement. Policy 3 of the Local Plan seeks to prevent development in the countryside, other than that allowed through other policies. Policy 72 seeks to restrict sites in the countryside that are visually intrusive and policy 1 requires development to be located within the settlement boundaries.
79. It is noted that the Government's Traveller Policy does not prevent the provision of sites in the open countryside, per se, nor does the Local Plan policy prevent sites that are *not* visually intrusive. Nevertheless, clearly there is a strong presumption in favour of the continued protection of the open countryside.
80. A key consideration in the determination of this application is weighting the protection given to safeguarding the intrinsic qualities of the countryside whilst also promoting social inclusion and recognising the needs of all groups of society. In this respect Paragraphs 50 and 51 of the NPPF require that everyone should have the opportunity to live in a community where they want to live, a wide choice of high quality homes that people want and need should be delivered and the creation of sustainable, inclusive and mixed communities is encouraged
81. Firstly it must be recognised that the Local Plan fails to identify suitable locations for Gypsy-Traveller sites, in line with the requirements of National Planning Guidance. The unmet need for sites and unmet provision across the County along with no solid plan direction, coupled with the Governments requirements for the provision of more private sites is a substantial material consideration in assessing this proposal.
82. Having identified the need requirement for a site and the importance attached to providing these to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure, any site to come forward must be appropriate in terms of its compatibility with other planning issues. In particular due regard must be given to the protection of local amenity, the local environment and landscape, highway safety and in respect of the location of the site in terms of its proximity of local services and transport links.
83. Although the proposal would be in conflict with policy 3 of the Easington Local Plan the principle of development is broadly supported by the recent and more up to date policy 50 of the NPPF and Policy H of the CLG document- Planning Policy for Traveller Sites. It is therefore considered that only limited weight can be afforded to policy 3 of the Easington Local Plan. In the circumstances, it is considered that the principle of the development is acceptable.

#### Impact upon Visual Amenity and the Character and Appearance of the Area

84. Policy 35 requires that development should reflect the scale and character of adjacent buildings and the area generally, provide adequate open space, appropriate landscape features and screening, and not be visually intrusive. Policy 1 reflects this in that development should be of a high standard of design and landscaping which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. National guidance expects due regard to be had to the protection of the local environment.

85. In respect of the extent of any impact that the development would have on landscape and visual amenity value, it is acknowledged that the proposed development including the unauthorised work already undertaken on the site is not characteristic of the type and design of development normally found in the countryside in general. More specifically the development is characterised by structures that are akin to a suburban or urban environment and would undoubtedly be better placed within or just outside the settlement.
86. Notwithstanding this opinion, the main receptors can be grouped as; those to the south west at distances over half a kilometre travelling eastwards along Durham Lane and an adjoining footpath and secondly; those travelling north and southbound along Salters Lane and also the three closest residential properties directly to the north, south and east.
87. The Landscape Architect considers that distance (when travelling along Durham Lane) helps to mitigate what he defines as 'puncher' (or sporadic) development in the countryside. He considers the effect on landscape and visual amenity value of such a proposed development including grouped white/cream caravans, which would be most obvious from Durham Lane, would have a slight to moderate adverse visual impact. To the western side of the site recently planted conifers would form an acceptable hedge and contributor to the intended screening from distant receptors. He considers that additional structure planting along the western boundary could assist in mitigating this impact further over time.
88. In the case of visual impact from Salters Lane, the presence of the existing structures and proposed additional structures, including the caravans and chalet are of concern. The various elements of the proposed scheme in themselves are not what is normally associated with a countryside location. It is considered that they will stand out and be noticeable, especially along the road frontage.
89. Concern raised by local councillors regarding the cumulative impact that the addition of this site will have in combination with the proliferation of sporadic cumulative development that has already taken place along this strip of road is certainly noted and shared. Some of this appears to be unauthorised, particularly a similar site set up directly to the north of the three houses at the Salters Lane/Durham Lane crossroads, although most is authorised. This includes the red brick building directly to the north of the application site and a further white rendered stables and large green agricultural building further south. Residential properties further add to what has grown to be a cluster of mixed development along this part of Salters Lane, some typical of its location, some not so and which has proved to be more visually intrusive. This situation along the roadside would remain the case now, whether or not this development was permitted.
90. The application as already mentioned is, in part, retrospective and it appears that it has been gradually developed over a period of time. Evidence shows that the site was an informal horse trotting track around/before 2008, and therefore part of the site does not appear to have been in agricultural use for some years and its status as Greenfield is questionable.
91. When assessing the proposals against local and national NPPF policy it cannot be said that the proposed development by way of design, character, layout and use of materials reflects that of a countryside location and thus the proposal is considered contrary to these aspects of policy 1 and 35 of the Local Plan and the general principles set out with part 7 (Design) of the NPPF.

However, the presence of a high hedge and existing and proposed tree planting, together with the variety of different buildings in the immediate locality, to which the development would be seen in the context of, would assist in mitigating negative visual impact. Furthermore, the control of the construction materials available through approval of this application for the stables and chalet would also assist in reducing the prominence of the development.

92. Overall the Landscape Architect evaluates the proposal as having a moderate negative visual impact. The inclusion of screen planting and a maintenance regime would assist over time, to reduce moderate negative impact to slight negative impact. If planning permission were granted conditions could ensure appropriate species and location of planting to maximise this benefit (as encouraged by paragraph 25 of the national traveller policy). This judgement is also made in the context of paragraph 109 of the NPPF which seeks the protection of valued landscapes, which is interpreted as, those areas designated nationally and locally for their landscape value, as opposed to general countryside such as the application site. The NPPF thus appears to set a higher bar in terms of general protection.
93. The proposed development would result in a harmful impact to the locality in landscape and visual terms, having a degree of prominence that would appear incongruous in its setting and this would conflict with policies 1, 35 and 72 of the Local Plan. However, these impacts are capable of being mitigated against to some degree, by means of additional landscaping and agreement of external building materials.
94. Although there is some concern that a site to the south of the application site appears to have also been prepared with gravel, brick walls etc, it is considered that this is a separate, potential enforcement issue that is required to be dealt with separately from this proposal, which is presently under consideration.

#### Impact on Residential Amenity

95. Policies 1, 35 and 72 of the Easington Local Plan aim to safeguard the general amenity of people living and working within the vicinity of the site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise or other pollutants.
96. 'Woodland View' located directly to the south of the property is the closest residential property to the site. Greenacres Farmhouse is located further north, although the existing dog kennels and chalet building are located in between, separating the sites. A further residential property and stud is sited across the road. Although this property will be able to view the application site, the distance, and its siting set back substantially from the main road, coupled with the large frontage hedge, would ensure that the amenity of this property is not substantially affected.
97. The nearest residential property located directly to the south of the site is orientated so that the gable elevation is facing onto the application site and the main windows face east onto Salters Lane and west onto the fields to the rear. It is acknowledged that the proposal would have some effect on the residential amenity of this property, especially as the site appears to have not been in use for some time. It is considered though that the habitable buildings on the application site, which are of single storey in height would not be sited so close as to have an adverse impact on the privacy, outlook or result in a loss of light to the adjacent dwelling or its garden area. This is especially so given that the application site is at a slightly lower level and the presence of a brick wall along the southern boundary of approximately 1.8-2.0m in height. There is a satisfactory distance of 21m between the main habitable windows to the chalet and the southern boundary of the site.

98. A stable block is to be sited close to the southern boundary. This would be positioned approximately 1.5m from the existing 2.0m brick wall boundary to the site. There is a further gap in between this and the fence of the adjacent properties garden area. The planting of trees is shown in this area. This as well as the existing brick wall and inward facing stables would assist in both mitigating any potential loss of amenity from the stables and assist in visually screening the site from this property. No objections have been received from the Environmental Health Officer in respect of any potential significant adverse impact from noise or smell.
99. The supporting information also indicates that a 'midden' is to be constructed on site for the storage of manure. Given the location of the residential property adjacent the site it is considered necessary to ensure that this is sited in an appropriate location so as not to cause this property loss of amenity in respect of smell.
100. Given the above considerations and subject to mitigating conditions it is considered that the proposal would not significantly adversely affect the amenities of this property over and above that which would be expected in a rural fringe location, having consideration for the types of uses that would be found in such a location.
101. In respect of amenity, the application is considered to comply with the requirements of policies 1, 35 and 72 of the Easington Local Plan as well as paragraph 123 of the NPPF. This policy seeks to mitigate and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. It also seeks to protect areas of tranquillity which have remained undisturbed by noise. Given the existing properties, buildings and uses located within the immediate vicinity of the site it is not considered the site would fall into this description.

#### Highway Safety

102. An access into the site, coupled with gates and a brick wall of approximately 1.5-1.8m have already been constructed. The access leads directly onto the highway. There is no footpath on this side of the road, only grass verges. Ornate iron gates have been erected between the brick wall entrance. It can be seen from photographs that there were previously just gaps and field fences leading into the site. The applicant has also laid gravel on the site.
103. The Highways Officer raises some concerns regarding the junction visibility splays that are achievable at the entrance that is shown on the submitted plans. He therefore requires that further junction visibility splays be constructed and the existing vehicular access within the public highway upgraded at the entrance before the use commences. Subject to the undertaking of this additional work at the entrance point the Highways Officer considers that the access for the level of vehicular use anticipated at the site is acceptable.
104. The undertaking of this additional work would ensure that a satisfactory access capable of serving the amount and nature of traffic to be generated will be created as required by policies 1, 35 and 36 of the Local Plan and in line with paragraph 35 of the NPPF. It is intended that a safe and secure layout which minimises conflict between traffic, cyclists and pedestrians would be secured. It is considered that there is satisfactory space within the development for the parking of vehicles as required by policy 37 of the Local Plan.

## Proximity of Local services and Transport Links

105. A well established key objective of planning policy carried through into the NPPF is to achieve a sustainable form and pattern of development which prioritises directing new development to existing main settlements to ensure access to and support for services and to reduce the need to travel by linking development to key facilities and services. Paragraph 55 requires that new homes in rural locations should be located close to facilities as far as possible.
106. The application site is located between Shotton and Haswell, in relatively close proximity of approximately a mile to the centre of each. Both settlements provide an adequate range of services and facilities. The site is also located in close proximity (approximately 270m) to a bus stop. Services using this bus stop include those travelling between main settlements. It is considered the proposals accords with the requirements of policy 72 and paragraph 55 of the NPPF, in this respect.

## Provision and Layout of Services.

107. Northumbrian Water have advised that a public sewer crosses the site and thus this would need to be diverted or relocated. The applicant has been advised of this. This issue can be dealt with via an informative on any planning decision notice advising the application of the need to agree a scheme for the diversion of the apparatus with Northumbrian Water. Alternatively the sites could be re-designed slightly in order for the sewer not to be built over although such a re-design would require a future amendment to any planning permission issued.
108. No objections have been highlighted in respect of the sewerage and sewage disposal systems serving the development having regard to the need to provide sufficient capacity to accommodate additional flows. It would be appropriate that a condition ensures satisfactory disposal of surface and foul water from the site. The applicant advises that the site is already connected to the mains sewer.
109. It is generally considered that the site is laid out well, with surrounding space for necessary services, meeting the applicants requirements and those set out within the CLG 'Designing Gypsy and Traveller Sites Good Practice Guide'. This includes, but is not limited to, available parking space, access from a properly surfaced road, washing facilities, boundary treatment, refuse collection and electricity. It should be noted that this guidance also requires that there should be an amenity building on the site which should include a day room as well as a kitchen/dining area, bath/shower room and separate toilet. In this case two separate amenity units are proposed within one building. This is considered a reasonable requirement for three families.
110. It is proposed to install lighting to the buildings and it appears as if the gates could be locked. This gives due regard to personal safety and the security of the site, particularly in the hours of darkness as required by policy 38 of the Local Plan

## Human Rights

111. Human Rights legislation provides for the 'right to respect for private and family life' (Article 8 of the Human Rights Convention). That right is not absolute, however, but qualified and the Local Planning Authority is consequently legitimately able to take into account other factors in determining whether to grant or refuse planning permission. Any decision however must be 'necessary and proportionate'. Generally this means the Local Planning Authority must balance the public interest against the applicant's personal circumstances.

112. Consequently it is concluded that the applicants' personal circumstances have been considered and weighed against the public interest. Planning policy generally aims to protect the interests of the public and therefore as the proposals have been assessed and justified against relevant local and national planning policies, a properly balanced opinion has been made.

#### Other Issues

113. Enquires have been made with the Councils School Places Officer who has confirmed that although the nearby Roman Catholic school is up to capacity, other surrounding schools, indeed Shotton Primary have enough capacity to accommodate the number of children expected to require school places, as required by paragraph 72 of the NPPF.
114. The Ecology Officer considers that there would be no adverse effects on protected species, ecology or the wildlife of the area in accordance with policy 1.

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## **CONCLUSION**

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115. The consideration of this proposal is a matter of balance between the aims of the development plan weighed against the Governments Planning Policy for Travellers. Whilst proposals should be determined in accordance with the Development Plan, the NPPF and the Governments Planning Policy for Traveller Sites sets out more up to date guidance which takes precedence in this instance.
116. The site would be occupied by three families of Irish Travellers, a group protected by the Race Relations Act, and afforded rights relating to provision of accommodation sites under the Governments Planning Policy for Traveller Sites.
117. There is a need for approximately 60 sites for Gypsies and Travellers within Durham County. There is no capacity at other sites within the County. There are no current plans for new Council sites and a development plan document regarding site allocation is not expected until mid 2014 at the very earliest. This need carries significant weight in line with the Governments Planning Policy for Travellers. The policy encourages the provision of private sites in appropriate locations.
118. The personal needs of the applicant attract significant weight. Access to healthcare and education is easier from a settled location. It is understood that the applicant is currently sited in an unauthorised location. Therefore there is an immediate need for a site with the Council unable to offer an alternative. There are no allocated Traveller sites available in County Durham and no prospect of sites being allocated in the near future
119. The site is not so remote that it should weigh significantly against the proposal. It is close enough to benefit from the services and facilities within Haswell and Shotton. The site can be served by adequate provision of essential services.
120. There would be no undue harm to highway safety as a result of the development. Junction visibility can be satisfactorily dealt with by a suitably worded condition, ensuring compliance with the relevant policy to the satisfaction of Highway Officers.
121. It is considered that, subject to mitigating conditions the proposed development would not significantly adversely affect the amenity and living conditions of adjacent residential occupiers.



122. The proposed development would not impact on wildlife or protected species.
123. The proposed development would result in a harmful impact to the locality in landscape and visual terms, having a degree of prominence that would appear incongruous in its setting and this would conflict with policies 1, 35 and 72 of the Local Plan.
124. However, the visual amenity and landscape concerns have been considered and assessed in detail in the report and although finely balanced are considered to be outweighed by the other matters in favour of the development as discussed and highlighted, and the circumstances relating to the case. The impacts are also capable of further mitigation by means of additional landscaping and agreement of external building materials.
125. Subject to the suggested conditions it is considered that the future use of the site can be controlled and the amenity of adjacent residents and harm to the surrounding landscape reduced and mitigated to a level whereby officers can support this finely balanced application.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason- Imposition to be required pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents:

Location Plan. 1206 PL101. 28/2/2012  
Existing Hay store. 1206 PL102. 27/02/2012  
Proposed Hay store conversion to two dayrooms. 1206 PL103. 27/02/2012.  
Proposed Chalet. 1209. PL. 104. 27/02/12  
Proposed Stable Block. 1206. PL105. 27-02-12  
Site plan as existing 1206 PL 110. 28/02/12  
Proposed Site Plan, 1206, PL, 101. 28/2/12  
Design and Access Statement received 29<sup>th</sup> February 2012

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1 and 35 of the Easington Local Plan.

3. This permission does not authorise the use of the land as a caravan site by any persons other than gypsies and travellers, as defined in 'Annex 1: Glossary of the Planning Policy for Traveller Sites (CLG 2012)'

Reason: In order to control the use of the site in accordance with Annex 1: Glossary of the Planning Policy for Traveller Sites (CLG 2012)

4. No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any one time

Reason: In the interests of the amenity of the area in accordance with policies 1, 35 and 72 of the Easington Local Plan.

5. No caravans shall be parked on the site until such time as 2.4 x 215 metres junction sight visibility splays have been constructed in both directions at the vehicular access onto the B1280 Salters Lane, in accordance with details which have first been submitted and agreed in writing by the local planning authority. The sight lines shall be maintained in perpetuity thereafter with no obstructions to the visibility at any height greater than 600mm.

Reason: In the interests of highway safety having regard to policy 36 of the Easington Local Plan.

6. Notwithstanding any details of materials submitted with the application, prior to the construction of any permanent buildings samples of the external walling and roofing materials of the chalet and stables should be submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy GDP1, 35 and 72 of Easington Local Plan

7. Before the first occupation of the site details of the arrangements for refuse storage shall be submitted to and approved in writing by the Local planning authority. The bin stores shall be constructed and available for use within three months of the occupation of the site.

Reason: In the interests of the appearance of the area and to comply with Policies 1, 35 and 72 of the Easington Local Plan

8. Before the first occupation of the site a scheme for the provision of foul water drainage works shall be submitted to and approved in writing by the Local planning Authority. The drainage shall be completed in accordance with the details within three months of the first occupation of the site.

Reason: To prevent pollution of the water environment and ensure satisfactory drainage of the site in accordance with policy 1 of the Easington Local Plan

9. Before the first occupation of the site a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details within three months of the first occupation of the site

Reason: To prevent pollution of the water environment in accordance with policy 1 of the Easington Local Plan.

10. Before the first occupation of the site, plans showing details and precise siting, size, design and materials of the proposed 'Midden' shall be submitted and agreed with the Local planning authority. Thereafter the development shall take place in accordance with the approved detail and be implemented within 6 months of the first occupation of the site.

Reason: In the interests of the appearance of the area, to protect the amenity of adjacent residential properties and to comply with Policies 1, 35 and 72 of the Easington Local Plan

11. Within three months of the first occupation of the site, a detailed soft landscaping scheme shall be submitted to, and approved in writing by, the local planning authority.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Planting species, sizes, layout, densities and numbers. Specifically to include planting of native species transplants such as oak, ash, lime, whitebeam, wild cherry and Scots Pine at 3m centres. These should be inter-planted with hawthorn, hazel and blackthorn.

Planting to the feature brick raised beds situated either side of the entrance gates to include standard or extra heavy standard, container grown, staked & tied, native species trees drawn from the list above.

Additional screen tree planting to the western boundary and tree planting to the southern boundary

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

Details of all utility services installations and alignments.

Post-construction remedial works

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement with the local planning authority.

All planting in the approved details of the landscaping scheme shall be carried out in the first planting season following the first occupation of the site.

Any trees or plants which die, fail to flourish or are removed within the first 5 years shall be replaced in the next planting season with others of similar size and species. Replacements shall be subject to the same conditions.

Reason: In the interests of the visual and residential amenity of the area and to comply with policies 1, 35 and 72 of the Easington Local Plan.

## **REASONS FOR THE RECOMMENDATION**

- a. The proposed development is considered acceptable, on balance, having regard to guidance contained within the National Planning Policy Framework, Planning Policy for Gypsy Sites, relevant RSS policies, and Policies of the Easington Local Plan.

- b. In particular the development was considered acceptable having regard to consideration of the main issues of: the principle and location of the development, its visual and landscape impact, impact on highway safety, impact on ecology and the amenity of adjacent occupants and uses.
- c. In respect of the concerns raised regarding harm caused to the locality in landscape and visual terms, it is considered that the proposals would have a degree of prominence that would appear incongruous in its immediate setting and would conflict with policies 1, 35 and 72 of the Easington Local Plan
- d. On balance and after careful consideration of the visual amenity and landscape concerns these issues are considered to be outweighed by the other matters in favour of the development as discussed and highlighted within the committee report, and the circumstances relating to the case.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting Design and Access Statement

National Planning Policy Framework

Government Planning Policy for Traveller Sites

Design of sites for Gypsies and Travellers (CLG guidance 2008)

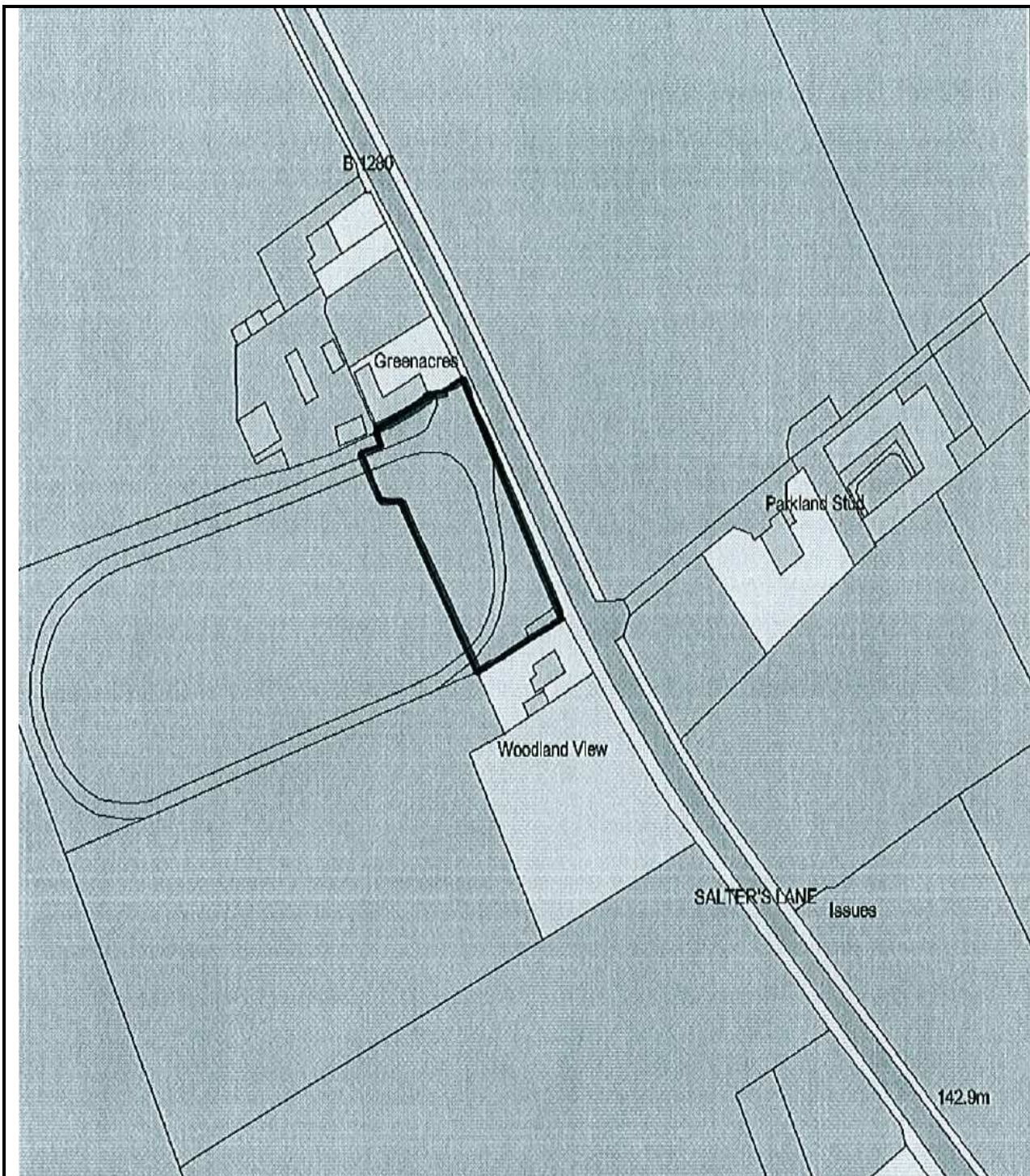
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

District of Easington Local Plan

Responses from: the Environment Agency; Northumbrian Water, Police Architectural Liaison Officer, County Spatial Planning Officer; County Highway Authority; County Landscape Architect; the County Environmental Health Officer, County Ecologist.

Member responses

Haswell Parish Council response




**Durham**  
County Council

**Planning Services**

CMA/5/33  
Land to the south of Greenacres, west of Salters Lane and north of Woodland View, Haswell

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**Comments**

**Date** 10 July 2012

**Scale**