



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 7/2012/0346/DM

FULL APPLICATION DESCRIPTION: Stables/storage building with hardstanding and retention of access

NAME OF APPLICANT: Mr David Scattergood

ADDRESS: Land at Kelloe Bank, Trimdon Grange, Co Durham, TS29 6NP

ELECTORAL DIVISION: Trimdon

CASE OFFICER: Mark O'Sullivan, Planning Officer
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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a rectangular plot of undeveloped agricultural land of some 1.2 acres (0.5 hectares), measuring approximately 40m in width x 130m in length. It is located to the west of an unclassified road which runs between Trimdon Village to the south and Kelloe to the north, approximately 100 metres to the north of the River Skerne. The site is well screened by an established, mature hedgerow which forms a boundary from the adjacent unclassified carriageway to the east.
2. The land to which this application relates forms part of a larger area of land which has historically been subdivided into separate areas. To the north of the site is a rectangular plot which was recently granted planning permission for the erection of stables/storage building. To the south are more storage buildings.

The Proposals

3. Planning permission is sought for the erection of a stables/storage building on this subdivided plot. This is a resubmitted application following the recent refusal of an earlier application for a larger stables/storage building on the site in May 2012. The proposed building would comprise two stables, a storage/tack room for hay and horse related equipment, and an agricultural area and would extend to 61m² measured externally. It would measure 14.3m in length x 4.3m in depth, and 3.9m in height (2.8m, to eaves level).
4. The building would be erected alongside the boundary hedgerow to the east of the site, in line with stable/storage development to the north, whilst facing west into the main field. The building would be constructed of blockwork with a brown or dark green render finish, with dark grey concrete roof tiles. Stained timber doors and a brown roller shutter door serving the tack room/storage area would provide security.
5. Permission is also sought for the retention of the existing site access and the creation of a hardstand area adjacent to the proposed building. Access has been created onto the aforementioned unclassified highway via a narrow opening in the adjacent hedgerow.
6. The application has been referred to committee at the request of Councillor Brookes, Elected Division Member, who has raised concerns over the need for further stable development in this location, the keeping of animals on a parcel of land of this scale and the removal of hedgerow to create the site access.

PLANNING HISTORY

7. As explained above, planning permission (2012/0118) was refused in May 2012 for the erection of a stables/storage building on the basis that the proposed building and means of would have an unacceptable impact on the character of the landscape.
8. There exists no other planning history relating to this particular site, although it did previously form part of a larger holding which has been subdivided. Land to the immediate north of the current application site was previously granted planning permission in for the erection of a stables/storage building in September 2011 (7/2011/0260/DM).

PLANNING POLICY

NATIONAL POLICY

9. 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 via three topic headings – economic, social and environmental, each mutually dependant.

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

11. The following elements are considered relevant to this proposal;

- An economic role seeks to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; and
- A social role seeks support strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with its accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- An environmental role seeks to contribute to protecting and enhancing our natural, built and historic environment; and, as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

12. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision taking. These include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
- take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

REGIONAL PLANNING POLICY

13. *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.
14. 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 the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention. The following policies are considered relevant;
15. *Policy 2 (Sustainable development)* sets out a number of objectives for sustainable development including environmental objectives, and in particular, to protect and enhance the quality and diversity of the Region's rural and urban landscapes.
16. *Policy 8 (Protecting and enhancing the environment)* requires new development to maintain local distinctiveness and be sympathetic to its surroundings.
17. *Policy 31 (Landscape character)* proposals should have regard to landscape character assessments and local landscape designations in targeting landscape restoration and environmental improvement schemes.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY

18. *Policy E1 (Maintenance of landscape character)* sets out key criteria against which new development should be judged in terms of the maintenance of distinctive landscape areas.
19. *Policy E15 (Safeguarding of woodlands, trees and hedgerows)* sets out the importance of protecting area of high landscape value through retaining areas of woodland, important groups of trees, copses and hedgerow.
20. *Policy D1 (General Principles for the Layout and Design of New Developments)* sets out key criteria against which new development should be judged to ensure a high standard of layout, design and landscaping.
21. *Policy D3 (Design for access)* seeks to ensure that new developments provide satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development, seeking to minimise potential conflict between different road users.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at <http://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. *Trimdon Parish Council* objects to this proposal stating a lack of policy guidance on this type of development.
23. *The Highway Authority* raises no objections to this proposal subject to the applicant carrying out improvement works to the existing vehicular access.

INTERNAL CONSULTEE RESPONSES:

24. *The Landscape Section* raises concerns with regard to the impact of the proposed development on the character of the countryside in this location. Sensitively designed new development could be acceptable with doubts raised over the acceptability of the submitted scheme. The landscape section consider that a number of issues should be clarified relating to the approval of landscaping details, hard standing material, confirmation of site levels, details of enclosure, landscaping implementation and the restriction of outdoor storage.
25. *The Ecology Section* raises no objections subject to the imposition of a condition regarding the timing of any site clearance works if permission is granted.

PUBLIC RESPONSES:

26. Two letters of objection have been received. One letter specifically refers to objections raised as part of the recent refusal of permission, with it requested that those objections are again noted in the context of this current application.
27. The key areas of concern relate to the need for more stables in this location and the intensification of stabling in the surrounding area resulting from the subdivision/parceling of the land. In addition, concerns have been raised over the erosion of landscape character and impact on the environment, the loss of a section of hedgerow, highway safety, environmental health concerns, ecological impact, visual impact, overdevelopment of the site given the number of animals to be kept here, sustainability and the setting of a precedent for future development in the area.
28. It is also noted that one letter of support has been received from the owner of the land questioning the accuracy and reliability of the objections received. It is argued that previous hedgerow removal is permitted, that nuisance issues are untrue, and that there are not 6no. separate accesses to this land, that there is no degradation of the environment, with replacement planting in fact improving the environment, that the wider site is not changing into an area of small industrial units and that all developments in this area are approved based on relevant planning policy and law.

APPLICANTS STATEMENT:

29. The application site is currently rented from Mr G Thompson (land owner) by Mr C Hedley and Mrs A Hedley (Tenants). The application is made by Mr D Scattergood (stepfather for Mr and Mrs Hedley). The site will soon be purchased from Mr Thompson by Mr and Mrs Hedley.

30. The revised application has been changed significantly from the first application. The applicant has reduced the height and width of the building. Materials amended and landscaping introduced to minimize the impact of the development.
31. The applicant feels strongly about delivering a high finished quality style type development that would prove to be sustainable within the countryside.
32. The applicant feels the revised plans are working with local residents and planning officers and their concerns of further development and the impact the development may cause.
33. Mr and Mrs Hedley rent a 5 acre paddock and a 1 acre paddock within the Trimdon area to allow movement of animals to enable land and grass recovery, giving approx 7 acres of grazing land in total.
34. Mr and Mrs Hedley would use the stables for their own horses. Horses would not always be at the site as they are also grazed nearby, but the permanent stable block would allow them to be housed when necessary.
35. Stables have been designed to the recommendations of the British Horse Society.
36. The 'agricultural area' would be kept free for farm animals such as sheep, to be kept clean and separate from equine use. Mainly to be used during the lambing season in the case of an emergency or to protect lambs.
37. The storage area would be used for the storage of feeds, tools and small farm machinery. The store would provide a secure tack and hay storage area. The proposed roller shutter entrance to this store would allow for the easier movement of hay. The block and render finish would be painted in a colour to be agreed with the Local Planning Authority (dark green or brown).
38. Views of the site are limited in all directions, located in a fairly remote location and sited away from nearby sensitive uses, behind an established hedgerow. More prominent stables to the north occupy the foreground on the adjacent site.
39. The hedgerow to the left and right sides of the entrance would not be affected in the future. It would only be trimmed back to allow visibility splays once a year. The applicant has already planted 8no. trees to the rear of the application site and is keen to enhance the landscape further.
40. The proposed development would not cause an increase in traffic any more than the existing site use (one car twice a day).
41. Muck heaps would be positioned away from the building within the field area, in a prepared area, where it would be taken away from the site on a regular basis by the local farmer.
42. There would be no fires at the proposed development site.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file.

PLANNING CONSIDERATIONS AND ASSESSMENT

43. 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, it is considered that the key issues are the principle of the development, the impacts on visual and residential amenity, and highway safety.

The principle of the development

44. Previous planning permissions have seen the erection of a number of stables/storage buildings positioned adjacent to Kelloe Bank and adjacent the substantial roadside hedgerow and rising from the incremental subdivision of the land. The application subject of this report seeks to create a further stables/storage building serving a relatively small site of some 0.5 hectares.
45. Previously, no justification was provided for the erection of a further stables/storage building at the site, however, in making a revised application, the applicant has submitted a statement confirming their intentions for the site and the proposed development, which would include the keeping of horses for personal use within the proposed building. The applicants also keep a small number of sheep and chickens which form the agricultural element of the proposal. As such, the principle of a mixed use equestrian/agricultural building on land used for that purpose would be acceptable in principle in a countryside location, subject to an assessment of the impacts on the character of the area, surrounding residents and highway safety considerations.

Visual amenity

46. The NPPF sets out the Government's planning policies and how these are expected to be applied whilst highlighting the priority of achieving sustainable development. It states the importance of achieving good design standards in new developments, and explains how the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. At a regional level, RSS Policies 2 and 8 seek to achieve sustainable patterns of development which have regard to local distinctiveness in protecting and enhancing the quality and diversity of rural landscapes. Policy 31 also requires that regard is had to local landscape character assessments in assessing proposals. At a local level, Sedgefield Borough Local Plan Policies E1 and D1 seek to control new developments by resisting proposals which would damage the character or appearance of landscape areas whilst again promoting good design standards.
47. The application site is located behind an established boundary hedgerow which effectively screens this site when viewed from the main carriageway to the east. Furthermore, this site is viewed in the context of similar, sporadic stables/storage development of similar size to the north and south.
48. Paragraph 24 sets out the concerns of the Landscape Section. It is noted that many of the issues raised are sufficiently covered in this report, with it also noted that many of the requested details have already been submitted by the applicant within the submitted application and accompanying statements such as details of

enclosure and hard standing materials. Where it is considered that further control is necessary, it is deemed reasonable to impose conditions. In particular this relates to the agreement of an amended landscaping scheme as agreed by the Landscape section, confirmation of site levels so as to ensure the proposed development does not form an overbearing structure in this rural landscape and the restriction of outdoor storage.

49. As explained, previous permissions have seen the erection of a number of structures across this landscape including those for stables/storage use resulting directly from the incremental subdivision of land. This latest application seeks to create another stables/storage building serving only a relatively small site of some 0.5 hectares. Previously it was considered that the continued incremental encroachment of sporadic stables developments with associated subdivision of land, into this landscape was becoming an issue in terms of the resulting visual impact on this designated 'restore or enhance' area. However, since this previous refusal, the applicant has worked with the Local Planning Authority in delivering a far more acceptable scheme which would have much less of an adverse impact upon the immediate and wider rural landscape.
50. The earlier refusal of planning permission took into careful consideration the scale and purpose of the proposed building, and its resulting impact upon its rural setting. At that time it was identified that a building of considerable scale was required to safely accommodate forklift trucks for which there was little justification given bearing in mind the remainder of the stables was for the keeping of horses.
51. The revised scheme differs from that previously refused, in terms of having a ridgeline some 0.6m lower, whilst measuring 3m less in length from that originally refused permission. Overall, this revised proposal is notably reduced in scale than that previously sought with an internal floor area of only 52sq metres as opposed to 75sq m.
52. It is considered that the new lower ridgeline, combined with the existing hedgerow immediately adjacent to the site would assist in screening the building when viewed from the adjacent carriageway to the east. Furthermore, proposed native hedgerow planting around the site boundaries is considered to compensate to some extent for that which was removed as permitted work to create the site access (section 6 of the Hedgerow Regulations 1997), whilst also softening the development when viewed from further afield. It is considered that such extensive planting around this site would also help soften the wider cumulative effects of other developments in this rural landscape, enhancing this rural setting.
53. As such, it is considered that the proposed building would remain sympathetic to the rural setting of the site, being of a scale commensurate with agricultural style buildings found within the area without appearing incongruous or overbearing in its rural setting.
54. In design terms, consideration has also been given to improving the external appearance of the structure, making it more visually sympathetic to its rural setting, with the applicant willing to provide a dark coloured render finish to the planning department's satisfaction. This differs from the previously sought proposal which detailed a red brick finish. In this regard it is considered that the proposals would not conflict with Local Plan Policies E1 and D1.

Impact on neighbouring amenity

61. The application site is fairly remote in nature and sited approximately 250m from the nearest residential property to the east. The proposed development would be viewed in the context of existing stables development to the north and set in rural surroundings. Owing to the nature of the use proposed and the significant existing and proposed site screening around the site, it is considered that the proposals would not have significant adverse impacts upon the amenity of neighbouring residents in terms of noise and odour, and would therefore accord with Local Plan Policy D1.

Highway safety

62. Local Plan Policy D3 seeks to ensure that new developments provide for satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development, seeking to minimise potential conflict between different road users.

63. Submitted plans show the application site to be served by an existing access opening which was recently created in the hedgerow to the eastern boundary of the site. In its present unsurfaced condition, the access is considered unacceptable by the Highway Authority; however, the access would be acceptable subject to a tarmac finish being applied along with kerbing at either side. The Highway Authority are satisfied that this matter can be adequately controlled by way of imposing a planning condition. Plans submitted by the applicant confirm that such works would be carried out.

64. With regard to the suitability of the existing access in safety terms, the Highway Authority notes the width of the access to be relatively narrow at only 2.7m wide, but nonetheless acceptable given the 6m junction radii achieved. Submitted plans show this access to link with a proposed hardstand area immediately adjacent to the proposed building. The hardstand would be surfaced with black shale and would provide a porous surface to ensure no increased surface-water run-off from the site.

65. No objections are therefore raised over the retention of the existing site access together with the proposed hardstand area, subject to the aforementioned junction improvements. Furthermore, it is noted that there would, as a result, be no pressure to further widen this access in the future, as only annual trimming of the adjacent hedgerow required in order to maintain acceptable junction visibility splays.

Loss of hedgerow

66. Local Plan Policy E15 seeks to protect areas of woodland, important groups of trees, copses and hedgerows wherever possible. It is noted that the applicant has previously removed a small section of hedgerow as permitted work as set out in section 6 of the Hedgerow Regulations 1997. The creation of the vehicular access however, does require planning permission, and this application seeks to regularise matters. No objections can therefore be raised over the removal of the section of the hedgerow, as its removal was beyond the control of the Local Planning Authority. The applicant has confirmed that no further removal of the hedgerow is required to widen the access, for example.

CONCLUSION

67. It is considered that the revised proposals represent a significant improvement from the previous scheme which was originally deemed unacceptable for this rural location. The applicant has worked with the Local Planning Authority in arriving at a smaller and more sympathetic development scheme which would be sympathetic to its rural setting and well screened by existing and proposed hedgerow planting around all boundaries of the site. The applicant has confirmed his intentions for the site and sought to authorise any previously unauthorised works such as the creation of a site access.
68. In determining this current application, it is important to note that the removal of a small section of hedgerow to the east of the site was permitted under the hedgerow regulations with the applicant having sought to compensate any loss of hedgerow through further planting elsewhere around the site.
69. The resulting impact of this sympathetic development on the rural landscape is therefore considered minimal and difficult to oppose given adjacent developments which are far more harmful in scale and appearance. The overall benefits of this scheme, brought about by improved site screening far outweigh any negative impacts of this development.
70. This application is considered to satisfy the provisions of parts 7 and 12 of the NPPF, Policies 2, 8 and 31 of the RSS, and Policies E1, E15, D1 and D3 of the Local Plan and accordingly, the proposals are recommended for approval.

RECOMMENDATION

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: Required to be imposed 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 permitted shall be carried out in accordance with the following approved plans:
 - 1208/300 (Proposed site plan), received 25 October 2012
 - 1208/PL 103B, rev B (Proposed plan and elevations), received 03 October 2012Reason: For the avoidance of doubt and in the interests of proper planning.
3. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of vegetation during the bird breeding season. Reason: In the interests of nature conservation and in accordance with Part 12 of the NPPF.
4. The development hereby approved shall not be used for commercial or business purposes. Reason: In order to safeguard the rural amenity of the site in accordance with the NPPF.

5. No development shall commence until a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. Reason: In the interests of the visual amenity of the area and to comply with policy E1 (Maintenance of landscape character) of the Sedgefield Borough Local Plan.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Reason: In the interests of the visual amenity of the area and to comply with policy E1 (Maintenance of landscape character) of the Sedgefield Borough Local Plan.
7. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission. Reason: In the interests of the amenity of the area in accordance with policy E1 (Maintenance of landscape character) of the Sedgefield Borough Local Plan.
8. There shall be no outside storage of goods, materials, machinery, equipment, or waste. Reason: In the interests of the visual amenity of the area and to comply with policy E1 (Maintenance of landscape character) of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable form of development in terms of its scale and design, impact upon the landscape character of the area, impact on neighbouring amenity, and highway safety.
2. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework parts 7 and 12, policies 2, 8 and 31 of the RSS for the North East, and Policies E1, E15, D1 and D3 of the Sedgefield Borough Local Plan, and to all relevant material considerations.
3. In arriving at this recommendation, the public consultation responses received have been considered, however on balance, the issues raised are not considered sufficient to warrant refusal of the application and can, where appropriate, be mitigated through inclusion of planning conditions.

BACKGROUND PAPERS

Submitted Application Forms and Plans and supporting documents

National Planning Policy Framework (NPPF)

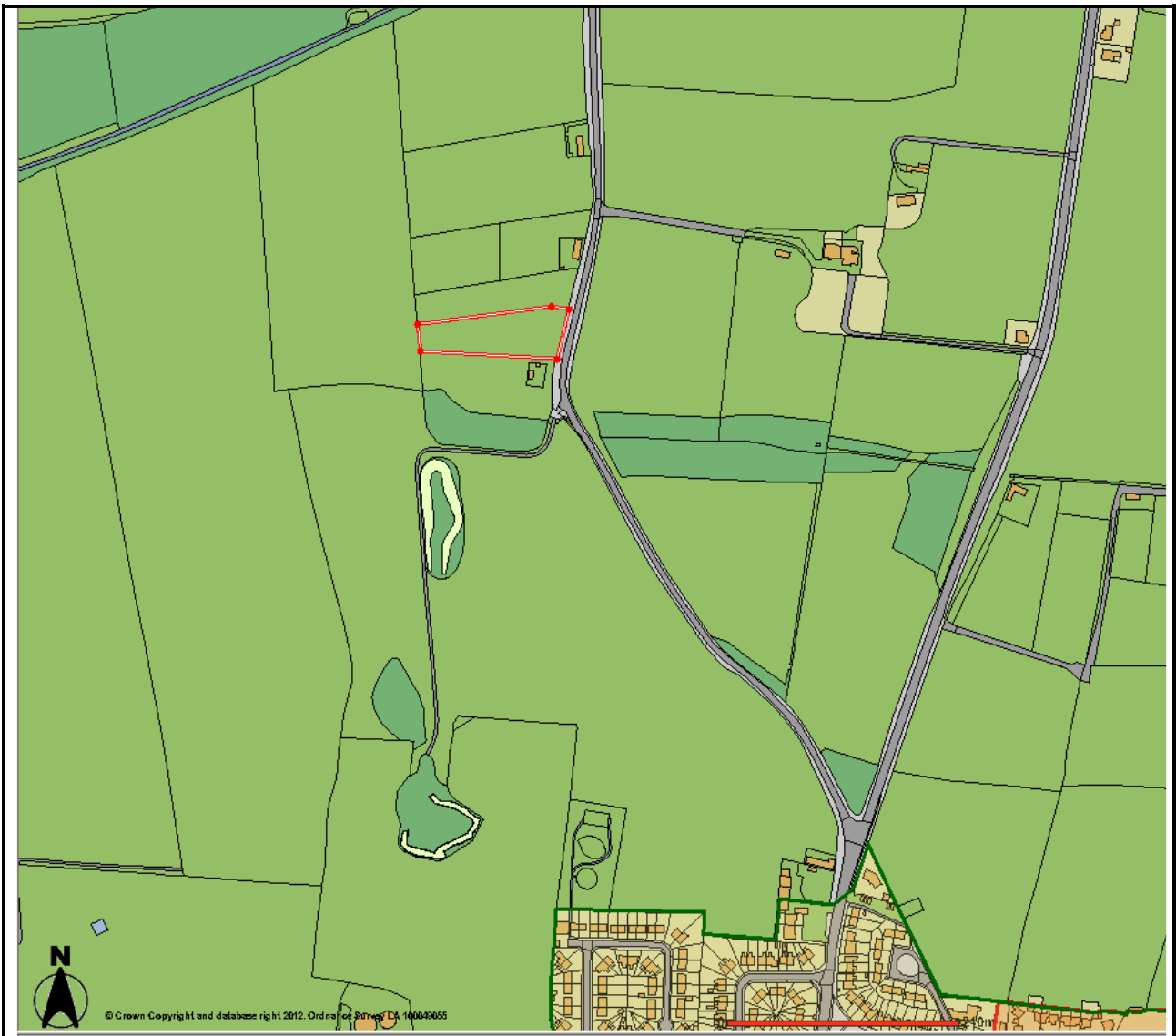
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

Sedgefield Borough Local Plan 1996

Response from the Highway Authority

Internal responses from the Landscape and Ecology

Public responses



Planning Services

Erection of stables/storage building with hardstand and retention of access on Land at Kelloe Bank, Trimdon, Co Durham

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Comments

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