

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0040/DM
FULL APPLICATION DESCRIPTION:	Change of use from former coal stocking depot to storage of caravans, containers and B8 storage and distribution uses (Retrospective)
NAME OF APPLICANT:	Mr John Newton
ADDRESS:	Westerton caravan storage, The Old Coal Depot, Westerton, Co Durham
ELECTORAL DIVISION:	Spennymoor and Middlestone Moor
CASE OFFICER:	Mark O'Sullivan Tel. 01388 816166 Email. mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Retrospective permission is sought for the change of use from a former coal stocking depot to a caravan, storage and distribution facility on land at the former coal depot site, Westerton. Planning permission was granted in 2004 for a 2-year temporary period to allow caravan storage on a smaller part of the current application site. For the past 5 years however, the use of the land for storage has continued and expanded, despite refusal of planning permission in 2009 and dismissal of an associated appeal in 2010. This site is therefore in use without any form of existing planning consent and comprises a number of separate storage compounds containing caravans, containers, motor vehicles, scrap material and other goods.
2. The application site is located to the south of the A688 highway between Spennymoor and Bishop Auckland, some 400m to the South West of the Middlestone Moor residential settlement. Access is secured directly from the A688 highway to the north.
3. The application site is located outside of the settlement boundary for Spennymoor and not within any defined industrial area saved within Sedgefield Borough Local Plan polices. This application site is therefore considered to be located within the open countryside, in an isolated location, surrounded by open countryside in all directions. This site is relatively fragmented from other similar uses, with no intrinsic links to existing rural activities in this locality.
4. Owing to the topography of this area, this site is extremely prominent in the local landscape, particularly when viewed from the south where the land is higher.
5. This application would normally be determined under the Officer scheme of delegation but has been referred to committee at the request of a local member.

PLANNING HISTORY

6. *Detailed applications:*

- 7/2008/0635/DM (Change of use from coal depot (sui generis) to outside storage of caravans, containers, motor vehicles (B8 storage) and alterations to existing access - Retrospective application) - REFUSED

- 7/2007/0167/DM (Landscaping work to replace topsoil) - APPROVED
- 7/2004/0082/DM (Change of use of part of site to caravan storage) – APPROVED (Temporary consent – 2 years)
- 7/1999/0258/DM (Change of use from coal stocking ground to worm breeding and compost production facility) - REFUSED
- 7/1996/0101/DM (Renewal of temporary planning permission 7/93/0030/DM for installation of portable office block) - APPROVED
- 7/1993/0030/DM (Installation of portable office block, relocation of weighbridge, car park and internal access road) - APPROVED
- 7/1987/0070/DM (Erection of weigh cabin and store) - APPROVED
- 7/1982/1367/DM (Erection of garage for Michigan shovel) - APPROVED

7. **Informal enquiries:**

- P/2008/0636/DM (Change of use from former coal stocking ground to various forms of storage) - Strongly resisted. Inappropriate location.
- P/2008/0136/DM (Building supply business) - Concerns. May be some scope but site will need to be carefully screened, with possible environmental improvements works also required.
- P/2008/0111/DM (Increasing caravan storage) - Concerns over whether site could support intensified use. Site access improvements required. Strong concerns over any other proposed uses.
- P/2007/0783/DM (Dwelling house and office to provide security and 7day access to caravan and container storage) – Strongly discouraged. Caravan use is presently unlawful after temp permission expired.

8. **Appeal History:**

- AP/2009/0012 (Pins ref: APP/X1355/A/09/2111643/NWF)
Change of use from coal depot (sui generis) to outside storage of caravans, containers, motor vehicles (B8 storage) and alterations to existing access (retrospective application) – APPEAL DISMISSED

9. **Enforcement History:**

- H/2007/122 (Failure to renew permission for caravan storage)

PLANNING POLICY

10. **National Policy:**

- **Planning Policy Statement 1 (*Delivering Sustainable Development*)** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 4 (*Planning for sustainable economic growth*)** sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas, seeking to protect the open countryside for the benefit of all.
- **Planning Policy Statement 7 (*Sustainable development in rural areas*)** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- **Planning Policy Statement 23 (*Planning and pollution control*)** is intended to complement the pollution control framework under the *Pollution Prevention and Control Act 1999* and the *PPC Regulations 2000*

11. Regional Policy:

- There is no regional policy specific to this development proposal.

12. Local Plan Policy: Sedgefield Borough Local Plan:

- **E1 (Maintenance of landscape character)** – Seeks to encourage the maintenance of distinctive landscape areas by resisting proposals or works which would prove detrimental to these areas.
- **L22 (Storage of caravans)** – Seek to control sites for the storage of caravans, approving only where they are satisfactorily screened all year-round, are well related to an existing settlement without harming the living conditions of nearby residents, and where they have a satisfactory means of access.
- **D1 (General principles for the layout and design of new developments)** – Principles for the Layout and Design of New Developments requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities, that where necessary satisfactory landscaping be incorporated in the design and layout of the site, that this accommodates the needs and users of the development and provides satisfactory and safe provision for pedestrians and the private car.
- **D3 (Design for access)** – Highlights the importance of securing satisfactory means of access for new developments and satisfactory and safe provision for pedestrians and cyclists.

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 www.durham.gov.uk

CONSULTATION AND PUBLICITY RESPONSES

13. EXTERNAL/STATUTORY RESPONSE

- **Spennymoor Town Council** – Have raised no objections to this proposal,
- **Northumbrian Water Ltd** – Have raised no objections to this application.
- **The Ramblers** – Identify Public Rights of Way around some two thirds of the application site and on the site access road. If considered for approval, it is stressed that these rights for the general public must not be detrimentally affected.

14. INTERNAL CONSULTEES

- **Durham County Council Highways Engineers** have raised no objections to this proposal, subject to construction of proposed highway improvement works shown in submitted plans. Concerns raised over the applicant's resistance to Southern Area Office's attempts to remove illegal signs from the public highway verge which would require advertisement consent.
- **Durham County Council Environmental Health** – have raised no objections to this proposal (see planning considerations for a detailed explanation).
- **Durham County Council Forward Plans** – have objected to this proposal on policy grounds.
- **Durham County Council Landscape Architect** – has provided a comprehensive and

critical view of the proposed works, highlighting concerns over this application.

15. PUBLIC RESPONSES

Two site notices were displayed in close proximity to the application site, with all neighboring properties also notified in writing. Forty four separate letters of support were received in response to this exercise.

16. APPLICANT'S STATEMENT

The applicant has provided the following detail in support of this application:

- “The site is not generally visible or noticeable from the A688 because of heavy tree belts and woodland on the west, north and south sides of the site”
- “The site is reasonably prominent when viewed from the village of Westerton, approximately half a mile away, but residents of this village also have views over Spennymoor immediately to the north of the site and highly prominent allotments at Binchester, to the North West”.
- “The applicants have gradually cleared and leveled the site to its present state, to satisfy a strong demand for storage in this area that would otherwise have to be accommodated elsewhere, including storage of units on driveways in urban areas, unless it proved possible to accommodate other similar facilities on existing or proposed industrial sites in this part of the county”.
- “A number of sundry businesses operate within the site, mainly for storage and distribution. They include removals, van storage and caravan servicing. These businesses and their applications are very much subservient to the main use of the site for caravan and related storage”.
- “These businesses not only provide valuable local employment, but they deliver services which are entirely appropriate and relevant to the main business activities on the site, facilitating its sustainable use”.

PLANNING CONSIDERATIONS AND ASSESSMENT

17. Retrospective planning permission was sought and subsequently refused in April 2009 for the change of use of land at the former Westerton Coal Depot site for a range of storage facilities including:

- Caravan storage
- Container storage
- Scaffolding storage
- General storage compounds for hire
- Lorry operators parking facility

18. Prior to submitting the 2009 application, the applicant was advised on a number of occasions informally that such an application would be unlikely to be viewed favorably. Following refusal an appeal was made to the Planning Inspectorate, which was dismissed in April 2010. In considering this appeal, the main issues the Planning Inspectorate considered were:

- Whether the development is appropriate to a rural location by reference to national policy
- The effect of the development on the character and appearance of the countryside
- Whether the development would result in pollution or harm to public health
- The effect on highway safety

These issues are considered again, together with changes to the proposal.

19. Whether the development is appropriate to a rural location by reference to national policy,

Following the deletion of local plan policy IB10 (*Industrial and business developments in the countryside*), this application is considered against PPS7 (*Sustainable development in rural areas*) which aims to safeguard the open countryside. With the application site falling outside of any defined settlement boundary for Sedgefield borough and not being classified as an industrial area under Local Plan policy IB2 (*Designation of type of industrial areas*), strong concerns are expressed over whether such uses are entirely suitable for this rural location. It is appreciated that permission was historically granted (on a temporary basis) for limited caravan storage at this site. However, this current proposal relates to a more extensive and intensive use, and not just to caravans, with the proposed uses considered to have a detrimental impact upon the countryside setting.

20. Furthermore, very little information has been submitted in support of these proposed uses, with little supporting justification for the need to locate in this rural location, outside of any established settlement for Sedgefield Borough, and with no perceived benefits to the rural economy. PPS7 stipulates that such uses may be appropriate in or adjacent to existing towns and villages, with some storage uses unsuited to some modern industrial estates. However, little reasoning has been provided as to why such uses proposed here cannot be located in existing industrial areas nearby, with this site isolated from any other similar use, and with the proposed uses having no intrinsic link to existing rural activities in this locality.
21. In the Planning Inspector's initial considerations it was explained how the proposal was contrary to the principles of national planning policy for rural areas with national policies contained in Planning Policy Statement 7 (*Sustainable Development in Rural Areas*) and PPS4 (*Planning for Sustainable Economic Growth*) applicable. In dismissing the initial appeal for this site, the Planning Inspectorate summarised:
22. *"PPS4 (Policy EC6.2a) says that, in rural areas, Local Planning Authorities should strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans. Rather, they should identify local service centres and locate most new development in or on the edge of existing settlements where employment, housing, services and other facilities can be provided close together. This reflects the Government's objectives of delivering more sustainable patterns of development and of protecting the countryside. In this case, the site lies between Bishop Auckland and Spennymoor; and in the vicinity of the smaller settlements of Westerton, Binchester and Middlestone Moor. But it is separated by undeveloped land from all of these and does not fall within any formally defined settlement boundary. Moreover, it has not been allocated or otherwise identified for development in any development plan"*.
23. *Furthermore, "PPS4 Policy EC12 lists a number of matters to be taken into account when considering planning applications for economic development in rural areas. In relation to those which are relevant, there is no evidence to show that this development enhances the vitality or viability of market towns or other rural service centres; or that it provides the most sustainable option in a location that is remote from local service centres"*.
24. Evidently little has changed since the Inspector's initial considerations in this respect. Despite the Brownfield status of this land, preference for its re-use should be viewed in the wider context of promoting developing in sustainable locations and protecting the countryside. Although Policy EC2 of PPS4 states how development plans should seek to

make the most efficient and effective use of land, prioritising previously-developed land which is suitable for re-use, a clear balance must be established between re-using land and the subsequent impact on the surrounding countryside.

25. In determining this current application, the applicant again argues a need for this development, supported by a number of letters of support from users of this site. There is no doubt that this site is a valuable facility to some individuals, and this detail was picked up by the Planning Inspectorate previously. However, no credible information about the location, availability or suitability of alternative provision has been provided by the applicant. In the absence of any information justifying this particular location or the availability or suitability of alternative provision, it remains unclear whether the need could be met in or adjoining urban areas where national policy seeks to direct development.
- 26. *The effect of the development on the character and appearance of the countryside***
Policy EC6.1 of PPS4 indicates that local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.
27. In previously dismissing an appeal for the continued operation of this site, the Planning Inspectorate considered how a substantial proportion of the site can be seen from higher land on the westerly approach to Winterton. "From that viewpoint, it is seen as a large, intrusive, visually discordant feature in an otherwise mostly green and rural landscape. In particular, the large quantity of densely-parked white caravans is prominent."
28. It was appreciated that the site was in industrial use for many years and that in itself, it does not have a rural character. It was also acknowledged how the appellant may have gone some way to improving its appearance. However, the visual impact of that part of the site which is in active use for storage is significantly greater than that which is unused or neglected, giving an urbanised and commercial appearance. In this respect, previous applications for this site were considered harmful to the character and appearance of the countryside, contrary to PPS4 Policy EC6.1.
29. In considering this current application, little has changed. The applicant has submitted a detailed landscape and visual impact assessment prepared by MD² Planning Consultants, also identifying possible future enhancement measures. However, the fact remains that this site is in operation now, and the harmful visual impact of this site in the rural landscape is clearly evident. Any long term plan to enhance this site represents a long term vision which fails to tackle the current issue – that being the existing impact on the rural setting which the Planning Inspectorate has objected to.
30. As previously explained, the Durham County Landscape Architect has also provided a comprehensive response to this application. It is summarised that this application is clearly in conflict with saved Sedgfield Borough Local Plan Policies E1, L22 and D1, as well as saved Wear Valley Policies GD1(xi) and Durham County Landscape Strategy objectives WL1, WI11, WL15, WL16 and finally, PPS4 (Policy EC1.6). No mention is given to the majority of these policies within the submitted landscape assessment, nor the County Durham Landscape Strategy or Spatial Strategy. In view of the foregoing, the applicant has failed to address any of the previous concerns relating to the perceived impact on this rural landscape.
- 31. *Whether the development would result in pollution or harm to public health:***
The application site is located on a Brownfield site formerly used as a coke works. With this former use likely to have introduced contaminants onto the land, there is a possibility that any disturbance of this land could result in pollution to the surrounding landscape and water course.

32. When determining the original application for this site, concerns were previously raised over the originally submitted desk study and environmental risk assessment which failed to properly assess the potential risks of contamination of the application site and the full extent of any mitigation and remediation measures required. As such, it was considered that the original proposal for this site conflicted with Planning Policy Statement (PPS) 23 (*Planning and pollution control*). This view was endorsed by the Inspector on the subsequent appeal.
33. Further survey work has however been carried out in support of the current application. Durham County Council's pollution control team has stated that they have no objections to the proposal, and that "*because this land is of a commercial/light industrial type activity, there is no significant risk of significant harm This would be re-assessed if a more sensitive receptor was introduced by a change of planning use*". In view of this, no further consideration of this aspect of the proposal is required.
- 34. The effect on highway safety:**
Previously objections were raised over the need for improvements to the A688 Highway junction. In dismissing the previous appeal for this site, the Planning Inspector concluded that if permission were to be granted this matter could be covered through the imposition of an appropriate condition.
35. This current application has sought to address this issue through the submission of an accompanying transportation statement. Highways engineers have raised no objections to the details provided in accordance with adopted Sedgefield Borough Local Plan Policy D3 (*Design for access*), and would be happy to condition this detail if approval were granted.
36. As previously explained however, concerns continue to be raised over the presence of unauthorised signage within the public highway verge which has not been removed despite a number of requests being made by the highways authority.

CONCLUSION

37. Since the initial application for this site was refused back in April 2009, the applicant has unsuccessfully attempted to appeal this decision, with the Planning Inspectorate agreeing with the arguments presented by the Local Planning Authority.
38. This latest submission fails to fully address all of the previous reasons for refusal or the planning inspectorate's reasons for dismissing the appeal. Significant concerns are still raised over the impact of this use on the rural landscape and character of this area. Although attempts have been made to improve screening of this site through improved structure planting along internal and perimeter boundaries of the site, the County Landscape Architect objects strongly to this proposal and the level of detail submitted.
39. On balance, the economic benefits of this facility cannot be seen to overcome the aforementioned concerns with respect to the sustainability and landscape impact of the development. The detrimental impact on the visual amenity and character of this rural setting considered to be significant. As previously explained, this application conflicts with National PPS4 in this respect.
40. In recommending refusal of the previous application for this site, the planning inspectorate concluded:

"In reaching this conclusion, I have had regard to all other matters raised by the appellant. I am aware that caravan storage on part of the site was permitted previously, but that was for a temporary period and does not indicate that permanent use is acceptable. I have some sympathy for the argument that the enterprise provides a useful

and secure service for caravan owners who otherwise would in most instances park them at their homes, with consequent adverse effects on the enjoyment of their dwellings and on the character and appearance of residential areas. I also note the support of the County Council's Traveller Liaison Service about the value of temporary caravan storage. I appreciate that a considerable amount of effort and investment has been put in to the enterprise; and I am sure that this has improved the condition of the site compared to the period before the appellant's ownership. But commercial use of the site is not the only way to ensure improvement; and the development itself is not without adverse visual impact. Finally, I acknowledge the lack of public objection to the development, despite it having been in operation for some 5 years. But neither this nor any other matter raised is sufficient to outweigh the conclusions reached in relation to my first 3 main issues. Consequently, the appeal fails".

41. In determining this current application, it is considered that the applicant has failed to address all of the previous concerns for this site, with this application still therefore considered to be unacceptable in line with the Planning Inspector's conclusions in respect of sustainability and landscape impact. This application is considered to conflict with National Planning Policies 1, 4, 7 and 23, as well as saved local lan policies E1, L22, D1 and D3.

RECOMMENDATION

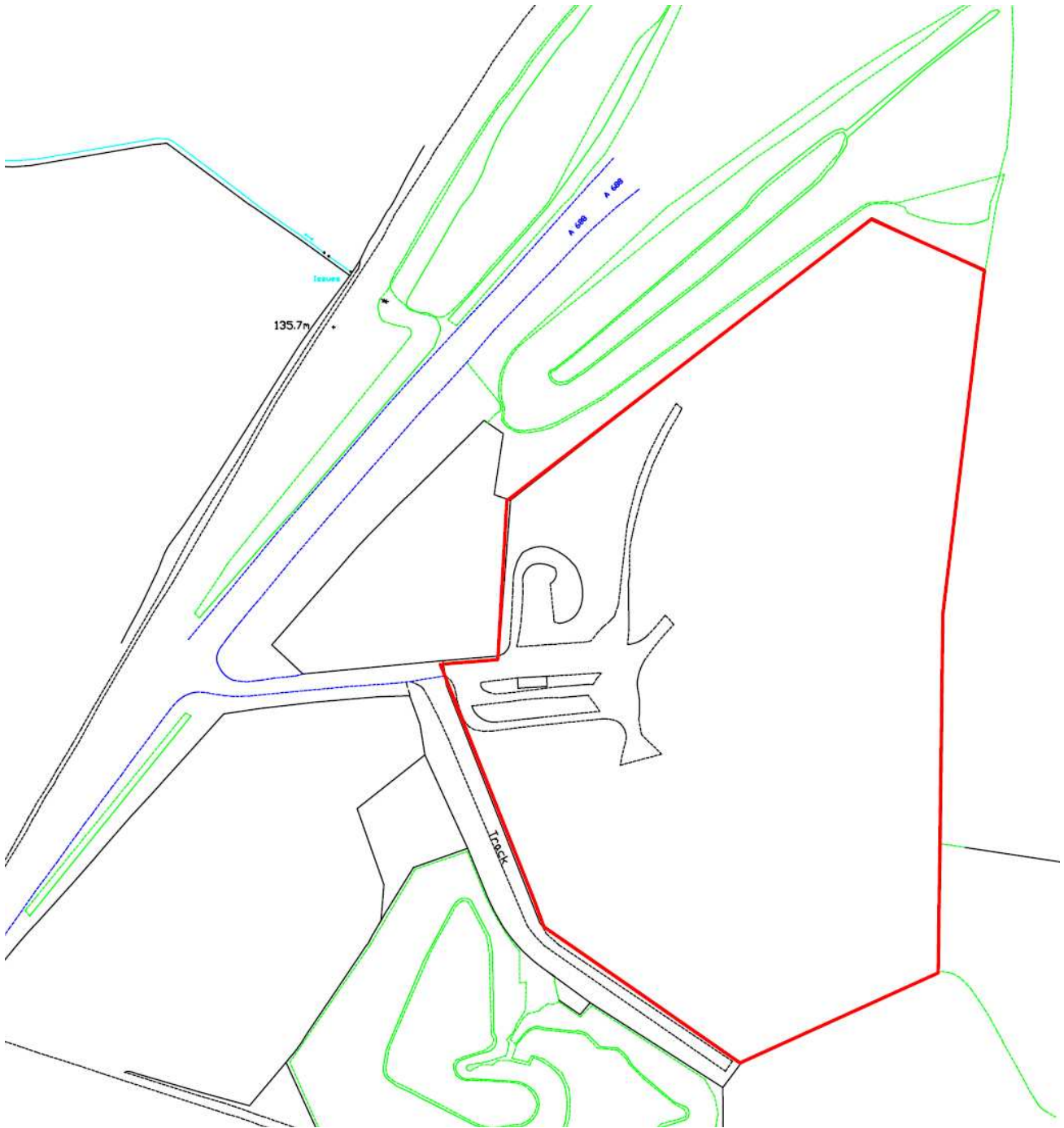
That the application be REFUSED for the following reason:

1. The proposal comprises land uses which have no intrinsic link with existing rural activities in the locality, and which could be alternatively located on suitably approved sites within the framework of an existing settlement. The application fails to demonstrate a need for a rural location and does not otherwise indicate any benefits to the rural economy. In the absence of any such justification, and as a result of the harmful visual impact of the proposal on the surrounding countryside, the Local Planning Authority is of the opinion that the proposal conflicts with rural development policy expressed in Planning Policy Statement 7 (*Sustainable development in rural areas*) and Planning Policy Statement 4 (*Planning for sustainable economic growth*), as well as saved Sedgefield Borough Local Plan policies E1 (*Maintenance of landscape character*), L22 (*Storage of caravans*) and D1 (*General principles for the layout and design of new developments*).

It is further recommended that the South West Area Planning Committee endorses the issue of an enforcement notice to remedy the breach of planning control that has occurred.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
 - Sedgefield Borough Local Plan 1996
 - Planning Policy Statement 1 (*Delivering Sustainable Development*)
 - Planning Policy Statement 4 (*Planning for sustainable economic growth*)
 - Planning Policy Statement 7 (*Sustainable development in rural areas*)
 - Planning Policy Statement 23 (*Planning and pollution control*)
 - E1 (*Maintenance of landscape character*)
 - L22 (*Storage of caravans*)
 - D1 (*General principles for the layout and design of new developments*)
 - D3 (*Design for access*)
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Application No.	7/2011/0040/DM
Location:	Westerton caravan storage, The Old Coal Depot, Westerton, Co Durham
Description:	Change of use from former coal stocking depot to storage of caravans, containers and B8 storage and distribution uses (Retrospective)