

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 8 May 2014 at 2.00 pm**

### **Present:**

**Councillor M Dixon (Chairman)**

### **Members of the Committee:**

Councillors J Clare, J Clark, K Davidson, E Huntington, S Morrison, H Nicholson, A Patterson, L Taylor and R Todd

### **Also Present:**

J Byers – Planning Team Leader  
A Caines – Principal Planning Officer  
L Renaudon – Solicitor (Planning and Development)  
D Stewart – Highways Officer  
G Scott – Area Planning Team Leader, Spatial Policy

### **1 Apologies for Absence**

Apologies for absence were received from Councillors J Buckham, D Bell, G Richardson and S Zair.

### **2 Substitute Members**

Councillor J Clark substituted for Councillor D Bell.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The Minutes of the meeting held on 17 April 2014 were confirmed as a correct record and were signed by the Chairman.

## **5 Applications to be determined**

### **5a 3/2013/0056 - Land east of New Row, Oakenshaw, Crook**

Consideration was given to the report of the Principal Planning Officer regarding an application for storage building and access road (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Councillor O Gunn, local Member addressed the Committee on behalf of residents stating that there were already two existing buildings on two small plots of land. A third building in the location would be unacceptable and would have a negative impact on the landscape and character of the surrounding area. This equated to intensive use in the whole area and would result in cumulative impact, which was of great concern.

The building would be large and visible, and residents did not consider that the proposed landscaping measures would be adequate to screen the building from views along New Row.

The size of the building was excessive for the size of the plot and there would not be much available space for the grazing of 30 sheep. She also noted that water would have to be transported to the site.

In view of the number of conditions to be attached to the proposed planning permission, Councillor Gunn expressed surprise that the application was recommended for approval. Some of the conditions were enforceable and would require regular monitoring. She also considered that the impact on the landscape could be further controlled by condition to ensure that there was no external storage of vehicles on the site.

Kate McNulty was invited to address the Committee on behalf of 30 local residents, the majority of whom lived near the proposed development. She stated that Oakenshaw had suffered in times past from neglect and the removal of residential amenity. However the village was recovering and had an active community association in which two thirds of households were members. Oakenshaw was now an attractive village to live with new houses being built. The appearance of the village was important to residents who had invested time and money on making substantial improvements.

The current planning application should be seen in context of recent developments. What was once one field for grazing horses at the entrance to the village was now split into five smaller plots of land. Previously two of the larger plots were given permission to erect two large barns and install access roads. These detracted from the appearance of the village and there had been a failure to monitor compliance of conditions. Residents considered that a third large barn on this field would detract from the environment, given that it was the first impression some visitors would have of Oakenshaw.

There may well be less impact by siting the proposed barn at the back of the field, however it would still encroach on the pleasant rural view, a residential amenity enjoyed by New Row residents for many years. Residents disagreed that each site must be considered individually because the cumulative impact on residential amenity had become more intrusive since each barn and access road had been built.

In a public meeting 30 residents objected to any further development on this field with only 2 in favour. There had been 40 plus written objections submitted which clearly demonstrated the depth of concern among residents. If this application was approved more barns and access roads on the last two plots could become a reality.

Contrary to the views of Planning Officers residents considered that the barn would be detrimental to the residential amenity of the neighbours. They were concerned about the potential for generator noise at inappropriate times, barking guard dogs, security lights and alarms, all of which would be detrimental to the tranquillity long enjoyed by New Row residents. This loss of residential amenity would further impact on the property values in the area.

The Applicant had stated that he wanted to relocate around 30 sheep to the site which was too many for a plot of approximately 1.7 acres. If the barn and access road were built this would further reduce grazing land to about 1 acre. In accordance with the National Sheep Association the correct amount of grazing animals on an area of land this size was 6 - 10 ewes and their lambs. The Applicant acknowledged that the grass on the field was poor quality for grazing.

With regard to access, if the application was approved there would be three individual access roads for what was originally one field. The current access road at the top of the field from New Row which had been built by the Council for all landowners to access their portion of land, and the gate directly into the Applicant's field should be more than adequate for the proposed use.

Residents agreed with Planning Officers that the building was larger than normal for the size of the plot. It was too large for the purpose and the land on which it was to be erected, however sympathetically it was designed and built.

There were more than 60 houses in New Row, therefore around a third of the households in the village overlooked this whole area. Three barns and three access roads was over-development of a field divided into five small pieces in a beautiful village in a Landscape Conservation Area. If the field had remained under single ownership residents believed that such density of development would not have been permitted. More than 25 villagers had objected to this re-submitted proposal and only 1 had written in support.

To conclude she urged Members to support and protect the interests of residents living in over 60 houses in New Row overlooking the field, and enable them to continue to enjoy this small piece of unspoiled grazing land, by refusing the application.

The Principal Planning Officer advised Members that the supply of water to the site, and the proposed number of sheep for grazing were not material planning considerations. In addition the concerns expressed about barking guard dogs and inappropriate generator noise would be a matter for Environmental Health.

D Stewart, Highways Officer was asked to comment on the proposals. He advised that the buildings may be closely spaced but there were no highway concerns regarding the proposals. The new access was deemed to be acceptable because of the proposed agricultural use of the new building which had been controlled by condition.

In response to a question from Councillor Davidson about enforcement, the Committee was advised that the proposed conditions were comprehensive to ensure that the building was used for its intended purpose. The Local Planning Authority would investigate any reports of a potential breach and would take enforcement action as appropriate. However Members were reminded that the application had to be determined on the basis of the submitted details and individual merits.

Councillor Huntington was of the view that whilst conditions were comprehensive, in her experience enforcement could be difficult to pursue. The Chairman considered that the application should not be determined on the assumption that the conditions may not be adhered to, and that the proposed conditions were aimed at addressing the concerns of residents.

The Chairman also made reference to Councillor Gunn's comments about landscaping and the prevention of the external storage of vehicles, and encouraged Officers to consult with local Members on the landscape details as referred to in conditions 9 and 10 of the report.

Councillor Clare made reference to cumulative impact and noted that objectors to the application, in their letters of representation, had referred to the site being in a Landscape Conservation Priority Area. He also noted the point made by K McNulty that if the land had remained in single ownership, three buildings may not have been permitted.

The Member was advised that the site was not subject to any special landscape designation in the Local Plan. In terms of cumulative impact the Principal Planning Officer acknowledged that the building was larger than normally expected on a site of this size, however the location and proposed landscape measures would effectively screen the building, and the visual impact on New Row would be minimal. The proposal did not conflict with Local Plan Policy.

The Principal Planning Officer was also asked if granting the application would set a precedent for future applications. The Committee was advised that there was no evidence to suggest that a precedent would be created, however this would be a consideration if there were any further applications in the future.

Councillor Patterson asked for details of the Coal Authority's objections to the application which had subsequently been withdrawn, and also referred to the size of the building. The Member was advised that the area was in a Development High Risk Area in terms of land stability and the Coal Authority had carefully considered the potential impact of the proposals. The Coal Authority had been satisfied that the land was safe and stable for the proposed development.

With regard to the size of the building the Principal Planning Officer reiterated that whilst it was large, it would not cause harm to the residential amenity of residents in New Row because of the limited visibility of the premises from their properties.

Councillor Davidson appreciated the views of residents expressed by Mrs McNulty in her presentation, however he did not consider that there were robust planning grounds to refuse the application.

**Resolved:**

That the application be approved subject to the conditions outlined in the report.

At the close of business Members received a presentation from G Scott, Area Planning Team Leader, Spatial Policy on the weight to be given to the emerging County Durham Plan and Saved Local Plan Policies.