

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	<b>DM/15/00287/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Holiday Cottage and Café</b>
<b>NAME OF APPLICANT:</b>	<b>Mr &amp; Mrs S &amp; P Sanderson</b>
<b>ADDRESS:</b>	<b>Woodland Barn, Darlington Road, Durham</b>
<b>ELECTORAL DIVISION:</b>	<b>Durham South</b>
	<b>Chris Baxter</b>
<b>CASE OFFICER:</b>	<b>Senior Planning Officer</b>
	<b>03000 263944</b>
	<b>chris.baxter@durham.gov.uk</b>

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### The Site

1. The application site comprises of a parcel of land to the north of Woodland Barn which is part of the Low Burnhall Farm complex on the outskirts of Durham City. A building used to be situated on the site however this was demolished in the 1970's, and the land is currently grassed over. Woodland Barn, directly to the south of the site, is a residential property owned by the applicant. To the east of the site are the residential properties of Low Burnhall Farm. The A167 dual carriageway section of road is located to the west of the site. The application site along with all the residential properties of Low Burnhall Farm is accessed from the A167 along a single access track. The River Wear is located to the east of the site. The area surrounding the site is a Woodland Trust site and there is a public right of way which runs through the application site. The site is located within the Burnhall Conservation Area, an Area of High Landscape Value (AHLV) and also within the Durham City Green Belt.

### The Proposal

2. Planning permission is sought for the construction of a holiday cottage and a café. The proposed buildings are two storey design with an overall footprint of 180 sqm. The proposed cottage has a lounge, kitchen, dining and a snug room at ground floor with 4 bedrooms, a bathroom and 2 en-suites at first floor level. The café building has the café, kitchen, snug room and a disabled toilet at ground floor. The first floor of the café building shows 2 bedrooms, a lounge and a bathroom. A 3m wide gravel access track and 3 car parking spaces are also proposed as part of the scheme.
3. The application is reported to the Planning Committee at the request of the Ward Councillor.

---

## PLANNING HISTORY

---

4. There is no past planning history in relation to the application site. It is noted that there a structure on the site up until the 1970's when it was demolished. The applicant has indicated that the previous building was over 100 years old and had connections with pit mining and the railway.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY:**

5. 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.
6. 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'.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
9. *NPPF Part 3 – Supporting a Prosperous Rural Economy.* Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *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.
12. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
13. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

## LOCAL PLAN POLICY:

### City of Durham Local Plan

14. *Policy E1 (Durham City Green Belt)* states that within the Green Belt the construction of new buildings is inappropriate and will not be permitted unless it is for purposes relating to agriculture or forestry; essential sport and recreation facilities or cemeteries; replacement of an existing dwelling, re-use or conversion of an existing building; and limited extensions to existing dwellings.
15. *Policy E10 (Area of High Landscape Value)* states that the Council will protect the landscape value in respect of development by resisting development which would have an unacceptable adverse impact upon landscape quality or appearance of the area of high landscape value; and requiring that development respects the character of its landscape setting in terms of its siting, design and scale.
16. *Policy E21 (Historic Environment)* the historic environment will be preserved and enhanced by requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site; and encouraging the retention, repair and re-use of buildings and structures which are not listed, but are of visual or local interest.
17. *Policy E22 (Conservation Areas)* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
18. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
19. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
20. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
21. *Policy R11 (Public Rights of Way)* states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion.
22. *Policy V7 (Visitor Accommodation: In the Countryside)* states that new visitor accommodation in the countryside will be granted if it is an extension to an existing establishment catering for visitors; or it involves the conversion of an existing building.

## RELEVANT EMERGING POLICY

## The County Durham Plan

23. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

---

## CONSULTATION AND PUBLICITY RESPONSES

---

### STATUTORY RESPONSES:

24. *County Highways Authority* has raised objections to the proposed scheme in relation to the proposed access.
25. *Environment Agency* have objected to the proposals and recommended that the application is refused as there is no assessment of the risks of pollution to the water environment.
26. *Northumbrian Water* have not objected to the proposal.
27. *The Coal Authority* have objected to the scheme as a Coal Mining Risk Assessment has not been submitted with the application.
28. *Woodland Trust* have not raised any objections to the proposed scheme.
29. *City of Durham Trust* have raised objections to the scheme as the proposals would impact on the access. There are concerns that there is not a business plan for the café and it is indicated that proposed buildings would not be on the footprint of the previous structure.

### INTERNAL CONSULTEE RESPONSES:

30. *Archaeology* has not raised any objections.
31. *Environmental Management (Contamination)* has not raised any objections but has indicated that further information is required in terms of contamination.
32. *Ecology Team* has not raised any objections.
33. *Design and Conservation Team* has not raised any objections providing certain design amendments are made to the scheme.

34. *Landscape Team* have confirmed that the proposals would have some adverse landscape and visual effects.
35. *Spatial Planning Policy Team* have indicated that the proposed scheme conflicts with the aims of both national and local planning policy and should be resisted.
36. *Public Rights of Way Team* has confirmed that there is a public right of way which crosses the site however this would not be interrupted by the proposed development. A standard informative is recommended to ensure the footpath is not blocked during the development stage.
37. *Drainage Officer* has not raised any objections to the scheme.

#### **PUBLIC RESPONSES:**

38. A press notice was issued. Site notices were also posted. Neighbouring residents were notified individually of the proposed development. An objection letter has been received on behalf of four of the residential properties situated in Low Burnhall Farm.
39. The objections raised relate to the inappropriateness of development within an unsustainable location and within the Green Belt and that this may create precedence for new development in this location. It is considered that the development would have an adverse impact upon the conservation area and there are also concerns with regards to traffic, vehicular access and lack of parking. The economic viability of a holiday cottage and café has been questioned with concerns raised as there is a lack of a business plan. This in turn has raised concerns that the proposals may be a 'trojan horse' in order to subsequently gain permission for two dwellings in the Green Belt. Residents are worried that there may be a potential threat to the safety and security of existing properties. Residents have noted that the application description is incorrect, as the plans actually show a first floor flat above the café which is not on the proposed description. Additionally, there are concerns that the submitted site plans are inaccurate or out of date, in particular as some of the buildings are misnamed.

#### **APPLICANTS STATEMENT:**

40. The development of the site has been justified by two exceptions to building on the greenbelt. It offers "appropriate facilities for outdoor sport and recreation" and it is also "previously developed land" so satisfies the "Brownfield" exception. Having an industrial past the land has been identified as having potential contamination problems. The clean-up will be paid for by the applicant. It fits in with the NPPF and the Durham Plan.
41. The site will be accessed via the A167 which is currently being upgraded. The access road has previously been described as having "good junction visibility and the vehicle movements are solely left in and left out" by a Highways Development Control Section Manager.
42. The proposal offers facilities for local residents, day visitors and longer term visitors and fits in with the Durham Tourist Management Plan.
43. The design takes into account the surrounding area and is sympathetic to it. It is set away from neighbouring properties and is serviced by a road that does not pass any neighbours. There are no objections from any of the immediate neighbours who would be able to see the building. Hedging will be planted to shield it from view and

to encourage wildlife. It will have a renewable heat source, reclaimed water supply and electric car charging.

44. The café will be accessed by walkers visiting the Woodland Trust and will offer toilets and home cooked refreshments made with locally sourced ingredients. It will be advertised at the Woodland Trust car park and on their website. The holiday cottage will be a high quality fully serviced facility offering transport, daily meals, daily cleaning, child minding, dog minding, fishing licence and cycles.
45. Two full time jobs will be created to run the café and the holiday cottage and local tradesmen and local supplies will be used for the build.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

46. 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 main planning issues in this instance relate to principle of development; highway considerations; impact upon Green Belt, conservation area and area of landscape value; residential amenity; and other issues.

### Principle of development

47. The application site is located within the Durham City Green Belt. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.
48. Local plan policy E1 (Green Belt) clearly states that the construction of new buildings within the Green Belt is inappropriate and will not be permitted. There are some exceptions which do allow development in the Green Belt and these relate to agriculture of forestry; outdoor sport and recreation; limited infilling; replacement of an existing building; re-use or conversion of an existing building; or limited extensions to existing dwellings. The proposed development of a holiday cottage and a café does not fall within the exception criteria and therefore the proposals are clearly contrary to policy E1 of the local plan.
49. The NPPF also has specific policies in relation to Green Belt development which states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belts. The NPPF does allow for exceptions which are identical to the exceptions in the local plan policy E1, although it does include partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt. The applicant has presented arguments that the site is previously developed because there used to be a building situated on the land and therefore would fall within the exception list of the NPPF policy. Whilst it is acknowledged that the site used to have a building on the land, this building was removed in the 1970's and has since been grassed over. Although there are some remnants of a building, the majority of the site is grassed over and it is considered that the site has reverted back to being a greenfield site. Regardless of whether the site is considered brownfield or greenfield, it is clear that there is no building remaining on site therefore any new buildings would impact on the openness of the Green belt and be contrary to the NPPF.
50. Policy V7 of the local plan deals specifically with new visitor accommodation in the countryside, and this policy states that permission will be granted for new visitor accommodation if the proposal is an extension to an existing visitor establishment or

it involves the conversion of an existing building. The proposed development is a new build proposal which is not linked to existing visitor accommodation. The proposal is therefore contrary to policy V7 of the local plan.

51. The principle of development is considered unacceptable as both national and local planning policy clearly restrict new development in Green Belts. The proposal for a holiday cottage and café is not considered to be an exception and new buildings in this location would have an adverse impact on the openness of the Green Belt. The proposal is contrary to policies E1 and V7 of the local plan and part 9 of the NPPF.

#### Highway considerations

52. The proposed holiday cottage and café would be accessed via the existing single lane track connecting directly off the A167 dual carriageway. This access track supplies all of the properties on Low Burnhall Farm including the application site. The Council's Highways Officer has been consulted on the proposed development. The Highways Officer has raised objections to the proposal indicating that the access track is not suitable for any increase in vehicular movements, and the increase of traffic resulting from the proposed development would be unacceptable in terms of highway safety.
53. The applicant has indicated that it would not be the intention for the café element of the proposals to be accessed by vehicular traffic. The intention for the café would be to attract walkers who are using the surrounding public rights of way. There is a public car park approximately 650 metres to the north of the site, and the applicant has indicated that this car park would be used by visitors to the café. Although the intentions of the applicant may be to restrict vehicles from using the single access track from the A167, it is noted that there would be no mechanism to actually restrict customers of the café from using the access track.
54. The Highways Officer has indicated that in order for the access to be considered acceptable in safety terms, significant improvements to the access with the A167 would be required to support the proposals for a holiday cottage and a café. The access with the junction of the A167 would need to be widened and a deceleration lane for vehicles travelling to it on the southbound carriageway will be required. Subsequently a section of the footway would need to be relocated. It may also be necessary for a section of the single lane access track to be widened to double width to allow for two vehicles to pass each other. The applicant has confirmed that they would be comfortable to undertake these works if required to improve highway safety at the junction. Whilst it is noted that improvements to the access junction would alleviate highway concerns, this would subsequently have an impact on the character and appearance of the Green Belt, conservation area and area of high landscape value. These points will be discussed in the section below.

#### Impact upon Green Belt, conservation area and area of landscape value

55. National and local policy attaches great importance to Green Belts. The fundamental aim of Greenbelt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Although the applicant has argued there used to be a building on the site, this building was demolished in the 1970's, and the site is now very much open and forms part of the open characteristic of the Durham City Green Belt which was established in 2004.
56. The application site is also within the Burnhall Conservation Area and the Durham Area of high Landscape Value. The main public viewpoints onto the site are from

surrounding high ground to the west, north west to north east within the community woodland, and from the public right of way that passes through the site. The Council's Landscape Officer has described the existing character of the AHLV and the conservation area in this location as being of particular high quality. The introduction of new buildings on the application site would be visually prominent from public viewpoints and would be considered to have adverse landscape and visual impacts. The open character and appearance of the landscape would be also be adversely affected.

57. As discussed in the 'highway consideration' section above, a significant amount of junction improvement works would be required to achieve an acceptable access which would not compromise highway safety. Should these junction improvement works be undertaken this would have a significant impact on the appearance of the AHLV and the conservation area. At present, there are no major junctions along the southbound dual carriageway section of the A167 at this point. The existing access junction is a simple single access point which appears as an agricultural style access. The required junction improvements involve widening the access, installing a deceleration lane and possibly widening part of the lane to two vehicle width. These highway alterations would introduce a much more formal junction which would be visually prominent. At present, the existing junction is relatively unnoticeable, however with the required alterations, this junction would be prominent and would therefore have an adverse impact on the appearance and character of the AHLV and conservation area.
58. The Design and Conservation Officer had commented on the specific design of the buildings indicating that the design could be improved. Alterations have been made to the design and amended plans submitted. The Design and Conservation Officer has not raised any objections to the design of the amended scheme. Whilst it is accepted that the design of the buildings may be considered acceptable this does not out the adverse impact the buildings have on the overall character and appearance of the surrounding AHLV and conservation area.
59. Overall, it is considered that the proposed development would have a significant and detrimental impact on the openness of the Green Belt and an adverse impact on the landscape qualities of the AHLV. The proposal would also not preserve or enhance the character or appearance of the Burnhall Conservation Area. The proposal would therefore be contrary to policies E1, E10 and E22 of the local plan and section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.

#### Residential amenity

60. The proposed holiday cottage and café buildings would be situated adjacent to the gable elevation of Woodland Barn which is the residential property owned by the applicant. The nearest neighbouring property is Low Burnhall Farm Cottage situated approximately 50 metres to the east. In terms of separation distance, a 50 metre distance is considered acceptable and the proposal would not have an adverse impact on neighbouring residential amenity in terms of overlooking, overshadowing or loss of privacy. The objectors to the scheme have raised concerns that they are fearful that the safety and security of the existing properties could be compromised as a consequence of increased and additional footfall to the area. Whilst it is agreed that a holiday cottage and in particular a café would likely increase footfall within the area. It is not considered that the increase would be significant enough to adversely compromise safety and security to warrant refusal for this reason. Overall, it is not considered that the proposed development would compromise residential amenity.

#### Other Issues



61. The Environment Agency has objected to the proposed development because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided with the application. The applicant subsequently has submitted some non-mains drainage details and the Environment Agency have been consulted on the details.
62. The Coal Authority have objected to the scheme as a Coal Mining Risk Assessment was not submitted with the application. The City of Durham Trust have also objected to the scheme indicating that there is an unsatisfactory, poor and dangerous access from the A167 and that the case for a café in this location is unconvincing.
63. No objections to the proposed scheme have been raised by Northumbrian Water or Woodland Trust.
64. Objections raised by local residents have indicated that these proposals may lead to an application for two dwellings, as the plans would easily lend themselves to conversion quite easily. Also the lack of a business plan for the café provides further concerns that the buildings may be used as residential. It is noted that planning permission is only sought for a holiday cottage and a café. Should the buildings be intended to be used for permanent residential purposes, then a further planning application would be required to be submitted to obtain permission for a residential use.
65. The objection letter raises concerns that the application does not provide a business plan for the café element of the scheme. It is noted that the validation requirements for an application does not specifically require the submission of a business plan. The applicant has indicated that vehicular traffic would be discouraged from visiting the site and therefore the café would be reliant on walkers using the surrounding public rights of way. The submission of a business plan would have confirmed whether the café element would be a viable business.
66. Concerns have also been raised that there are inaccuracies with the submitted plans, in particular buildings and neighbouring properties being misnamed. It is considered that the submitted plans are sufficient to make a full planning assessment of the proposals and to recommend a decision. It has been noted that a first floor flat appears to have been created above the café proposal. The applicant has removed this element of the scheme and has confirmed that the first floor of the café is to be utilised as storage area.

---

## **CONCLUSION**

---

67. National and local planning policy clearly states that new development in Green Belts is inappropriate. The proposed development is not considered to be an exception and the proposed buildings would adversely impact on the openness of the Green Belt. The proposed development is unacceptable in principle and would be contrary to policy E1 of the local plan and part 9 of the NPPF.
68. Policy V7 of the local plan deals specifically with new visitor accommodation in the countryside, and this policy states that permission will be granted for new visitor accommodation if the proposal is an extension to an existing visitor establishment or it involves the conversion of an existing building. The proposed development is a new build proposal which is not linked to existing visitor accommodation. The proposal is therefore contrary to policy V7 of the local plan.

69. Durham County Highway Officers have raised concerns with the proposed development, indicating that single track access and junction with the A167 is not suitable to support additional traffic which would arise from the proposed development. The proposed development would have a detrimental impact on highway safety. Significant improvements can be undertaken to the junction with the A167 to alleviate highway safety concerns, however this would subsequently have an adverse impact on the character and appearance of the Green Belt, conservation area and area of high landscape value.
70. Whilst the proposed buildings are considered acceptable in design terms, the proposals still have an adverse impact on the openness of the Green Belt; a detrimental impact on the landscape qualities of the Area of High Landscape value; and would not preserve or enhance the character and appearance of the Burnhall Conservation Area. The proposed development would therefore be contrary to policies E1, E10 and E22 of the local plan.
71. The proposed development would not create any overlooking or overbearing issues in terms of its relationship with neighbouring properties. It is not considered that the development would compromise the residential amenity of neighbouring occupiers.
72. The Environment Agency have objected as no details have been submitted with regards to non-mains foul drainage. The applicant has subsequently submitted this information and it has been forwarded to the Environment Agency for assessment. The Coal Authority have also objected as a Coal Mining Risk Assessment has not been submitted with the application. It is noted that a Coal Mining Risk Assessment of the site can be submitted through a planning condition.

---

## **RECOMMENDATION**

---

That Members are minded to **REFUSE** the application for the following reasons;

1. The proposed development is contrary to Policy E1 of the City of Durham Local Plan and Part 9 of the National Planning Policy Framework as the proposal is for new development in the Durham City Green Belt which would adversely impact upon its openness.
2. The proposed development is contrary to policy V7 of the City of Durham Local Plan, as the holiday cottage is not an extension to an existing establishment catering for visitors, nor is it the conversion of an existing building.
3. The proposed development is contrary to Policies E10 and E22 of the City of Durham Local Plan as the proposal would not preserve or enhance the character and appearance of the Burnhall Conservation Area and would compromise the landscape qualities of the Area of High Landscape Value.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

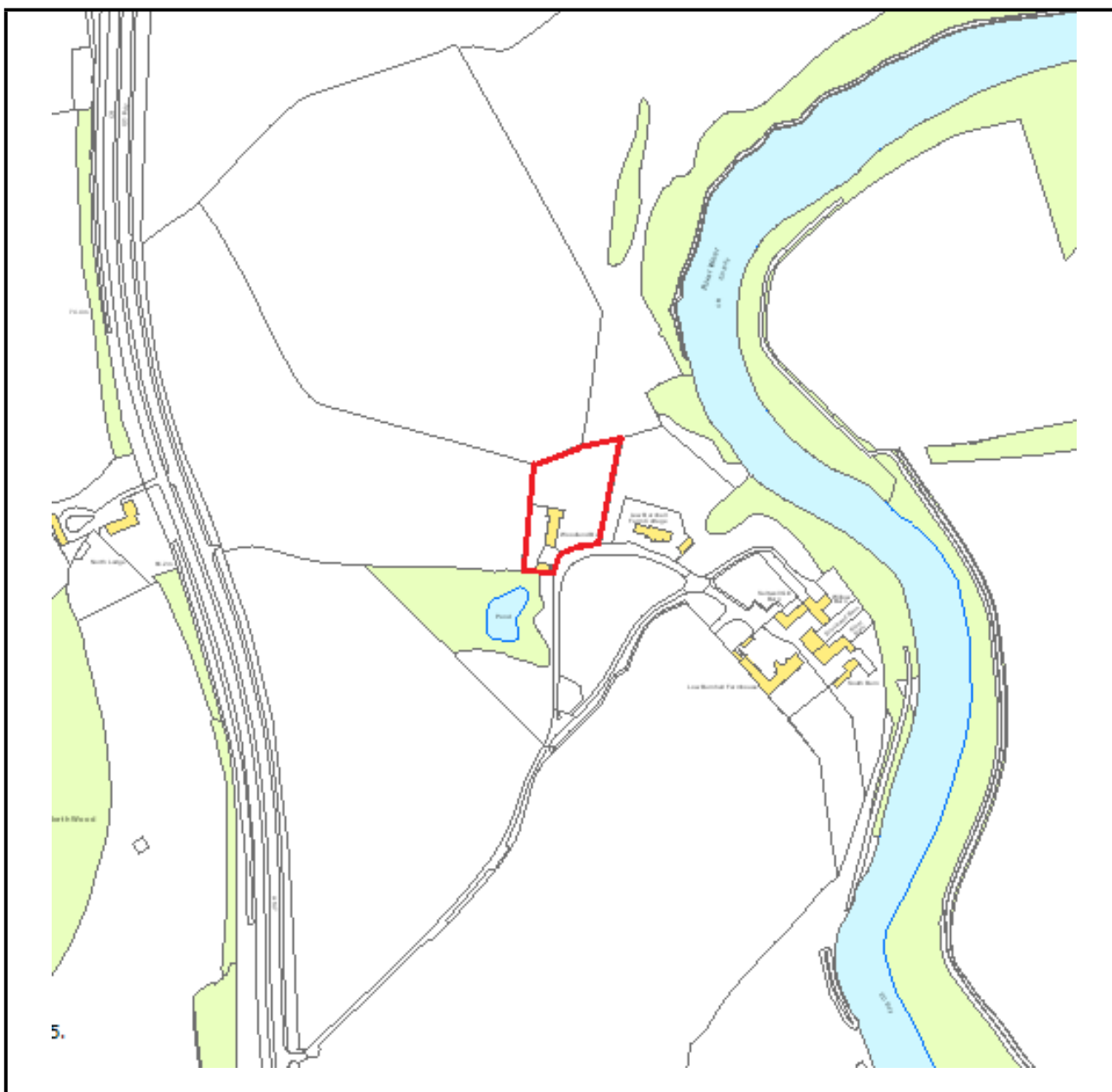
In dealing with the application, the Local Planning Authority has worked in a positive and proactive manner to ensure that the Durham City Green Belt is not compromised.

---

## **BACKGROUND PAPERS**

---

Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan 2004  
National Planning Policy Framework  
Internal consultee responses  
Public responses  
Responses from statutory and other consultees  
National Planning Policy Guidance



Planning Services

**Holiday Cottage and Café at  
Woodland Barn, Darlington Road,  
Durham**

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.  
Durham County Council Licence No. 100022202 2005

<b>Date</b> <b>14<sup>th</sup> April 2015</b>	