APPLICATION DETAILS

APPLICATION NO: DM/15/02766/FPA

FULL APPLICATION DESCRIPTION: Demolition of disused factory building and garage and erection of 3 bedded roomed, split level bungalow (adapted for a disabled person) and erection of a new garage side extension to Beechville Cottage (resubmission)

NAME OF APPLICANT: Mrs Michelle Ramsden
Beechville Cottage
Beechville

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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site forms part of the former co-operative society shop building and latterly a pease-pudding factory until falling vacant over the last two decades. The domestic property of ‘Beechville Cottage’ lies to the north of the application site and a converted social club operating as a furniture store lies to the south. These properties are the only remnants of the larger settlement of Beechville to the west and known previously as Claytonville Village founded in 1925 and later as Blackhouse Council Houses. These were built after the second world war but were demolished in 1978 owing to persistent problems with dampness in the houses.

2. The B6532 lies to the north of the application site, with the topography of the area rising from the road (and Humble Burn to the north) to a crest where the furniture shop is located and then back down to the Cong Burn. Open bounded farm land lines the southern side of the B6532 either side of the Beechville properties, with hedging and sporadic trees located to the eastern boundary of the Beechville extended garden area. The village of Edmondsley lies to the south east approximately 1 kilometre along the B6532, across the Cong Burn and up the Congburn Bank. Beechgrove Terrace, Blackhouse lies to the west approximately 700 metres along the B6532 and takes the form of a small number of terraced properties without any services.
3. The application site contains the disused former pease pudding factory, a parcel of land to the south that contains Japanese knotweed, and the detached garage and plant beds associated with the extended garden of ‘Beechville’. No other planning constraints are applicable.

The Proposal

4. Permission is sought to demolish the existing buildings on the site, these being the former factory and detached garage, and to erect a single detached, split level dwelling with associated curtilage. The dwelling would feature two floors across three levels, with bedrooms contained within the middle to rear roof space and the kitchen / dining area set below ground level (achievable due to the knotweed removal required).

5. The property would feature red brick walls and dark grey slate roof tiles. The property has been designed to accommodate both the applicant’s family and the separate, independent living area of a family member who is disabled as part of a single dwelling and would remain as a private market property. Works are proposed to the main access on to the B6532 to improve visibility to the east.

6. A separate proposal to erect a double garage to the northern gable of the original house, Beechville, is also incorporated in to the proposals. This would be to replace the current detached garage at the south end of the application site which would be lost as part of the provision for the new dwelling.

7. The application is presented to Committee at the request of a local Ward Member to assess whether the dwelling is considered to be isolated or not in planning terms.

PLANNING HISTORY

8. Various applications have been granted between 1974 and 1994 for extensions to Beechville including a Box room and garage, dining room, kitchen and sunroom extension and a double garage with room above.

9. In 2014, an application to Demolish the existing disused factory building and adjacent domestic garage and to erect of a new 3 bedroomed split level bungalow with room in roof (Adapted for a disabled person) plus the erection of a new garage side extension to the main house, Beechville Cottage was withdrawn;

10. In mid-2015, a subsequent resubmission of the above was refused by the Local Planning Authority on the grounds of unsustainable development contrary to the core principles of the NPPF without special justification (paragraph 55) (Ref: DM/15/00136/FPA).

PLANNING POLICY

NATIONAL POLICY

11. 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.

12. 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’.

13. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

14. The following elements of the NPPF are considered relevant to this proposal;

15. **NPPF Part 1 Building a Strong, Competitive Economy.** The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

16. **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.

17. **NPPF Part 4 Promoting Sustainable Transport.** Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

18. **NPPF Part 6 – Delivering a wide choice of high quality homes.** Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential gardens where development would cause harm to the local area.

19. **NPPF Part 7 – Requiring Good Design.** The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

20. **NPPF Part 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change.** Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

21. **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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on
biodiversity and providing net gains in biodiversity where possible, contributing to the
Government's commitment to halt the overall decline in biodiversity, including by
establishing coherent ecological networks that are more resilient to current and
future pressures; preventing both new and existing development from contributing to
or being put at unacceptable risk from, or being adversely affected by unacceptable
levels of soil, air, water or noise pollution or land instability; and remediating and
mitigating despoiled, degraded, derelict, contaminated and unstable land, where
appropriate.

LOCAL PLAN POLICY:

22. *Policy NE2 - Development beyond settlement boundaries.* Outside of settlement
limits development will be strictly controlled. Development should protect and
enhance the character of the countryside and be consistent with maintaining the
economic sustainability of agriculture and other rural businesses.

23. *Policy HP9 - Residential Design Criteria (General).* Requires new development to;
relate well to the surrounding area in character, setting, density and effect on
amenity of adjacent property, to provide an attractive, efficient and safe residential
environment, to provide adequate privacy and amenity, safe road access and retain
existing landscape features.

24. *Policy HP11 - Residential Extensions.* Seeks to control the scale, form and character
of extensions to an existing building, any neighbouring property, or the locality in
general, specifically within the identified settlement boundaries.

25. *Policy IN11 - Existing Employment Sites / Buildings in the Countryside.* Outside
settlement limits and industrial estates, change of use, or redevelopment of existing
premises or sites with an employment use to non-employment uses will only be
permitted where a significant land supply issue would not arise, or the site is no
longer appropriate for employment use due to impacts upon residential amenity,
traffic, environment or viability for employment uses.

26. *Policy T15 – Access and Safety provisions in design.* Development should have safe
access to classified road, should not create high levels of traffic exceeding capacity,
have good links to public transport, make provision for cyclists and service vehicles
and have effective access for emergency vehicles.

RELEVANT EMERGING POLICY:

The County Durham Plan

27. 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 and a stage 1
Examination concluded. An Interim Report was issued by an Inspector dated 15
February 2015, however that report was quashed by the High Court following a
successful Judicial Review challenge by the Council. As part of the High Court
Order, the Council is to withdraw the CDP from examination, forthwith. In the light of
this, policies of the CDP are no longer material to the determination.

The above represents a summary of those policies considered most relevant in the Development Plan the full
text, criteria, and justifications of each may be accessed at
http://www.cartoplus.co.uk/durham/text/00cont.htm.
CONSULTATION AND PUBLICITY RESPONSES

Statutory Responses:

28. Highways – No objections to this proposal from the highways aspect subject to works to improve visibility eastward along the B6532 and suitable crossings onto the adopted highway from the new property and garages to the original house.

Internal Consultee Responses:

29. Archaeology - The building due for demolition is one of the last remnants of the former mining village, Beechville, which as classified as Category D in the County Durham 1951 Development Plan, meaning no future development would be allowed. The building dates to 1927 and is of interest as it is an example of the social changes in County Durham due to the contraction of Coal Mining, and also of the role of the Co-Operative Society.

30. In order to ensure its historic significance is preserved, in line with Paragraph 141 of the NPPF, it is recommended that a record of the building is made prior to its demolition, and that a planning condition should be attached to any planning permission granted requiring so.

Public Responses:

31. Neighbours have been consulted by way of direct notification, and a site notice posted, no comments or objections have been received.

Applicants Statement:

32. The Ministers forward statement of the NPPF states, and these are relevant extracts as opposed to a verbatim of his statement, that the purpose of planning is to help achieve sustainable development and that development means growth.

33. In respect of housing paragraph 51 of the NPPF is of particular relevance in that it states that Local Planning Authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. These proposals accord with the above NPPF statement in that these premises are a disused and empty factory, and there is clearly an identified need for new housing in this area.

34. Building rates are well below that required to meet the Governments national house building targets, and the County Durham’s 2013 Strategic Housing Assessment Update Report analysis of the general market which looked at supply and demand suggests that across County Durham the overall demand for open market dwellings exceeds supply. Only in South and Central Durham is supply sufficient for overall demand, but in these areas there remain imbalances in some property types and sizes. Data suggests that the strongest market shortfalls are in North Durham, East
Durham and The Dales. The appeal site’s location is North Durham so demand is not meeting supply.

35. Finally these proposals would not give rise to any strong economic reasons why a new dwelling to replace the disused factory would be deemed inappropriate development. The proposals therefore accord fully with paragraph 51 of the NPPF.

36. Turning to paragraph 55 of the NPPF this states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

37. It should be noted that the NPPF does not define isolated, so this interpretation of what isolated means is the Officers opinion only. They state that these distances highlight how far the application site is from services and the application site is also around one kilometre from the edge of the village of Edmondsley. Services, public transport links and employment all lie beyond that distance making reliance upon the private motor car a strong likelihood. Therefore the Local Planning Authority considers the application site to be isolated in location. We feel that the site is not isolated, it lies within in a small linear group of residential properties, so it is not isolated in the sense it is by itself, alone and remote. The site is relatively close to Edmondsley and Craghead so it is again not a remote, remote location. There are regular bus service along the B6352 and the bus stop right outside the junction is less than a 2 minute walk away. The no.43 and 44 bus service runs every 15 minutes. It travels to and from Newcastle, Metro Centre, Stanley, Craghead, Beechville, Edmondsley and Durham.

38. In considering isolation an appeal (which was allowed) in Nottinghamshire considered this matter in an appeal for a new dwelling (REFERENCE No: 12/01726/FUL) Land North of Church Farm, Church lane, Willoughby on the

39. In considering paragraph 55 of the NPPF he considered its reference to new isolated homes in the countryside. The NPPF does not define ‘isolated’ and so he considered the term to mean lonely or remote. The site was not lonely or remote as it was close to a church of St Mary and All Saints and close to several houses despite being outside the village envelope. The Inspector considered that it was not isolated and therefore special circumstances were not needed. The Council itself acknowledges that the site lies within a group of buildings and therefore the proposed dwelling would not stand alone in the open countryside.

40. The Council states that Policy NE2 of the saved Local Plan expands upon the some of the provisions of paragraph 55. It does and it doesn’t in the sense that Policy NE2 does not refer to the term isolated in the same manner as the NPPF but looks at new dwellings outside the settlement boundaries. It also looks at new dwellings in the sense of new dwellings and does not distinguish between greenfield and brownfield sites, or sites that have disused industrial buildings. Paragraph 17 of the NPPF outlines the core principles of the national policy document. One of those principles supports the effective use of land where it had been previously developed. Previously developed land can occur in urban and rural locations, and this appeal contests that the development of the site of a former pea’s pudding factory represents such an example.
41. Saved Policy IN11 states that beyond the settlement boundaries and industrial estates, as shown on the Proposals Map, a change of use, or redevelopment of existing premises or sites with an employment use to non-employment uses will not be permitted unless:
   i) such development would not cause or accentuate a significant storage of land for employment use in the area concerned, both at the present time or in the foreseeable future; or
   ii) the site is no longer appropriate for employment use because:
       a) it impinges upon residential amenity;
       b) it causes highway or traffic problems;
       c) it creates other significant environmental effects; or
       d) there is no longer a viable demand for an employment use.

42. The application proposals accord, and a very much appropriate to the context and scope of this adopted and saved Local Plan Policy. The application site is outside the settlement boundary, it is an existing premises that was in employment use, and the application proposals are for a non-employment use.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA

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 main planning issues in this instance relate to the principle of development, design, appearance and the impact on highway safety.

44. A previous planning application refusing the proposed development (ref: DM/15/00136/FPA) has been appealed by the applicant and is currently with the Planning Inspectorate. This application was submitted before the previous application was appealed following earlier discussions with local council members.

Principle of the Development

45. Paragraph 49 of the NPPF states that housing applications should be considered in the context of sustainable development and the primary aim of the NPPF is that there should be a presumption in favour of sustainable development. The guidance aims to provide a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

46. Paragraph 55 of the Framework explains that new isolated homes in the countryside should be avoided unless there are special circumstances. In this case no special circumstances have been presented by the applicant that would justify a dwelling in this location under paragraph 55. Whilst the term ‘isolated’ is not defined in the NPPF it can be taken to mean remote from the development boundaries of towns and settlements, where there would be access to local services and facilities, such as schools (>1km away from the application site), shops (1.3km), doctors surgeries (in Sacriston to the south), and community facilities (1km). These distances highlight how far the application site is from services and the application site is also around one kilometre from the edge of the village of Edmondsley. Services, public transport links and employment all lie beyond that distance making reliance upon the private motor car a strong likelihood. Therefore the Local Planning Authority considers the application would result in a new isolated dwelling in the countryside.
47. It is acknowledged that the site lies within a group of buildings and therefore the proposed dwelling would not stand alone in the open countryside, however, for planning purposes the site is considered to be "isolated" due to the poor relationship with local services and facilities. As a result, the property would be clearly distinct from the surrounding settlements, and so the proposal does not generally support sustainability objectives with regard to the potential for reducing greenhouse gas emissions.

48. The applicants in support of their application cite an appeal case from Nottinghamshire which they believe demonstrates that a new dwelling within an existing group of properties cannot be regarded as "isolated". Whilst each application needs to be considered on its own individual merits the Council have received appeal decisions that take a contrary view thereby adding material weight to the argument that the proposed dwelling is "isolated" in reference to paragraph 55 of the NPPF. For example, an appeal decision dismissing the development of 3 residential properties in Clough Dene, Tantobie, Stanley (ref: 1/2012/0246, appeal ref: APP/X1355/A/13/2199807) has shown that settlements on a larger scale to that of Beechville have been considered as isolated in planning terms and applying paragraph 55 of the NPPF as a test of principle.

49. Similarly, a planning appeal was dismissed for the development of 3 dwellings at Heathfield House, Hobson, near Stanley (ref: DM/14/01510/OUT, appeal ref: APP/X1355/A/14/2223125), a property immediately adjacent to an industrial estate. Here the Inspector noted the lack of access to basic services such as shops, and that being located upon a main bus route to Consett, Stanley and Newcastle/Gateshead was not in itself enough to justify development of new housing in such a location, despite not being removed from built development.

50. Finally, an appeal decision received within the last month at Mountsett, near Burnopfield (ref: APP/X1355/W/15/3078163) outlines that a group of buildings within the countryside can represent isolated development rather than development within or closely associated with an existing settlement. Acknowledgment is given to a group of buildings supporting services in other settlements nearby, and that in this appeal this carried weight in favour of the scheme, as did benefits associated with the construction phase of the dwelling. However the Inspector did not find full support from paragraph 55 of the NPPF and so considered the location as unsustainable. The same issues of supporting services in nearby settlements and providing economic benefits during the construction phase are equally applicable in this case.

51. Paragraph 17 of the NPPF outlines the core principles of the national policy document. One of those principles supports the effective use of land where it had been previously developed. Previously developed land can occur in urban and rural locations, and this application contests that the development of the site of a former pease pudding factory represents such an example. While the site would occupy previously developed land this does not automatically mean that residential development should be considered acceptable and the key issue as outlined above is sustainability. The fact that the site was previously developed does not make it sustainable.

52. The applicant believes that the previous use of the site allows Saved Policy IN11 of the Chester-le-Street Local Plan to be considered in the determination of the application. The applicant contends that the proposal would be for a non-employment use outside of the settlement boundary to a site once used for employment uses. The long vacancy of the site could be an indication of the site
having lost its potential viability as an employment use, the limited size of the building and the fact that it may not be suitable for modern industrial uses. The fact that the site is located adjacent to only one residential dwelling means that any impacts on residential amenity due to a resumption of an industrial use is likely to be limited. In addition the building is not in a condition where it is likely that there would be demand to re-establish an industrial use.

53. Policy NE2 of the Local Plan is considered a material consideration in terms of principle, however the policy is consider to no longer be up-to-date on this issue in light of paragraph 55 of the NPPF.

54. Finally, the applicant puts an argument forward that there is a general under supply of housing within the County as defined by the Strategic Housing Market Assessment update in 2013. North Durham is contended to have strongest market shortfall in terms of supply and demand and as a result, the proposals accord with Paragraph 51 of the NPPF. Paragraph 51 relates to the change to residential use of commercial buildings where a shortfall in housing supply has been identified. The Council’s position on their housing land supply is that they are currently calculating a new figure for this supply in light of the recent decisions in regard to the County Durham Plan. Therefore, the view is that the key policy consideration pertaining to cases dealing with housing land supply is whether the proposal in question would represent a sustainable form of development and be permissible in line with paragraph 14 of the NPPF. A further assessment of this aspect would be the conformity of the proposal with paragraph 55 of the NPPF which would carry more weight in the decision making process as a result.

55. Based upon the above, the principle of the development is considered unacceptable due to the isolated nature of the site from the nearby village the development would therefore result in new development in the countryside without justification contrary to paragraph 55 of the NPPF.

Design

56. Policy NE2 (a) of the Local Plan seeks to protect the character and quality of the countryside. The proposed dwelling, sited to the south of Beechville and to the highest point of the small rise, would form a large structure within the landscape. It would be visible from both east and west along the B6532 and so the quality of the design of the building should be of a high standard. The proposal has taken into account the prominence of the front elevation by seeking to reduce the bulk of the building through its hipped roof design; however this has not be adequately achieved in this instance and leads to an overly dominant front elevation. To the rear, the desire to secure a second floor of the property has led to the increase in height of the dwelling that increases the impact the dwelling would have upon the landscape when viewed from the east and south east. On balance, the proposal is not considered to be of highest design quality but could be improved; however given that the principle of the development is not considered to be acceptable design changes have not been requested.

Amenity

57. The linear nature of the building group at Beechville would make accommodating a property in amenity terms possible. The residential use would be compatible with that of the bungalow to the north, the proposal contains no windows to the northern gable and is located at a suitable distance from the retail use to the south. The proposal is considered to be acceptable in terms of residential amenity.
58. The Council’s Highways Officer has requested that works be done to achieve the necessary visibility from the exit on to the B6532 to the north. The application caters for this within the proposals and subject to the access being modified in accordance with these details the proposal would not adversely impact on highway safety and is therefore considered to comply with Policy T15 of the Local Plan.

Other Matters

59. The Council’s Archaeology Team consider the current building part of the social and cultural change which has occurred across the County in the later part of the 20th century transition away from coal mining. As a result, they have requested that if the application is approved contrary to the advice of officers a planning condition requiring the recording of the building should be imposed to ensure a record of the building’s existence is maintained by the Records Office.

CONCLUSION

60. The proposal is considered to be in an isolated location divorced from services, education and employment. As a result there would be a greater reliance upon the private motor vehicle and consequently the proposal cannot be considered to be sustainable development, a key principle of the NPPF. Issues of undersupply and previously developed industrial/commercial use of the site are not considered to outweigh the isolated nature of the site in this case. Refusal of the application would be consistent with the outcome of various appeals which support the contention that the development would amount to an isolated dwelling in the countryside, without justification, and as such could not be regarded as sustainable development.

RECOMMENDATION

That the application be REFUSED subject to the following reason:

1. The proposed development is considered to be unsustainable development due to the isolated location away from services and facilities, contrary to the aims of the NPPF. In addition the proposal, by virtue of the site's location in the countryside outside of the village of Edmondsley, with no special circumstances is considered contrary to paragraph 55 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

1. The Local Planning Authority in arriving at the recommendation to refuse the application has been consistent in advice with regards the application and has considered the possibility of a positive outcome in accordance with the NPPF but it has not been possible in this instance due to the overriding conflict with planning policy. (Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)
Submitted application form, plans supporting documents and subsequent information provided by the applicant.
The National Planning Policy Framework (2012)
National Planning Practice Guidance
Chester-le-Street Local Plan (saved Policies 2009)