

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00064/FPA
FULL APPLICATION DESCRIPTION:	Change of use of garden to siting of four holiday camping pods and formation of car parking area
NAME OF APPLICANT:	Mr G Turner
ADDRESS:	Grove House, Redford Lane, Hamsterley, DL13 3NL
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Adam Williamson, Planning Officer, 03000 260826 Adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

1. The application seeks permission for the siting of 4 timber camping pods in the south west corner of the garden of Grove House, which is located within Hamsterley Forest. 3 of the pods would be located within the disused paddock area on the eastern side of the stables, with the fourth located to the west of the stables. Two styles of pod are proposed, each serviced by water and electricity and with its own wc connected to a new biodigester. A small parking area would also be created alongside the existing driveway within the property.
2. The property is a 19th century former hunting lodge set within extensive grounds located along the Forest drive, approximately 3km south west of the Hamsterley Forest visitor centre. It is now 3 private properties, but Grove House retains approximately 2 acres of garden area. The adjoining properties Grove Cottage and 1 The Grove lie to the north west and east respectively. Grove Cottage lies at a higher level and a large retaining wall forms the northern boundary between the two properties. A row of Beech trees from an outgrown hedge lines the southern boundary along the adjacent cycle route.
3. The application has been called to committee by Cllr Heather Smith because of concerns expressed by the neighbouring properties over loss of privacy, disturbance and tree impact.

PLANNING HISTORY

4. There is no planning history relevant to the determination of this application.

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 dependent.
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, 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.
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 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.
11. 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:

12. The development plan is the Teesdale District Local Plan saved policies.
13. Policy GD1: General Development Criteria: All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
14. ENV1 Protection of the Countryside: Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
15. Policy ENV3: Development Within or Adjacent to an Area of High Landscape Value: The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
16. Policy BENV3: Development affecting a listed building or its setting will not be permitted.
17. Policy TR 3 Caravan/ chalet sites: Supports the principle of the development of chalet sites in situations where it does not detract from the character of the area; is adequately screened by local topography or existing tree cover; is served by adequate infrastructure; site services are limited to site occupants only; and does not adversely affect the amenities of the neighbouring properties.

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.durham.gov.uk/article/3271/Teesdale-Local-Plan>

EMERGING PLAN

18. The County Durham Plan
 19. 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 18 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 has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.
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CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. *South Bedburn Parish Council* objects to the proposal on the grounds that the presence of the camping pods and potential effect on specimen trees in the grounds would be detrimental to the character of the historic property and its setting along the scenic woodland drive. There are also concerns about loss of privacy and disturbance to neighbours. Generally, it is felt that camping facilities in the Forest should be part of an overall development plan for the Forest and could be better located than proposed.
21. The *Highway Authority* has no objection.

INTERNAL CONSULTEE RESPONSES:

22. *Landscape & Trees*: The site lies in the Area of High Landscape Value and initial concerns were raised about the lack of arboricultural assessment accompanying the application and potential effect on trees from the location of the parking area, soakaway and water/electricity service runs. This resulted in submission of further survey work, relocation of the parking and turning area to avoid loss of any important trees, and clarification over service runs, new planting and the colour treatment of the pods. The scheme now appears to offer a layout that is acceptable from a landscape and arboricultural perspective providing the soakaway can be accommodated outside the root protection areas of surrounding trees, the lodges are stained a dark colour and the new hedge around the car parking is Beech rather than Laurel.
23. *Design and Conservation* has no objection.
24. *Ecology* has no objection to the proposal.
25. *Environmental Health (Noise Action Team)*: Note the potential for the development to generate noise and BBQ smoke from outdoor activity associated with the holiday use. However, it is advised that this could be addressed by a condition requiring submission of a management plan advising how these potential issues will be addressed.

PUBLIC RESPONSES:

26. Letters of objection were received from both of the adjoining neighbouring properties (Grove Cottage and 1 The Grove). It is felt that camping facilities for the Forest should not be located in the garden of a property which is overlooked by neighbours; the sewage system and electric supply will result in removal and damage to specimen trees; noise from cars and voices in the evening will be an intrusion in a peaceful setting; and there will be added pressure on the spring-fed water supply.

The above represents a summary of the main points identified in the representations received and does not seek to repeat every point made.

PLANNING CONSIDERATION AND ASSESSMENT

27. 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, impact on the character and appearance of the area and residential amenity.

Principle of development

28. The visitor economy is extremely important to County Durham and supports around 11,000 jobs. Visit County Durham Research suggests that for every 3 self-catering properties, one full time job is created. Overnight tourists spent £81 million in the County in 2015 with the average spend of £232.55 per trip, however the number of visitors staying overnight within County Durham has remained static with the lack of new accommodation options a possible contributory factor. Improving the amount and diversity of quality accommodation options in key visitor areas is seen as an important way to keep visitors in the County for longer.
29. Hamsterley Forest is one of County Durham's most popular visitor destinations offering excellent family facilities and opportunities for foot, bike and horse trails. It is also well placed in relation to other tourist and leisure opportunities in the wider Dales area. Although the proposal is a private-led scheme on private property within the forest, it would make a small, but nevertheless valuable contribution to increasing the range of tourist accommodation in the County and improving the ability of the County to retain overnight tourists to the benefit of the rural economy. This is wholly in accordance with NPPF Parts 1 and 3 which seek to support economic growth and is therefore a factor which must be given significant weight (NPPF paragraph 19).
30. The relevant development Plan is the Teesdale Local Plan 2002. Policy TR3 relates specifically to camping, and/or caravan sites and chalets and is permissive of such development providing among other things the proposal is well screened and does not detract from the character of the area, there is adequate but limited associated infrastructure and there is no adverse effects neighbouring properties. These aims are consistent with NPPF Parts 1, 3, 7 and 11 and therefore the development plan is not out of date in this respect.
31. The principle of the development is therefore supported by NPPF guidance and Teesdale Local Plan Policy TR3, subject to consideration of impacts on the surrounding area and neighboring properties. This is considered in the sections below.

Impact on character and appearance of the area

32. The site lies in the Area of High Landscape Value. The property is a notable building, visually and historically, but is not listed.
33. The proposed pods would be small timber features located over 70m from the house in an area of the garden which is of lesser quality containing a disused paddock and stables. The existing tree coverage ensures views of this part of the garden from the Forest drive, including the nearby grade II listed bridge over Spurliswood Beck and the

adjacent cycle route are very limited, particularly during the summer. Even in winter the small scale of the pods and their dark stained timber appearance are unlikely to be visually prominent features. Some additional fruit tree planting is proposed to the north which would further enclose the site and separate it from the remaining garden, which is more formal in character. The new parking and turning area is to be located immediately off the existing driveway, close to the pods and would be surrounded by a new Beech hedge as recommended by the Landscape Section. The parking would necessitate removal of the existing Leylandii hedge and 3 individual trees (Yew, Sycamore & Cypress), but they have all been categorized as trees of low quality and their loss would be insignificant to the character of the area, particularly in the context of surrounding forest. There is already water and electricity supply to the stables so the only additional infrastructure required is a new foul drainage system in the form of a biodigester which would discharge to a soakaway located in the garden, avoiding retained trees or any discharge into the beck. The number and appearance of the pods, landscaping details and tree protection measures can all be secured by conditions.

34. Having regard to the above it is considered that the development could be comfortably accommodated on the site without detriment to the character of the property or surrounding area. In the same respects there would also be no harm to the Area of Landscape Value designation. Accordingly there is no conflict with the relevant criteria of Teesdale Local Plan Policy TR3 (A, B, C, D, E) and policy ENV3. Nor is there conflict with the general design criteria of policy GD1 (A, B, F, I, P).
35. In addition, being mindful of statutory duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the development would preserve the setting of the grade II listed bridge to the south, as the proposals are physically removed from the bridge, and also due to the dense planting around the boundary of the site, which screen the proposal from the designated heritage asset. There is no conflict with Teesdale Local Plan Policy BENV3 in this respect.

Impact on neighbours

36. Although the proposal lies within the garden of the property, the pods, parking and access would still be considerably distant from the two neighbouring properties given the extensive nature of the grounds, and that is where all associated activity would be contained. Grove Cottage is the closest and does sit at a higher level, which affords distant views over the site from a small raised part of their garden, but their outdoor terrace is at a lower level and the main garden of Grove Cottage lies further north. The planting of new fruit trees may not offer full year round screening from Grange Cottage, but it is not necessary to do so as there would not be any unreasonable privacy impacts arising from the development.
37. If there is any potential for impact on neighbours it would be from noise. The Environmental Health recommendation to condition submission of a management plan are noted, but the separation distance, small number of pods, seasonal nature of the use, and fact that the applicant/management would also be living at the site are all likely to minimize potential for adverse noise and BBQ smoke impacts and ensure there is proper management of the small site. Even if there were occasions when noise from talking, children playing, music etc was audible to neighboring properties it would not be all the time and is unlikely to continue late at night because the management is also living at the site. The quality of leisure and recreational

opportunities within the forest are also likely to draw people off the site during most days. In addition, site licensing requirements would place expectations on proper management of the site. A planning condition in these respects is therefore neither justified, nor could adherence to it even be enforceable in planning terms and as such, it would not meet the Planning Practice Guidance tests for use of conditions.

38. The NPPF at Para 123 states that planning decisions should avoid noise from giving rise to significant adverse impacts. For all the reasons above, it is considered that noise from the proposal would not fall within the “Significant observed adverse effect level”. No conflict is identified with Teesdale Local Plan Policies TR3 (F) and GD1 (E).
39. The Planning Practice Guidance also explains that noise should not be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. In the absence of identification of significant adverse effects on the amenity of neighbours, the tourism and rural economic benefits of this scheme are matters that carry significant weight in its favour.

Other Issues

40. The Highways Authority has raised no objections to the access arrangements and parking provision, and the small scale of development would not generate significant levels of local traffic. A condition could secure provision of the parking prior to the use commencing. There is no conflict with Teesdale Local Plan Policies GD1 (Q).
41. The site is not identified as being at risk of flooding and the small footprint of the development would have a minimal effect on surface water drainage characteristics of the site. The new parking area would be constructed in a porous material and this could be secured by a condition. There is no conflict with Teesdale Local Plan Policy TR3 (G).
42. Electricity and water connection would be via an existing private supply. It's unlikely such a small scale of development would put significant pressure on those supplies, but in any case it would be a private matter and therefore not a matter which could be given any weight in the consideration of this planning application.
43. Representations have suggested that all camping facilities in the Forest should be part of an overall development plan for the Forest, but this is a private proposal that has to be considered on its own individual merits.

Conclusion

44. The proposal is well placed in a popular visitor location and would increase the range of holiday accommodation in County Durham, thereby directly supporting a sector that contributes significantly in tourist spending in the County and which benefits other local businesses that rely on the local tourism industry. These are significant social and economic benefits. The proposal is wholly in accordance with the NPPF in these respects.
45. In addition, Teesdale Local Plan Policy TR3 is permissive of this type of development where it does not detract from the character and appearance of the area; is adequately screened; the scale and design are appropriate to the locality; site services are limited in scale; there is adequate infrastructure; it does not adversely affect neighbours' amenities; and it is not at risk from flooding. There has been no

conflict identified with any of these criteria, and in turn, there is no conflict with Policies GD1, ENV3 and BENV3.

46. All representations have been carefully considered, however when the proposal has been assessed against the policies of the NPPF and Teesdale Local Plan it has been found acceptable in planning terms.

RECOMMENDATION

Recommendation that the application is:

APPROVED subject to the following conditions

Conditions:

1. The development shall not be begun later than the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Description	Plan Ref No.	Date Received
Site location plan		04.01.2017
Proposed plans	Issue 6	03.04.2017
Biodigester details		04.01.2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained

3. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.

Reason: In the interests of visual amenity having regards to Policy GD1 and ENV3 of the Teesdale Local Plan.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the first use of the site as approved, and any trees or plants which within a period of 10 years from this point in time die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Any replacements shall be subject to the same conditions.

Reason: To ensure implementation of the landscaping in the interests of visual amenity having regards to Policy GD1 and ENV3 of the Teesdale Local Plan.

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5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revising or revoking that Order) there shall be no more than 4 camping pods on the site and none of the camping pods hereby permitted shall be replaced by any other structures differing from the approved location and appearance, unless and until details of the size, design and location of such replacements have first been approved in writing by the Local Planning Authority on an application submitted to it.

Reason: In the interests of visual amenity having regards to Policy GD1 and ENV3 of the Teesdale Local Plan.

6. The camping pods hereby permitted shall not be occupied otherwise than for short term holiday letting purposes (not exceeding 6 weeks by any one person) and shall not be occupied as a person's sole or main place of residence. The owner/operator shall maintain an up to date register of the names and addresses of the occupiers of the pods and shall make the register available at all reasonable times to the Local Planning Authority upon request.

Reason: To ensure the pods are not used as permanent units of accommodation in the open countryside where there is a presumption against new residential development.

7. All hard surfaces on the site shall be constructed in a porous material.

Reason: To limit surface water runoff and in the interests of visual amenity having regards to Policy GD1 and ENV2 of the Teesdale Local Plan.

8. The access and car park shown on the approved plans shall be provided and be ready for use prior to the first use of the site as approved and shall be kept clear of obstruction and retained as such for the lifetime of the development.

Reason: In the interests of highway safety having regards to Policy GD1 of the Teesdale Local Plan.

9. The Tree Protection measures shown in the Arboricultural Impact Assessment: Proposed Glamping Site, Grove House, Hamsterley Forest, by Dendra dated 24.04.2017 shall be put in place before any development takes place on the site and shall thereafter be retained throughout any construction works unless the local planning authority agree in writing to any variation.

Reason: To ensure trees aren't damaged during construction. In the interests of visual amenity having regards to Policy GD1 and ENV2 of the Teesdale Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority has sought to ensure that this application has been determined within the statutory determination period.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Planning Practice Guidance

Teesdale District Local Plan

The County Durham Plan (Submission Draft)

All consultation responses and representations received

		
 Planning Services		Change of use of domestic garden to provide four camping pods
<p>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</p>		22.06.2017