

# Planning Services

## COMMITTEE REPORT

**AGENDA ITEM NUMBER: 3J**

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### **APPLICATION DETAILS**

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**APPLICATION NO:** 3/2009/0566

**FULL APPLICATION DESCRIPTION:** PROPOSED CONSTRUCTION OF A LIGHT STEEL FRAMED STRUCTURE, PART BLOCKWORK AND PART CLADDING TO SECURE SMALL ITEMS OF PLANT, MACHINERY AND SMALL TOOLS

**NAME OF APPLICANT:** MR GORDON PROCTOR

**ADDRESS:** LAND TO THE NORTH EAST OF NEW ROW, OAKENSHAW, CROOK

**ELECTORAL DIVISION:** WILLINGTON

**CASE OFFICER:** Adam Williamson  
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### **1.0 DESCRIPTION OF THE SITE AND PROPOSALS**

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#### **1.1. Context**

1.2. The application site consists of a parcel of land adjacent New Row, Oakenshaw. The parcel of land originally was part of a larger field, but has become subdivided in recent years to form smaller plots. The site lies immediately adjacent but outside the development limits of Oakenshaw and is therefore in the open countryside for planning policy purposes. To the east and south of the site is woodland, to the west are the dwellings that form New Row, whilst to the north is open land. The site is bounded to New Row by a 1 metre high agricultural style timber fence. The land slopes away to the east.

#### **1.3 Description**

1.4 Planning permission is sought for the erection of a storage building for the applicant's horticultural business. The proposed building would measure 18 metres in length by 9.1 metres in width, 3.4 metres to the eaves and 4.4 metres to the ridge. The building would be constructed from a cellular block wall to 2 metres in height, with grey sheets to the upper walls and roof. The building would be used to store items of machinery used in conjunction with the applicant's horticultural business.

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- 1.5 This application has been reported to Committee as Greater Willington Town Council has objected to the proposal.
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## **2.0 PLANNING HISTORY**

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- 2.1 None
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## **3.0 PLANNING POLICY**

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### **3.1 National Policy:**

- 3.2 Planning Policy Statement 1: (PPS1) Delivering Sustainable Development** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

- 3.3 Planning Policy Statement 4: (PPS4) Industrial, Commercial Development and Small Firms** – Takes a positive approach to the location of new business developments. Planning permission should normally be granted unless there are significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. Locational requirements of business are a key consideration.

- 3.4 Planning Policy Statement 7 (PPS7) Sustainable Development in Rural Areas** - Sets out the Government's planning policies for rural areas. The key objectives are for continued protection of the open countryside and to promote more sustainable patterns of development by focusing most development in, or next to, existing towns and villages. Re-use of existing rural buildings for economic purposes is encouraged.

### **3.5 Regional Policy:**

- 3.6 The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)** July 2008, sets out the broad spatial development strategy for the North East region for the period 2004 to 2021.

- 3.7 Policy 4 Sequential Approach to Development** – Priority is normally given to development of previously developed land in the most sustainable locations, avoiding areas at risk from flooding.

- 3.8 Policy 11 Rural Areas** – Support for the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the Region's environmental assets.

### **3.9 LOCAL PLAN POLICY:**

- 3.10 ENV1 Protection of Countryside** - Development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.

- 3.11 GD1 General Development Criteria** - New development should among other things be well designed, appropriate to the setting, not conflict with adjoining uses, deter crime, protect and enhance the environment, have safe vehicular access and adequate parking, not create levels of traffic that exceed the local road network.
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**3.12 H3 Distribution of Development** - Identifies the settlement limits of the towns and villages within which new development should be directed.

**3.13 T1 General Highways Policy** - Developments which generate additional traffic must provide adequate access and not exceed the existing highway capacity.

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*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.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

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## **4.0 CONSULTATION AND PUBLICITY RESPONSES**

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### **4.1 STATUTORY RESPONSES:**

**4.2 Highways Engineer:** Visibility from the site access is acceptable. Access construction is adequate for the proposed use of storage of small items, although inadequate for a large commercial use.

**4.3** The access track is 4 metres wide. This is almost wide enough to accommodate two way traffic and could certainly accommodate large commercial vehicles. Entrance to the building is via a 3 metre high by 3 metre with roller shutter door. Due to the lack of employment associated with the site the proposed uses must, presumably, be personal to the applicant.

**4.4** The size of the compound area is unclear. It appears to extend over the entire levelled area. I can see no other reason to level such a large part of the site. Despite the description the submitted scheme has the appearance of an industrial building with a compound.

**4.5 Greater Willington Town Council:** Object to the proposal as it lies outside the settlement limits, with no agricultural justification or other mitigating circumstances.

### **4.6 INTERNAL CONSULTEE RESPONSES:**

**4.7 Ecology:** No comments to make.

### **4.8 PUBLIC RESPONSES:**

**4.9** Occupiers of neighbouring properties have been notified in writing and a site notice has also been posted.

**4.10** 55 letters of objection have been received, the details of which are set out below:

- a) The site is in the open countryside, and as such the development would be contrary to overarching policies for the protection of the countryside.
  - b) The development is not related to any compatible countryside use.
  - c) The building is utilitarian in design and the scheme has a long access track across an open field.
  - d) The building will have a negative visual impact.
  - e) The proposed development would jeopardise the flourishing state of the nature reserve. The noise, security fence and security lighting would disrupt movements of wildlife.
  - f) The site in question is located between Oakenshaw Wildlife reserve and the front elevation of the houses in Oakenshaw.
  - g) The nature of the business dictates that there would be intrusive noise disturbance from the site.
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- h) The entry/exit to the site would be at the narrowest point of the only through road through the village.
- i) The unit could increase anti social behaviour in the area by providing a shelter for drinking/drugs/litter.
- j) This change will set a dangerous precedent as the proposed development is not on the built up side of the village.
- k) The building would have a visually detrimental impact on the surrounding area.
- l) We have seen rabbits and foxes on this land.
- m) There could be foundation damage to our houses by the movement of heavy plant during and after construction.
- n) Mr Procter could use vacant industrial units in Willington, his family's land at Stanley Crook or his friends farm to store his machinery.

4.11 8 letters of support have also been received, the details of which are set out below:

- o) Why would an agricultural building jeopardise funding for village improvements?
- p) We don't believe that a one man business would create significant noise or extra traffic.
- q) Local businesses should be supported.
- r) There are a number of similar structures in the surrounding area outside the village.

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## **5.0 APPLICANT'S STATEMENT**

- 5.1 My client resides at 18 New Road, Oakenshaw and manages a small business from his home.
- 5.2 The proposal would be placed in the most discrete area of my client's field, and would ensure that my client's plant and equipment could be stored in a central location, increasing security.
- 5.3 My client's business is a Limited company and employs himself and his wife who looks after the administration aspect of the business. The Council should encourage enterprise when small businesses are doing their utmost to prevail against budget constraints.

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*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 Crook Area Office.*

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## **6.0 PLANNING CONSIDERATIONS AND ASSESSMENT**

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6.1 The key issues for consideration are:

- Principle of development
- Impact on the character and appearance of the surrounding area
- Highway safety
- Impact upon protected species

### **6.2 Principle of development**

6.3 The key underlying aim of national, regional and local planning policy is to create sustainable patterns of development. In this respect preference is given to development of suitable sites within or adjacent to the development limits of towns

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and villages which have adequate services to support new development. Normally new development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses. Positive consideration must however be given to employment uses where the development would not seriously undermine the aims of creating sustainable patterns of development, there would be no significant amenity objections, and particularly where there is reuse of existing buildings for economic purposes.

6.4 In this case the site is immediately adjoining the development limits of Oakenshaw. While not a farm diversification business, the business is nevertheless directly related to agriculture in the sense that it involves the storage of horticultural machinery including a tractor, plough, rotavator and other horticultural machinery. The plant and machinery at the site is therefore of the type that would normally be found on farms in the countryside, albeit at a significantly intensified scale that needs controlling. Because of the agricultural nature and character of the business, it is reasonable to expect such a business to be located in a rural setting. In addition, it is unlikely that a more suitable and large enough site with direct access onto a main road could be found within Oakenshaw and where the disturbance to surrounding residential properties would be limited. The site is therefore considered appropriate for the type of agriculture-related business, but would not be appropriate for industrial use. The use of the site should be restricted to the use applied for as general B8 and B1 uses would not have the same agricultural character and would be contrary to location policy.

6.5 The strong link to agriculture (as long as this remains the case), along with the physical relationship of the site to the main settlement, is considered to render the principle of development acceptable in this case. The proposal would not undermine the wider overarching aims of achieving sustainable patterns of development in the local area. This accords with the general principles in PPS1, PPS4 and PPS7, as well as RSS policy 11.

#### **6.6 Impact on the character and appearance of the surrounding area**

6.7 The current appearance of the site, because of the uncontrolled dividing up of the land into smaller plots with small scale shed buildings, disused rail carriages and outside storage areas to the north of the site, significantly detracts from the character and appearance of the surrounding area and therefore the consideration of how to limit the visual impact has been of primary concern. Public views of the site from New Row are particularly important in this respect and the effect on the general character of the area and in respect of neighbouring land uses has been given consideration.

6.8 To this effect, the application proposes no external storage and would provide screening by locating the building to the eastern boundary of the site, set down by one metre from current land levels and landscaping around the perimeter of the building. The proposed building would be portal framed agricultural style building with profile steel walls and roof. The building would be typical of a modern agricultural building in design and appearance and similar buildings are found near the site, including along the roadside on Stockley Lane to the north of the site. It is proposed to condition that the colour of the profile steel sheets should be dark green or brown to sit comfortably in the rural landscape and reflect typical agricultural buildings.

6.9 It is considered that the appearance of the building itself would not be harmful to the character and appearance of the surrounding area and would importantly provide effective concealment of equipment within the building. This, together with proposed

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screening, would be sufficient to reduce the level of visual impact of the external storage as seen from New Row, stored items are related to agriculture only and the site is screened as soon as possible. In this respect it would be appropriate to condition that if the screening is not in place within a reasonable time period then there should be no outside storage at the site.

- 6.10 It is noted that access to the building is along a 90 metre long track. It is proposed that this track be gravelled and in order to minimise the impact of the track, its colour finish is of the utmost importance. As such the colour finish will be conditioned accordingly.
- 6.11 The proposed building would be sited over 100 metres from the properties on New Row. It is considered that this distance would ensure that the residential amenity of the occupiers of New Row would not be detrimentally affected by the proposed development in terms of noise and general disturbance.
- 6.12 It is considered that the erection of such a building would not encourage anti social behaviour in the area.
- 6.13 The effect on property values and future investment cannot be taken into consideration.
- 6.14 Subject to conditions, the proposal would not have an adverse impact on the character and appearance of the surrounding area in accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### **6.15 Highway safety**

- 6.16 The Highways Engineer has been consulted on the proposal. Visibility from the access is acceptable for the use and storage of small items. The building is not for an industrial use, rather the storage of agricultural machinery and plant. The building is served by a 3 metre by 3 metre door as the applicant owns a tractor which is 2.6 metres in height. As such the size of the opening is required due to the physical size of the machinery the applicant owns and operates. The applicant has also submitted an itinerary of the items to be stored in the building, which equate to a floor area of 152 sq. metres. The proposed building would have a floor area of 162 square metres. It is considered that the proposed building would not create traffic movements of a level that would cause a hazard to users of the highway.
- 6.17 It is considered that the proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### **6.18 Impact upon Protected Species**

- 6.19 To the east of the site is a nature reserve which is on the site of the former open cast coal mine. The Ecology section has been consulted and no objection is raised to the proposal. It is considered that the proposed building would not have a damaging impact upon protected species, nor a detrimental impact upon the future of the nature reserve. It is considered that the proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
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## 7.0 CONCLUSION

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- 7.1 In summary, while not a farm diversification business, the business is nevertheless related to horticulture. The plant and machinery at the site is therefore of the type that would normally be found on farms in the countryside, albeit at a significantly intensified scale. In addition, it is unlikely that a more suitable and large enough site with direct access onto a main road could be found within Oakenshaw. The site is therefore considered appropriate for the type of agriculture-related business, but would not be appropriate for industrial use.
- 7.2 It is considered that the appearance of the building itself would not be harmful to the character, appearance or amenity of the surrounding area it is not considered that there are any reasons which would form sound material planning grounds for the refusal of this application.
- 7.3 The strong local objection has been given due consideration, however the main planning issues in respect of the protection of the open countryside, protection of amenity, and highways issues have been discussed within this report and found on balance to not warrant refusal of the application.
- 7.4 No objections have been received from statutory consultees other than the objection from Greater Willington Town Council, and the proposals are considered to accord with both local and national planning policy, as such the application is recommended for approval.

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## 8.0 RECOMMENDATION

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### 8.1 That the application be **APPROVED** subject to the following conditions:

#### Conditions:

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
09/446/01	Site Location Plan Detached storage building	17.12.2009
08/445/03	Proposed plan, Elevations and section	17.12.2009

2. The permission hereby granted shall be for the storage of machinery, plant, equipment and vehicles for horticultural purposes only B8 and for the other purpose falling within Class B8 of the Town and Country Planning Use Class Order 1987. No general storage, warehousing, wholesaling, distribution, repairs or sales shall take place from the site and there shall be no auction events at the site. The site shall not be used for the breaking, dismantling or burning of plant, machinery, vehicles or scrap materials.
3. The profile steel sheets to be used in the building hereby approved shall have an external colour finish of dark green or dark brown.
4. Materials, goods, plant, machinery, vehicles and/or equipment associated with the business hereby approved shall not be stored externally.

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5. The internal access road shall be constructed from a permeable surface.
  6. Prior to the commencement of the development details of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to first use of the building to which they relate.
  7. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.
  8. 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, numbers and maintenance regime.
  9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.

**Reasons:**

1. To define the consent and ensure that a satisfactory form of development is obtained.
2. The local planning authority would not be prepared to permit any activities not connected with agriculture on this site as it lies outside the development limits and in the countryside. In accordance with policies ENV1, GD1 and H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. In the interests of the visual amenity of the area in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. Outside storage needs to be strictly controlled and any outside storage exceeding 4m in height would be unduly prominent. In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To prevent excessive surface water runoff onto New Row. In the interests of highway safety and to comply with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interests of the visual amenity of the area and to comply with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.



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7. In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
  8. In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
  9. In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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## **9.0 REASONS FOR THE RECOMMENDATION**

- 9.1 The development is considered to accord with policies GD1, ENV1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, RSS policy 11 and national planning guidance in PPS1, PPS4 and PPS7 as:
1. The proposal would not undermine the wider overarching aims of achieving sustainable patterns of development in the local area.
  2. The proposal would not cause unacceptable harm to the character and appearance of the surrounding area.
  3. The proposal would be acceptable in terms of highway safety.

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## **10.0 BACKGROUND PAPERS**

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS4, PPS7.
- RSS
- Consultation Responses
- Public Consultation Responses



**3/2009/0566 - PROPOSED CONSTRUCTION OF A LIGHT STEEL FRAMED STRUCTURE, PART BLOCKWORK AND PART CLADDING TO SECURE SMALL ITEMS OF PLANT, MACHINERY AND SMALL TOOLS AT LAND TO THE NORTH EAST OF NEW ROW, OAEKSHAW FOR MR GORDON PROCTOR**

