

## Planning Services

# COMMITTEE REPORT

---

### APPLICATION DETAILS

APPLICATION NO:	DM/17/03446/FPA
FULL APPLICATION DESCRIPTION:	Erection of dwelling and garage
NAME OF APPLICANT:	Ms Isobel Page
ADDRESS:	Land To The West Of The Weardale Inn Ireshopeburn DL13 1HD
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Adam Williamson, Planning Officer, 03000 260826 <a href="mailto:Adam.williamson@durham.gov.uk">Adam.williamson@durham.gov.uk</a>

---

### DESCRIPTION OF THE SITE AND PROPOSAL

1. The application site is a grassed area, which lies between the grade II listed High House Chapel to the west and grade II listed Weardale Inn to the east, within the Ireshopeburn conservation area and the North Pennines Area of Outstanding Natural Beauty (AONB). To the north the site is bounded by a former railway embankment and beyond this is the River Wear. To the south is the A689.
2. The site is approximately 0.16 ha in area, with a number of mature trees around the periphery of the site, and a hedge to the highway boundary.
3. The application seeks full planning permission for the erection of a single dwelling and detached double garage. The dwelling would be single storey, but with accommodation in a large roof space, facilitated by dormer windows and an overall height of 7.2 metres to the ridge. The garage would be located to the west of the dwelling, measuring 8 metres in length, 6.6 metres in width, and 6 metres to the ridge. The dwelling would share the existing access to the Weardale Inn.
4. A contemporary palette of materials are proposed for both the dwelling and the garage, with render for the walls, an anthracite metal standing seam roof, and anthracite aluminum windows and doors.
5. The application has been called to the Planning Committee by Stanhope Parish Council who object to the impact on the historic chapel, the design not being in keeping with the local vernacular, and lack of a flood risk assessment.

---

### PLANNING HISTORY

---

- 
6. An application for four dwellings (DM/14/02306/FPA) was withdrawn in October 2016.
- 

## **PLANNING POLICY**

---

### NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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. 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'.
8. 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. The following elements of the NPPF are considered relevant to this proposal.
9. NPPF Part 4 - Promoting Sustainable Transport. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
10. NPPF Part 6 - Delivering a Wide Choice of High Quality Homes. To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
12. 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.
13. NPPF Part 11 - Conserving and Enhancing the Natural Environment. The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where

possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

14. NPPF Part 12 - Conserving and Enhancing the Historic Environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

LOCAL PLAN POLICY:

15. The development plan is the Wear Valley District Local Plan as amended by the saved and expired Policies September 2007.
  16. **Policy GD1 (General Development Criteria):** All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
  17. **Policy BE1 (Protection of Historic Heritage):** The District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
  18. **Policy BE4 (Setting of a Listed Building):** Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.
  19. **Policy BE5 (Conservation Areas):** The character of each Conservation Area will be protected from inappropriate development.
  20. **Policy BE6 (New Development and Alterations in Conservation Areas):** The District Council will permit new development and alterations within Conservation Areas provided it satisfies the following criteria:
    - i) the proposal preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and
    - ii) the proposal will use external building materials which are appropriate to the conservation area. This will generally require the use of local materials or equivalent natural materials; and
    - iii) the proposal satisfies the General Development criteria set out in Policy GD1.
  21. **Policy BE8 (Setting of a Conservation Area):** Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.
  22. **Policy H3 (Distribution of Development):** New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
-

23. **Policy H24 (Residential Design Criteria):** New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.

#### EMERGING PLAN

#### The County Durham Plan

24. 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.

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

#### STATUTORY RESPONSES:

25. *Stanhope Parish Council:* Object to the proposal as it will stop views of the historic Chapel, is in view of listed buildings, the design is not appropriate, and no flood risk assessment has been submitted.
26. *Highways Authority:* Revision B of the proposed site plan, drawing number 02, is acceptable; with the details thereon secured if the plan is an approved drawing as part of any consent. The blue lined site to the east also directly abuts the A689 and sight visibility from the subject access partly falls across this land. In order to secure its continued availability the following condition is requested: *No obstruction to sight visibility within 2m of the A689 public carriageway edge and greater than 1m above the A689 carriageway level, shall be permitted closer than 30m east of the subject A689 junction access centre line.*

#### INTERNAL CONSULTEE RESPONSES:

27. *Tree Officer:* No arboricultural concerns following amended plans. Submission of a Tree Protection Plan will be required as a condition.
28. *Ecology:* Have no objection to the proposal.
29. *Landscape:* No objection following amended plans showing re- aligned access.
30. *Design and Conservation:* No objection subject to the careful control of all construction details.

#### PUBLIC RESPONSES:

31. The application has been advertised in accordance with statutory provisions. One letter of objection has been received.
-

32. The comments received seek assurances that the vistas of the Chapel will be unaffected, that the property is in between two listed buildings, and that the area has been flooded in the past.

---

## **PLANNING CONSIDERATION AND ASSESSMENT**

---

33. 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 the development; impact on character and appearance of the designated heritage assets and AONB; and highway safety.

### Principle of development

34. The application site lies outside the development limits of Ireshopeburn as defined in the Wear Valley Local Plan and is consequently within the countryside for the purposes of saved policy ENV1. Policy ENV1 seeks to protect and enhance the countryside and only allows for development that is required for the purposes of agriculture, rural diversification, forestry, nature conservation, tourism, recreation, local infrastructure, or related to existing countryside uses, subject to landscape impact and satisfying other relevant policies. The proposal is not for one of the specified purposes and is therefore contrary to Policy ENV1.
35. However, the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. Given the age of the Wear Valley Local Plan and current status of the emerging Plan there are no up to date housing policies.
36. Irrespective of the Council's position on housing land supply, in these circumstances, paragraph 14 of the NPPF is engaged, which requires planning permission to be granted unless any adverse impact would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. The proposal is therefore subject to the planning balance test.

### Location

37. NPPF paragraph 55 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."
38. Although the site lies outside the defined development limits of Ireshopeburn, it is effectively an infill site between existing buildings, which continue the linear pattern of the village along the A689, and therefore it is still viewed as part of the village. While Ireshopeburn has very limited services and facilities itself, it is one of a number of small villages along the A689 which support facilities in other villages. It is possible to walk to St Johns Chapel along a pedestrian footpath with street lighting and there is a Dale's bus service along the A689, which can be easily accessed from the site.

---

39. The site is therefore not remote or isolated in the context of NPPF paragraph 55 and does not conflict with the aims of the NPPF to secure sustainable patterns of development.

#### Impact on character and appearance of designated heritage assets and the AONB

40. The site lies within the conservation area, between 2 listed buildings, and within the AONB designation.

41. Notwithstanding the AONB designation, the site is viewed as part of the built up area of the village, rather than part of the open countryside. It is well contained by natural and built features so the dwelling would be viewed as part of the built up area, rather than a feature, or an intrusion into the landscape. Having regards to Section 85 of the Countryside and Rights of Way Act 2000 (CRoW Act) it is considered that the proposal would not compromise the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of the area. The key considerations are therefore in respect of the design and appearance of the building and effect on designated heritage assets, rather than any landscape impacts.

42. A conservation area and listed buildings are designated heritage assets for the purposes of the NPPF, which advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. These national provisions are generally reflected in Policies BE1 and BE6 of the Wear Valley District Local Plan and the general design provisions of policy GD1.

43. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 of the above act states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

44. The site itself has no special historic significance, other than lying within the conservation area. As a part of the wider conservation area the site has little impact on the designated area in its own right, being a relatively minor open space with no direct public access or defined leisure use. The site is seen as a space between two buildings but is dominated by the trees on the boundaries, the neighbouring buildings, and by the rising valley side to the north of the site across the river. The site has not therefore been identified as having any landscape importance and its role as undeveloped land in the overall significance of the conservation area is not sufficient to prevent it from being developed, subject to appropriate scale and design of development being achieved.

45. The proposed dwelling is unashamedly contemporary in its use of materials, but this has been a deliberate design concept in order not to challenge the historic buildings to either side and to root the development in its time. This has drawn objection from the Parish Council, which is understandable given it is a risky design strategy.

46. There are different development styles and materials in the immediate area. While most of the historic buildings are constructed in stone with slate roofs, Keepers Cottage, which is immediately to the west of High House Chapel, is rendered and does not appear completely out of place or harmful next to High House Chapel. If the

---

render on the proposed dwelling was to be similarly coloured in a more muted stone colour, rather than off white, it would look similar to Keepers Cottage. The standing seam roof would introduce a new modern roof finish to the area, but the colour would still be reflective of traditional slate roofs, and the adopted AONB building design guide is not opposed to use of metal roofs in modern development. Precise details of the colour of the render, roof and windows could be conditioned for further approval.

47. The proposed dwelling and garage would be set back deep within the site, respecting the positioning of the Weardale Inn and High House Chapel, and would not obstruct views of either building. Use of the roofspace has also allowed the height and bulk of the dwelling to be kept reasonably low to avoid it dominating its more important neighbours.
48. The Design and Conservation Section is satisfied that the modern design of the proposed house will effectively detach the development from its historic neighbours, both visually and historically, to ensure it does not out-compete or dominate them and is therefore, overall, an appropriate design approach.
49. The conservation area appraisal for Ireshopeburn notes that “The east end of the village consists of a few scattered buildings including the 18th century High House Chapel which now incorporates the Weardale Museum, and the old school, now the Weardale Inn, both of which area Grade II listed buildings.” This character assessment suggests sporadic development over many years with each generation adding a little to the character of the village. Having regard to all the above, it is considered that the proposed dwelling will continue in this tradition, adding something that is clearly defined as a 21st century building whilst retaining the spatial quality of the area through its careful positioning, scale and design.
50. All the trees are located around the periphery of the site. The trees are predominately Sycamore with a significant linear strip located adjacent to the road at the front of the property, and the remaining trees spaced around the periphery of the site. One pear and one Ash tree (both semi mature in age) are also present along the boundary. The access to the site has been re- aligned to avoid the root protection areas of the trees to the front of the site. The Tree officer raises no objection to the proposal, subject to the submission of a Tree Protection Plan, which can be conditioned.
51. Therefore, whilst the proposed house will impact on the current open character of the site, in the wider context of the conservation area and setting of adjacent listed buildings, and having regards to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the character and appearance of the conservation area will be maintained and the setting of the listed buildings (and the listed buildings themselves) will not be negatively impacted on. There would also be no harm to the purposes for which the AONB is designated.
52. There is no conflict with the objectives in policies GD1, ENV2, BE5, and BE6 of the Wear Valley District Local Plan, or NPPF Parts 6, 11 and 12.

#### Highway Safety

53. The new dwelling would utilise the existing access serving the Weardale Inn, with the route of the driveway having been amended to avoid the root protection areas of the existing trees on the junction. There would be a double garage and ample additional space for parking.

---

54. The Highways Authority raises no objection to the proposal, subject to conditions ensuring visibility splays are not obstructed. Subject to these conditions, there is no conflict with Policy GD1 of the Wear Valley District Local Plan and Part 4 of the NPPF, which require new development to achieve a safe and suitable access.

#### Other issues

55. The Parish Council have commented that no flood risk assessment was submitted with the application. The development site lies outside of Flood Zones 2 and 3, and as such a Flood Risk Assessment is not required. The drainage details can be secured by a condition.

56. As a result of the siting of the dwelling and distance to neighbouring buildings, the proposal does not raise any residential amenity concerns with its neighbours or adjoining uses. It is noted that the Weardale Inn has been closed for many years and has planning permission for conversion to housing. There is little likelihood that such a large building would return to use as a public house in this rural area. In any event the proposed dwelling would be over 30m away and therefore does not raise concerns about amenity impacts on future occupiers.

57. The site has no identified ecological importance and the Ecology Section has not raised any concerns.

#### Conclusion

58. In accordance with paragraph 14 of the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.

59. The proposal would provide social and economic gains by adding to the supply of housing, support for local services and temporary employment benefits during the construction period.

60. In environmental terms the site is a suitable location for housing and the development could be accommodated without any environmental or historic harm, but this would be a neutral effect.

61. Having considered all matters, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, and there are no specific policies in the NPPF that indicate development should be restricted. The proposal therefore benefits from the presumption in favour of sustainable development.

---

## **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
Red line site plan		19.10.2017
Proposed site plan	1735 02 B	22.12.2017
Proposed ground floor	1735 03	19.10.2017
Proposed first floor	1735 04	19.10.2017
Proposed elevations	1735 05	19.10.2017
Proposed elevations	1735 06	19.10.2017
Proposed garage	1735 07	19.10.2017

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

3. Notwithstanding any details of materials submitted with the application no development shall take place until samples of the external walling and roofing materials, including their colour, have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies GD1, ENV2 and BE6 of the Wear Valley District Local Plan.

4. Notwithstanding the details submitted with the application, no external windows and doors shall be installed until details of their specification have been submitted to and approved in writing by the local planning authority. The windows and doors shall be installed in accordance with the approved details and thereafter retained as such unless approved by the grant of further specific permission from the local planning authority.

Reason: In the interests of the appearance of the area and to comply with Policies GD1, ENV2 and BE6 of the Wear Valley District Local Plan.

5. Notwithstanding the details shown on the submitted plans, all hardsurfaced areas shall be installed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority, prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy GD1, ENV2 and BE6 of the Wear Valley District Local Plan.

6. At the site entrance, no obstruction to sight visibility within 2m of the A689 public carriageway edge and greater than 1m above the A689 carriageway level, shall be
-

---

permitted closer than 30m east of the subject A689 junction access centre line. The visibility splays shall be implemented in accordance with these details before the dwelling is first occupied and thereafter retained as such.

Reason: In the interests of highway safety in accordance with policy GD1 of the Wear Valley District Local Plan.

7. No development shall commence until a Tree Constraints Plan and Arboricultural Method Statement for Construction, including tree protection details have been submitted to and approved in writing by the Local Planning Authority in accordance with BS3998: 2010. Development shall be undertaken in accordance with the approved details and any tree protection shall be erected in accordance with the approved details before any works commence on site and shall thereafter be retained throughout the construction period unless the local planning authority agree in writing to any variation.

Reason: To protect adjacent trees during construction in the interests of the visual amenity of the area and to comply with policy GD1, ENV2 and BE6 of the Wear Valley District Local Plan.

---

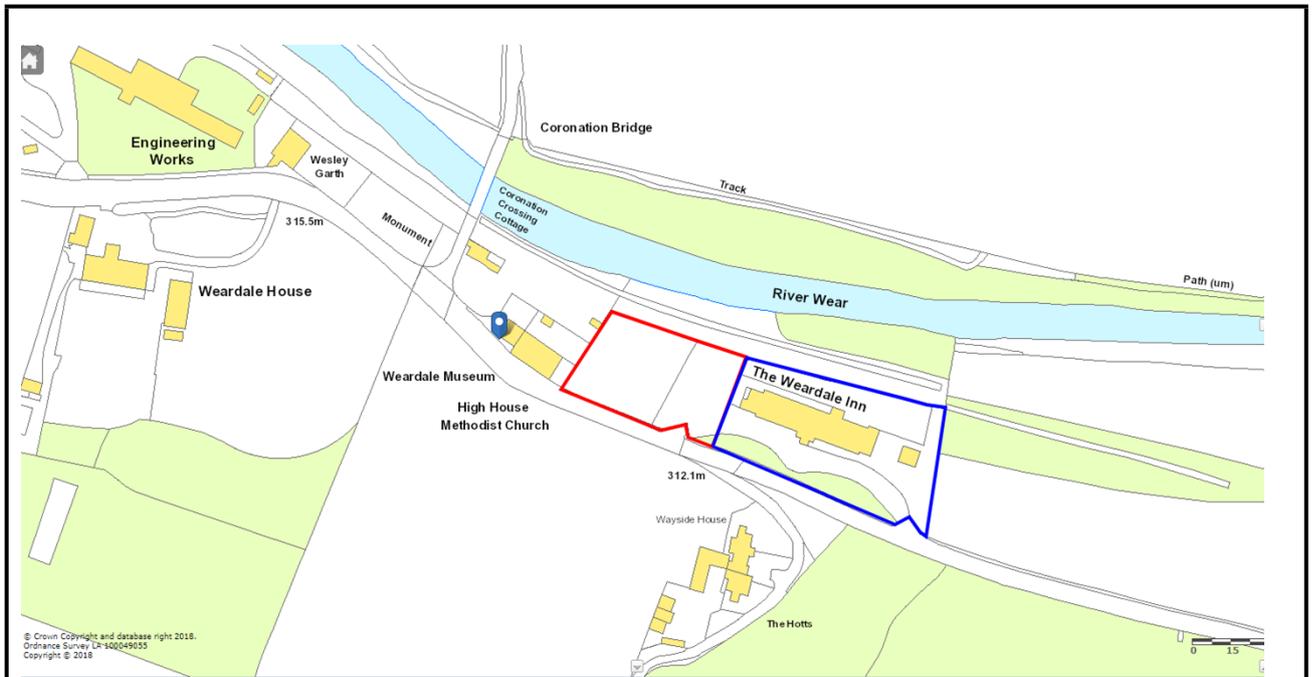
## **STATEMENT OF PROACTIVE ENGAGEMENT**

In arriving at the decision to recommend approval the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. Pre commencement conditions have only been used where relevant to the start of the development process.

---

## **BACKGROUND PAPERS**

Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
Wear Valley District Local Plan  
The County Durham Plan (Submission Draft)  
Ireshopeburn Conservation Area appraisal  
AONB Building Design Guide  
All consultation responses and representations received



**Planning Services**

Land To The West Of The Weardale  
Inn  
Ireshopeburn  
DL13 1HD

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

22.02.2018