

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

APPLICATION NO:	DM/17/03729/FPA
FULL APPLICATION DESCRIPTION:	Conversion of redundant building to holiday accommodation, including extension to north.
NAME OF APPLICANT:	Mr John Texeira
ADDRESS:	Land To The North Of Graveyard Copthill, Cowshill, DL13 1AB
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>

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### DESCRIPTION OF THE SITE AND PROPOSAL

1. The application site comprises a small stone building on the south side of the A689, approximately 600 metres north west of Cowshill. The site lies within the Cowshill Conservation Area, and The North Pennines Area of Outstanding Natural Beauty (AONB).
2. This application seeks to convert the building into single bedroom holiday accommodation. This would include an extension to the northern elevation, constructed from vertical timber cladding and a curved metal roof. The access and parking arrangements would be improved and a new dry stone wall would define a curtilage around the building.
3. The application has been called to the Planning Committee by Stanhope Parish Council who object to the design and materials of the proposed extension.

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### PLANNING HISTORY

4. There is no recent planning history for this building.

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### 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). 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. 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'.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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:

12. The development plan is the Wear Valley District Local Plan as amended by the saved and expired Policies September 2007.

**13. Policy GD1 (General Development Criteria):** All new development and

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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.

**14. 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.

**15. Policy ENV2 (The North Pennines Area of Outstanding Natural Beauty):** Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.

**16. Policy BE20 (Conversion of Buildings in the Countryside):**

(a) The change of use or conversion of rural buildings in the countryside will be permitted for the following uses providing it fulfils the criteria set out in (c):

- i) small scale employment uses (Class B1, B2);
- ii) holiday accommodation;
- iii) recreational uses, including camping barns and bunk houses; and
- iv) new rural enterprises, including farm diversification (see Policy BE21).

(b) If the building cannot be developed for the uses identified in (a), residential use may be considered if:

- i) it forms part of a group of buildings which includes at least one dwelling; and
- ii) it fulfils the criteria set out in (c).

(c) All proposals for the conversion of rural buildings will be required to fulfil the following criteria:

- i) the building is structurally sound and capable of conversion without significant rebuilding or extensions; and
- ii) the new use would not cause unacceptable disturbance to rural amenities, nearby properties or land uses through noise, smell, pollution or operation at unreasonable hours; and
- iii) the proposal would not be materially detrimental to the landscape quality of the area; and
- iv) the conversion safeguards the form, character, architectural features, design and setting of the building; and
- v) the building has/can be serviced without having a materially detrimental impact on the landscape; and
- vi) the new use would not lead to an unacceptable increase in the level of traffic on local roads, cause access or parking problems or require road improvements which would be harmful to the rural environment. Direct access to metalled roads should already exist; and
- vii) the new use is in accordance with the general development criteria of Policy GD1; and
- viii) all conversions must accommodate any nature conservation interest associated with the building (refer to ENV13).

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Further development and extensions beyond a building proposed for residential use will not

be allowed. Permitted development rights attached to dwelling houses may be rescinded.

17. **Policy TM2 (Tourism within the AONB):** Tourism development proposals within the AONB will be allowed only if they fulfil the criteria set out in the local plan.

#### EMERGING PLAN

#### The County Durham Plan

18. 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**

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#### STATUTORY RESPONSES:

19. *Stanhope Parish Council:* object to the impact the design of the proposed extension, and state that ship lap boarding is not an appropriate material for Weardale.

#### INTERNAL CONSULTEE RESPONSES:

20. *Ecology* are satisfied that the likely risk of impact on bats and breeding birds by the proposals is low. Despite proximity to our European sites, due to the small scale of the development, there is unlikely to be any significant impacts to the site/s as a consequence of the development.
21. *Landscape:* The principle of preserving this building through conversion is acceptable from a landscape perspective. The details of the extent of the curtilage, the whinstone chipping surface for paths and access, and the surrounding walls are all acceptable. If it is necessary to use a mortar construction for the retaining walls, their appearance should mimic the local dry stone walls as closely as possible.
22. *Design and Conservation Officer:* has no objection to this proposal, the contrasting materials and design of the extension ensures that it remains subservient to the core structure whilst ensuring legibility of the original building.

#### PUBLIC RESPONSES:

23. The application has been advertised in accordance with statutory provisions by press notice and site notice.
24. No public comments have been received.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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25. 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 highway safety.

#### Principle of development

26. Wear Valley Local Plan policy BE20 permits the conversion of rural buildings in the countryside to holiday accommodation, subject to detailed criteria. This is consistent with NPPF paragraph 28, which supports the sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings, and rural tourism developments that benefit business in rural areas.

27. The visitor economy in County Durham supports around 11,000 jobs. According to Visit County Durham 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, thereby increasing visitor spend in the area.

28. The North Pennines AONB is an important visitor destination because of the natural beauty of the area and leisure opportunities. The proposal would therefore 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 in the area to the benefit of the rural economy. In order to ensure this remains the case, the occupation should be limited to holiday accommodation only, which can be done by condition.

29. The principle of development is therefore acceptable, subject to detailed considerations.

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

30. 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. The statutory purpose of AONB designation is to conserve and enhance the natural beauty of the area, as confirmed by Section 82 of the Countryside and Rights of Way Act 2000 (CRoW Act). Section 85 places a duty on all public bodies to consider the AONBs nationally protected status in any land use related decisions. The AONB Management Plan is not part of the development plan, but it is capable of being a material consideration on individual applications where they raise relevant issues.

31. Policy BE6 of the Wear Valley Local Plan seeks to protect conservation areas from inappropriate development. Policy ENV2 gives priority to the protection and enhancement of the landscape qualities of the AONB. Policies TM2, BE20 and GD1 all provide the design criteria relevant to the proposal. These policies are in accordance with the aims of Parts 7, 11 and 12 of the NPPF.

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32. The quality of the landscape surrounding Cowshill and its importance to the rural character of the village is recognised by the inclusion of an extensive area of the surrounding fields within the conservation area boundary. The hillside to the west rises steeply to form an attractive backdrop to the concentration of development around the bridge and riverside. Deciduous trees partially obscure views of the site from Allers Bridge, however, from the higher ground to the north along the A689 the site can be seen in extensive wide ranging views taking in the open and attractive AONB landscape.
33. The building is shown on the first edition OS Map of the mid-nineteenth century and is likely to significantly pre-date this. Whilst it may have spent much of its existence as a field shelter it was potentially originally used to house a horse drawn hearse, which could account for its specific location and the unusual arched opening in the eastern gable end. Because of its age and interest it can be regarded as a non-designated heritage asset.
34. The proposal would entail a small bedroom extension to the north, which is necessary because of the small size of the building. Whilst Stanhope Parish Council have objected to the design and materials of the extension, it is considered that the design approach would clearly define the extension from the original element of the building, thereby reinforcing its subservience and allowing the original character of the building to be fully appreciated. The North Pennines AONB Building Design Guide is not opposed to the use of contrasting materials for modern extensions and states there can be positive interest from such an approach. With the building also being set well below road level, its wider visibility would be limited. Intervention in the rest of the original building would be minimal and its most important feature, the arched opening, would be retained as a feature window/door. A small curtilage would be defined by a drystone wall to match the existing and would enclose a graveled parking and turning area, which is of a commensurate scale with the accommodation. Details of the appearance of any retaining structures can be conditioned. The character of the building and its setting can be further protected by removal of permitted development rights for extensions and outbuildings. A holiday occupancy restriction is also important in this respect, as permanent residential occupation would be more likely to lead to a demand to expand the accommodation. There is no objection from the Design and Conservation and Landscape Sections.
35. It is therefore considered, having regards to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 82 of the Countryside and Rights of Way Act 2000, that the proposed development is acceptable in terms of design, scale and materials. It would not cause harm to the AONB landscape and the character and appearance of the conservation area would be preserved.
36. There is no conflict with saved policies GD1, BE20, ENV2 and TM2 of the Wear Valley District Local Plan and NPPF Parts 7, 11 and 12.

#### Highway issues

37. Access to the site is currently via a steep and tight access from the A689. However, it is proposed to raise the level of the access track junction level to that of the A689 carriageway, and increased depth of the junction to 7 metres in width in order to better facilitate turning movements. This is as recommended by the Highway Authority and therefore there is no Highway Authority objection.

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38. It is therefore considered that a safe and suitable access can be achieved in accordance with saved policies GD1, BE20 and TM2, as well as NPPF Part 4.

#### Other issues

39. The Ecology Section is satisfied that the risk to protected species would be low and there is no requirement for a protected species license from Natural England.

40. Given connection to a public sewer is unlikely in this location, the requirement for a new septic tank is reasonable, however it will be necessary for specific details of the system to be submitted for further approval, which can be conditioned.

#### Conclusion

41. The proposal can bring positive economic benefits to the rural area and is therefore a form of development which draws strong support from the NPPF and is permitted by Wear Valley Local Plan policy BE20, subject to detailed matters.

42. The concerns from the Parish Council have been carefully considered, however when taking all matters into account, it is considered that the design and materials of the proposal would be acceptable and there would be no conflict with policies GD1, BE20, ENV2 and TM2 of the Wear Valley District Local Plan and NPPF Parts 7, 11 and 12.

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## **RECOMMENDATION**

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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		13.11.2017
Proposed elevations	17 40 01	13.11.2017
Proposed sections	17 40 04A	26.01.2017
Proposed site plan	17 40 03A	26.01.2017

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

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3. Notwithstanding any details of materials submitted with the application no development shall commence on the approved extension until samples of the external walling and roofing materials 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 visual amenity and to comply with Policy GD1, BE6, BE20, ENV2, T2 of the Wear Valley District Local Plan.

4. No development shall commence on the access until details of the construction of any retaining structure have been submitted to and approved in writing by the local planning authority. Thereafter the approved works to the access shall be completed prior to the development being brought into use.

Reason: In the interests of visual amenity and highway safety and to comply with Policies GD1, BE6, BE20, ENV2, T2 of the Wear Valley District Local Plan.

5. The parking and turning space shall be laid out within the site in accordance with plan 17 40 03A (received 26.01.2017) prior to the development being brought into use and thereafter shall be permanently retained and kept free of obstruction.

Reason: In the interests of highway safety in accordance with policies GD1, BE20 and TM2 of the Wear Valley District Local Plan.

6. No windows and doors shall be installed until full details, including plans at a scale of 1:20 and cross sections, of the proposed external windows and doors, have been submitted to and approved in writing by the local planning authority. The windows and doors shall be installed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Policies GD1, BE6, BE20, ENV2, T2 of the Wear Valley District Local Plan.

7. The development shall not be occupied until the foul drainage system has been installed in accordance with details which have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure foul drainage does not pollute the environment in accordance with Policies GD1, BE20, ENV2, T2 of the Wear Valley District Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Class(es) A, B, C, D, and E of Part 1; Classes A, and C of Part 2 Schedule 2 of the said Order shall be carried out without the prior written approval of the local planning authority upon an application submitted to it.

Reason: In the interests of visual amenity and to comply with policies GD1, BE6, BE20, ENV2, T2 of the Wear Valley District Local Plan.

9. The holiday accommodation hereby approved shall be occupied for holiday purposes only and not as a person's sole or main place of residence. The operators of the
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property shall maintain an up-to-date register of the names of all occupiers of the accommodation and of their main home addresses, and shall make such information available at all reasonable times to the local planning authority, upon request.

Reason: To protect the rural economy and in the interests of visual amenity in accordance with policy ENV1, ENV2 and BE6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

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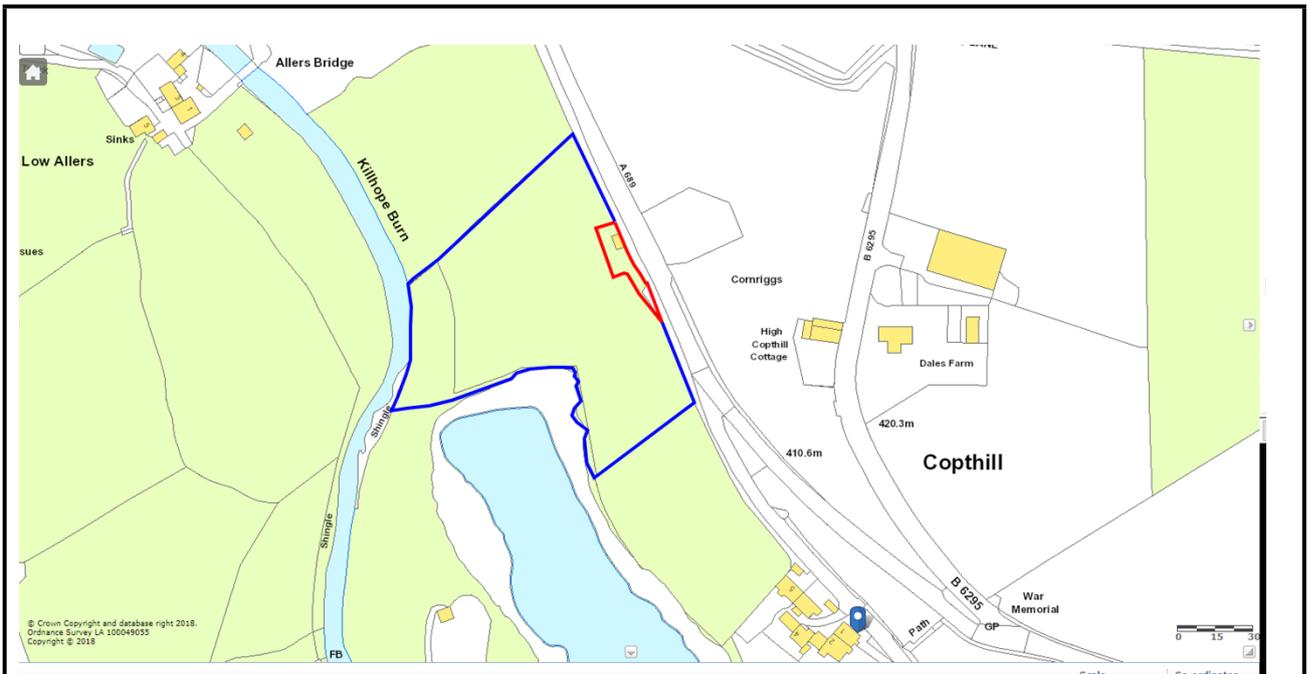
## **STATEMENT OF PROACTIVE ENGAGEMENT**

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.

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## **BACKGROUND PAPERS**

Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
Wear Valley District Local Plan  
The County Durham Plan (Submission Draft)  
North Pennines AONB building design guide  
North Pennines AONB Management Plan  
All consultation responses and representations received



**Planning Services**

Land To The North Of Graveyard  
Cophill, Cowshill, DL13 1AB

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