

Planning Committee

A meeting of Planning Committee was held on Wednesday, 2nd September, 2015.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Stephen Parry(Vice-Chairman), Cllr Helen Atkinson, Cllr Michael Clark, Cllr Gillian Corr, Cllr Philip Dennis, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Paul Kirton, Cllr David Rose, Cllr Mick Stoker, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn, Cllr Norma Wilburn

Officers: Greg Archer, Barry Jackson, Joanne Roberts, Peter Shovlin (DNS) Julie Butcher, Peter Bell(LD)

Also in attendance: Applicants, Agents and Members of the public.

Apologies:

P **Evacuation Procedure**

32/15

The Evacuation Procedure was noted.

P **Declarations of Interest**

33/15

There were no declarations of interest.

P **Minutes of the meeting which was held on 22nd July 2015**

34/15

Consideration was given to the minutes from the meeting which was held on the 22nd July 2015 for approval and signature.

RESOLVED that the minutes of the meeting which was held on the 22nd July 2015 be approved and signed as a correct record by the Chair.

P **15/1063/FUL**

35/15

**Layfield Arms , Davenport Road, Yarm
Residential development comprising the erection of four houses and the creation of five flats plus associated parking.**

Consideration was given to a report on planning application 15/1063/FUL Layfield Arms , Davenport Road, Yarm.

Planning permission was sought for the erection of 4 dwellings on the existing car park to the rear of the public house and the conversion of part of the existing public house to form five flats. The site was accessed off the roundabout on Davenport Road and the access was proposed to be increased in width to 6.1m, as previously proposed and approved under the application for various alterations to facilitate the change of use from a public house to a retail unit (15/0083/FUL)

32 letters of objection had been received from 21 nearby residents which revolved mainly round the principle and amount of development, visual impact of the development on the character of the area, the impacts on highway safety/car parking, loss of privacy and amenity, overlooking and need for the development.

The site lay within of the defined limits of development, on a brownfield site and

was in a sustainable location. The principle of development on this site was considered acceptable on that basis.

Taking into account all comments received, it was considered that the scheme would not have a significant detrimental visual, highway safety, ecology, drainage or landscaping impact which would prevent such a development being acceptable and no significant impacts on the privacy and amenity associated with existing properties adjacent to the site.

The consultees that had been notified and the comments that had been received were detailed within the report.

Neighbours were notified and the comments received were detailed within the report.

With regard to planning policy where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15 Jan 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

The planning policies that were considered to be relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that the development was located within the limits to development where residential development should be focused. Housing applications were to be considered in the context of the presumption in favour of sustainable development and there were no adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole or the Development Plan.

Other material considerations had been considered in detail and the development as proposed was considered to be acceptable in terms of visual impact and highway safety, it did not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding

For the reasons stated above and detailed within the main report it was recommended that the application be Approved with Conditions.

The Applicants Agent was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- The applicant welcomed the Officers recommendations and hoped that Members agreed with them also.
- The proposals included the redevelopment of the Former Layfield Arms public house bringing it back into beneficial use.
- Following planning approval which had been gained in March 2015 for alteration to the premises allowing it to be converted to a convenience store the applicants' attention had been drawn to the remainder of the site. Residential development seemed obvious given the sites surroundings.
- The Applicants Agent had worked closely with Officers and plans had been amended as suggested by officers reducing the number of houses from 6 to 4 and changing the orientation.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- Clarity was sought as to the current status of the site in relation to, what it was used for previously and was it a brown field site, as they had been notoriously difficult to develop in the past.
- Could Officers contrast the environmental and traffic impact of the small number of houses versus the premises use when it was a public house.
- Members highlighted that within the report it was stated that the internal roads would not be adopted by the Highways Agency. Members asked who would maintain the internal roads.
- The Design Guide and Specification stated that no more than 5 properties should be served from a private drive however this development had 4 houses, 5 flats and a retail unit which would generate a lot more traffic than 5 properties.
- In terms of parking, visitors to the retail unit would automatically park near to the entrance of the shop which could become the busiest part of the site causing queuing whilst cars were entering the site and whilst customers were reversing from parking bays. This would affect the roundabout close to the site which was also on a bus route and impact during peak times when residents were returning home and/or visiting the retail unit.
- The development would impact on the character of the area. The proposed 4 bed houses were to be 2 and a half storey high with an increased roof height of 1.7mtrs which was out of character and would impact on neighbouring properties in terms of being overlooked.
- The report stated that semi-detached homes were scarce however there were plenty within the Layfield estate.
- It was proposed that the 4 bed properties would have skylights which would be sky facing, however would these skylights also have restricted openings?
- Members asked Officers if condition 15 detailed within the main report referring

to the garage/car spaces being kept available for the parking of motor vehicles at all times was enforceable.

- Officers were asked to explain how the access point to the development would work as there was not going to be a large material change and Members queried if this was normal practice due to the size of vehicles and frequency of vehicles which would be coming in and out of the access point on the roundabout. Also how would the large vehicle movements be made during deliveries to the retail unit as it was indicated on the map (detailed within the main report) that the delivery point was to the far right of the retail unit adjacent to the first 2 properties.

- Members asked if there were any other retail developments situated amongst houses within a car park which shared an access on a roundabout.

- Clarification was sought as to whether vehicles were able to pass each other within the development as the report was not clear.

- Members raised concerns in relation to the parking spaces which had been allocated for the two 4 bed properties. It was proposed that the 2 properties would have shared drives. The width of the shared drive was proposed at 2.4 metres wide, unless residents staggered their parking it would be difficult to get in and out of their vehicles. It was felt that if residents did not use the garages provided the 4 bed houses would need a minimum of 3 spaces each. Was this achievable?

- As the site was tight and there was only 1.5 spaces per flat allocated it was felt that the development should have been either houses or flats and not both. There was not enough parking spaces.

- It was felt that the bin store provided for the proposed flats was inadequate due to the requirements for residents to recycle.

- Where was the bicycle store?

- The hidden entrance of the flats was worrying.

- Drainage was a concern. Currently there were a number of trees on the site which would be soaking up a lot of ground water.

- There appeared to be 2 trees which were currently located where there would be car parking spaces.

Officer addressed the Committee and responded to some of the concerns/issues raised. Their comments could be summarised as follows:

- In relation to the site being a brown field site, officers confirmed that this was the case as the public house had ceased trading and was not in active use now.

- Regarding the query in relation to traffic and environmental impact, Officers confirmed that traffic impact would be less than when the public house was trading on the site. The main concern for officers had been residents travelling to and from their homes during the a.m. and p.m. periods. An estimation of 7

two way trips would be made during the a.m. period and 8 two way trips would be made during the p.m. period which was not considered to be severe in terms of the NPPF and local environment.

- Officers confirmed to Members that the proposed site was a private site and would remain so. It would be up to the actual owners of the area to maintain the road surfaces and the landscaping as it was outside of the Local Authorities remit. The detail of exactly who would be responsible for the hard and soft works was still to be determined. The Local Authority would enter the site to collect refuse.

- In relation to the queries raised regarding the private road, it was confirmed that all statutory services were already available and all service providers were happy for the site to remain a private road.

- In response to Members concerns raised in connection with queuing traffic coming into the proposed site, in terms of the retail unit, this already had an extant permission. Officers expressed they did not see any reason why there would be queuing traffic as the highway was 6.1 metres wide and the minimum requirement for a highway in a residential area was 4.8 metres, therefore the highway was in excess of the minimum requirement.

- Officers explained to Members that although the unusual roof design may appear to be out of character, more and more estates were being designed to limit repetition within estates.

- The raising of roof heights had been a common occurrence throughout the Borough. Some applications had been refused however the majority of those had then been allowed on appeal. In the Officers professional opinion the roof height was acceptable.

- It was confirmed that there was no restriction to the opening of the proposed roof lights as due to the height of the windows there would be no view into neighbouring properties.

- Officers confirmed that should problems arise in relation to residents parking on the highway where they had parking spaces or the use of a garage then it could be enforced that the garage be kept available at all times for the parking of motor vehicles.

- In relation to the access point at the roundabout to the proposed development, Officers explained that the retail unit already had existing consent and that the application for the houses and the flats was over and above that. As stated previously the estimated number of trips residents made by car during peak times was not considered to have a material impact on the access.

- Where delivery vehicles would be turning round close to the far right of the retail unit, officers felt that this was an appropriate turning point and was not seen to be materially different and did not pose any additional risks compared to other examples of shops within residential areas in and around the borough.

- Members were informed that there were no other developments which were similar to the application in relation to the retail unit and residential homes

sharing an access like the one being considered, however there were areas which had shops and houses on busier highways which had different risks attached. It was not considered that a cul-de-sac was any more significant in relation to risk.

- Officers confirmed to Members that there was sufficient space for two cars to pass at the entrance.

- In relation to parking at the 4 bed detached properties, Members were informed that the drives were over provided in terms of length. parking did accord with SPD3 and although the site was tight it accorded with current guidance.

- There was a total of 9 car parking spaces allocated for the flats which complied with the authorities standards.

- Where concerns had been raised in relation to drainage and flooding, Officers explained that it had been considered by the Service Water Management Team, however the site did fall within the remit of Northumbrian Water. Northumbrian Water had no issues to raise with the application, subject to a condition requiring a scheme for the disposal of foul and surface water prior to the development commencing.

- The trees had been closely looked at and Officers had been advised that there would be no adverse impact.

- There was a bicycle store which was adjacent to the bin store. A separate condition in relation to bicycle storage was included, which officers needed to be satisfied with. Officers confirmed that it was considered that the condition would be accommodated sufficiently.

- Officers informed the Committee that the proposed scheme was acceptable and followed Government policy meeting the Councils Standards and NPPF.

A vote then took place and the application was approved.

RESOLVED that planning application 15/1063/FUL be approved subject to the following conditions and informatives;

01 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

02 Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

| Plan Reference Number | Date on Plan |
|-----------------------|----------------|
| 3326 L01 | 30 April 2015 |
| 3326 L02 | 30 April 2015 |
| 3326 L04 | 30 April 2015 |
| 3326 PL02 A | 10 August 2015 |
| 3326 PL03 A | 10 August 2015 |

3326 PL01 G 10 August 2015
3326 PL04 C.1 10 August 2015
3326 PL04C.2 10 August 2015
3326 PL05.1 10 August 2015
3326 PL05.2 10 August 2015
3326 PL09.1 10 August 2015
3326 PL09.2 10 August 2015
0002 REV A02 10 August 2015
0003 REV A02 10 August 2015
0004 REV A02 10 August 2015

03 Commencement of Development

Work shall not commence on the development hereby approved until the public house has been converted to the proposed retail unit and the use implemented to the reasonable satisfaction of the Local Planning Authority

04 Materials

Notwithstanding the submitted details in the application the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) including any details of render and finish have been approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

05 Enclosure

Notwithstanding the proposals detailed in the submitted plans, prior to the commencement of development, details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

06 Landscaping Softworks

No development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following:

- (i) Commencement of the development;
 - (ii) or agreed phases;
 - (iii) or prior to the occupation of any part of the development;
- and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

07 Tree Protection

No development shall commence until full details of proposed tree protection has been submitted to and approved in writing by the Local Planning Authority. Such protection shall comply with BS 5837:2012 and Volume 4: NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) Operatives Handbook 19th November 2007). The requirements of Stockton on Tees Borough Council in relation to the British

Standard are summarised in the technical note ref INFLS 1 (Tree Protection), which is available upon request.

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

08 Hedge and Tree Works

The development shall be carried out in strict accordance with the recommendations as detailed in the Pre-development Tree Survey (ref: ARB/AE/1034) dated December 2014 by Elliott Consultancy Ltd.

09. Hard landscaping details

Notwithstanding the submitted information, no works shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

10. Ecology

The development shall be carried out in strict accordance with the recommendations as detailed in the Ecological Appraisal dated December 2014 by Naturally Wild.

11. Ecology

Site clearance works should not take place during the bird breeding season (March to end of August). If site clearance is necessary during this time there should be a site walkover by a suitably qualified ecologist to check for the presence of breeding birds.

12. Noise

Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent commercial premises shall be submitted to and approved in writing by the Local Planning Authority. All works, which form a part of such a scheme, shall be completed before any of the permitted dwellings are occupied. Within such a scheme, where appropriate, the provision of acoustic double-glazing and mechanical ventilation to front bedrooms and living rooms may be required. An assessment by a noise consultant is recommended in order to establish where acoustic protection is required.

13 Drainage

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

14 Existing and proposed site levels

The development hereby approved shall be built in accordance with a scheme of finished floor levels which has been submitted to and approved in writing by the Local Planning Authority prior to the development commencing on site.

The scheme shall detail existing land level and levels of nearby properties as necessary as well as the finished floor levels of the proposed properties.

15. Garage/car spaces

The incurtilage garages and car spaces to be provided for the proposed dwelling houses and flats shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the residential unit of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

16 Cycle storage

Prior to the occupation of the development hereby approved, full detailed of the proposed cycle store to serve the flats shall be submitted and approved in writing by the local planning authority. Work shall be carried out in accordance with the approved details and retained for the use of the occupiers of the flats for the life of the development

17 Scheme for Illumination

Prior to the commencement of development full details of the method of external illumination including Siting; Angle of alignment; Light colour; and Luminance of buildings facades and external areas of the site, including parking courts, shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

18. Removal of permitted development rights for extensions

Notwithstanding the provisions of classes A, B, C, D, E, and F of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority

19 Construction activity

No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

INFORMATIVES

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

Informative: Northumbrian Water

The Developer should develop their Surface Water Drainage solution by

working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely soakaway, watercourse, and finally and sewer. If sewer is the only option the developer should contact NWA pre-development enquiry team on 0191 419 6646 or email developmentenquiries@nwl.co.uk to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

P 14/2041/REV
36/15 Field East Of Oaklea, Darlington Back Lane, Whinney Hill
Revised application for erection of a dwellinghouse, detached double garage and retrospective application for a manège.

Consideration was given to a report on planning application 14/2041/REV Field East Of Oaklea, Darlington Back Lane, Whinney Hill.

Planning permission was sought for the erection of a dwelling. The site was outside the limits to development where development was only considered acceptable if there was shown to be an essential need for the development. Information had been submitted in support of the application which sought to demonstrate that there was a functional need for the proposed dwelling and financial information had been provided which sought to show the business could be profitable.

7 Letters of support had been received for the application. 13 letters of objection had been received from 8 addresses, and two from the Ward Councillor

The application had been assessed and it was considered that the principle of development was unacceptable as it was considered that a functional requirement for a dwelling on this site to support the existing or proposed business had not been satisfactorily demonstrated. With regard to the financial information submitted it was considered that this did not satisfactorily demonstrate that the business was financially viable. Therefore the application was considered to be contrary to Paragraph 55 of the National Planning Policy Framework which stated that isolated homes in the countryside should only be allowed where there were special circumstances one of which was where there was an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Given the lack of justification for a residential dwelling on the site it was considered that the scheme would lead to an unjustified dwelling to be built in the open countryside thereby having a detrimental impact on the character and appearance of the area, contrary to the aims of the National Planning Policy Framework, Core Strategy CS10 and Saved policy EN13 which sought to preserve such areas.

The application also sought retrospective permission for a manège. Should an application be submitted for this element alone it was considered that this could be supported.

The consultees that had been notified and the comments that had been

received were detailed within the report.

Neighbours were notified and the comments received were detailed within the report.

With regard to Planning Policy where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

Section 143 of the Localism Act came into force on the 15 Jan 2012 and required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

The planning policies that were considered to be relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that overall, it was considered that the principle of development was unacceptable as it had not been satisfactorily demonstrated that there was a functional requirement for a dwelling on the site to support the existing or proposed business and the financial information submitted did not satisfactorily demonstrate that the business was financially viable. Therefore it was considered that there was no planning justification for a permanent residential dwelling on the site and the development was therefore contrary to the requirements of Paragraph 55 of the National Planning Policy Framework and Local Plan Policy EN13 which stated that residential developments in isolated locations should only be considered acceptable in exceptional circumstances.

Given the lack of justification for a residential dwelling on the site it was considered that the scheme would lead to an unjustified dwelling to be built in the open countryside, contrary to the aims of the National Planning Policy Framework, Core Strategy CS10 and saved policy EN13 which sought to preserve such areas.

The application was therefore recommended for refusal for the reasons detailed within the main report.

The application sought retrospective permission for a menage. Should an application be submitted for this element then it would be supported.

The Applicant was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- The Applicant stated that he was an international event rider and highly regarded as one of the country's finest producers of sports horses.

- It was confirmed by the Applicant that he had been on the proposed site for 5 years and it was becoming a place where people wanted to train horses and a place where world class horses were being bred.
- The site was home to a stallion and a number of mares all of which required 24 hour supervision.
- During breeding season there may be 5 or more mares foaling at any one time. To not have a presence would create a welfare issue for the horses.
- When foals were expected to be born the Applicant informed the Committee that he would sleep on site in the barn or in his wagon.
- In 2014 the Applicants premises were raided and over £30,000 worth of tack and equipment were stolen. Without a dwelling on site the Applicant was unable to obtain insurance for his business, therefore equipment had to be carried on and off site up to 6 trips a day.
- Should the application be successful the Applicant would be in a position to offer training to people outside of the area. The facility would enable people to bring their horses and offer accommodation.
- The Applicant stated that many sponsorships opportunities had been offered however to expand the business the Applicant felt he needed premises on site in order that he could promote his business.
- Support had been received from the local community and the local Police. The applicant was looking for Members support and encouragement allowing him to build a world class facility which would not only be beneficial to clients but also to people from Stockton and the North east of England.

The Applicants Agent was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- The Applicants Agent had assisted in the development of the application, addressing some of the issues which had arisen since the revision of the original proposal.
- It was stated that an extremely positive meeting had taken place with the Agent, Applicant and Planning Officer where it was genuinely believed that there was a need for a permanent premise on the site.
- Whilst in the meeting it was accepted by all parties present that guidance for determining such matters in relation to the application was unclear given that recent changes had been made to regulations and policies in recent years.
- The Agent informed the Committee that 'Planning Policy Statement 7, sustainable development in rural areas' had been followed when submitting the application and a number of key areas had been met, such as, agricultural need, labour requirement, functionality and financial viability test.

- The Applicants business had gone through the start-up phase and was projected to be successful.

A supporter was in attendance at the meeting and was given the opportunity to make representation. His comments were summarised as follows:

- The supporter explained that he was the Applicants Father. He informed the Committee that his son was born and bred in Stockton as was himself and his father before him. Stockton was the Applicants town of choice to set up his business as he loved the town.
- The Applicant had chosen horses as his profession which needed constant attention especially when they were due to foal. The supporter explained how his son stayed on site with the horses night after night during foaling season.
- The Committee heard from the applicants' father that a horse his son had ridden and produced had qualified for the Burghley International Horse Trial finals. He had produced the top 4 year old event horse. Unfortunately soon after his sons' achievement the site where he kept his horses had been burgled and stripped of all his equipment which totalled over £30,000.
- It was highlighted that his son had struggled to gain insurance for equipment on the site as each company approached had refused to give insurance unless there was a permanent presence on site.
- It was becoming increasingly difficult as the equipment needed for the horses had to be transported multiple times a day to prevent further burglaries. There was also a fear that someone may hurt the horses as there had been a spate of horses being targeted a few years previous in the area.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- Questions were raised in relation to the reasons for refusal. Members asked how it was that Officers had concluded that the operation could not function as a viable business.
- What advice did Officers take in relation to a need for a constant presence on the proposed site when horses were foaling.
- It had been stated within the main report that the proposed development would not fit in with the local character of the area, however Members felt that they should have received photographic evidence of this in order that they could assess it rather than take it at face value.
- With suitable screening would the character be more acceptable?
- As the application for the ménage was retrospective would the ménage need enforcement action should the proposal be refused?
- The Applicants Agent had stated functionality tests were carried out and met, was this correct?

- How far outside the limits of permitted development was the application.
- Members stated that there were already businesses and houses in and around the same area. The landscape was quite bleak and therefore a permanent building would not be detrimental to the area. In addition this was to be a specialised business dealing with high value stock and equipment and it was fully understandable why there was a need for onsite presence.
- It was felt that support should be given to this international entrepreneur who was an acclaimed expert wanting to carry out his business in Stockton.
- Members requested that Officers explain again the detail in relation to financial viability.

Officer addressed the Committee and responded to some of the concerns/issues raised. Their comments could be summarised as follows:

- In relation to Members comments regarding the viability of the business on the proposed site, Officers informed the Committee that a development had to satisfy the functional and financial tests outlined in the NPPF which dictated that 3 years of profitable results were required to show that a business was in good condition. If allowing a permanent dwelling it needed to be demonstrated that it was justified because of the permanent presence.
- Where Members had raised questions regarding the assessment which determined whether or not a permanent presence was required, Officers explained that the need was assessed in relation to relevant planning appeal decisions where the Planning Inspectorate had looked at the situation in terms of whether the actual level of need was similar to that which had been accepted. In Officers opinion it was below that in which it required a full time presence. The need for on-site presence could be met by a temporary caravan or wooden structure which would be of reasonable size and contain all necessary modern conveniences, which Officers felt was a reasonable decision to take.
- Officers highlighted that there was photographic evidence contained within the presentation showing the character of the area which was clearly open countryside. The area in question had policies which required special circumstances to justify the erection of a dwelling. The report stated that if it was found at some point in the future the function and financial test were made and met, then it would be reasonable to accept something permanent in the proposed location purely on the functional need for it and for it to be financially required.
- It was explained that once a physical change was made to the character of the countryside whether it was by screening or not it was still considered a change to the character.
- Officers informed the Committee that there was no objection to the ménage. If the ménage was submitted separately it would be supported by Officers.
- Officers looked at what the Applicants Agent had reported. In terms of functional need Officers considered that the number in terms of activity for the business itself did not require an all year round presence. What Officers were

saying was that by the provision of a temporary dwelling that need could be dealt with.

- In relation to questions raised regarding how far outside the limits for permitted development the proposal was, Officers explained that the site was open countryside and therefore outside the limits for permitted development.

- At Members request Officers explained to the Committee that the set of accounts which had been submitted with the original application did not include paying wages, it was less than agricultural wage. A set of projections were received which is what was being asked to be considered, however these projections could not be certain in terms of the future. Therefore Officers were proposing to support the application by agreeing to temporary accommodation which would be equivalent to a holiday home with all modern conveniences and would not look out of place in the proposed environment. Once a permanent dwelling was allowed there would be a risk of other people putting in similar applications and if refused by the Committee and went to appeal, the Planning Inspectorate would look at inconsistencies if planning Policies were ignored.

- the Applicant was free to submit further applications on the basis they could satisfy the functional and financial tests, in which case Officers would support an application for a permanent dwelling.

A vote then took place and the application was approved.

RESOLVED that:

Planning application 14/2041/REV be Refused for the following reason(s)

1. In the opinion of the Local Planning Authority, it is considered that the applicant has failed to satisfactorily demonstrate that there is a functional requirement for a residential presence on site and the evidence and information provided does not satisfactorily demonstrate that the operation could ultimately function as a viable business. It is essential, as required by saved Policy EN13 and the National Planning Policy Framework to strictly control new development in the countryside or areas outside established towns and villages unless clearly justified and to that which contributes to the diversification of the rural economy. and therefore it is considered that there are no special circumstances relating to the proposal as defined in paragraph 55 of the National Planning Policy Framework to override the adopted policy of the Local Planning Authority. As such, the proposed development is considered to be contrary to saved Policy EN13 of the adopted Stockton on Tees Local Plan and the National Planning Policy Framework

2. In the opinion of the local planning authority the proposed dwelling and attached garage by virtue of the isolated setting would have a detrimental impact on the character and appearance of the surrounding countryside adding development without justification, on a site that lies outside the Limits to Development as defined by the Stockton-on-Tees Local Plan where development is strictly controlled to protect the countryside for its own sake. The proposals are therefore contrary to the Core planning principle 5, Paragraph 17 and Paragraph 55 of the National Planning Policy Framework, Stockton-on-Tees Core Strategy policy CS3(8) and Stockton-on-Tees Local

Plan saved policy EN13.

INFORMATIVE

The Local Planning Authority considers the submitted details unsatisfactory but fully explored whether the scheme could be modified to be considered acceptable and thereby worked in a positive and proactive manner in dealing with the planning application

**P
37/15** **1. Appeal - Mr Paul Jones - Land to west of 8
Letch Lane, Carlton - 14/3222/COU - DISMISSED**

RESOLVED that the Appeal be noted.

**P
38/15** **1. Appeal - Mr K Jones - 9 Quebec Road Stockton - 14/3321/FUL -
DISMISSED**

RESOLVED that the Appeal be noted.