

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
2 SEPTEMBER 2015
REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

14/2041/REV

**Field East Of Oaklea, Darlington Back Lane, Whinney Hill
Revised application for erection of a dwellinghouse, detached double garage and
retrospective application for a manege.**

Expiry Date: 2 September 2015

SUMMARY

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

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

The application has been assessed and it is considered that the principle of development is unacceptable as it is considered that a functional requirement for a dwelling on this site to support the existing or proposed business has not been satisfactorily demonstrated. With regard to the financial information submitted it is considered that this does not satisfactorily demonstrate that the business is financially viable. Therefore the application is considered to be contrary to Paragraph 55 of the National Planning Policy Framework which states that isolated homes in the countryside should only be allowed where there are special circumstances one of which is where there is 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 is 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 seeks to preserve such areas.

The application also seeks retrospective permission for a manege. Should an application be submitted for this element alone it is considered that this could be supported.

RECOMMENDATION

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

BACKGROUND

1. In 2008, the applicant submitted a prior notification for the erection of a building for hay storage and storage for machinery (Application 08/0360/PNO). It was determined that prior approval was not required.
2. In 2011 the local planning authority were notified of the unauthorised change of use from agricultural building to stables. The property was being offered for sale and the Owner advised that it was not suitable for storage of equipment due to theft and had originally intended to breed and show cattle but had not proceeded with the venture.
3. In 2012 the applicant was granted retrospective approval for change of use from agricultural storage building into stabling for equestrian use (planning reference 12/1079/RET). The supporting statement confirms that the applicant was a professional equine specialist who travelled to his client's stables to coach horses. The land was purchased to breed rare cattle but due to economic constraints this was put on hold. Eight of the proposed stables were to be used for any horses travelling any distance before schooling (confirmed as short term requirements).
4. In 2013 an application for erection of dwellinghouse with manege was refused (13/2236/FUL). The proposal was for an L-shaped two storey dwellinghouse with a manege measuring 25 metres in width and 65 metres in length. The main two storey element of the dwelling measured approximately 13.5 metres wide x 9.5 metres deep, the proposal also included a two storey element which would project 5 metres x 5 metres wide. At ground floor the proposal included a sun room, kitchen with utility, hall, lounge, study and dining room. At first floor level the proposal included four bedrooms and three bathrooms. The proposed dwelling also included a single storey tack room and garage which was approximately 10.2 metres x 6 metres at its widest point. The applicant stated that the dwelling was required to provide needed security for a developing business of horse breeding and intensive tuition. The application did not contain any detailed information which would support the assessment of the proposal for a dwelling.

SITE AND SURROUNDINGS

5. The field is located within the open countryside to the west of Stockton outside the limits to development. The countryside is characterised by agricultural and horiculture land with significant amounts of well-established hedgerows and trees (Location Plan - Appendix A)
6. The field is approximately 6.4 hectares in area and is accessed from Darlington Back Lane with a track adjacent to the western boundary of the site. The existing stable building is located towards the north of the field with hard standing adjacent which provides car parking. There are 13 stables within the building and an area for tack.
7. There are some farms, with farmhouses within the surrounding area with the closest dwellings, Oaklea being in excess of 300 metres from the location of the proposed dwelling and Woodbine Cottage (the applicants current residence owned by his parents) also approximately 300 metres from the site of the proposed dwelling.

PROPOSAL

8. Planning permission is sought for the erection of a dwelling, detached double garage and retrospective application for the erection of a manege (See Appendix B)
9. The proposed two storey dwellinghouse would be located to the east of the existing unauthorised manege and would measure 10 metres x 8 metres x 8.3 metres with a single storey offshoot measuring 3.4 metres x 4 metres x 4.5 metres high. The house would accommodate a hall, WC, laundry, kitchen and a lounge at ground floor and 4 bedrooms (three will be ensuite) and bathroom at first floor. The proposed double garage would measure 6 metres x 6 metres x 5 metres high.
10. The manege has been constructed and measures 25 metres in width and 65 metres in length, closed by a low post and rail fence.

Current Business

11. The supporting statement provides background to the equine enterprise, which in summary consists of the following:
 - Breeding Programme
 - Stabling and Tuition of clients horses
 - Tutorial ArenaThe business employs two grooms to assist with the day to day running of the enterprise.

Proposed Business/Long Term Plans

12. The proposed business will also employ two grooms as well as the applicant and will consist of (numbers as detailed are quoted in the supporting statement and assuming the enterprise is full) ;
 - Breeding Programme (3 brood mares) and stallion management (1 Stallion)
 - Training Livery (5 horses)
 - Development/training Programme (3 horses)
 - Full Livery (3 Horses)
 - Rider Coaching (6 in total)This shows 21 horses in total rising to 29 horses over a period of three years.

CONSULTATIONS

13. The following Consultees were notified and the comments received are set out below:-

14. Spatial Plans Manager

This Spatial Planning response is to revised application 14/2041/REV for the erection of dwelling and manege at Field East of Oaklea, Darlington Back Lane. This application is a revision to the previously refused application 13/2236/FUL which was for a larger dwelling. The key elements of the NPPF which are pertinent to the determination of this application are the presumption in favour of sustainable development (para 14), supporting a prosperous rural economy (para 28) and avoiding new isolated homes in the countryside (para 55).

The following Local Plan (saved) and Core Strategy policies are the main considerations in the determination of the application:

Local Plan - EN13- Limits to Development

Core Strategy - CS1 - The Spatial Strategy; CS3- Sustainable Living; CS4 - Economic Regeneration; CS10 - Environmental Protection and Enhancement

The following section elaborates upon some of the policy considerations.

Strategic Gap: The site is located within the Strategic Gap. Therefore, point 3 of Core Strategy policy CS10 is material.

Limits to Development: The application site is located outside the defined limits to development. Saved Local Plan policy EN13, states 'Development outside the limits to development may be permitted where (i) It is necessary for a farming or forestry operation; or (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (hotel conversions); or In all the remaining cases and providing that it does not harm the character or appearance of the countryside; where (iii) iii. It contributes to the diversification of the rural economy; or (iv) It is for sport or recreation; or (v) It is a small-scale facility for tourism.'

Policy EN13 seeks to identify the control development within the countryside to 'activities necessary for the continuation of farming or forestry, contribute to rural diversification, or cater for tourism, sport or recreation'.

NPPF (para 55) and PPS7 Annex A - The proposal constitutes a new isolated dwelling in the countryside; in accordance with para 55 of the NPPF such proposals should be avoided unless there are special circumstances such as 'the essential need for a rural worker to live permanently at or near their place of work in the countryside'. In considering the proposal it may be appropriate to consider Annex A of PPS7 'Sustainable Development in Rural Areas': 'Having given careful consideration to the points made by all parties I find as follows: Firstly, the essential need for a rural worker to live permanently at or near their place of work in the countryside has to be judged objectively; secondly, whilst it is no longer the case that evidence of essential need must be assessed against the tests set out in Annex A, this does not mean that evidence that shows that the requirements of Annex A are not met cannot be taken into account; thirdly, the Annex A test remains an appropriate way to assess 'essential need' as it is well- established and well understood, even though it no longer forms part of Government policy. It is, therefore, still open to decision makers to assess need against the tests set out in Annex A and conclude, in particular local circumstances, when those tests have not been met, even though PPS7 can no longer be cited as the authority for carrying out such an assessment.' (Appeal APP/C1625/A/12/2171046, paragraph 8)

The Council have sought to introduce policy supplementing NPPF paragraph 55 with regards to the essential need for a rural worker dwelling by setting out a criteria based policy for the determination of such applications within the Regeneration and Environment LDD preferred options. However, this policy can be offered limited weight at this time. Evidence has been provided as part of the application to demonstrate 'essential need'. In determining this application it will be necessary to consider whether the evidence provided is sufficient in justifying the 'essential need' for a rural worker to live permanently on the site in accordance with both the 'functional' or 'financial' tests. It will also be important to

consider whether the proposed dwelling is of a size commensurate with this functional requirement (if established) and whether any other buildings within the area could fulfil this requirement.

CONCLUSION: In conclusion, the main consideration is whether the applicant has sufficiently demonstrated an 'essential need' in accordance with para 55 of the NPPF.

15. Highways Transport And Environment Manager

Highways Comments: The previous comments still apply as detailed below. The proposed dwelling would use the existing access to the stable and have independent parking in accordance with SPD3: Parking Provision for Developments 2011. Given the distance from the adjacent highway (in excess of 250m) the applicant should provide details of refuse/recycling collection and storage.

Subject to the above there are no highway objections.

Landscape & Visual Comments: The supporting justification for the proposed development has been reviewed, and the previous comments still apply as detailed below. Despite reducing the dwelling in size this revised application still sites the proposed dwelling as outside the limits to development situated in the middle of the field. The design and access statement states that a 'substantial landscaping scheme' would be provided to screen views of the dwelling notably when viewed from the road, Darlington Back Lane to the south, but the development is still not supported in landscape and visual terms as it would be seen as an isolated dwelling outside the development limits. If the development were to be approved, a fully detailed landscape scheme must be provided with the intention of softening and screening views of the dwelling from Darlington Back Lane, the public footpath to the east and neighbouring properties. The planting scheme should be comprised of mostly native species to suit the rural location and in line with the suggested condition wording below

LANDSCAPING – SOFTWORKS: Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of soft landscaping works full details of Soft Landscaping shall be 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 unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases 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.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

MAINTENANCE- SOFTWORKS: Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or approved phases. Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

Flood Risk Management: A flood risk assessment has not been undertaken and the Lead Local Flood Authority do not review minor applications. The applicant is therefore advised to make their own enquiries regarding flood risk in the area. The development must not increase the risk of surface water run-off from the site or cause any increase in flood risk to neighbouring sites. If the applicant proposes to dispose of surface water via the main sewer, this will need agreement from Northumbrian water Ltd.

16. Environmental Health Unit

I have no objection in principle to this revised application, and have no further comments to make further to planning application 13/2236/FUL which were "I have no objection in principle to the development, and I am satisfied with the plans for drainage and soakaway. I would therefore advise conditions are not imposed on the development should it be approved".

17. Northumbrian Water Limited

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

18. Councillor Andrew Stephenson

The field east of Oaklea is set in a rural environment which is a green field site and should not be developed as it would constitute a urbanising of the country side. The area is much enjoyed because of its character and ad hock developments like this do change the area from rural countryside to a more urban feel which I believe adds to the determent of the quality of live in the western parish`s. The site at the present time seams to contain no livestock, so I cannot see any reason for a building to be added to the site to look after any stock. The area has no shops church's schools doctors surgery bus route`s or any other service so is a unsustainable development and should be rejected.

The area proposed for development is totally out of keeping with the area.it is a green field site for which they is no practical reason for building there, and it is outside of any nearby village envelope. If this site was given permission it would lead to a rush of other green field site being proposed in the area, sighting this as an example. Therefore I would propose its rejection in the most strongest terms.

19. Northern Gas Networks

No objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable. We enclose an extract from our mains record of the area covered by your proposals together with a comprehensive list of precautions for your guidance

20. Northern Powergrid

No comments received

21. Waste Management

No comments received

PUBLICITY

22. Neighbours were notified and the application was given wider publicity through the display of a site notice and press advertisement.

Letters of Objection

23. A total of 13 objection letters have been received (including comments on the additional information) from the following addresses with the main objections summarised below. The full details of the objections can be viewed on line at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

1. W M Knaggs, Cardinal Point, East Newbiggin Sadberge
2. B Kirtley, The Hermitage Darlington Back Lane
3. Mr Nicholas Brown, Sauf Haul Farm Bishopton
4. Mr M C Brown, Sauf Haul Farm Bishopton
5. M Brown, Sauf Haul Farm Bishopton
6. Mr Eric Knaggs East newbiggin Sadberge
7. Stephen Thompson, Oaklea Darlington Back Lane
8. Mr R Thompson, Novaton Lodge Darlington Road

24. The main objections relate to the following;

- The development would constitute ribbon building in a green belt
- Approval would create a precedent resulting in erosion of the green space between Stockton and Darlington - a space which gives added value to industrialised boroughs
- Concerns over the method of applying and flouting of planning laws - build a shed apply for planning permission to build a house then the construction of an outdoor riding arena. No planning permission submitted but now forms part of the 'residential' application – again retrospective planning.
- It appears that the initial 'agricultural' building was never intended for realistic 'agricultural' use given the large scale of this building vs the acreage of the site and perhaps this should have been challenged at the time
- Highway safety as Darlington Back Road is very busy
- Highway Safety as untrained horses and mares in heat can be unpredictable and may escape onto road
- Supervision of the site if the applicant is away eventing
- Will the applicant still have enough land left after building the house and manege to do all he wants to do with the horses or will it be sold to buy more land
- the visual impact of the proposed new build will be obtrusive in relation to the surrounding landscape
- On the issue of round the clock surveillance, CCTV should provide an acceptable solution and the use of smart phones
- Comments of the veterinary surgeon are noted, but this would suggest that every field with a horse in it may require a house to be situated on site. Short stay accommodation on site when required for instance near foaling time could be constructed inside the existing building for use when required as an objector (a horse breeder of over 40 years standing) does.
- The limited times that mares require watching is seasonal and could be covered by monitors or stay overnight at the stables – the land area itself restricts the numbers of head/potential youngstock.
- This application sets a precedent as we have already seen further along the same road
- The applicant should have brought a property more suitable for purpose than buying land with no buildings because if security and welfare was an issue he would of been fully aware of at time of buying

- Concerns over the need due to his parents probably selling up in 2016 is no foundation to grant planning permission as there are houses to rent in the local area. If every parent sold their home and left their children homeless does that mean that planning should be given to them for a dwellinghouse.
- light pollution and noise in a quiet area and water discharge into a problem flood area 'Newbiggin Beck'
- There is no justification for a house on this land, it is just an obvious way of trying to build a property in the countryside.
- There is no electricity to this site and concerned that this would have to come across neighbouring land and consent will not be given by the landowner
- The size of the proposed house seems exceptionally large for the development.
- I have never yet seen a mare & foal on this land & his comments about Mr Adams parents are totally misleading
- The figures attempting to justify the application appear very impressive but in reality what do they prove

Letters of Support

25. A total of 7 letters of support have been received from the following addresses with the main reasons for support summarised below. The full details of the letters can be viewed on line at the following web address

<http://www.developmentmanagement.stockton.gov.uk/online-applications/>

1. Mr Brian Adams, Woodbine Cottage Darlington Back Lane
2. Mr A and Mrs M Wade, The Granary Back Lane
3. Caroline M Blakiston, Hambleton Equine Clinic 20 Linden Close
4. DHI Event Horses Limited, East Lilling, grange Farm, Sheriff Hutton, York
5. Claire Lambert, High Ash Bank, Firby, Bedale, North Yorkshire
6. Mr and Mrs Raper, Thornton Lodge Farm, Easingwold, York
7. A & V Wade, Ouston moor Farm, Darlington Back lane, Stockton

26. The letters of support mainly relate to the following;

- In order to run a successful equestrian business and stud it requires 24/7 commitment especially when mares are in foal.
- The applicant sleeps in his wagon in case of emergencies.
- Due to the applicants success as an event rider the applicant has been approached by a number of new owners to produce and compete their horses however due to his premises not being manned on a 24 hour basis they are reluctant to have him keep such expensive blood stock unattended for security and insurance purposes. The responsibility of caring for these top class horses entails being there day and night
- Should his business be successful this would create more jobs
- There has been a burglary at the yard where thieves took thousands of pounds worth of tack, rugs and other equestrian items
- If planning was agreed his site would become a centre of excellence for equestrian training, enabling aspiring event riders, who could now come from much further afield an opportunity to train with the applicant. If planning was agreed there would be accommodation available for these riders which I am sure would only help develop the applicant equestrian local business.
- The applicant is always willing to help support any local events. His valuable time is offered gladly and it would be our communities' loss if he was unable to fulfil his dream of living and working at his property.
- The equine veterinary surgeon state in their opinion that it is necessary for a permanent on site presence to provide 24 hour care for horses.

- The equine veterinary surgeon state in their opinion it is essential that a suitably qualified person is present to provide for the welfare requirements of the horses on site, to prevent unnecessary distress to injured animals and to provide intensive care when necessary. The lack of this on site presence can lead to serious injury, suffering and ultimately preventable death.
- The equine veterinary surgeon state in their opinion specialist care is also required with foaling scenarios, stallion care and rearing young stock which is only achievable with 24 hour on site presence of an experienced horse handler.
- In addition to the responsibility for the welfare of his own horses there are horses on site which belong to Mr Adam's clients. These horses require round the clock monitoring not only to service their own welfare requirements but to ensure the confidence of Mr Adams' clients and thus the continued success of his business.
- The applicant is making his mark as one of the country's top producers of competition horses and in order for his business to flourish and expand he needs on site accommodation.

Other Relevant Correspondence

27. Bioflow Limited (Letter submitted via the Agent)

Bioflow have confirmed that would have to reconsider its position via the proposed commercial relationship with James given that he may only have (at best) some form of temporary accommodation at his premises or indeed nothing at all. Bringing international distributors, clients and business partners to a caravan rather than a home or office doesn't and won't reflect terribly well on his business. The applicant has ambitious plans for the future, and are extremely supportive of those plans and that is why they value the prospect of a potential commercial relationship with him to assist with both product and customer/distributor development.

PLANNING POLICY

28. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is 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 requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall 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
29. The following planning policies are considered to be relevant to the consideration of this application:-
- National Planning Policy Framework
30. Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

31. Core Strategy Policy 1 (CS1) - The Spatial Strategy

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.

2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.

3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.

4. The completion of neighbourhood regeneration projects at Mandale, Hardwick and Parkfield will be supported, and work undertaken to identify further areas in need of housing market restructuring within and on the fringes of the Core Area.

5. In catering for rural housing needs, priority will be given to the provision of affordable housing in sustainable locations, to meet identified need. This will be provided through a rural exception site policy.

6. A range of employment sites will be provided throughout the Borough, both to support existing industries and to encourage new enterprises. Development will be concentrated in the conurbation, with emphasis on completing the development of existing industrial estates. The main exception to this will be safeguarding of land at Seal Sands and Billingham for expansion of chemical processing industries. Initiatives which support the rural economy and rural diversification will also be encouraged.

32. Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

a. The Tees Valley Metro;

b. The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;

c. Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and

d. Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:
 - a. In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
 - b. To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
 - c. Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
 - d. To support sustainable development in Ingleby Barwick.
6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.
7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.
8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable transport network and to increase choice and use of alternative modes of travel.

33. Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.
2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.
3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.
5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.
6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.
7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.
8. Additionally, in designing new development, proposals will:
 - _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
 - _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
 - _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
 - _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be

taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

34. Core Strategy Policy 4 (CS4) - Economic Regeneration

1. A range of opportunities will be provided within the employment land portfolio to meet the requirement set out in the Regional Spatial Strategy, as follows:

- _ General Employment Land 255 hectares (ha)
- _ Key Employment Location (Wynyard) 70 ha
- _ Durham Tees Valley Airport 50 ha
- _ Land for Chemical and Steel Industries, up to 445 ha

2. The main locations for general employment land will be:

- _ Durham Lane Industrial Estate. 40 ha
- _ Belasis Technology Park 20 ha
- _ Teesside Industrial Estate 30 ha
- _ Urray Nook 20 ha
- _ Core Area 10 ha

3. Land for general employment uses will be released in phases as follows:

- a. 2004 - 2011 0 ha
- b. 2011 - 2016 60 ha
- c. 2016 - 2021 60 ha
- d. 2021 - 2024 40 ha

4. The target for the annual average development of all types of employment land is 13 hectares over the life of the Core Strategy.

5. To maximise opportunities for the delivery of the Regional Spatial Strategy requirements land will be safeguarded for chemical production and processing, subject to environmental constraints, in the following locations:

- a. North Tees Pools up to 100 ha
- b. Seal Sands up to 175 ha
- c. Billingham Chemical Complex up to 65 ha

6. If evidence comes forward that the Billingham Chemical Complex (formerly known as the ICI Process Park) is not suitable for these purposes, other specialist uses will be considered, such as reprocessing industries and biotechnology laboratories. These are also suitable locations for the installation of new, or expansion of existing potentially hazardous or polluting industries, although these will need to be sensitively and safely located.

7. Land will also be safeguarded on the north bank of the River Tees in the Haverton Hill and Port Clarence areas. Priority will be given to developments requiring a port or river-based site. No port or river based development will be permitted on, or on land immediately adjacent to, the North Tees Mudflat component of the Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest (SSSI).

8. Employment sites which are viable and attractive to the market will be protected from increasing pressure for redevelopment for alternative uses which may secure higher land values, for example housing.

9. Additionally, support will be given to:

- a. Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification; ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies; iii) The expansion of research-based businesses associated with Durham University's Queen's Campus; iv) Growth in sustainable tourism, particularly in the following locations:

- b. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;

- c. Preston Park;
 - d. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
 - e. Saltholme Nature Reserve.
- v) The creation of employment and training opportunities for residents by developers and employers.

35. Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

1. In taking forward development in the plan area, particularly along the river corridor, in the North Tees Pools and Seal Sands areas, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European sites, either alone or in combination with other plans, programmes and projects. Any proposed mitigation measures must meet the requirements of the Habitats Regulations.
2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.
3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:
 - a. Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
 - b. Green wedges within the conurbation, including:
 - _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
 - _ Leven Valley between Yarm and Ingleby Barwick;
 - _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
 - _ Stainsby Beck Valley, Thornaby;
 - _ Billingham Beck Valley;
 - _ Between North Billingham and Cowpen Lane Industrial Estate.
- iii) Urban open space and play space.
4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.
5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.
6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.
7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:
 - a. Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;
 - b. Tees Heritage Park.
8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).
9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.
10. When redevelopment of previously developed land is proposed, assessments will be required to establish:
 - _ the risks associated with previous contaminative uses;

- _ the biodiversity and geological conservation value; and
- _ the advantages of bringing land back into more beneficial use.

36. Saved Policy EN13 of the adopted Stockton on Tees Local Plan

37. Development outside the limits to development may be permitted where:
- (i) It is necessary for a farming or forestry operation; or
 - (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or
- In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:
- (iii) It contributes to the diversification of the rural economy; or
 - (iv) It is for sport or recreation; or
 - (v) It is a small scale facility for tourism.

MATERIAL PLANNING CONSIDERATIONS

38. The main considerations are the principle of the development in this location, which is beyond the limits of development; the potential impact on the character of the area and amenity of neighbouring properties; highway safety and other material considerations.

Principle of Development

39. Guidance contained in the National Planning Policy Framework states "Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling". The site lies outside the limits of development and is also therefore subject to saved Policy EN13 of the adopted Stockton on Tees Local Plan, which resists residential development in these locations unless there is strong justification for a dwelling for agricultural, or forestry or other appropriate countryside use which would justify harm to the character or appearance of the countryside.
40. The applicant has claimed that there is a need for dwelling on the site to serve the equine business.
41. Given that neither national nor local planning policy prescribes any methodology or criteria against which the essential need for a rural worker to live permanently at or near their place of work in the countryside should be assessed it is prudent in this case to apply the practical criteria formally laid down in Annex A of PPS7 which are well-established and well understood. For a new permanent dwelling, these require:
- A clearly established existing functional need;
 - This need relates to a full time worker and not a part time requirement;
 - The unit and activity concerned have been established for at least 3 years, profitable, financially sound and a prospect to remain as such;
 - The functional need could not be met by any other available and suitable accommodation in the area.
 -
42. In order to justify a permanent dwelling the applicant must demonstrate that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.

Existing Business

43. The applicant submitted information to state that the business on site was breeding of horses, training of horses and offering riding lessons. There are 13 stables on site and information submitted states that 8 are used for schooling purposes. The applicant confirmed on site that he owns five horses.

A clearly established existing functional need

44. A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.
45. The applicant states that the basis for the application is to provide a permanent 24 hour presence on the site to cater for the business needs by offering 24 hour surveillance when mares are foaling and offering security against theft and injury. The applicant has submitted information that states he usually has 8 stables full and constantly has forward bookings for horses to be trained. Further information was then submitted to say that the yard stables 15-20 horses between March and October and in winter approximately 10 horses. The applicant confirmed on site that some horses were kept in the fields.
46. The Applicant confirmed that breeding mares will stay for a period of time (usually 28 days after being served by a stallion). Breeding usually takes place in spring. The applicant has slept on site to be there when a mare is in labour.
47. Event horses are present February to late October, Horses come and go during winter months and the applicants own horses are present all year round. The applicant states the eventing side is full-time and the applicant trains and schools these horses daily and most weekends are spent competing all over the Country with 10 horses competing during the season
48. The applicant has submitted a typical day from the diary which shows that the site generally operates from 8am-5pm (see Appendix C). Two members of staff are employed on site.
49. Following a request for information to provide reliable evidence of on-site activities, the applicant provided information to show 11 livery agreements over a three year period and 6 sales over a 4 year period dating back to 2010.
50. The applicant states that more owners would send mares to foal and event horses to complete if a 24 hour presence was in operation.
51. Taking into account the limited information and evidence submitted by the applicant, it is not clear that there is a functional requirement for the Applicant to be on site 24 hours a day, 365 days per year. It is clear from the daily working pattern that the site operates from 8 am-5pm and many duties are done during these times and do not justify a 24 hour on site presence.
52. The close care requirement associated with foaling and young horses is fully appreciated but it is equally a matter of scale and degree in this regard. It is apparent from the submitted information that foaling usually takes place in the spring of each year and there will be a need for close care both prior to and following such for several weeks. No evidence has been submitted to support the scale of the enterprise but it is considered that this would be limited especially given the other activities on site and temporary accommodation could be used. The veterinary advice supports an onsite presence for both the applicant's private horses and the business and whilst this advice is acknowledged it has to be measured against the scale and nature of activity on the site.

53. In addition, the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a dwelling, although it will not by itself be sufficient to justify one.
54. It is considered that given the apparent scale of the business and the limited evidence provided that a full time presence would be convenient but does not necessary equate to a functional need to be on site at all times.

This need relates to a full time worker and not a part time requirement;

55. The applicant has stated that 8 stables are to be used for schooling purposes.
56. Based on the information in the AGRO agricultural budgeting and costing book, a holding with 6-10 horses requires between 425-850 hours per horse per year (depending on the nature of the enterprise) which when calculating labour requirements (based on an average of 275 standard man days per employee) will mean that the need for the site will be between 1.5 - 3 full time workers if the stables are full.
57. It is considered that this demonstrates there is a need for at least one full time worker to meet the needs of the enterprise.

The unit and activity concerned have been established for at least 3 years, profitable, financially sound and a prospect to remain as such.

58. The supporting information states that the enterprise employs both full time and part time workers (three in total including the applicant).
59. The applicant has provided accounts for 2011, 2012 and 2013 (the specific details of which are confidential financial information so not available for public viewing) which on initial assessment show the business making a profit. The accounts however do not show any wages being paid to either the applicant or the two employees. Should employees be paid, even the Grade 1 minimum agricultural wage the profit would not cover one full time wage and therefore based on the information submitted the site is operating at a loss.
60. Another point to note is that the applicant has submitted information stating that the proposed dwelling would cost £150,000 to construct. Based on the financial information submitted with the application it is considered the financial circumstances associated with the business would not be able to fund such expenditure and relevant appeal decisions have shown that this is a material consideration in assessing the financial viability of an enterprise.

The functional need could not be met by any other available and suitable accommodation in the area.

61. The applicant currently resides with his parents at Woodbine Cottage, approximately 300 metres from the site. The applicant states that his parents may sell and relocate in the future and this will no longer be available and he fears he will become homeless as all previous attempts to purchase a nearby property over the last two years have been fruitless.
62. A search has been undertaken by the case officer and within ½ mile there are two park homes available at Sandy Leas lane for less than £50,000, a large dwelling and equestrian business within one mile for £950,000 which will not be financially viable and beyond that the nearest properties are 2-3 three miles from the site. As the Applicant is claiming there

is a need to be on site to serve the needs of the business these are likely to be unacceptable to the applicant.

63. Overall it is considered that the proposed enterprise, whilst requiring labour from a full time worker, does not require a worker to live on site and the financial side of the enterprise has not been shown to be viable.
64. Following discussions with the case office who advised the applicant that a robust justification was required for a dwelling which had not been satisfactorily evidenced in his submission, the applicant employed a business advisor and a new property consultant who has supplied further information including long term plans for the business and financial projections.

Proposed Plans

65. The submitted information states in order for the business to have the best possible chance of continuing its development, indeed of accelerating its growth rate, of remaining competitive in the current market and to continue its financially viable, the Applicant considers that there is an essential need to live on site in order to provide the necessary security and welfare needs and care for clients horses that is unquestionably expected of a business operating at this level in the equine market. The submitted information shows there is a requirement for at least one full time worker which is not disputed.
66. The applicant anticipates developing a range of branded equestrian merchandise if he is able to consolidate his presence at the application site to further strengthen and develop his business. To this end, Heads of Term” have been signed with merchandising and product licensing specialists, Vision Outsourcing of Glasgow (who supply custom sportswear and their webpage is attached at Appendix D), and Bioflow Limited of Plymouth (who have confirmed that they may reconsider should the applicant not live on site in appropriate accommodation). Whilst this sponsorship is noted as are the comments from Bioflow who seem to market two products in relation to horses (See Appendix E) the sponsors do this based on the applicants profile and performance and it is considered that limited weight should be attached to this information.
67. The information states that at any one time there will be 11 horses on site in full livery/training livery and development/training. In terms of functional requirements they state that there is a demonstrable requirement for:
 - a) The close and round the clock supervision of brood mares before, at and immediately after foaling. This will include staying up throughout the night with overnight stays at the stable and regular visits to check the animals. With the number of mares being foaled by the Applicant, and having suffered a significant break-in at the application site, this risk is considered untenable;
 - b) The close supervision of brood mares to be covered by the stallion;
 - c) The supervision of stables horses to react to problems such as being cast in their boxes, or sick with colic;
 - d) The supervision of grazing horses and their paddock management; and
 - e) The provision of security for valuable breeding stock and youngsters from theft and malicious attack.
68. The information submitted identifies potentially 3 brood mares on site. Each brood mare will foal approximately once every 18 months, usually in Spring and it is not considered that this element would justify a fulltime presence on site, and the covering of brood mares equally would not justify a full time presence.

69. Given the scale of development and number of horses on site this would not usually warrant a full time presence on site for security or welfare purposes, as whilst emergencies can and do occur this is a rare occurrence. The applicant is on site 9 – 5 and checks will be made before leaving the site to ensure that horses are not showing cause for concern. Whilst colic can come on suddenly it is a relatively common occurrence in horses. Often, but not always, it has no apparent cause. Fortunately, with the right management, a lot of cases can be prevented (Source: British Horse Society: <http://www.bhs.org.uk/welfare-and-care/horse-health-and-sickness/colic>). Horses becoming cast can also be prevented through certain management procedures. It is considered that this should not be used for justification for the full-time on site presence.
70. The applicant has recently been burgled and therefore security of the horses is of concern. The former PPS7 advised that security should not be a reason to give permission for a dwelling on site as various security measures such as CCTV and Alarms can be installed and this view was supported in an appeal decision for an enterprise consisting of 15 horses on site for breeding and schooling activities (APP/H0738/A/10/2131330) with the Inspector stating *"I accept that livestock is valuable but it is my experience from dealing with similar proposals elsewhere that adequate security can be obtained without residential occupation"*
71. Turning to the specialist nature of the enterprise and the value of the horses on site. The applicant is a top Eventer and therefore trains and breeds horses of significant value, although no actual evidence has been supplied of the numbers involved or the value of horses. A relevant appeal which related to the care of racehorses was allowed as the inspector took the view that owners would be unwilling to entrust their horses to an establishment if there was no 24 hour cover and gave a four year temporary consent for a caravan. Another confirmed that this was different from other small scale liveryes and would not set a precedent as the difference is easily distinguishable; again a three year temporary consent was given.
72. The applicant has submitted financial projections for the business which shows a profit of approximately 40k rising to 65k, this allows for three salaries to be paid and whilst this would clearly support the case for a permanent dwelling in financial terms, these are only projections and should be given limited weight and they are significantly different from the actual accounts submitted with the application.
73. Overall it is considered that a caravan on site would reasonably satisfy the needs of the business whilst it develops and should it be proven that the business was viable and evidence submitted to support the specialist nature and value of the horses on site then a permanent dwelling may be considered acceptable, but only if all the functional and financial requirements are satisfactorily met.
74. The applicant was advised of this and it was suggested that a temporary caravan may be acceptable on site for a period of three years to allow the business to develop and turn over the required profit to support the enterprise and new house. Guidance in the former PPS7 stated that *"If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation"*.
75. It should be noted that the temporary accommodation may not lead to an automatic approval for a permanent dwelling and to support a further application for a permanent residential dwelling the applicant would need to supply further information in the form of business accounts, record of breeding and sales and evidence of horses kept on site which will be considered at the time of submission.

76. The applicant stated that this was not acceptable as it did not give the right image for the business and sponsors would be lost if he was residing in temporary accommodation.

Impact on the character and appearance of the area

Proposed House

77. The siting of the proposed dwelling will be to the east of the existing stables building which is located towards the north of the field, away from the main highway access. The proposed house has been reduced from that previously submitted and it now of a more reasonable scale. The house does include three en-suite rooms and the applicant has stated these are for riders who have travelled some distance for expert tuition to stay on site.
78. The area is generally flat, and the site is visible from the surrounding area, although views into the site are partially screened by the existing hedges around the perimeter of the site. Paragraph 17 of the NPPF requires decision taking to take account of the different roles and character of different areas including recognising the intrinsic character and beauty of the countryside. The applicant has indicated that additional landscaping will be planted, which will assist in the screening of the development.
79. Despite reducing the dwelling in size the Highways, Landscape and Transport Manager views the proposed dwelling being as outside the limits to development situated in the middle of the field and despite the design and access statement stating that a 'substantial landscaping scheme' would be provided to screen views of the dwelling the development is still not supported in landscape and visual terms as it would be seen as an isolated dwelling outside the development limits. However, if the development were to be approved, a fully detailed landscape scheme must be provided with the intention of softening and screening views of the dwelling from Darlington Back Lane, the public footpath to the east and neighbouring properties. The planting scheme should be comprised of mostly native species to suit the rural location.
80. These comments are noted and without justification for the erection of a new dwelling in this location this view is supported. Should it be satisfactorily proven that there is a functional need to be on site, whilst the dwelling would still be visible there are other dwellings along this stretch of road and the dwelling could be sufficiently screened and the functional requirement of the enterprise would outweigh the harm to the landscape.

Manege

81. Although the application site lies outside the limits to development the proposed manege is considered to be appropriate in terms of a rural use in the countryside. Furthermore it has been located adjacent to the approved stable building. It is also worth noting that the post and rail fencing which encloses the manege could be erected under permitted development rights without the need for planning permission.
82. As such it is not considered that the manege in itself would be detrimental to the character of the surrounding area. As such this element of the proposal is considered to be acceptable. As this element has already been constructed and is therefore retrospective, the applicant would need to obtain a separate planning permission to regularise the situation.

Impact on neighbours

83. The closest residential property, Oaklea, is situated approximately 300 metres from the location of the proposed dwelling. The Hermitage is situated approximately 420 metres from the site and East Newbiggin is located in excess of 550 metres from the proposal.
84. Given the separation distances from surrounding residential properties it is not considered that the proposed dwelling or existing unauthorised manege will result in a detrimental impact upon the amenity of neighbouring properties.

Highway Safety

85. The proposed dwelling would use the existing access to the stable building and have independent parking in accordance with SPD3: Parking Provision for Developments 2011.
86. Given the distance from the adjacent highway (in excess of 250m) should the application have been recommended for approval details of refuse/recycling collection and storage would have been required, such details could have been secured through a planning condition. Subject to these details being agreed the Highways, Transport and Environment Manager would raise no highway objections to the proposal and therefore it is not considered that the proposed dwelling would result in any significant adverse impact upon highway safety.
87. Concerns have been raised regarding highway safety and the possibility of horses escaping onto the highway however the proposed development is not considered to pose any significant impacts on highway safety

Other matters

88. The applicant is proposed a septic tank on site and Environmental Health are satisfied with the proposed drainage on site. Details of the treatment plant could be conditioned should the application be approved.
89. Concerns have been raised regarding potential flooding. The site is within flood zone 1 and no objections have been received from the flood risk management team and therefore it is considered that there should be no significant impact from flooding

CONCLUSION

90. Overall, it is considered that the principle of development is unacceptable as it has not been satisfactorily demonstrated that there is a functional requirement for a dwelling on this site to support the existing or proposed business and the financial information submitted does not satisfactorily demonstrate that the business is financially viable. Therefore it is considered that there is no planning justification for a permanent residential dwelling on the site and the development is therefore contrary to the requirements of Paragraph 55 of the National Planning Policy Framework and Local Plan Policy EN13 which state that residential developments in isolated locations should only be considered acceptable in exceptional circumstances
91. Given the lack of justification for a residential dwelling on the site it is 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 seeks to preserve such areas.

92. The application is therefore recommended for refusal for the reasons detailed above.
93. The application seeks retrospective permission for a manege. Should an application be submitted for this element then it would be supported.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward Western Parishes
Ward Councillor Councillor Andrew Stephenson

IMPLICATIONS

Financial Implications: *There are no known financial implications in determining this application*

Legal Implications: *There are no known legal implications in determining this application.*

Environmental Implications: *The assessment of the application has taken into account the impacts the general character and appearance of the area as well as impacts on adjoining properties. It is considered that there would be no undue impacts on these receptors. Detailed considerations are listed within the report.*

Human Rights Implications: *The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report which has included an assessment of people's representations and a weighting up of the points raised. It is considered that no existing residents would be severely affected by the proposed development sufficient to warrant refusal of the application.*

Community Safety Implications: *The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Within this report consideration has been given to implications of increased traffic movements. There are no other notable impacts on community safety recognised within the assessment of the proposed development*

Background Papers:

The Town and Country Planning Act 1990.

National Planning Policy Framework

Stockton on Tees Local Plan Adopted Version June 1997

Core Strategy Development Plan Document March 2010

Supplementary Planning Document 3: Parking Provision for New Developments

Application File and Relevant Planning History as referred to in the report.