

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
7 February 2024  
REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT AND BUSINESS  
SERVICES**

**23/1003/FUL**

**Stable Block South West Of North Meadows, Calf Fallow Lane, Norton  
Conversion of 1no barn to 1no dwellinghouse to include the erection of a porch to the front, erection of 1.8m high wall with 2.4m piers and demolition of existing storage building.**

**Expiry Date: 21 November 2023**

**SUMMARY**

The application site relates to an existing stable building located within an agricultural field along Calf Fallow Lane, Norton. The stable building is laid on an area of hardstanding, and to the west there are two smaller buildings which are lawful. There are also unauthorised works that have been carried out at the site which will be investigated accordingly.

Planning Permission was granted in January last year for a larger stable building within the adjacent field. The permission was approved on the basis that the stable block which is subject of the application to be demolished.

The application has been considered in full and is recommended for refusal as the scheme is contrary to planning policy as it would lead to an isolated home within the countryside which is unsustainably located. The conversion is not considered to meet any of the requirements of planning policy SD3 which supports countryside dwellings and as a result the development would lead to an erosion of the countryside and set an undesirable precedent.

The application was due to be presented to Committee in January as the Applicant is a Council Employee and the Scheme of Delegation states that applications which meet the following criteria be referred to Planning Committee

*Those cases which involve development on land owned, or in which an interest is held, by a Council Member (or their spouse/partner) or by any member of the Council staff (or their spouse/partner). An Objection representation has been received to the planning application.*

However, an appeal has been submitted for non-determination and the application is brought to the planning committee for Members to make a decision on how they would have voted and whether members would have been minded refusing the application as per the Officer recommendation.

**RECOMMENDATION**

That members would have been minded to refuse planning application 23/1003/FUL for the following reasons:

- Isolated dwelling in the Countryside**
- 01 In the opinion of the local planning authority the proposal is contrary to the National Planning Policy Framework (para 84) which aims to restrict isolated new dwellings within the countryside without appropriate justification. The proposal is contrary to SD3

of the Stockton on Tees Local Plan which states development outside the limits of development will only be permitted if it is necessary for a farming, forestry or rural based enterprise; or represents optimal use of a heritage asset; would re-use a disused building and would enhance its setting; be of exceptional quality or innovative design. It is considered that there are no special circumstances relating to the proposal as defined in paragraph 84 of the National Planning Policy Framework to override the adopted policies of the Local Planning Authority.

**Out of character with the area**

- 02 In the opinion of the Local Planning Authority, the proposed development by virtue of its residential character and appearance (including the provision of residential paraphernalia) is considered to be out of character with the immediate rural environment within which it is located would be detrimental to the visual amenities of the surrounding open area. Approval of the change of use would also set an undesirable precedent which would make it difficult to refuse other similar applications, the cumulative effect of which would be the erosion of the open countryside contrary to the guidance set out in paragraphs 135 and 180 of the National Planning Policy Framework and Planning Policy SD3, SD5 and SD8, which aims to protect and enhance the intrinsic character and beauty of the countryside.

**Unsustainable location**

- 03 In the opinion of the Local Planning Authority the proposed site is in an unsustainable location for residential development by virtue of the lack of public footpaths and street lighting which would require occupants to travel via the private car for employment, schools, retail and recreational purposes and as such would be contrary to the aims of government guidance with respect to locating residential development in sustainable locations as detailed in the National Planning Policy Framework and it is considered that there are no special circumstances relating to the proposal as defined in paragraph 84 of the National Planning Policy Framework to override the National Planning Policy Framework when taken as a whole.

**BACKGROUND**

1. The following planning permissions have been granted in connection with the site:
2. In 2009 a planning application was granted for the existing stable block under planning application 09/0218/FUL which was approved 26<sup>th</sup> March 2009. This is the application building under consideration as part of this application.
3. In 2022 a further application was made for the provision of a new stable building with an associated access, landscaping and 1.2 metre high fence was approved on the adjacent field to the west of the proposed application site. This was allowed on the basis the existing stable block granted under planning application 09/0218/FUL would be demolished within 1 month from bringing this approved stable building in to use and the land restored to its former condition. This application was approved with conditions on 9<sup>th</sup> January 2023 (22/2366/REV).

**SITE AND SURROUNDINGS**

4. The application site is a stable building located to the west of North Meadows, Calf Fallow Lane, Norton, Stockton on Tees. To the site is located within the open countryside and within the area are small agricultural holdings with associated agricultural buildings.

**PROPOSALS**

5. The application seeks planning permission for the conversion of an existing stable building which would include external alterations for the creation of 5 new window openings to the

east elevation, fully glazed southern gable side elevation, four windows and front entrance door with centrally located front porch.

6. The application also includes the erection of a 1.8 metre high rendered wall to the north west of the building with automatic entrance gates.
7. It is noted the red edge location plan is tightly around the stable building and no change of use of any associated residential amenity space is sought as part of this planning application.

### **PLANNING POLICY**

8. 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 Stockton on Tees Borough Council Local Plan 2019.
9. Section 143 of the Localism Act came into force on the 15 January 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 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.

### **National Planning Policy Framework**

10. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
11. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
  - approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. 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.
7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs<sup>4</sup>. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection<sup>5</sup>.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

83. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

84. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

108. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

109. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

114. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

116. Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

123. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land<sup>49</sup>.

131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>52</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

165. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local

environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

186. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>67</sup> and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

187. The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites<sup>68</sup>; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>69</sup>;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

## Local Planning Policy

12. The following planning policies are considered to be relevant to the consideration of this application

### Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,

- Specific policies in that Framework indicate that development should be restricted.

### Strategic Development Strategy Policy 2 (SD2) - Strategic Development Needs

1. The following strategic growth needs have been identified for the period 2017/18 to 2031/32, which will be met through new sustainable development and infrastructure provision that integrates positively with the natural, built and historic environment of the Borough.

#### Housing

2. To meet the housing requirement of 10,150 new homes over the plan period a minimum of:

- a. 720 dwellings (net) will be delivered per annum from 2017/18 to 2021/22.

- b. 655 dwellings (net) will be delivered per annum from 2022/23 to 2031/32.

3. The Strategic Housing Market Assessment for Stockton-on-Tees Borough identifies that there are specific needs with regard to housing type and tenure. This includes delivering homes to meet the needs of the ageing population.

### Strategic Development Strategy Policy 3 (SD3) - Housing Strategy

1. The housing requirement of the Borough will be met through the provision of sufficient deliverable sites to ensure the maintenance of a rolling five year supply of deliverable housing land. Should it become apparent that a five year supply of deliverable housing land cannot be identified at any point within the plan period, or delivery is consistently falling below the housing requirement, the Council will work with landowners, the



development industry and relevant stakeholders and take appropriate action in seeking to address any shortfall.

2. The following are priorities for the Council:

- a. Delivering a range and type of housing appropriate to needs and addressing shortfalls in provision; this includes the provision of housing to meet the needs of the ageing population and those with specific needs.
- b. Providing accommodation that is affordable.
- c. Providing opportunities for custom, self-build and small and medium sized house builders.

4. New dwellings within the countryside will not be supported unless they:

- a. Are essential for farming, forestry or the operation of a rural based enterprise; or
- b. Represent the optimal viable use of a heritage asset; or
- c. Would re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or
- d. Are of an exceptional quality or innovative nature of design. Such a design should:
  - i. be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - ii. reflect the highest standards in architecture;
  - iii. significantly enhance its immediate setting; and
  - iv. be sensitive to the defining characteristics of the local area.

#### Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

- a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
- b) Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar) and other existing resources alongside the provision of new resources.
- c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
- d) Enhancing woodlands and supporting the increase of tree cover where appropriate.
- e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
- f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
- g) Directing appropriate new development within the countryside towards existing underused buildings on a site for re-use or conversion in the first instance. Only where it has been demonstrated to the satisfaction of the local planning authority that existing underused buildings would not be appropriate for the intended use should new buildings be considered.
- h) Supporting the conversion and re-use of buildings in the countryside where it provides development identified within Policies SD3 and SD4, and meets the following criteria:
  - i. The proposed use can largely be accommodated within the existing building, without significant demolition and rebuilding;
  - ii. Any alterations or extensions are limited in scale;
  - iii. The proposed use does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit; and

- iv. Any associated outbuildings/structures are of an appropriate design and scale.
  - i) Considering development proposals within green wedges against Policy ENV6.
  - j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.
  - k) Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.
  - l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.
  - m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.
2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:
- a. Directing development in accordance with Policies SD3 and SD4.
  - b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.
  - c. Supporting sustainable water management within development proposals.
  - d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.
  - e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.

#### Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
  - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
  - c. Need to protect and enhance ecological and green infrastructure networks and assets;
  - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
  - e. Privacy and amenity of all existing and future occupants of land and buildings;
  - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
  - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
  - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

#### Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

2. Development on land in Flood Zones 2 or 3 will only be permitted following:

- a. The successful completion of the Sequential and Exception Tests (where required); and
- b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.

3. Site specific flood risk assessments will be required in accordance with national policy.

4. All development proposals will be designed to ensure that:

- a. Opportunities are taken to mitigate the risk of flooding elsewhere;
- b. Foul and surface water flows are separated;
- c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
- d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.

5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:

- a. To an infiltration or soak away system; then,
- b. To a watercourse open or closed; then,
- c. To a sewer.

6. Disposal to combined sewers should be the last resort once all other methods have been explored.

7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

#### Natural, Built and Historic Environment Policy 5 (ENV5) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or

adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.

3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.

4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:

a. Internationally designated sites - Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where:

i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects; or ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured.

b. Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed. Where an adverse effect on the site's notified interest features is likely, a development will only be allowed where:

i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI's;

ii. no reasonable alternatives are available; and

iii. mitigation, or where necessary compensation, is provided for the impact.

c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

6. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

#### Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:

- a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and
- b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.

5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.

#### **CONSULTATIONS**

13. Consultees were notified and the following comments were received:-

##### Northern Gas Networks

We do not object to the amendments as per 1400018624

#### Environmental Health Unit

I have checked the documentation provided, have found no grounds for objection in the principle of this application and do not think that additional conditions need to be imposed from an Environmental Health perspective.

#### Highways Transport & Design Manager

Highways Comments - There are no highway objections to the proposed conversion of 1no barn to 1no dwellinghouse.

Landscape & Visual Comments - There are no landscape and visual comments on the proposals.

#### Parish Council

The Parish Council at its meeting of 12th July 2023 considered this application.

The Parish Council wish to Object to the proposal as we feel the planning application is not consistent / compliant with the Local Plan in its proposal, both by its nature and in its design which is not considered aesthetic or in spirit of the Local Plan. Of additional concern is the potential that the barn may have been subject to recent planning proposal and then further proposed as a barn conversion.

The Parish Council is additionally concerned about the prevalence of barn conversions in the area.

We would be grateful if the Parish Council's objection could be lodged.

#### Northern Gas Networks

Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location.

Northern Gas Networks has 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 records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated.

No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

If you have any questions, our Before You Dig Team will be able to help on 0800 040 7766 (option 3) or [beforeyoudig@northerngas.co.uk](mailto:beforeyoudig@northerngas.co.uk)

#### Natural England

**NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site - <https://designatedsites.naturalengland.org.uk/>
- damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified.

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In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- 0.06ha of land to be taken out of agricultural land use to convert into woodland, as detailed in the submitted Habitats Regulation Assessment and Woodland Management Plan.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

#### Habitats Regulations Assessment

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

#### Further advice on mitigation measures – Woodland creation

As mitigation it is proposed to plant 1.2ha of woodland. The local planning authorities are the Competent Authorities with regard to the Habitat Regulations and must be assured and satisfied that any mitigation proposed can be secured and delivered in perpetuity. Any scheme for offsetting nitrogen must meet the basic tests of certainty of delivery, enforceability and the need for securing the adopted measures for perpetuity to ensure it is effective mitigation. Changes on agricultural land need to be enforceable in perpetuity and the competent authority will need to be certain that these changes have occurred and will continue to occur on the long term.

The applicant has provided a monitoring and management plan for the proposed mitigation.

Provided that your authority, as the competent authority, is assured and satisfied that the site areas used in the nutrient budget calculation are correct and that the existing and proposed land uses are appropriately precautionary, then Natural England raises no concerns with the nutrient budget.

#### Other advice

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

## **PUBLICITY**

14. Neighbours were notified and no comments were received.

15. **SITE NOTICE EXPIRY DATE:** 18 July 2023

## **MATERIAL PLANNING CONSIDERATIONS**

16. The main considerations of this application relate to the principle of the development, the impact on the character and appearance of the area, the impact on the amenity and highway safety matters along with any other material planning considerations.

### Principle of Development

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point in assessing any planning application must therefore be the local plan.

18. Within the supporting statement the agent refers the building as a barn and makes reference to permitted development rights under class Q of the GPDO. For clarification the building is a stable block which was granted planning permission for personal equestrian use in 2009 (09/0218/FUL) and is not used for agricultural purposes or an agricultural trade or business.

19. Full planning permission is sought for the conversion of a stable block to a dwelling to include the addition of a front porch and boundary wall. The site is located within the open countryside and falls outside the limits to development as shown on the Local Plan policy map. In these instances, policies SD3, SD4 and SD5 set out the types of appropriate developments within the countryside. The Council can demonstrate a five-year land supply and the development plan conforms and is consistent with the National Planning Policy Framework (NPPF) 2023 and is given appropriate weight.

20. The Local Plan identifies 'limits to development' the extent of which are displayed on the accompanying Policies Map. The limits to development mark the transition between built development in the conurbation, Wynyard and the Borough's villages from the open countryside around them and provide a useful function in directing development to sustainable locations. Paragraph 4.49 of the Local Plan provides further explanation stating 'The principle of the limits to development is to protect the intrinsic value of the countryside. Through the application of other policies within the Local Plan, the limits to development also serve to actively manage patterns of growth.'

21. Policy SD5 of the Local plan seeks to ensure any new development conforms with the design principles of policy SD8, ensuring new development retains the physical identity of individual settlements and does not lead to an unacceptable upon the character and distinctiveness of the Borough's landscape. Additionally, SD5(1h) sets out support is given to the re-use of buildings outside the limits of development whereby it does not amount to significant demolition and rebuilding, extensions and alterations are limited, any outbuildings/structures are of an appropriate scale and design or lead to a non-viable agricultural unit.

22. The proposal includes installation of fenestration, the erection of a porch to the front and a brick wall enclosure. The plans indicate an existing wooden structure at the site will be demolished. It is noted the red edge only includes the footprint of the building and the existing unauthorised hard standing and building erected does not benefit from planning approval and are subject to further enforcement considerations. A structural survey accompanies the application that concludes the proposal would be capable of conversion.



With regards to creating a non-viable agricultural unit, the application site relates to a small section of land for equestrian purposes (and some unauthorised development) and as such the grazing land to the west would remain agricultural land. It is not considered the proposed works shown on the submitted plans would be contrary to the above criteria. However regardless of compliance with this policy, this is dependent on compliance with policy SD3.

23. The development site falls outside the limits to development and is subject to planning policy SD3 (4) which aims to ensure the intrinsic character and beauty of the countryside is not adversely impacted upon and in the case of paragraph 84 of the NPPF is to avoid isolated homes within the countryside. The NPPF and policy sets out the principle of new dwellings within the open countryside, will only be accepted if it meets one of the following criteria;
- a. Are essential for farming, forestry or the operation of a rural based enterprise; or
  - b. Represent the optimal viable use of a heritage asset; or
  - c. Would re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or
  - d. Are of an exceptional quality or innovative nature of design. Such a design should:
    - i. be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
    - ii. reflect the highest standards in architecture;
    - iii. significantly enhance its immediate setting; and
    - iv. be sensitive to the defining characteristics of the local area
24. Whilst the definition of an isolated home is not provided within the Framework, it is considered to be interpreted as a dwelling that is physically separate or remote from a settlement as set out within the Braintree judgement (Braintree DC v Secretary of State for Communities and Local Government & Others [2018] EWCA Civ 610). The site falls outside the settlement boundary down an approximate 0.5 mile single width track. It is therefore considered that a dwelling within this location would be considered as isolated.
25. The dwelling would not be used for rural purposes, as defined in Policy SD3, it is not a heritage asset nor would the development demonstrate exceptional quality or innovative design and therefore does not comply with criteria a, b or c. The supporting statement concludes the application for planning permission would re-use a redundant building and enhance its immediate setting.
26. Within the submitted planning statement it states: *The proposals would breathe new life into buildings that have no current beneficial use. The meaning of 'enhancement' in the context of Para84 was considered by Inspector Underwood in addressing consideration of the conversion of redundant stable blocks at Long Newton, Stockton on Tees. In allowing the appeal, he stated:*
- "I consider than an enhancement in the terms of Framework paragraph 55 would not necessarily be restricted to the improvement of character and quality of an area required by Framework paragraph 64 as it could relate to the condition, maintenance and management of land and buildings from a disused or redundant state."*
27. The stable building itself is in very good condition and from the site visit and photos provided within the structural survey the building would not be seen as redundant or in a disused state. Furthermore, the recent unauthorised works to the site would suggest otherwise. The building appears as a stable block, which is a common feature within a rural setting. It is not considered the addition of a front porch and wall would 'enhance' the

setting, rather detract from it in making it have a domestic appearance which would undoubtedly lead to associated paraphernalia. Whilst the policy does not seek evidence in respect of a building being disused, from the site visit and on-going works, the building and surrounding land does not have a disused appearance or is within a redundant state. The application states the use is equestrian/agricultural and is not described as a disused building. The submission also states the proposed development would provide an enhancement to a building with no beneficial use. The stable building as previously set out was approved for private equestrian purposes and could still be utilised for this purpose.

28. The building would maintain much of its external fabric; however it would be domesticated by the fully glazed south end and the insertion of windows and porch. The very nature of these alterations would urbanise the building and as a result change the character of its surroundings. Together with the further domestication from the proposed wall, the site would have an urbanising effect. It is not considered the development would lead to an improvement nor would it enhance the setting of what is a stable building within the countryside.
29. There is no evidence that the stable building is redundant or disused either within the application form or planning statement. It was noted during the site visit there was no horses being stabled, however that is not sufficient to conclude it would be a disused or redundant building.
30. Only in exceptional circumstances as outlined with planning policy SD3(4) would development be granted. If development is not considered in strict accordance with the defined development limits, unless material planning considerations indicate otherwise it is highly likely to lead to the erosion of the limits and a weakening of the development plan. It is not considered the proposal complies with local or national policy and should be refused.
31. In 2022 the applicant applied for planning permission for the erection of a new stable building located within the western part of the agricultural field (22/2366/REV, approved the 9<sup>th</sup> January 2023) *“for keeping and welfare of her horses for private use on this piece of grazing land, which is in the applicant's ownership, in a more strategic and accessible location than the existing,”* The supporting statement set out the applicant required a larger stable block that met the requirements of The British Horse Society standards for the keeping of shire horses. It also stated *“there will be an area of hardstanding adjacent to the building and adjacent to the existing track to east which will allow adequate space for vehicular parking, unloading of bedding and feed supplies and manoeuvring of all types of vehicle so that they can access and egress the application site in forward gear. The building will also store horse box and trailers.”* As part of the planning approval a condition stipulated the existing stable block (the subject of this application) be demolished within 1 month of bringing the new stable building in to use and the land restored to its former condition.
32. Since the granting of this permission, it is now apparent the applicant did not in fact own the land at the time of granting permission but has since purchased the land in March 2023. The agent has stated should the existing stable block conversion be approved a unilateral undertaking would ensure permission 22/2366/REV would not be built but this would not overcome the policy objections or principle of isolated residential homes outside the limits to development.

#### Sustainability

33. Paragraph 84 of the NPPF states policies and decisions should avoid isolated homes within the countryside unless it would adhere to one of the specified circumstances. It is

not considered the development proposal accords with those aims to allow an isolated dwelling.

34. The application site is located approximately 0.5 mile outside the limits to development and the adopted highway (measured from the limited to development as defined on the local plan). In terms of consideration of the sustainability of the proposed development, the application site is situated within the open countryside located on a narrow track bound by hedgerows and no safe footpaths, lighting provision or any public transport links. The site is considered to be inherently unsustainable.
35. This dependence on private cars is contrary to the guidance contained within the National Planning Policy Framework, which effectively requires new housing development to be located within sustainable locations. It is considered the proposed development, located outside the limits to development and in an unsustainable location is contrary to policies both at a national and local level and there are no material considerations that would outweigh this conclusion as detailed above. It is therefore recommended that the application be refused for this reason.

#### Landscape and Character

36. Paragraph 180 of the National Planning Policy Framework directs local planning authorities to recognise the intrinsic beauty of the open countryside, and Local Plan Policy SD5 reflects this by supporting countryside development that is of an appropriate scale. There is however a policy objective not to develop more of the countryside than is necessary, which is reflected in Local Plan Policy SD5 paragraphs 1(e) and h(iv) and its overall objective of conserving and enhancing the natural environment.
37. The application proposals illustrate a part rendered/cladded single storey building which would include the installation of additional fenestration openings, with the southern elevation being fully glazed. The proposal also includes a new boundary wall with car parking area to the front. detail, driveway and residential curtilage. The setting of the building is within an agricultural field and visually appears as a typical structure seen within the countryside. It is considered its conversion and associated works would create further harm the visual appearance of the countryside by formalising a domestic curtilage which would contain all of the domestic paraphernalia associated with the amenity space that it would serve. It is not considered there would be any benefits of allowing such a development with regards to the visual impact and it would add to the erosion of the countryside and would not lead to an enhancement of its setting to justify as an acceptable form of development.
38. Overall, in terms of the impact on the character of the area, the proposed development would represent an erosion of the open countryside, which is considered to result in significant harm to the character and appearance of the area. The proposed development is considered to conflict with the requirement the National Planning Policy Framework and Planning Policy SD5 which aims to conserve the natural environment by supporting buildings only of an appropriate scale.

#### Amenity

39. Planning Policy SD8 seeks to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings.
40. Given the location the use of the building for residential purposes would not result in any significant loss of amenity or privacy to the surrounding landowners and would therefore would not raise any significant issues in this respect.

41. It is acknowledged this application only seeks for the conversion of the building as shown within the red edge plan and does not include any amenity space for the residents of this proposal. The land to the east of the building is outlined for nitrate neutrality mitigation. The very nature of no outdoor amenity space allocated for the residents would lead to an inadequate amenity standard and would likely lead to a further erosion into the open countryside.

#### Highways

42. The Highways Transport and Design Manager has reviewed the application and raises no objections to the proposal on highway grounds.

#### Nitrate neutrality

43. The applicant has provided information with regards to nitrates and to mitigate impacts they have proposed to plant a woodland covering 0.06ha as detailed within the submitted Habitat Regulations Assessment and Woodland Management Plan. Natural England have provided comment on the applications recommending the development would be acceptable subject to an appropriate condition. The development would therefore be acceptable subject conditions.

#### Ecology

44. The submitted Ecology Report concludes there are no bats roosting within the building, or any schedule 1 bird species and no further report is required. The submitted report sets out mitigation measures to minimise the risk of harm to birds during the construction phase of the development. A condition can stipulate the development is carried out in accordance with these details.

### **CONCLUSION**

45. It is recommended that the application be Refused for the reasons specified above.

**Director of Finance, Development and Business Services**  
**Contact Officer Jade Harbottle Telephone No 01642 528716**

#### **WARD AND WARD COUNCILLORS**

**Ward Northern Parishes**

**Ward Councillor Councillor John Gardner**  
**Ward Councillor Councillor Vanessa Sewell**

### **IMPLICATIONS**

#### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

#### **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.

#### **Background Papers**

Stockton on Tees Local Plan Adopted 2019

**Supplementary Planning Documents**

SPD3 – Parking Provision for Developments - Oct 2011

SPD – Householder Extensions and Alterations - Adopted May 2021

Appendix

Google Aerial image May 2023



Google image March 2022



Google Image May 2020

