

PLANNING COMMITTEE AGENDA



Friday 27 April, 2012

at 10.00 a.m.

**in the Committee Room B,
Civic Centre, Hartlepool.**

MEMBERS OF PLANNING COMMITTEE:

Councillors Barclay, Brash, Cook, Fenwick, James, Lawton, A Lilley, G Lilley, Morris, Richardson, Robinson, Shields, Simmons, Sirs, H Thompson, P Thompson, Wells and Wright.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. TO CONFIRM THE MINUTES OF THE MEETING HELD ON 30 MARCH 2012**
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
 1. H/2010/0679 Crookfoot Farm Coal Lane Elwick Hartlepool (page 1)
 2. H/2011/0196 Crookfoot Farm Coal Lane Elwick Hartlepool (page 22)
 - 4.2 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*
 - 4.3 Appeal At 16 Hutton Avenue Hartlepool (APP/H0724/A/12/2173439/NWF) Alterations and Change of Use from Nursing Home to 28 No Bed Students Accommodation (Hall Of Residence) (C1 Use) Including Alterations to Windows, Doors and Roof Lights (H/2011/0598) – *Assistant Director (Regeneration and Planning)*
 - 4.4 National Planning Policy Framework Briefing – *Assistant Director (Regeneration and Planning)* (to follow)
- 5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

7 ITEMS REQUIRING DECISION

- 7.1 Enforcement Action – Land on the West Side of Tees Road (South Of Mayfair Centre) Seaton Carew, Hartlepool – *Assistant Director (Regeneration and Planning)* (paragraphs 5 & 6)
- 7.2 Enforcement Action – Land South of the Mayfair Centre, Tees Road, Hartlepool – *Assistant Director (Regeneration and Planning)* (paragraphs 5 & 6)

8. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 18 May 2012 at 9.00 a.m.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

30 March 2012

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool.

Present:

Councillor Rob Cook (In the Chair)

Councillors Allan Barclay, Trisha Lawton, Alison Lilley, Geoff Lilley, Dr Ray Morris, Carl Richardson, Jean Robinson, Linda Shields, Chris Simmons, Hilary Thompson, Paul Thompson, Ray Wells and Edna Wright.

Also Present: In accordance with Council Procedure Rule 4.2 the following substitutions were in effect: -
Councillor Sheila Griffin for Councillor Jonathan Brash

Officers: Chris Pipe, Planning Services Manager
Jim Ferguson, Planning Team Leader
Jane Tindall, Planning Officer
Kate Watchorn, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Peter Frost, Traffic Team Leader
Andrew Carter, Senior Planning Officer
David Cosgrove, Democratic Services Team

146. Apologies for Absence

Councillors Brash, Fenwick, James, and Sirs.

147. Declarations of interest by members

Councillor Paul Thompson declared a personal interest in Minute 152.
Councillor Ray Wells declared a personal interest in Minute 159.

148. Confirmation of the minutes of the meeting held on 2 March 2012

Confirmed.

149. Planning Applications *(Director of Regeneration and Neighbourhoods)*

The Planning Services Manager submitted the following planning applications for the Committee's determination.

Number:	H/2011/0661
Applicant:	Moor Galloway & Co., Gillamoor Mill, Gillamoor, York
Agent:	Napper Architects, Napper Architects, 3 Waterloo Square, Newcastle upon Tyne
Date received:	16/01/2012
Development:	Residential development comprising conversion of former school to 38 apartments including conversion of former play shelter to refuse/recycling store and cycle store, provision of parking areas and landscaping including vehicle access from the existing highway, adaption of the existing boundary wall/fence, demolition of existing toilet blocks flanking main entrance and free standing block to northern boundary, removal of the existing canopy to the east elevation.□
Location:	JESMOND ROAD PRIMARY SCHOOL, PERCY STREET, HARTLEPOOL
Decision:	Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the existing plan(s) No(s) AD(0)11, AD(0)12, AD(0)13, AD(0)14 AD(0)15 and proposed plan(s) No(s) AD(0)01, AD(0)02 Rev.2, AD(0)03, AD(0)04, AD(0)05, P1831/amr/1 subm.01 P1831/amr/5 subm.01 received by the Local Planning Authority on 20 December 2011 and Plan No AD(0)16 and amended Design and Access statement received by the Local Planning Authority on 16 January 2012, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this

purpose. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

4. No development shall commence until details of the new vehicular access have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.

In the interests of highway safety.

5. Notwithstanding the submitted details a scheme for the parking of vehicles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and retained in accordance with the details so approved prior to the occupation of the first dwelling.

In the interests of highway safety.

6. Prior to the development hereby approved being brought into use details of the car parking areas including surface materials and marking of bays shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.

In the interests of the character and appearance of the listed building.

7. The access gate on the western boundary opening into Everett Street back alley shall be used for maintenance/emergency access only unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of the occupants of neighbouring properties and highway safety.

8. Large scale details shall be submitted to and approved in writing with the Local Planning Authority for any new boundary treatment including materials for the Masters House. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.

In the interests of the character and appearance of the listed building.

9. Notwithstanding the submitted details prior to the commencement of the development hereby approved details of the timber boarding and gates to the approved refuse/cycle store including method of fixing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.

In the interests of the character and appearance of the listed building.

10. Prior to the commencement of development temporary protective fencing shall be erected within the site at the limit of the crown spread of all retained trees, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the approved details and retained until the completion of the construction works.

In order to ensure the retained trees are protected from accidental damage during construction works.

11. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
12. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
In the interests of visual amenity.

The committee considered written representations in relation to this matter.

The applicant, Mr Whaley, was present at the meeting and addressed the Committee.

Number:	H/2011/0662
Applicant:	Moor Galloway & Co., Gillamoor Mill, Gillamoor, York
Agent:	Napper Architects, 3 Waterloo Square, Newcastle upon Tyne
Date received:	16/01/2012
Development:	Listed Building Consent for residential development comprising conversion of former Jesmond Road School to 38 apartments including conversion of former play shelter to refuse/recycling store and cycle store, provision of parking areas and landscaping including vehicle access from the existing highway, adaption of the existing boundary wall/fence, demolition of existing toilet blocks flanking main entrance and free standing block to northern boundary; removal of the existing canopy to the east elevation. □
Location:	JESMOND ROAD PRIMARY SCHOOL, PERCY STREET, HARTLEPOOL
Decision:	Listed Building Consent Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the existing plan(s) No(s) AD(0)11, AD(0)12, AD(0)13, AD(0)14 AD(0)15 and proposed plan(s) No(s) AD(0)01, AD(0)02 Rev.2, AD(0)03, AD(0)04, AD(0)05, P1831/amr/1 subm.01 P1831/amr/5 subm.01 received by the Local Planning Authority on 20 December 2011 and Plan No AD(0)16 and amended Design and Access statement received by the Local Planning Authority on 16 January 2012, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the details submitted, prior to the commencement of the development hereby approved a method statement for the demolition of the toilet blocks (2) facing Percy Street and the single block facing Everett Street including details of how the remaining fabric of the building and the boundary treatment on Everett Street will be made good shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details approved.
In the interests of the character and appearance of the listed building.
4. No development shall commence until large scale details of how the glazed panels within the proposed flats will be covered including materials to be used and method of fixing on both sides has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.
In the interests of the character and appearance of the listed building.
5. Prior to the commencement of any works in connection with the installation of the new central staircase large scale details of the design including a method statement detailing:
 - 1) the materials to be used;
 - 2) how the opening is to be formed up to the first floor level;
 - 3) how the opening will be made good;
 should be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in accordance with the details so approved.
In the interests of the character and appearance of the listed building.
6. No development shall commence until large scale sections and elevations detailing all new external and internal doors, all new windows and sills, new stairs and mezzanine platform including method of fixing to be installed into the flats have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details

so approved.

In the interests of the character and appearance of the listed building.

7. No development shall commence until a schedule of works is submitted and approved in writing by the Local Planning Authority for the following:

- a) treatment of flooring to flats;
- b) treatment of flooring to communal spaces including hallways and stairs;
- c) wall treatment to flats, hallways and stairs;
- d) treatment of cupboards to hallways, flats and stairs including how they will be utilised;
- e) details of entrance arrangements to flats including method of installation of any intercom equipment;

Thereafter, the approved scheme shall be implemented in accordance with the details so approved.

In the interests of the character and appearance of the listed building.

8. No development shall commence until details of boundary railings and gates, including where possible the cleaning and reusing of existing railings have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in accordance with the details so approved.

In the interests of the character and appearance of the listed building.

9. Notwithstanding the submitted details prior to the commencement of the development hereby approved details of the timber boarding and gates to the approved refuse/cycle store including method of fixing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.

In the interests of the character and appearance of the listed building.

10. Large scale details shall be submitted to and approved in writing with the Local Planning Authority for any new boundary treatment including materials for the Masters House. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.

In the interests of the character and appearance of the listed building.

11. Prior to the development hereby approved being brought into use details of the car parking areas including surface materials and marking of bays shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.

In the interests of the character and appearance of the listed building.

12. No development shall commence until details of ventilation and extraction equipment serving the kitchens and bathrooms shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance

with the details so approved.

In the interests of the character and appearance of the listed building.

13. No development shall commence until a schedule of works for any proposed repairs to the building has been submitted to and approved in writing by the Local Planning Authority. The repairs shall thereafter be undertaken strictly in accordance with the schedule as approved.

In the interests of the character and appearance of the listed building.

The committee considered written representations in relation to this matter.

The applicant, Mr Whaley, was present at the meeting and addressed the Committee.

Number:	H/2011/0650
Applicant:	MR M ASHTON, DALTON PIERCY ROAD, HARTLEPOOL
Agent:	Sean McLean Design, The Studio, 25 St Aidans Crescent, Billingham
Date received:	15/12/2011
Development:	Variation of planning conditions to allow extension of operational period from ten months to twelve months per year
Location:	ASHFIELD CARAVAN PARK, ASHFIELD FARM, DALTON PIERCY ROAD, DALTON PIERCY, HARTLEPOOL
Decision:	Planning Permission Approved

CONDITIONS AND REASONS

1. All trees, plants or shrubs implemented as part of the previously approved landscaping details under condition 4 of H/2006/0333 which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species and thereafter retained for the lifetime of the development, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
2. The caravan and campsite shall be restricted to the part of the site outlined in red on the Location Plan submitted with application

H/2008/0558.

For the avoidance of doubt

3. The site outlined in red on the Location Plan submitted with application H/2008/0558 shall be used as a touring caravan site and camp site only and under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans.

In order to protect the visual amenity of the surrounding area.

4. The touring caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

In order to prevent permanent residential occupation.

5. The licensed clubhouse shall not be used by members of the general public and shall not be used by anyone other than the resident occupants of touring caravans and tents on the site at any particular time and shall be used only for that purpose and no other.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

6. The license clubhouse shall only be open between the hours of 11:00 hours and 23:00 hours Mondays to Saturdays and between 11:00 hours and 22:00 hours on Sundays.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

7. Customers of the licensed clubhouse shall not purchase or consume drink or food or other refreshments anywhere other than within the area of the licensed clubhouse and the extension approved under H/2010/0625 and within the area shown hatched yellow on the plan: Drawing Title: Licenced Areas Ex. & Pr. submitted with application reference H/2010/0625 and no food or drink shall be consumed by customers anywhere else within the building.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

8. None of the land within the site and outside of the area hatched yellow on the plan: Drawing Title: Licenced Areas Ex. & Pr. submitted with application reference H/2010/0625 shall be used as an amenity area or for any form of outside drinking/eating area without the prior written consent of the Local Planning Authority.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

9. No music shall be piped or relayed to the outside from within the existing building or the extension to the clubhouse approved under planning reference H/2010/0625.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

10. The use of the external areas hatched yellow on the plan Drawing Title: Licenced Areas Ex. & Pr. submitted with planning application reference H/2010/0625 for the consumption of drink or food or other refreshments shall cease at 22:00 hours Mondays to Sundays or sunset whichever is

the earliest and the external sliding/folding doors shall be closed and shall not be used (kept closed) after these hours.

In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.

11. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the visual amenity of the area.

12. The drainage and the surface water treatment details approved under planning application H/2006/0333 shall be implemented and retained in working order, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is adequately drained.

The committee considered written representations in relation to this matter.

The applicants, Mr and Mrs Ashton, and their agent, Mr S McLean were present at the meeting and addressed the Committee.

Number:	H/2011/0651
Applicant:	MR S BELL, GREENBANK, STRANTON, HARTLEPOOL
Agent:	SJD Architects, Mr S Dodds, Hampdon House, Falcon Court, Wetland Way, Preston Farm, Stockton on Tees
Date received:	03/01/2012
Development:	Erection of ten dwellings, associated access road, drives and car parking including eight elderly persons bungalows and two wheelchair accessible bungalows
Location:	LAND AT NEWHOLM COURT, HARTLEPOOL
Decision:	Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development to which this permission relates shall be carried out in accordance with the following plans received by the Local Planning Authority
on 03/01/12:
1035-10-003 (Rev C)

the following plans received by the Local Planning Authority on 16/12/11:

1035-10-014 (Rev B)
 1035-10-015 (Rev B)
 1035-10-016 (Rev B)
 1035-10-017 (Rev A)
 1035-10-018 (Rev A)
 1035-10-020 (Rev A)
 1035-10-021 (Rev A)
 1035-10-023 (Rev A)
 1035-10-024 (Rev A)
 1035-10-026 (Rev A)
 1035-10-027 (Rev A)
 1035-10-029 (Rev B)
 1035-10-030 (Rev A)

the following plans received by the Local Planning Authority on 26/3/12:

1035-10-025 (Rev B)
 1035-10-019 (Rev B)
 1035-10-022 (Rev B)

and the following plans received by the Local Planning Authority on 27/3/12: 1035-10-028 (Rev F)
 1035-10-011 (Rev J)

For the avoidance of doubt.

3. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

In the interests of visual amenity.

4. No development shall commence until a detailed drainage scheme, incorporating SuDS measures, for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 'Development and Flood Risk' and complies with Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. In discharging the condition the Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. Namely: Soakaway; Watercourse, and finally; Sewer.

5. Prior to the commencement of development, details of all external finishing materials, including surfacing materials, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

6. Prior to the commencement of development, a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of security.
7. Prior to the commencement of the development hereby approved, a scheme detailing the measures that will be taken to achieve high-energy efficiency and minimise consumption in terms of energy efficiency best practice, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a full formal assessment of the Code of Sustainable Homes. The scheme must be implemented in accordance with the approved scheme and retained as such for the lifetime of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.
In the interests of sustainability.
8. Prior to the erection of the sheds hereby approved, details of the proposed sheds shall be submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.
In the interests of visual amenity.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

The committee considered written representations in relation to this matter.

The applicant's representative, Mr S Dodds, was present at the meeting and addressed the Committee.

Number:	H/2012/0047
Applicant:	HARTLEPOOL NDC TRUST, STOCKTON ROAD, HARTLEPOOL
Agent:	HARTLEPOOL NDC TRUST, MELBOURNE HOTEL, STOCKTON ROAD, HARTLEPOOL
Date received:	17/02/2012
Development:	Alterations to front dividing wall, removal and renewal of wrought iron railings and gates to front

boundary wall and installation of new handrail

Location: MELBOURNE HOTEL, STOCKTON ROAD,
HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. Notwithstanding the submitted plans and details further details of the proposed hand rail and gates shall be submitted to and approved in writing by the Local Planning Authority.
For the avoidance of doubt.

Number: H/2011/0657

Applicant: Ms Rachel Bell, c/o 1B Parker Terrace, Ferryhill

Agent: MATTHEW TROTTER & MILLER, Mr Antony
Richardson, 82 Norton Road , Stockton on Tees

Date received: 09/01/2012

Development: Change of use from residential (C3B) to residential care home (C2), erection of conservatory and 3 linked single storey buildings to provide bedrooms and store room

Location: EDENBROOK, HOLDFORTH ROAD,
HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plan numbered 4325/100 and details received by the Local Planning Authority on 19-12-2011 and amended plan number 4325/1A received on 23-02-2012, unless otherwise agreed in writing by the

Local Planning Authority.

For the avoidance of doubt.

4. The revised car parking area to the front of the site shall be marked out before the use of the property commences. Thereafter the parking area shall be provided and maintained at all times during the lifetime of the development.

In the interests of highway safety.

5. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

Number: H/2012/0083

Applicant: MR S WRIGHT, 30 HUTTON AVENUE,
HARTLEPOOL

Agent: MR S WRIGHT, GOLDEN TONES LTD,
30 HUTTON AVENUE, HARTLEPOOL

Date received: 22/02/2012

Development: Change of use to tanning salon

Location: 139 OXFORD ROAD, HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The premises shall only be open to the public between the hours of 10am and 8pm Mondays to Saturdays and 10am and 6.30pm Sundays.
In the interests of the amenities of the occupants of neighbouring properties.
3. Notwithstanding the submitted details this permission relates to the change of use of the premises to a tanning salon and does not include consent for the car park as shown on the submitted plans.
For the avoidance of doubt.

150. Update on Current Complaints *(Assistant Director, Regeneration and Planning)*

The Committee's attention was drawn to eight current ongoing issues which were being investigated. Any developments would be reported to a future meeting if necessary.

Councillor H Thompson sought further details of issue 2.

Decision

That the report be noted.

151. Appeal by Mrs Pauline Crow Site at Crows Meadow Farm, Dalton Back Lane, Billingham *(Assistant Director, Regeneration and Planning)*

The Planning Services Manager reported that the Planning Inspectorate had issued its decision in respect of a planning appeal in relation to the non determination of an application for the erection of a detached dwelling house at Crows Meadow Farm, Dalton Back Lane (H/2011/0268). The appeal was dealt with through the hearing procedure. The appeal was allowed subject to conditions and an award of costs was made against the Council. A copy of the Inspector's decision was submitted.

The Planning Services Manager reminded Members that this application had been determined by the committee at the meeting on 6 January 2012. The applicant was in the position of being able to choose which of the approvals to progress, though there were some concerns expressed in relation to the terminology included in the inspector's approval.

Decision

That the report be noted.

152. Appeal Ref: APP/H0724a/11/2165280/NWF 110 Whitby Street South, Hartlepool – Change of use of former shop/warehouse into 5 units comprising warehouse with retail (B8), nursery (D1), café and hot food takeaway (A5), storage unit (B8) and recording studio (D1) and alterations to elevations *(Assistant Director, Regeneration and Planning)*

The Planning Services Manager reported that the Planning Inspector had issued its decision in respect of a planning appeal against the refusal of the Local Planning Authority to allow the change of use of former shop/warehouse into five units comprising warehouse with retail (B8), nursery (D1), café and hot food takeaway (A5), storage unit (B8) and recording studio (D1) and alterations to elevations at the former Michael O'Connor's, 110

Whitby Street South, Hartlepool. The appeal had been allowed subject to conditions. A copy of the Inspector's decision was submitted.

Decision

That the report be noted.

153. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

154. New National Planning Policy Framework (*Planning Services Manager*)

The Planning Services Manager informed Members that the government had issued in the past few days, its new National Planning Policy Framework document which replaced all current Planning Policy Guidance. An initial briefing report would be submitted to the next meeting of the Committee and the new framework would be the focus of the Member Training for Planning Committee following the forthcoming election in May. A copy (or link) of the document would be circulated to all Members of the Planning Committee.

Decision

That the report be noted.

155. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs 6 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (para 5) and, Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

Minute 156 – Complaint File to be Closed – 78 Winterbottom Avenue

Minute 157 – Complaint File to be Closed – 72 Annandale Crescent

Minute 159 – Site on Tees Road, Seaton Carew

156. Complaint File to be Closed - 78 Winterbottom

Avenue (*Assistant Director, Regeneration and Planning*) (Paragraphs 5 & 6)

The Planning Services Manager sought member's authority to close and outstanding complaint case.

Decision

That the complaint file be closed and no further action be taken.

157. Complaint File to be Closed – 72 Annandale Crescent

(*Assistant Director, Regeneration and Planning*) (Paragraphs 5 & 6)

The Planning Services Manager sought member's authority to close and outstanding complaint case.

Decision

That the complaint file be closed and no further action be taken.

158. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

159. Site on Tees Road, Seaton Carew (*Planning Services Manager*) (Paragraphs 5 & 6)

The Planning Services Manager updated the Committee on works that were being undertaken to a site on Tees Road, Seaton Carew which it was believed were in contravention to planning policy and approvals.

Decision

That a site visit be undertaken immediately prior to the commencement of the next meeting of the Committee on 27 April 2012.

160. Adoption of Local Development Orders relating to Enterprise Zones (*Planning Services Manager*)

The Planning Services Manager advised Members that the Extraordinary Meeting of Council held on 22 March 2012 approved the adoption of the Local Development Orders for The Port, Queens Meadow and Oakesway subject to power being delegated to the Assistant Director (Regeneration and Planning) to make any final amendments in conjunction with the Chair and Vice Chair of the Planning Committee. The orders would be formally in place for 1 April 2012.

Decision

That the report be noted.

The meeting concluded at 12.45 p.m.

CHAIR

No: 1
Number: H/2010/0679
Applicant: Mr & Mrs J Shadforth Crookfoot Farm Elwick
HARTLEPOOL TS27 3HA
Agent: David Stovell & Millwater Mr David Stovell 5 Brentnall
Centre Brentnall Street MIDDLESBROUGH TS1 5AP
Date valid: 11/02/2011
Development: Erection of dwellinghouse
Location: Crookfoot Farm Coal Lane Elwick HARTLEPOOL

The Application and Site

1.1 The application site is part of an existing agricultural holding located on the western edges of the Borough. The site lies within a Special Landscape Area and some 450m to the south west of the Crookfoot reservoir Site of Nature Conservation Importance. The land is currently in agricultural use and is located to the north east of a complex of agricultural buildings including three large barns which also serve the applicant's holding. The siting allows space for further agricultural buildings to be sited between the existing buildings and the dwellinghouse should they be required in future. To the north and west are fields. To the east is an access track, which is a public right of way, beyond which are agricultural fields. The land is relatively low lying rising generally to the north. Located on higher ground some 420m to the north are two dwellinghouses (Crookfoot View and Crookfoot House) and the applicants existing mobile and associated buildings. (These are subject to a separate application which is also on this agenda H/2011/0196). Some 480m to the east beyond fields is Amerston Hill another dwellinghouse. Some 240m to the south west is Amerston Hall. Access to the site is from the track to the east connecting to Coal Lane. This is a narrow track which serves the above dwellings, as well as a farm at Stodtfold Moor, Primrose Cottage a fire damaged property, as well as the reservoir/water company plant.

1.2 Planning permission is sought for the erection of a permanent dwellinghouse to serve the agricultural holding. This will replace the mobile home located to the north. The proposed dwellinghouse will be located adjacent to agricultural buildings which serve the holding. The dwellinghouse will be two and a half storey and accommodate a living room, dining room, bathroom, office, boot room and double garage at ground floor. Three bedrooms and a bathroom at first floor and an observation area within the roof space. The house will be constructed with a clay pantile roof and brick walls. The proposed dwelling house has been amended during the course of the consideration of the application following concerns in relation to the design and scale of the dwellinghouse.

1.3 In support of the application the applicant has provided a statement and financial details briefly these advise that:

- a) The farm extends to 120ha (300 acres), with 32ha (80acres) in cereal crops, 16 ha (40 acres) in woodland with the remainder 72 ha (180 acres) used for grazing and hay for the livestock enterprise.

- b) The farm currently has 89 head of cattle, including 45 breeding stock and 265 sheep.
- c) The applicant has invested significantly in the farm, in terms of stock and buildings and improvements to the ground conditions and tree planting.
- d) The house is essential to the efficient functioning of the holding and is sited to meet the functional need of the unit and is well related to existing farm buildings.
- e) The house will replace the existing temporary cabins.
- f) It will sit well in the undulating landscape and will not be prominent.
- g) There is a functional need for the dwellinghouse particularly to ensure a worker is on hand day and night to care for animals.
- h) The functional need relates to a full time worker.
- i) The applicant (Mrs Shadforth) is employed as the farm manager, supported by an agricultural contractor.
- j) The operation is financially viable, it has operated for a period in excess of three years, and returned a profit.
- k) The proposed dwellinghouse is commensurate with the requirements of the holding.
- l) There is no alternative existing accommodation.
- m) The design of the dwellinghouse is considered suitable in terms of its scale, massing and materials.

1.4 A legal firm (Wardhadaway) acting on behalf of the applicant has also made representations in support of the application. This representation is attached to the background papers and was received in light of Hartlepool Borough Council's decision to seek independent advice on the need for the dwellinghouse to serve the holding. The writer advises that the Council considered the functional need when the application for the temporary accommodation was considered in 2005 (H/2005/5633). That their client has a legitimate expectation that the Council will respect and be consistent with that decision. That their client has invested considerably in the enterprise and it would be detrimental to the business if the Council were to resile the earlier decision. The writer concludes "Indeed we would argue that this would be an abuse of power on the part of the Authority if the present application were to be refused on the basis of the functional test. We trust therefore that you will proceed very carefully when determining the application bearing in mind our comments and the risk of further action and associated costs applications on behalf of our client".

Related Applications

1.5 H/2011/0679 Retention of mobile home, stable block and container used for agricultural purposes for a temporary period of 3 years. An application to retain the mobile home which currently serves the holding and an unauthorised stable block and container is also before members on this agenda.

Relevant planning history

1.6 H/2009/0235 Erection of a detached dwelling. This application for the erection of a Large dwellinghouse on the site of the existing mobile home was withdrawn in December 2009 after concerns were raised in relation to the size/design of the

proposed dwellinghouse and its location relative to the agricultural buildings serving the holding.

1.7 H/2005/5633 Siting of 2 mobile cabins with central glazed link to form a single dwelling. Approved November 2005. This application for the existing temporary residential accommodation was approved by Committee against officer recommendation. Conditions required the removal of the accommodation and the restoration of the site on or before 31/10/2008 and restricted the occupation of the accommodation to a person(s) currently or last employed in agriculture or forestry in the vicinity and their dependents.

1.8 H/FUL/0145/03 Erection of two log cabins for residential use in connection with agricultural use. This application for the erection of two cabins on the site which is now occupied by the applicant's mobile home was refused on 15 July 2003 for the following reasons:

- a) The proposed development does not conform with Policy Ru8 of the adopted Hartlepool Local Plan (1994) by virtue of the fact that the two residential units are not considered to be essential for the efficient functioning of agricultural, forestry or other countryside activities. In addition to guidance contained in the Local Plan, consideration has also been given to national planning guidance contained in PPG7: The Countryside. The proposal does not conform with the guidance set out in Annex F of this document in terms of the functional need for 24 hour supervision and the lack of evidence supplied relating to alternative accommodation within the area.
- b) The proposed development by virtue of its location would have a detrimental impact on the setting of the open countryside and a site of nature conservation importance. The proposal is therefore in conflict with policies Ru14 and Co17 of the adopted Hartlepool Local Plan (1994).

1.9 The applicant appealed against this refusal and the appeal was dismissed. In her decision letter (**attached**) the Inspector addressed two key issues the justification for the development on agricultural grounds and the effect on the surrounding countryside. In terms of the issue of agricultural justification at that time the enterprise had 200 ewes and whilst cattle were proposed none had been purchased. Similarly plans for lambs and racehorse respite had not been implemented. The Inspector acknowledged that, whilst lambing time would be a demanding time requiring prolonged attendance, for the remainder of the time the animals needs could be tended to as part of the normal working day. The Inspector concluded at that time that it would not be essential for care of the livestock for a worker to be on hand at most times of the day or night. She also raised concerns in relation to the applicant's previous interest in Amerston Hall stating "The Appellant confirms that until October 2003 he was the owner of Amerston Hall, a large house together with a range of outbuildings located close to the south western boundary of the appeal site. Whilst the appellant states that he has sold Amerston Hall and now has no control over the use of the buildings, it seems that no consideration was given to its potential use in relation to the farm holding. To my mind this serves to cast further doubt on the question of the need for a full time presence on the farm". The Inspector advised that in her consideration there was insufficient justification on

agricultural grounds to allow the temporary dwellings. The Inspector noted that the proposed site, given its distance from a recently erected barn, where livestock requiring attention would be located, failed to address the need for which the accommodation was proposed. She also pointed out that the site of the cabins was prominent and that this could only increase as a result of vehicles, storage and other requirements associated with an active farm. She concluded that “the proposal would represent an unacceptable visual intrusion into the open countryside which would have a serious adverse impact on the surrounding landscape.”

Publicity

1.10 The application was originally advertised by neighbour notification, site notice and in the press. One letter of no objection, four letters of objection and three letters of support were received.

The objectors raise the following issues:

- The proposal is contrary to PPS7 and policies Rur 7, Rur 12 and Rur 20 of the Hartlepool Local Plan.
- The financial accounts require clarification. The proposed development is not financially sound as there are discrepancies within the accounts. It is questionable whether the agricultural activity is profit making as the business has required large amounts of capital to be introduced and relies on subsidies. The applicant has therefore failed to satisfy the requirements of PPS7 and the application should be refused.
- The applicant gave up his ownership of Amerston Hall in 2003 with two dwellinghouses which could have provided accommodation for a full time worker. We request the council investigate whether there may be a more suitable location for the dwelling (such as an existing building suitable for conversion) and whether there have been additional properties sold separately from the farm which could indicate the lack of agricultural need.
- It is understood the applicant only moved into the cabins in 2008 indicating there were managing the farm adequately from an alternative location.
- A previous application for temporary accommodation was refused (H/2003/0145) when the Inspector found it not essential for a worker providing care to livestock to be present at most times of the night and day. Unfortunately a subsequent application was approved by members against officer recommendation.
- Question whether the provision of full time care for the animals would be achieved by one dwelling as assistance is required in the form of an agricultural hand and off site help is required in emergency situation. It is understood the off site contractor lives off site, which suggest the farm can be maintained from an off site location and that properties are available for agricultural workers.

- No new evidence has been provided by the applicant to indicate whether there are any vacant properties currently available or properties for sale which could serve the holding.
- Design and massing of the building is not sympathetic, the proposal does not reflect the character of the area and will have a detrimental visual impact on the surrounding area.
- The proposed dwellinghouse appears to be required to meet the managerial requirements of the holding rather than the requirements of a full time worker and so would not require a full time presence on the site.
- The scale of the dwellinghouse is not commensurate with the functional need.
- Materials of the dwellinghouse should be submitted for consideration.
- Permitted development rights for extensions to the dwellinghouse should be removed.
- A legal agreement should be entered into securing the removal of the temporary units and securing the restoration of the land to agricultural use following occupation of the new dwellinghouse.
- A planning agent acting for objectors has advised that their client has instructed his legal advisors to examine the soundness of the planning application, and processes, and to advise on whether there is scope for judicial review if the application is approved.

Those writing in support of the application raise the following issues:

- The applicant's have shown a true commitment turning a rundown tenanted farm into a thriving established farming enterprise.
- The development is supported by central and local government policy and should be supported.
- There are no reasonably defensible objections to the proposal.
- There is no right to a view.
- The planning system exists to protect the public interest not private interests.
- If the applicant is required to live off site, and commute, it is difficult to see how the aims of policies relating to sustainability and climate change could be achieved and this would impose burdens on the business.
- The applicants have invested a great deal enhancing biodiversity on the farm planting tens of thousands of trees and hedges.

- The proposal would provide the applicant with a high quality affordable home in the community they want to live and increase the supply of housing.
- The proposal satisfies the requirements and functional tests for new permanent agricultural dwellings.
- The care of livestock (24/7) and general security require a presence on site.
- It is in everyone's interest for the dwelling to be built and the log cabins to go.

One writer advises that they have no objections, as long as the cabins, steel container and stable block are removed.

Amended plans have been advertised by neighbour notification. The time period for representations has expired. A single letter of objection has been received from an agent representing "Crookfoot residents".

The agent raises the following issues:

- The principle of the development remains contrary to planning policy. The site is in open countryside. The dwellinghouses is not for use by farmworkers. At the time of the application there were other properties on the market which could have provided the accommodation required.
- The site is located in a special landscape area. The design, scale and massing of the proposed building is unacceptable and will have a detrimental impact on the exceptional countryside in this area.
- No details of the proposed materials have been submitted.
- Double Garage unnecessary.
- Proposed agricultural buildings are identified on the plans which have not been the subject of applications, request to be notified of any applications.
- Re-iterates objections to related application for the mobile home and calls for enforcement action. If mobile home is approved ask permission restricted to 12 months and ask that its removal and the restoration of the site is secured through a section 106 agreement.
- The management and maintenance of the access road by the applicant should be secured by a section 106 agreement.
- Request Permitted Development Rights are removed for extensions or the erection of agricultural buildings adjacent to the curtilage, if permission is allowed.

Copy Letters **A**

Consultations

1.11 The following consultation replies have been received:

Tees Archaeology : There are no known archaeological sites in the area indicated. I therefore have no objection to the proposal and have no further comments to make.

Parks & Countryside : I have no objection to this application. There is a public footpath that runs along the approach lane, to the south. Its designation is Public Footpath No.20, Elwick Parish.

It forms part of an important and well used part of the public right of way network and as such should not be obstructed, by any vehicle or materials at any time should the application gain approval and development commence.

If there is need to consider use of this highway during development then I should be contacted and any proposal would then be discussed.

Ramblers Association : If the council is minded to grant permission we ask that the consent be conditioned to the effect that no interference with use of the access road (FP Elwick 20) shall occur. Otherwise we have no comments.

Public Protection : No objection

Engineering Consultancy : With regard to the above application I note that the foul and surface water are proposed to be disposed to septic tank and soakaway respectively. Presumably verification and acceptance of the design of the soakaway and septic tank would be undertaken through the Building Regulations.

Northumbrian Water : No Objections

Traffic & Transportation : There are no highway or traffic concerns

Environment Agency : No objection subject to condition relating to the disposal of foul drainage.

Elwick Parish Council : We have concerns about the development. You may recall that the Parish Council objected to the original development of the lodges, although we recognise that these objections were overturned on appeal. Nevertheless, we have concerns about both the size and scale of the proposed dwelling in an agricultural setting.

However, should you be minded to grant planning permission we ask as a minimum that conditions relating to an agricultural occupancy apply and that steps should be taken to restrict any further development of the premises

We also understand that the local residents are concerned that this house may be the forerunner to further non agricultural development which would be inappropriate in such a rural environment.

Group Accountant : I've had a look through, and the details provided confirm what I suspected in that capital introduced was being used to support capital investment. The letter states that this is funded by the sale of the previous home which does not seem unreasonable. If what the letter states about the terms of the grant funding are correct this seems sustainable. However, it is difficult to be certain about this unless it can be confirmed independently that the grants are guaranteed for the 10 and 15 years stated. On the face of it I would say that the accounts look reasonable and they seem financially sound.

(Comments on 2011 accounts) If their accounts had been prepared on accruals basis (like ours are) then they would have accrued for the grant and their accounts would not have shown a loss. As long as they are due the payments and will continue to be due such payments, the timing of these payments should not affect their viability assuming they can get credit in the short term to manage this.

Hartlepool Water : No comments received.

Planning Policy (Local)

1.12 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity

space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Rur12: States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

Rur20: States that development in this special landscape area will not be permitted unless it is sympathetic to the local rural character in terms of design, size and siting and building materials and it incorporates appropriate planting schemes.

Rur7: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements of agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Planning Considerations

1.13 The main planning considerations are considered to be policy, design/impact on the visual amenity of the area, impact on the amenity of neighbouring residents, drainage and highway safety.

POLICY

1.14 The site lies within open countryside where policies in relation to the provision of new dwellings are restrictive. One exception is to provide accommodation which is essential to the efficient functioning of economically viable agricultural uses.

1.15 The recently published National Planning Policy Framework (2012) advises that policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It advises that amongst other things local plans should promote the development and diversification of agricultural and other land-based rural business (28).

1.16 In relation to the provision of new housing in rural areas the NPPF states "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special

circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside...”(55)

1.17 No additional guidance has been provided to assess how any “essential need” should be assessed however previous advice on assessing need was contained in Annex A of the now superseded guidance PPS7- Sustainable Development in Rural Areas. This guidance is also reflected in the relevant policy of the extant Hartlepool Local Plan (2006) which advises that isolated new dwellings will not be permitted in the open countryside unless it can be demonstrated that:-

- a) THEY ARE ESSENTIAL FOR THE EFFICIENT FUNCTIONING OF AGRICULTURAL, FORESTRY OR OTHER APPROVED OR ESTABLISHED USES IN THE COUNTRYSIDE,
- b) THE ENTERPRISE FOR WHICH THEY ARE REQUIRED IS ECONOMICALLY VIABLE,
- c) THEY ARE OF A SIZE COMMENSURATE WITH THE ESTABLISHED FUNCTIONAL REQUIREMENT,
- d) THE SITING, DESIGN, SCALE AND MATERIALS WILL NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RURAL ENVIRONMENT.

Functional need

1.18 The applicant’s holding extends to some 120ha (300 acres), with 32ha (80acres) in cereal crops, 16 ha (40 acres) in woodland with the remainder 72 ha (180 acres) used for grazing and hay for the livestock enterprise. The farm currently carries a herd of cattle and sheep. The applicant (Mrs Shadforth) states that she is employed full time on the holding and a specialist agricultural contractor is also employed on the farm.

1.19 The applicant advises that the proposed dwellinghouse is essential to the efficient functioning of the holding and is sited to meet its functional needs particularly with regards to the need for a worker to be on hand day and night to care for animals. The proposed house will be located close to the existing farm buildings allowing any occupier to be within sight and sound of any animals requiring care held within the buildings.

1.20 Notwithstanding the comments of the applicant’s solicitor that the functional need was considered in respect to the earlier application for the mobile home in 2005 it is considered that the functional need for the dwellinghouse must fall to be reconsidered given the application is for the permanent dwellinghouse and in light of the current needs of the holding. Given the correspondence from the planning agent acting for objectors, which advised that their client has instructed legal advisors to examine the soundness of the planning application, and processes, and to advise on the case for judicial review should the application be approved, it was considered prudent to seek independent advice in the form of a technical appraisal.

1.21 The functional need and financial case for the dwelling house has therefore been assessed on behalf of Hartlepool Borough Council by an independent surveyor. The surveyor’s report advises that the unit has a labour requirement of 1 standard unit, that there is a clearly established functional need and that the need

relates to a full time worker. The financial case is considered at appendix A which is attached to the pink papers. In terms of whether the functional need could be met by another dwellinghouse, either on the holding or in the area, the report acknowledges that Crookfoot View was at the time available for sale, however the surveyor considers that it is not suitable to meet the need (given its location) and therefore that there is no other suitable dwelling available capable of fulfilling the agricultural need generated by the unit. The report overall concludes “In light of the foregoing I am of the opinion that there is a justified need for a permanent dwelling to serve this holding”.

1.22 Objectors have raised the issue that the applicant manages the unit and employs an agricultural contractor and therefore question whether there is truly a need for the dwellinghouse, as they argue a farm manager could live off site. It is not unusual for farms to employ agricultural contractors and this does not mean itself that there is not a functional need for an employee, manager or other worker, to live on the holding to be on hand day and night for example in case animals require essential care at short notice or to deal with emergencies. The surveyors report considered this issue and concluded “I am aware that comment has been made concerning the use of contractors on this holding. I am informed by Ms Shadforth that she undertakes all of the cultivations required on the holding along with topping and baling, and that contractors are used for combining, spraying spreading fertiliser, and making silage. The provisions of Paragraph 1 of Annex A of Planning Policy Statement 7 made it clear that: “there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.” It is the applicant’s choice – their “personal preference” to use contractors on the holding, but it is the needs of the farming enterprise at Crookfoot Farm that fall to be considered and if it is the applicant’s choice to employ contractors to undertake work on the holding that fact has no impact on the needs of the enterprise”.

1.23 Objectors to the application have also raised concerns that the applicant gave up his “ownership” of Amerston Hall in 2003 which could have provided accommodation for a full time worker to serve the holding. They have requested the council investigate whether there may be a more suitable location for the dwelling (such as an existing building suitable for conversion) and whether there have been additional properties sold separately from the farm which could indicate the lack of need. The applicant has advised that whilst they did have an interest in a company which acquired Amerston Hall in 2002 that interest ended in October 2003 and they have had no financial interest in Amerston Hall since then. The property is being retained as an investment by the current owner, who it is understood is the brother of the applicant. The applicant has confirmed that it is not therefore available as a dwelling to serve Crookfoot Farm.

1.24 This matter was raised when the application for the temporary accommodation (H/2005/5633) was considered and was discussed in the relevant report to the Planning Committee in October 2005. Members nonetheless approved the application, against officer recommendation.

1.25 The applicant has invested considerably in the unit since this decision and has confirmed that he has no financial interest in Amerston Hall. Given that previous decision, the passage of time, and the fact that the applicant no longer has an interest in the property it is considered that it would be difficult now to sustain an argument that the applicant's previous interest in the Amerston Hall property, demonstrated there was not a need for a dwelling house on the holding.

Financial justification

1.26 The site is located in open countryside outside the limits to development. National Guidance (NPPF) and local plan policies in relation to new housing development are restrictive unless, amongst other things, they are essential for the efficient functioning of agricultural, forestry or other approved established uses in the countryside and the enterprise for which they are required is economically viable.

1.27 In support of the application the applicant has provided details of accounts for a number of years. The information submitted indicates that the applicant has made considerable investments in establishing the unit in terms of buildings and machinery. The accounting information indicates that over this period the business has made the following returns 2004 - 2005 (net profit £13,416), 2005-2006 (net profit £20,346), 2006-2007 (net profit £9,499), 2007- 2008 (net profit £36,728), 2008-2009 (net profit £18,206), 2009-2010 (net profit £19,728), and for 2010- 2011 (net loss £10,217). In terms of the loss in 2011 the applicant has explained that this was due to the late payment by the rural payments agency of the applicant's 2010 Single Farm Payment claim. Had this been received the applicant has indicated that the in 2011 the unit would have returned a net profit of some £7,734.93.

1.28 It is considered that whilst returns from the business have been variable over the seven years between 2005 and 2011 the business has been in profit over this period and it is considered that on the basis of the information provided the business does appear to be economically viable.

Conclusion

1.29 It is considered that there is a justified need for a dwellinghouse to serve the holding and that the proposed location of the dwellinghouse adjacent to the existing farm buildings would be suitable to meet this need. In policy terms therefore the proposed dwellinghouse is in principle acceptable. An appropriate planning condition is proposed to control the occupancy of the dwellinghouse. Other relevant detailed planning considerations are discussed below.

DESIGN/IMPACT ON THE VISUAL AMENITY OF THE AREA

1.30 The application site is located in an area designated as a special landscape area within the Hartlepool Local Plan 2006 (Policy Rur 20). In such locations policy advises that development will not be permitted unless it is sympathetic in terms of the design, size and siting and building materials and it incorporates appropriate planting schemes.

1.31 The proposed design of the house has been amended in order to address concerns raised regarding its scale and detailed design. The outcome is a three bedroom two and a half storey house with garaging of a relatively modest scale which incorporates traditional features and will be constructed in traditional materials of brick with a clay pantile roof. The design of the dwellinghouse is considered acceptable. It is also considered commensurate with the needs of the holding. The applicant has asked that landscaping be conditioned and it is considered an appropriate scheme can be achieved.

1.32 The site is located in a relatively low lying area with rising land to the north. It is located in close proximity to the existing farm building on the site, to meet the functional needs of the holding, and it is not considered that the house will be unduly prominent or obtrusive.

1.33 In terms of its design and impact on the visual amenity of the area the proposed dwellinghouse is considered acceptable.

IMPACT ON THE AMENITY OF NEIGHBOURING RESIDENTS

1.34 The house is located well away from any neighbouring residents and it is not considered that the proposal will affect the amenity of residents in terms of loss of light, outlook, privacy or in terms of any overbearing effect.

DRAINAGE

1.35 The site has no mains drainage and foul sewage will be disposed of to a sewage treatment plant with surface water disposed of to Amerston Beck. The Environment Agency and HBC Engineering Consultancy have raised no objections to the proposal. An appropriate condition is proposed.

HIGHWAY SAFETY

1.36 The site is accessed by an existing access road which already serves the holding and several other properties. Traffic & Transportation have raised no objections to the proposal and in highway terms it is considered acceptable.

1.37 A public right of way passes the site along the access track. No objections have been raised by the Ramblers Association or the Countryside Access Officer. It is not anticipated that the development will impact directly on the adjacent public right of way and any issues which might arise will be dealt with under separate legislation. It is proposed to add a relevant informative to any decision notice.

1.38 An objector has requested that the management and maintenance of the access road by the applicant should be subject of a section 106 agreement. The concern here appears to be from farm vehicles relating to the existing use of the land rather than any traffic arising from the dwellinghouse itself. It is considered that the maintenance of the access road is a private legal matter between the relevant parties and the suggested legal agreement is not considered appropriate.

CONCLUSION

1.39 The proposal is considered acceptable and is recommended for approval subject to conditions.

1.40 It is acknowledged that negotiations to reach this stage have been protracted however in terms of design, visual impact and in terms of meeting the functional needs of the holding the proposal now before members is considered to be a significant improvement on previously proposed schemes.

RECOMMENDATION - APPROVE – subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details and plans (Map showing farm boundary 1:10000), received at the Local Planning Authority at the time the application was made valid on 11th February 2011 as amended in respect of the proposed non-mains drainage scheme by the details received at the Local Planning Authority on 21st March 2011, in respect of the proposed plans and elevations by the drawings proposed floor plans (HL/10/001/), proposed elevations (HL/10/001/) received at the Local Planning Authority on 13th May 2011 and as amended in respect of the proposed site layout by the drawing proposed site plan (HL/10/001/003/C) received at the Local Planning Authority on 24th August 2011, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
The site of the proposed dwelling(s) is in an area where the Local Planning Authority considers that new housing should only be allowed in exceptional circumstances where it is essential in the interests of agriculture or forestry.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B or E of Schedule 2 Part 1 or Class A of Schedule 2 Part 2 shall be carried out other than that expressly authorised by this permission.
In order to ensure that the dwellinghouse remains commensurate with the needs of the enterprise and in the in the interests of the visual amenity of the area.
9. The development permitted by this planning permission shall only be carried out in accordance with the non-mains drainage scheme received at the Local Planning Authority on 21st March 2011 showing a package treatment scheme discharging via pipe(s) to the Amerston Beck. The non-mains drainage scheme shall adhere to the following mitigation measures:
 1. No connection to a soakaway or land drainage system, including land drains/ditches.
 2. No siting of the package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply (including the nearby public water supply boreholes).
 3. Any pipeline transferring the discharge from the package treatment plant to the watercourse shall be suitably lined to prevent leakage, particularly where the pipes cross Hartlepool Water's water main.

The proposed development site is located in an area of high environmental sensitivity as it lies in close proximity to one of Hartlepool Water's main public water supply abstractions.

In addition, the route of the proposed pipeline, transferring the treated discharge from the non-mains drainage scheme (package treatment plant) to the adjacent Amerston Beck crosses directly over Hartlepool's water main. As such, we request the inclusion of the above condition to any subsequent planning permission to ensure protection of sensitive and important water resources.

10. This permission relates only to the provision a dwellinghouse and ancillary development. It does not authorise the erection of any agricultural buildings shown as proposed on the approved site plan (Drawing HL/10/001/003/C). For the avoidance of doubt.



Appeal Decision

Hearing held on 14 April 2004

by **Kathleen Woodling BA, MPhil, MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

29 APR 2004

Appeal Ref: APP/H0724/A/03/1125036

Plot 18, Wynyard Estate, Wynyard, Billingham TS22 5NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Shadforth against the decision of Hartlepool Borough Council.
- The application Ref. H/FUL/0145/03 dated 1 March 2003, was refused by notice dated 15 July 2003.
- The development proposed is two temporary log cabins for use by D&J Shadforth for residence, to carry out agricultural work associated with:- mixed arable farming and livestock i.e pedigree cows and sheep, chickens and llamas.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. Prior to the determination of the original application, Plan Shad 2 showing details of the siting and access to the proposed dwellings was withdrawn and minor modifications were made. I have taken these into account in making my decision.
2. The initial proposal identified one agricultural unit with two cabins but plan Shad 5, which divided the holding into two roughly equal portions, was submitted during the period the application was under consideration. At the Hearing, the Appellant contended that the proposal should thus be considered on the basis of two independent, but closely linked, agricultural units. However, the description of development does not specify that more than one unit is proposed and the reports to the Council's Planning Committee indicate the proposal was considered as one unit. Furthermore, the Business Plan gives the legal framework as being a joint partnership and clearly assumes that the enterprise will operate as a single unit. I have therefore determined the appeal on the basis of a proposal for two temporary dwellings in relation to one agricultural unit.
3. At the time of the Hearing, the two cabins had been brought onto the holding but did not appear to be in use.

Main Issues

4. I consider that the two main issues in this appeal are firstly whether there is sufficient justification on agricultural grounds to allow these temporary dwellings and secondly the effect of the proposal on the character and appearance of the surrounding countryside.

Planning Policy

5. The development plan includes the Hartlepool Local Plan 1994. Policy Ru8 states that new housing will not normally be permitted in the open countryside unless it is essential for the efficient functioning of agricultural activities and the siting will not be significantly

Appeal Decision APP/H0724/A/03/1125036

detrimental to the rural environment. The appeal site lies within the Crookfoot Reservoir Special Landscape Area (SLA) and adjacent to the Crookfoot Reservoir site of nature conservation importance (SNCI). Under policy Ru14, development in an SLA will not normally be permitted unless it is sympathetic to the local rural character. In addition, policy Co17 states that proposals for developments likely to have a significant detrimental effect on an SNCI will not normally be permitted.

6. The provisions of these policies have largely been carried forward into the Hartlepool Local Plan Deposit 2001. However, given that this is still at a relatively early stage of preparation, I have attached little weight to the emerging policies in accordance with the advice in paragraph 48 of Planning Policy Guidance note 1: *General Policy and Principles*.
7. Planning Policy Guidance note 7: *The Countryside – Environmental Quality and Economic and Social Development* (PPG7) advises that isolated new houses in the countryside require special justification. Annex I sets out several criteria in relation to the assessment of proposals for new agricultural dwellings.

Reasons

8. The appeal site is some 120ha in size and consists mainly of open fields together with some areas of woodland. The Business Plan identifies seven products and services for the enterprise: lambs, cattle, llama, combinable crops, environmental conservation, woodland and a respite care facility for race horses.

Issue 1 - Justification on agricultural grounds

9. At the Hearing, it was confirmed that the dwellings were required on the basis of the need to provide essential care for livestock. Although the Business Plan is based on 150 breeding ewes and 35 suckler cows, the farm presently has some 200 ewes. The cattle have not yet been purchased but the herd could amount to 75 breeding cattle. Care of the sheep is carried out by the Appellant and it is intended that his son, Mr K Shadforth, will be responsible for care of the cattle.
10. The animals would require particular attention during the period from about March to June in order to deal with emergencies arising from lambing or calving. I recognise that this could be an extremely demanding time, requiring extended periods of attendance from one or both men. However, for the remainder of the year the animals' needs would be those of regular feeding and tending which could be carried out as part of a normal working day. There are also plans to provide respite care for up to 10 race horses but the Appellant confirmed that he would provide only general supervision and would not bear the main responsibility for their care. In addition it is intended to breed llamas but on the information put forward at the Hearing this would appear to be as a hobby rather than as part of the business. On the evidence before me therefore, I consider that it would not be essential for care of the livestock for a worker to be on hand at most times of the day and night.
11. I note that there were particular security concerns related to the two public footpaths which cross the land and the incomplete field boundaries on the unit. However, these factors do not, in my opinion, represent such an additional level of need as to justify a worker to be readily available at most times.
12. Furthermore, PPG 7 advises that the recent sale of dwellings or buildings suitable for conversion could constitute evidence of lack of agricultural need. The Appellant confirms

Appeal Decision APP/H0724/A/03/1125036

that until October 2003 he was the owner of Amerston Hall, a large house together with a range of outbuildings located close to the south western boundary of the appeal site. Whilst the Appellant states that he has sold Amerston Hall and now has no control over the use of the buildings, it seems that no consideration was given to its potential use in relation to the farm holding. To my mind, this serves to cast further doubt on the question of the need for a full time presence on the farm.

13. Paragraph 14 of Annex I sets out a number of other criteria with regard to the assessment of temporary agricultural dwellings. However, since I have found that a functional requirement has not been established, it is not necessary to consider these matters.
14. On my first issue therefore, I conclude that there is insufficient justification on agricultural grounds to allow these temporary dwellings. As such, the proposal would fail to satisfy the requirements of Local Plan policy Ru8 and PPG 7.

Issue 2 - effect on the surrounding countryside

15. The appeal site lies within a Special Landscape Area. The surrounding countryside is gently undulating and is characterised by open fields and areas of woodland, particularly along watercourses. There are sporadic groups of buildings, mainly relating to agriculture but there are also some related to the presence of the nearby reservoir.
16. The land which comprises the agricultural unit generally falls away to the south. The two cabins have been sited at the northern edge of the holding, at the highest point and to the side of an open field. I note that their location reflects considerations relating to the operation of the holding, the need for security and the cost of providing connections to utility services. However, the intended location for livestock in need of attention is a recently constructed barn situated near Amerston Hall. The location thus appears to fail to address the basis on which the accommodation has been proposed.
17. Although the proposal is for temporary dwellings, PPG 7 advises that these should not be permitted in locations where a permanent dwelling would not be permitted. At present, the cabins form an intrusive feature in the surrounding open landscape. Their prominence could be expected to increase as a result of vehicles, storage and other requirements associated with an active farm. Although landscaping might provide longer term screening in views from the north, any dwellings would continue to be clearly visible from other directions, particularly the public footpaths, due to the stated need to maintain views across the holding.
18. I am not aware of the circumstances under which alterations to the nearby Crookfoot Cottages were permitted but these works did not appear to be directly comparable to the appeal proposal which I have considered on its own merits. On my second issue, I conclude that the proposal would represent an unacceptable intrusion into the open countryside which would have a serious adverse impact on the surrounding landscape. It would thereby be contrary to policy Ru14 of the Local Plan.

Other Matters

19. The Council also argued that the proposal would adversely affect the SNCI based on the adjacent Crookfoot Reservoir. However, this was not supported by any evidence as to the nature conservation value of the site or the manner in which it could be affected by the appeal proposal.
-

Appeal Decision APP/H0724/A/03/1125036

Conclusions

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

21. I dismiss the appeal.

Information

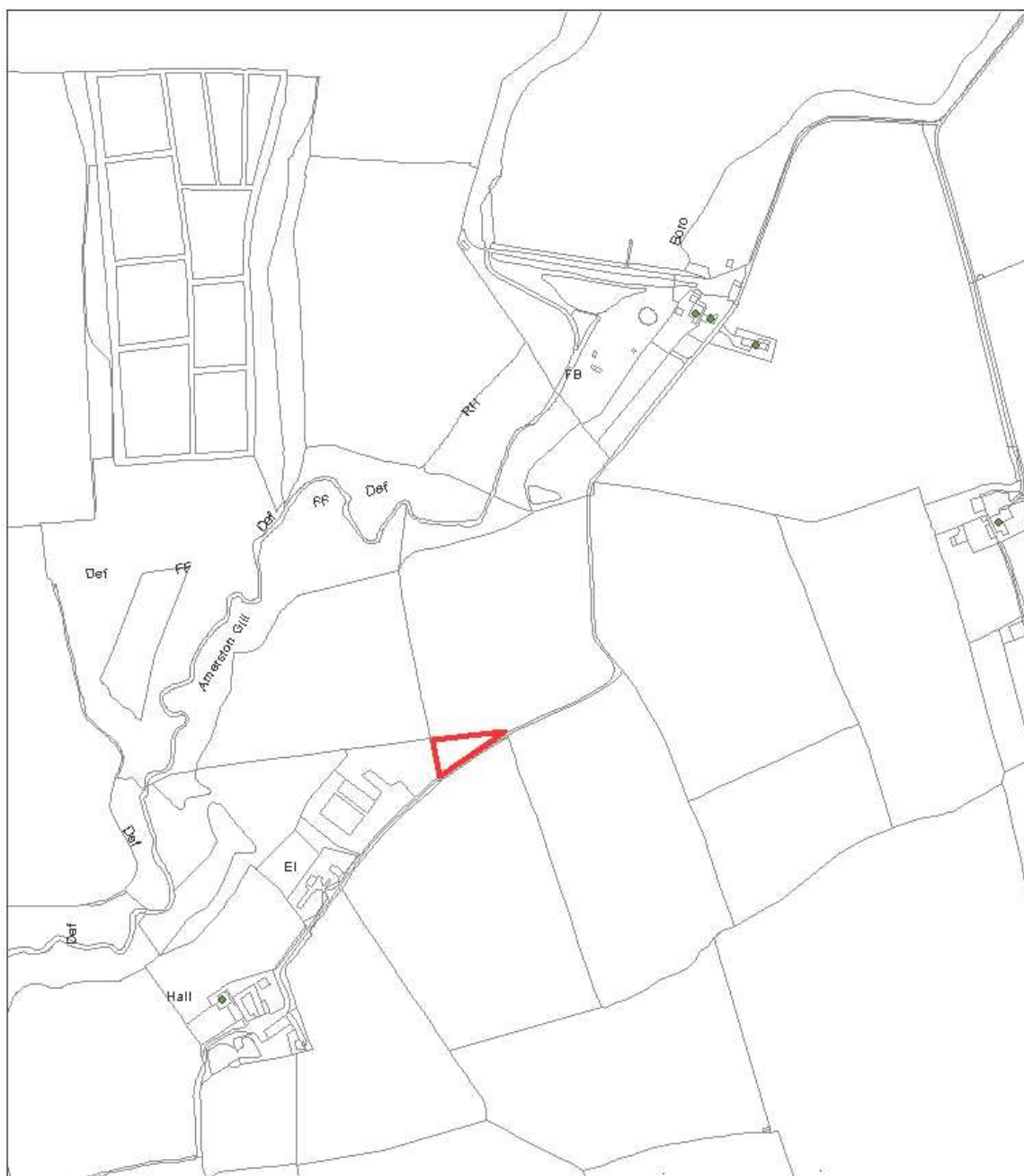
22. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



Inspector



CROOKFOOT FARM



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:5000

Date : 16/4/12

Drg No: H/2010/0679

Drawn: GS

No: 2
Number: H/2011/0196
Applicant: Mrs Diane Shadforth Crookfoot Farm Elwick Hartlepool
 County Durham TS27 3HA
Agent: Mrs Diane Shadforth Crookfoot Farm Elwick Hartlepool
 TS27 3HA
Date valid: 02/06/2011
Development: Retention of mobile home, stable block and container
 used for agricultural purposes for a temporary period of 3
 years (original approval H/2005/5633)
Location: CROOKFOOT FARM COAL LANE ELWICK
 HARTLEPOOL

The Application and Site

2.1 The application site is located in the rural area to the west of Hartlepool. It lies within a Special Landscape Area and close to the south eastern corner of Crookfoot Reservoir which is a Site of Nature Conservation Importance. It is occupied by a mobile home for which temporary approval was obtained in November 2005 (H/2005/5633), a small stable block and a small steel container. The temporary planning permission for the mobile home has expired and permission has not previously been granted for the other buildings/structures on site. The site is located in an elevated position on a rise with agricultural fields to the north and east. It forms part of an agricultural holding. The farm buildings associated with the holding are located some 570m (as the crow flies) to the South West at the bottom of the rise. To the west is an access track beyond which are a pair of dwellinghouses Crook Foot House and Crookfoot View which are gable ended onto the site. The track also serves a farm at Stodtfold Moor and other residential properties at Amerston Hill, Amerston Hall, Primrose Cottage (a fire damaged property) as well as the reservoir and water company plant. A public footpath crosses fields to the south of the site before joining the access track.

2.2 Planning permission is sought for the retention of the mobile home and the stable block and container. Initially the applicant sought permission to retain these buildings/structures for a three year period but has confirmed that an eighteen month period would be satisfactory.

2.3 In support of the application the applicant has provided a statement and financial details briefly these advise that:

- n) The farm extends to 120ha (300 acres), with 32ha (80acres) in cereal crops, 16 ha (40 acres) in woodland with the remainder 72ha (180 acres) used for grazing and hay for the livestock enterprise.
- o) The farm currently has 89 head of cattle, including 45 breeding stock and 265 sheep.
- p) The temporary permission for the accommodation has expired and the application for a permanent dwelling house has taken longer than expected.

- q) The mobile home is in the same location as given approval in 2005.
- r) The applicant has invested significantly in the farm, in terms of stock and buildings and improvements to the ground conditions.
- s) There is an essential need for an agricultural worker to be on site and readily available at most times particularly to provide care for livestock. In approving the original application the Council accepted the enterprise satisfied the functional test.
- t) The functional need relates to a full time worker.
- u) The applicant is employed as the farm manager supported by an agricultural contractor
- v) The unit has been established for in excess of three years is stable, well established and financially sound.
- w) The proposed dwellinghouse is commensurate with the size of the holding.
- x) There is no alternative existing accommodation.
- y) The mobile home is essential for the efficient functioning of the Farm.

Related applications

2.4 H/2010/0679 Erection of dwellinghouse. An application for a permanent dwellinghouse, on a different site close to the agricultural buildings, to replace the mobile home is also before members on this agenda.

Relevant planning history

2.5 H/2009/0235 Erection of a detached dwelling. This application for the erection of a dwellinghouse on the site of the existing mobile home was withdrawn in December 2009 after concerns were raised in relation to the size/design of the proposed dwellinghouse and its location relative to the agricultural buildings serving the holding.

2.6 H/2005/5633 Siting of 2 mobile cabins with central glazed link to form a single dwelling. Approved November 2005. This application for the existing temporary residential accommodation was approved by Committee against officer recommendation. Conditions require the removal of the accommodation and the restoration of the site on or before 31/10/2008 and restricted the occupation of the accommodation to a person(s) currently or last employed in agriculture or forestry in the vicinity and their dependents.

2.7 H/FUL/0145/03 Erection of two log cabins for residential use in connection with agricultural use. This application for the erection of two cabins on the site which is now occupied by the mobile home was refused on 15 July 2003 for the following reasons:

- a) The proposed development does not conform with Policy Ru8 of the adopted Hartlepool Local Plan (1994) by virtue of the fact that the two residential units are not considered to be essential for the efficient functioning of agricultural, forestry or other countryside activities. In addition to guidance contained in the Local Plan, consideration has also been given to national planning guidance contained in PPG7: The Countryside. The proposal does not conform with the guidance set out in Annex F of this document in terms of the

functional need for 24 hour supervision and the lack of evidence supplied relating to alternative accommodation within the area.

- b) The proposed development by virtue of its location would have a detrimental impact on the setting of the open countryside and a site of nature conservation importance. The proposal is therefore in conflict with policies Ru14 and Co17 of the adopted Hartlepool Local Plan (1 994).

2.8 The applicant appealed against this refusal and the appeal was dismissed. In her decision letter (attached to related application H/2010/0679) the Inspector addressed two key issues the justification for the development on agricultural grounds and the effect on the surrounding countryside. In terms of the issue of agricultural justification at that time the enterprise had 200 ewes and whilst cattle were proposed none had been purchased. Similarly plans for lambs and racehorse respite had not been implemented. The Inspector acknowledged that, whilst lambing time would be a demanding time requiring prolonged attendance, for the remainder of the time the animals needs could be tended to as part of the normal working day. The Inspector concluded that it would not be essential for care of the livestock for a worker to be on hand at most times of the day or night. She also raised concerns in relation to the applicant's previous interest in Amerston Hall stating "The Appellant confirms that until October 2003 he was the owner of Amerston Hall, a large house together with a range of outbuildings located close to the south western boundary of the appeal site. Whilst the appellant states that he has sold Amerston Hall and now has no control over the use of the buildings, it seems that no consideration was given to its potential use in relation to the farm holding. To my mind this serves to cast further doubt on the question of the need for a full time presence on the farm". The Inspector advised that in her consideration there was insufficient justification on agricultural grounds to allow the temporary dwellings. The Inspector noted that the proposed site, given its distance from a recently erected barn, where livestock requiring attention would be located, failed to address the need for which the accommodation was proposed. She also pointed out that the site of the cabins was prominent and that this could only increase as a result of vehicles, storage and other requirements associated with an active farm. She concluded that "the proposal would represent an unacceptable visual intrusion into the open countryside which would have a serious adverse impact on the surrounding landscape."

Publicity

2.9 The application was originally advertised by neighbour notification, site notice and in the press. The time period for representations has expired. Four letters of objection have been received. Including three from an agent representing residents.

The objectors raise the following issues.

- The stable block and container have never had permission, they should be removed from the application and an enforcement notice served to secure their removal.

- The applicant has had sufficient time to obtain permission for a permanent dwellinghouse. The application should be treated as an application for permanent occupation.
- An additional three year extension is excessive if approved 18months would be more suitable. (A later letter suggest only 12 months).
- The council should take enforcement action if the application is refused.
- The accommodation was granted as a temporary measure for a temporary period, the applicant has not subsequently obtained permission for a permanent dwellinghouse, therefore there is no need for a temporary or permanent dwellinghouse.
- The original temporary permission has expired. Successive temporary approvals would be contrary to policy (PPS7).
- There is no justification or requirement for 24 hour accommodation.
- Questions the labour requirements of the unit.
- The applicant is supported by an Agricultural Contractor. The objector suggests that he is used more than has been indicated. He lives off site suggesting that the farm could be managed from off site accommodation.
- There are houses available close to the temporary accommodation, and in the area that could meet the farms needs.
- Asks for additional information to demonstrate the economic stability of the holding.
- A previous application was refused.
- In light of the applicant's previous interest in Amerston Hall the Local Planning Authority should investigate the history of the holding to establish the recent pattern of use of land and buildings to ensure there has been no abuse of the system.
- The development is in a prominent location and has a detrimental impact on the visual amenity of the area. If permission is granted the units should be re-sited.
- If permission is granted a section 106 agreement should be completed securing the removal of the temporary units within 12 months of the commencement of works on the permanent

dwellinghouse and to secure a contribution towards the upkeep of the access.

- The original permission was granted before the farm buildings were erected the temporary buildings should be relocated close to them to allow for stock care.
- The financial accounts require clarification. The proposed development is not financially sound as there are discrepancies within the accounts. It is questionable whether the agricultural activity is profit making as the business has required large amounts of capital to be introduced and relies on subsidies. The applicant has therefore failed to satisfy the requirements of PPS7 and the application should be refused.

Copy Letters **B**

Consultations

2.10 The following consultation replies have been received:

Public Protection : No objection

The Ramblers Association : No comments

Ecologist : No objection

Parks & Countryside : No objection

Tees Archaeology : The proposal will not effect archaeological deposits. I therefore have no objections and have no further comments to make.

Elwick Parish Council : Elwick Parish Council Planning Group are aware that there were issues around the original planning permission, which it is believed was given as a temporary measure only. Members are aware that many local people are concerned about the extension. Cllr. Hutchinson declared an interest and was not therefore party to the following response:

'We have no objection to the extension, but believe that it should be time limited to when the permanent planning permission issues are resolved.'

Northumbrian Water : No objections

Traffic & Transportation : No objections

Environment Agency : No objections.

Planning Policy

2.11 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

Rur1: States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Rur12: States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

Rur20: States that development in this special landscape area will not be permitted unless it is sympathetic to the local rural character in terms of design, size and siting and building materials and it incorporates appropriate planting schemes.

Rur7: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements of agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Planning Considerations

2.12 The main planning considerations are policy, and impact on the visual amenity of the area and impact on the amenity of neighbours.

Policy

2.13 The site lies within open countryside where policies in relation to the provision of new dwellings are restrictive. One exception is to provide accommodation which is essential to the efficient functioning of economically viable agricultural uses.

2.14 The mobile home was originally approved in 2005 to serve the agricultural holding. The relevant national and local policy is set out in the related report also on this agenda (H/2010/0679) which deals with a proposal for a permanent dwellinghouse which will replace the mobile home though not on the current site.

2.15 The report concludes that there is a justified need for a dwelling house to serve the business and that it appears economically viable.

Impact on the visual amenity of the area

2.16 The site is prominently located and it remains the Officer view that it is not a suitable location for a dwellinghouse to serve the holding. However the mobile home, stable block and container are present on site and a further 18 month temporary permission only is sought.

Impact on the amenity of neighbours

2.17 The residential accommodation is sited well away from the closest neighbours located to the west and it is not considered that it has any significant impact on the neighbours in terms of loss of light, privacy, outlook or in terms of any issues relating to dominance.

2.18 The stable block and container are closer to the neighbours however they are still separated by the access track and are single storey structures. Again it is not considered that they have any significant impact on the neighbours in terms of loss of light, privacy, outlook or in terms of any issues relating to dominance. The stable structure is used to house a small number of animals however it is not considered its use would adversely affect the amenity of the neighbours and no objections have been received from the Head of Public Protection in this respect.

Other matters

2.19 It is acknowledged that the original permission for the temporary accommodation expired some time ago and this has been a cause of considerable concern for objectors. The applicant was originally reminded of this in a letter of October 2008 and repeatedly in subsequent correspondence. Unfortunately an application to renew the temporary permission was not received until the middle of 2011.

2.20 It is evident that the situation has been complicated by the fact that negotiations in relation to the provision of a permanent dwellinghouse, to replace the temporary accommodation, have been extremely protracted and have been ongoing for much of this period. (An application was submitted in 2009 for a large house on the site of the mobile home, but was withdrawn when concerns were expressed particularly in relation to the siting and design of the house). Whilst negotiations have been difficult

and protracted ultimately they have resulted in the applicant bringing forward a proposal for a dwellinghouse of an appropriate design in an appropriate location which officer's have been able to support. The need to seek specialist advice given the detailed concerns raised by the objectors, and the various threats of legal challenge, have also not assisted matters in terms of expediency.

2.21 In practice whilst objectors have pressed for enforcement action to secure the removal of the temporary accommodation, stable block and container it is considered such an approach would have been difficult to sustain in light of the previous approval, the ongoing negotiations in relation to the provision of a permanent dwellinghouse, in light of the fact that their appeared to be a prima facie case supporting the need for a dwellinghouse on the holding and the applicant's obvious investment in the unit, and the potential impact such a course of action would have had on the business and animal welfare.

Conclusion

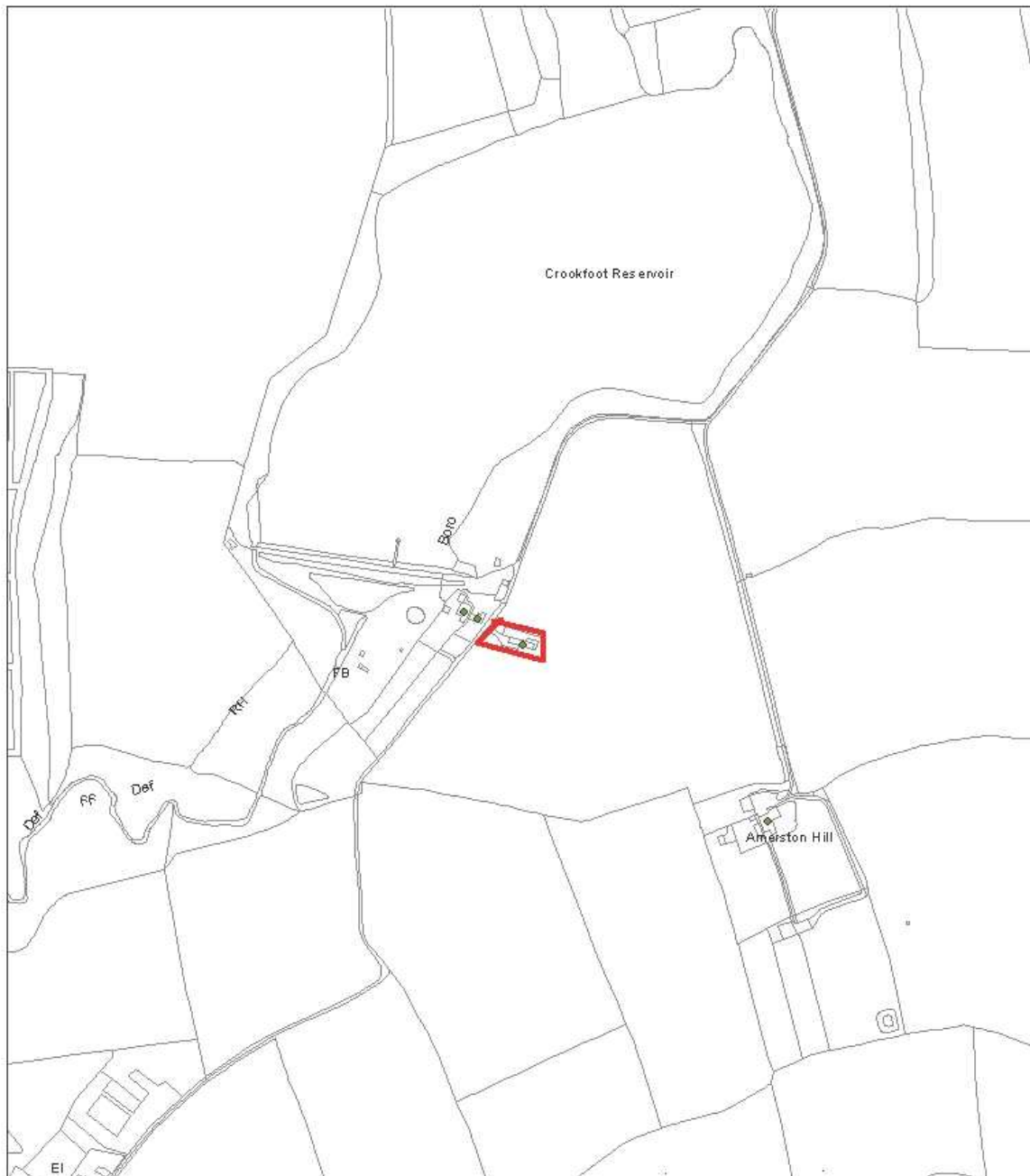
2.22 The mobile home in its current location was originally approved by Committee in 2005 against Officer recommendation. It remains the Officer view that the mobile home is in an appropriate location both in terms of its ability to support the functional needs of the farm and in terms of its impact on the visual amenity of the area. It is some 570m away from the buildings which serve the holding, where one would expect livestock requiring attention to be kept, and it is prominent in the landscape. However, notwithstanding these concerns the mobile home is on site and the applicant is seeking a further temporary permission of eighteen months to allow for the building of the permanent dwellinghouse should the related application also be approved by members. The permanent dwellinghouse will be located in a much less prominent location close to the holdings agricultural buildings where it will more conveniently meet the functional needs of the unit particularly the need to be on hand when animals are in need of care. The concerns of the objectors are acknowledged however in the circumstances, it is considered that a further temporary permission of 18 months only, to allow the applicant to complete the permanent dwellinghouse on the other site would be acceptable. A similar view is taken in relation to the retention of the small stable block and container.

RECOMMENDATION – APPROVE subject to the following condition

1. The mobile home, stable block, and container, including any ancillary structures (including sewage/sewage treatment plant) and hardstandings, shall be removed from the site and the land restored to agricultural use in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority within 18 months of the date of this decision notice.
The buildings/structures are not considered suitable for permanent retention on the site and to ensure the site is restored in an appropriate manner and returned to an appropriate use.



CROOKFOOT FARM



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:5000

Date : 16/4/12

Drg No: H/2011/0196

Drawn: GS

PLANNING COMMITTEE

27 April 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

- 1 Officer monitoring recorded a takeaway establishment on Owton Manor Lane opening on Sundays contrary to an opening hour's condition linked to the planning consent.
- 2 Anonymous complaint regarding the running of a vehicle repair business from a residential property in Deerpool Close.
- 3 Officer monitoring recorded the positioning of two portakabins within a football club's car park on Clarence Road, for use as training rooms.
- 4 A neighbour complaint regarding the storage of unoccupied caravans, crash damaged vehicles and tipping of business waste on an industrial site on Usworth Road.
- 5 Officer monitoring recorded two separate housing developers advertisement signs currently displayed on A179 Hart Lane.
- 6 Officer monitoring recorded a property subdivided with planning consent into two now reverted back to one property in Catherine Street.
- 7 Anonymous complaint regarding the display of an advertisement banner on roadside railings at the Truro Drive/Catcote Road junction. The complaint has been redirected to the Highways Division for attention and action.
- 8 Officer monitoring recorded the display of an advertisement banner on roadside railings at Villiers Street. The complaint has been redirected to the Highways Division for attention and action.

- 9 A neighbour complaint regarding the untidy condition of land linked to an advertisement hoarding on Grange Road/Tankerville Street junction.
- 10 Anonymous complaint regarding the installation of UPVC windows and doors to rear of a Bed & Breakfast establishment in Church Street, Seaton Carew. The property is located in the Seaton Carew Conservation Area.
- 11 A neighbour complaint regarding the construction of an extension determined to be 'permitted development' under the provisions of a recent informal enquiry at a property on South Drive and that the extension is not being built in accordance with the plans assessed.
- 12 Officer monitoring recorded an advertisement banner fixed to steel palisade perimeter fence securing a vacant site on the Brenda Road/Belle Vue Way Roundabout, has been investigated. The Company responsible for the advertisement banner has taken the banner down by negotiation.
- 13 A neighbour complaint regarding the erection of a rear party fence between properties on Clifton Avenue.
- 14 Neighbour complaints regarding the untidy condition of vacant land on Clarence Road.
- 15 Anonymous complaint regarding the installation of roller shutter doors to a commercial property on Dalton Street.
- 16 A neighbour complaint regarding the erection of an agricultural building located on Benknowle Lane, Elwick, not carried out in accordance with the submitted details.
- 17 Officer monitoring recorded the erection of a dormer to the rear of a property on Miller Crescent.
- 18 Officer monitoring recorded an untidy property and overgrown gardens on Inchcape Road.
- 19 A neighbour complaint regarding an unsightly unfinished detached property on Worset lane.
- 20 A neighbour complaint regarding raising garden levels at a property on Kielder Road.
- 21 A neighbour complaint regarding scaffold erected to the front of a property on Stockton Road. The scaffold has been in place for a prolonged time without any work undertaken to the property.
- 22 A neighbour complaint regarding the erection of a large shed in the rear garden of a property on Allerton Close.

- 23 A neighbour complaint regarding the erection of 1.8 metre (6ft) high fence to the front of a property on Lanark Road.
- 24 An anonymous complaint regarding the erection of a detached garage to the side of a property on Kinterbury Close.
- 25 A neighbour complaint regarding the installation of UPVC bay window to the front of a property on Grange Road. The property lies within the Grange Conservation area and affected by Article 4 Direction.
- 26 A neighbour complaint regarding the sale of poultry feed from a residential property on Blakelock Road.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

27 April 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL AT 16 HUTTON AVENUE HARTLEPOOL
(APP/H0724/A/12/2173439/NWF)
ALTERATIONS AND CHANGE OF USE FROM
NURSING HOME TO 28 NO BED STUDENTS
ACCOMMODATION (HALL OF RESIDENCE) (C1
USE) INCLUDING ALTERATIONS TO WINDOWS,
DOORS AND ROOF LIGHTS (H/2011/0598)

1. PURPOSE OF REPORT

- 1.1 To notify members of the appeal against the councils refusal of planning permission for the above development and to seek authority for officers to contest the appeal.

2 THE APPEAL

- 2.1 Members refused permission at Planning Committee on 3 February 2012, against officer recommendation.

- 2.2 The application was refused for the following reasons:

1. It is considered by the Local Planning Authority that the proposed student accommodation would have an adverse effect on the character of the Grange Conservation Area contrary to policies GEP1 and HE1 of the adopted Hartlepool Local Plan 2006.
2. It is considered by the Local Planning Authority that the proposed student accommodation would have an adverse effect on the amenities of the neighbouring residential properties by virtue of noise and disturbance contrary to Policy GEP1 of the adopted Hartlepool Local Plan 2006.
3. It is considered by the Local Planning Authority that adequate on site parking facilities cannot be provided and that parking by the occupants of the proposed student accommodation and/or any visitors would of necessity have to take place on the road, away from the application site to the detriment of highway safety and the amenities of the occupiers of housing in this predominantly residential area, contrary to policy GEP1

of the adopted Hartlepool Local Plan 2006.

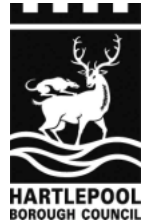
2.3 The appeal is to be decided by the written representation procedure.

3 RECOMMENDATION

3.1 That authority be given to officers to contest the appeal.

PLANNING COMMITTEE

27th April 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON RECENT PLANNING GUIDANCE CHANGES – NATIONAL PLANNING POLICY FRAMEWORK

1. PURPOSE OF THE REPORT

- 1.2 To provide Members with an update on recent changes to planning guidance in terms of the publication of the National Planning Policy Framework (NPPF) and associated documents.

2. BACKGROUND

- 2.1 The National Planning Policy Framework, published on 27th March 2012, proposes to dramatically simplify the planning system. Last year, the Government announced its intention to simplify the planning system by creating a single document encompassing all planning guidance. It was felt that existing guidance of over 1,000 pages in total was causing delay and uncertainty in the planning process.
- 2.2 The policies in the document take immediate effect although a period of 12 months is given for local planning authorities to revise Development Plans which may not be in accordance with the NPPF.
- 2.3 The NPPF replaces 44 pieces of Government advice condensing 12 Planning Policy Statements, 9 Planning Policy Guidance Notes, 2 Circulars, 9 Mineral Planning Guidance Notes, and 12 Letters to the Chief Planning Officers into 59 pages. This clearly will simplify the planning system, although it is argued by some that such a simplification will leave voids and queries. It should be noted many Circulars and other advice will remain material planning considerations, as they have not been revoked.
- 2.4 As Members are aware planning law required that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, this has not altered. Nor does the NPPF alter the statutory status of the development plan as the starting point for decision making.

Essentially proposed development that accords with an up-to-date Local Plan should in principle be approved and development which conflicts with the Local Plan should be refused.

- 2.5 The document does highlight that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Members will be aware that we are anticipating that Hartlepool's Core Strategy will go to an Examination in Public later this year with a view to adopt it shortly after.
- 2.6 The NPPF focuses on a presumption in favour of "sustainable development" which is at the heart of the document. Given no legal definition of sustainable development is provided, it is likely appeals and court cases will determine what exactly sustainable development is. Despite this, the presumption in favour of sustainable development seems to indicate there has never been a more opportune time to promote development providing it can be demonstrated it is sustainable. Opponents of the NPPF argue such a policy will give the green light to inappropriate development in inappropriate locations, especially when Development Plans are silent, indeterminate or out of date.
- 2.7 Notably the first section of the NPPF deals with building a strong, competitive economy, and this sets the Government's pro economic growth stance. There are significant pro business policies, such as taking account of whether a business is expanding or contracting, planning for emerging sectors, and allowing for a rapid response to a change in economic circumstances. The NPPF states that LPAs should avoid the long term protection of employment sites where there is no reasonable prospect of the site being used for industrial/business use. Where employment use is not a reasonable prospect alternative uses should be entertained if they are sustainable development. This could mean that Hartlepool could see non industrial/business development on employment sites.
- 2.8 The NPPF continues to promote a town centre first policy, retaining the sequential and impact test, albeit considerably scaled down.
- 2.9 The NPPF also supports the rural economy, and in particular the sustainable growth and expansion of all types of business enterprises in rural areas, through both the conversion of existing buildings and well designed new buildings. The document continues to promote the development and diversification of agricultural and other land based rural business, including tourism, and the promotion of local services and community facilities.
- 2.10 With regard to residential development, LPAs are encouraged to boost significantly the supply of housing land and should identify a 5 year deliverable supply of housing, together with an additional 5% each year moved forward from later in the plan period. If the LPA has a record of persistent under delivery of housing they are required to add on an

additional 20%; again moved from later in the plan period. If an LPA cannot demonstrate a 5 year supply of deliverable sites for housing, they can no longer rely on existing housing sites and would have to consider favourably new applications on sites that are identified as sustainable development. With regard to housing densities, the LPA can set out their own approach to density to reflect local circumstances.

- 2.11 New housing development in the countryside should only be considered appropriate for rural workers, or where conversion would save a heritage asset, or where conversion of a redundant building would enhance the immediate setting or any new dwelling is of exceptional quality and innovative in nature. This presents a relaxation in the strict criteria that governed new dwellings in the countryside.
- 2.12 Other key headings in the document include promoting sustainable transport; supporting high quality communications infrastructure; requiring good design; promoting health communities; protecting green belt land (Hartlepool does not have any green belt land); meeting the challenges of climate change; flooding and coastal change; conserving and enhancing the historic and natural environment (which includes encouraging the effective use of land by re-using land that has been previously developed (brownfield land) that is not of high environmental value); and facilitating the sustainable use of minerals.
- 2.13 As the NPPF is only 59 pages a paper entitled 'Technical Guidance to the National Planning Policy Framework' was published on the same day which provides additional guidance to local planning authorities to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework on development in areas at risk of flooding and in relation to mineral extraction. This guidance retains key elements of Planning Policy Statement 25 (Development and Flood Risk) and of the minerals policy statements and minerals planning guidance notes (totalling 9 mineral documents) which are considered necessary and helpful in relation to these policy areas. The retention of this guidance is an interim measure pending a wider review of guidance to support planning policy.
- 2.14 Prior to the publication of the NPPF a document entitled 'Planning policy for traveller site' was published on the 23rd March 2012 which requires Local planning authorities to set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. The Planning Services Team is currently assessing the implications of this document in relation to the emerging Core Strategy.

3 RECOMMENDATIONS

- 3.1 That Members note the report

4 BACKGROUND PAPERS

- National Planning Policy Framework published on the 27th March 2012 and can be viewed on the Communities and Local Government website:
<http://communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>
- Technical Guidance to the National Planning Policy Framework published on the 27th March 2012 and can be viewed on the Communities and Local Government website:
<http://communities.gov.uk/documents/planningandbuilding/pdf/2115548.pdf>
- Planning policy for traveller site published on the 23rd March 2012 and can be viewed on the Communities and Local Government website:
<http://communities.gov.uk/documents/planningandbuilding/pdf/2113371.pdf>

5 CONTACT OFFICER

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