



# Hartlepool Local Planning Framework

## New Dwellings outside of Development Limits Supplementary Planning Document

### Adopted Version



August 2015



**New Dwellings Outside of Development Limits**  
**Supplementary Planning Document**

**August 2015**

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## **1. INTRODUCTION**

- 1.1 The need for new dwellings in the countryside is driven by many factors; one of the few circumstances in which residential development may be justified is when accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work.
- 1.2 The existing planning policy framework allows for new dwellings in the countryside subject to the proposals being in accordance with criteria established in the policies. To ensure any development is in accordance with the planning policy framework, in most cases it is necessary that a justification test is undertaken.
- 1.3 This Supplementary Planning Document (SPD) provides the guidance on whether the principle of a new dwelling in the countryside is appropriate and as to when a justification test will be required and details what information the applicant will be required to submit as part of the justification test.
- 1.4 This SPD seeks to replace the explicit guidance outlined in Planning Policy Statement 7: Sustainable Development in Rural Areas, with specific regard to Annex A. Since the cancellation of PPS7 in 2012 there has been uncertainty with regard to what is expected from applicants, with many applications being submitted still using the old Annex A guideline criteria. The SPD seeks to help applicants make successful applications through establishing a framework on where detail is required as part of an application, with regard to the justification test; replacing the cancelled PPS7 Annex A guideline criteria.

## 2. NEED FOR NEW DWELLINGS OUTSIDE OF DEVELOPMENT LIMITS

- 2.1 Most of the land in the borough which falls outside of development limits can be characterised as being “countryside”. Therefore most dwellings proposed outside of the development limits will be, by definition: development in the countryside. Isolated dwellings/homes, by definition are ‘stand alone’ settlements with 1 or 2 buildings or families in them. Isolated dwellings usually have negligible services, if any.
- 2.2 The National Planning Practice Guidance (NPPG) 2014 states that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. Therefore all large sustainable housing sites at the edge of villages will be allocated through the Local Plan and limits to developments re-drawn to reflect this. Following this, any proposals for dwellings outside development limits will only be accepted under exceptional circumstances in accordance with the National Planning Policy Framework (NPPF), the NPPG, the Hartlepool Local Plan and other material considerations.
- 2.3 The Hartlepool Local Plan (2006) and Paragraph 55 of the National Planning Policy Framework (NPPF) makes clear that new isolated homes in the countryside require special justification for planning permission to be granted. Circumstances in which residential development may be justified are:
- 1) **Rural Enterprise:** Accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work, or
  - 2) **Heritage:** The development would represent the best viable use or secure the future of a heritage asset, or
  - 3) **Redundant or Disused Buildings:** The development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting, or
  - 4) **Outstanding Design:** The development is of truly outstanding design, architecture, sustainable construction methods etc, or
  - 5) **Relevant Policies and Material Considerations:** the proposal meets the requirements of all other relevant planning policies in the Local Plan and the NPPF.
- 2.5 Historically, in Hartlepool, there have not been many cases of new dwellings outside of development limits justified through heritage or outstanding design housing need. Therefore it is anticipated that the majority of the new dwellings outside of development limits proposed will be justified through the rural enterprise housing need argument.
- Rural Enterprise**
- 2.6 It will often be as convenient and more sustainable for rural based workers to live in the main urban area or in nearby villages or in suitable existing dwellings, so avoiding new and potentially intrusive and unsustainable development in the countryside. However, 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.

- 2.7 It is essential that all applications for planning permission for new occupational dwellings in the countryside are assessed thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the NPPF makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuinely financially viable and are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

#### **Heritage**

- 2.8 There may be appropriate justification where a new dwelling, conversion or change of use of a building to residential use would represent the best viable use of a heritage asset or secure the future of the asset. The heritage justification is an individual justification and as a result the heritage justification can be made without the need to justify the need via the rural enterprise need.

#### **Redundant or Disused Buildings**

- 2.9 There may be appropriate justification where a new dwelling results from the conversion or change of use of redundant and/or disused building, providing that the development would lead to an enhancement to the immediate setting.

#### **Outstanding Design**

- 2.10 Notwithstanding the rural enterprise, heritage justification and re-use of redundant buildings, in exceptional circumstances, new dwellings outside of development limits may be permitted where the design is truly outstanding, groundbreaking, innovative, reflecting the highest standards in architecture and the development significantly enhances the immediate setting.

#### **Relevant Policies and Material Considerations**

- 2.11 In addition to requirements of paragraph 55 in the NPPF and policies RUR 7 and RUR 12 of the Local Plan, other policy areas in both the NPPF and the Local Plan will need to be met and these will be determined through the planning application process. In addition, material considerations pertinent at the time of application will also need to be met.

### 3. EXISTING PLANNING POLICY

- 3.1 The current Local Plan (2006) includes policies RUR7 and RUR12 which outline when development in the countryside and also specifically new housing in the countryside will be appropriate. The policy wording is detailed in appendix 1. Notwithstanding the Local Plan policies, the other main planning policy consideration with regard to the principle of new dwellings in the countryside is the National Planning Policy Framework (NPPF); detailed in appendix 2.
- 3.2 The Borough has specific policy areas in the current Hartlepool Local Plan (2006), including the supply of housing, where relevant policies are out-of-date. As at November 2014 the housing supply policy areas are out-of-date as the Council cannot effectively demonstrate a five-year supply of deliverable housing sites in accordance with NPPF paragraph 49. The specific details and explanation of the current planning policy framework are illustrated in the “*Saved Policies 2006 Hartlepool Local Plan Planning Policy Framework Justification (November 2014)*” document which can be viewed at on the Council website: [http://www.hartlepool.gov.uk/downloads/file/10709/hbc\\_policy\\_framework-november\\_2014\\_update](http://www.hartlepool.gov.uk/downloads/file/10709/hbc_policy_framework-november_2014_update).
- 3.3 As at November 2014 the current Local Plan policy situation means that policy RUR12 is out-of-date however policy RUR7 is still, and will be in the long term, in full accordance with the NPPF as it specifically relates to protecting the countryside from all types of developments. It does not directly relate to supply of housing in the countryside. The important consideration with regard to policy RUR7 is that there is a requirement for an applicant to justify the viability of the rural enterprise; this justification is outlined in section 4. For the duration of this SPD it is likely that at some point the Council will be able to effectively demonstrate a five-year supply of deliverable housing sites in accordance with NPPF paragraph 49. Once this has been demonstrated, with specific regard to this SPD, Local Plan policy RUR12 will be in full accordance with the NPPF.
- 3.4 As a result of the partial Local Plan policy void with regard to the supply of housing the NPPF, although not solely, is the main planning policy consideration with regard to decision making on the principle of new housing in the countryside. The NPPF identifies when new housing in the countryside may be appropriate. The NPPF allows for new dwellings in the countryside subject to proposals according with the criteria established in paragraph 55, which 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; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*

- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
    - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
    - *reflect the highest standards in architecture;*
    - *significantly enhance its immediate setting; and*
    - *be sensitive to the defining characteristics of the local area.”*
- 3.5 The NPPF specifically directs local planning authorities to avoid new isolated homes in the countryside unless there are special circumstances. In order to ensure any development is in accordance with the NPPF it is essential that a functional test is undertaken which allows the applicant to demonstrate the “special circumstances” of the proposed development. The functional test will be required for all relevant development that would be considered under NPPF paragraph 55 and Local Plan (2006) policy RUR7. Local Plan Rural Policy RUR12 will only be considered when the five-year supply of deliverable housing sites can be demonstrated.
- 3.6 Section 4 outlines the functional test requirements with regard to justification made under the rural enterprise or heritage needs. The justification is illustrated in table 1.
- 3.7 NPPF paragraph 153 states that:
- “Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.”*
- This SPD seeks to help applicants make successful applications through establishing a framework on where detail is required as part of an application. The application detail required is outlined in section 4 which illustrates the functional test detail required in order for the applicant to make a successful application.
- 3.8 This SPD itself does not seek to add financial burdens on development through any planning conditions, Community Infrastructure Levy or developer contributions via a Section 106 Legal Agreement above a level that would normally be required in the saved policies in the Hartlepool Local Plan (2006) and elsewhere in the NPPF.
- 3.9 This SPD is in accordance with the principles of the NPPF and as a result is a material consideration in the decision making process with regard to new dwellings in the countryside.
- 3.10 As previously illustrated, the current policy framework for determining the principle of development involving new dwellings outside of development limits is primarily although not exclusively:
- NPPF Paragraph 55
  - Local Plan (2006) Policy RUR7
  - Local Plan (2006) Policy RUR12 (only when the five-year supply of deliverable housing sites can be demonstrated)

3.11 Table 1 in section 4 illustrates the functional test criteria and identifies the specific policy areas to which the functional test criteria applies. Notwithstanding the policy framework identified explicitly, depending upon the nature of the proposals, other saved policies in the Local Plan (2006), other paragraphs in the NPPF, the 2014 National Planning Practice Guidance (NPPG) and policies in the Tees Valley Minerals & Waste DPDs may be applicable in determining planning applications.

## 4. THE JUSTIFICATION TEST

4.1 A justification test is required for new dwellings outside of development limits where the development falls in the following categories:

- **Rural Enterprise:** Accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work, or
- **Heritage:** The development would represent the best viable use or secure the future of a heritage asset, or
- **Redundant or Disused Buildings:** The development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or
- **Outstanding Design:** The development is of truly outstanding design, architecture, sustainable construction methods etc, or
- **Relevant Policies and Material Considerations:** the proposal should meet the requirements of all other relevant planning policies in the Local Plan and the NPPF.

4.2 There is no requirement to undertake a justification test where new dwellings outside of development limits are proposed due to their truly outstanding design, architecture, sustainable construction methods etc. as detailed in paragraph 55 in the NPPF. This is due to the subjective nature of what is considered “exceptional quality or innovative design” and the difficulty in establishing minimum benchmarks what can be set out in a criteria framework. The justification under quality and design will therefore not be assessed through this SPD but will need to be demonstrated by the applicant at the time the application is made.

4.3 The justification test criteria are assessed against the criteria established in the planning policy framework consisting of policies detailed in paragraphs 3.3 to 3.5. The assessment criteria are established in table 1. In accordance with the planning policy framework, any new dwellings outside of development limits will not be permitted unless the criteria established in table 1 are satisfied.

### **Rural Enterprise**

4.4 In order to justify housing need through rural enterprise, all applicants will be required to submit the relevant information to answer the questions 1.1 to 1.11 in table 1 to the Local Planning Authority in order to justify the housing need.

### **Heritage**

4.5 For applications which are justified under heritage need, applicants will be required to submit relevant information to answer the questions 2.1 to 2.7 in table 1 to the Local Planning Authority.

### **Redundant or Disused Buildings**

4.6 For applications which are justified under the re-use of redundant or disused buildings which lead to the enhancement of the immediate setting, applicants will be required to submit relevant information to answer the questions 3.1 to 3.4 in table 1 to the Local Planning Authority.

### **Relevant Policies and Material Considerations**

- 4.7 Notwithstanding the requirements set out in table 1, 1.1 to 4.5, all applications will need to be in accordance with the relevant material considerations and policies in the 2006 Local Plan and the NPPF, as established in questions 5.1 and 5.2.

### **Important Advice to Applicants**

- 4.8 In order for the application for a dwelling outside of development limits to be determined without delay it is recommended that the applicant includes evidence which satisfies the questions posed in table 1 on submission of the planning application. Failure to submit the relevant supporting information may result in delay as more information could be sought by the Council from applicants in order to make a decision on the justification test.
- 4.9 Table 1 outlines the justification test criteria and identifies the potential mechanism whereby applicants could demonstrate the answers to the Council. Applicants only need to answer the questions and provide evidence relating to the type of need applied for; for instance if justification is sought through criteria subject 1, there will be no requirement for the applicant to answer questions on criteria subject 2 and 3. However criteria subject 4 needs to be answered in all applications.
- 4.10 If applicants are in any doubt as to what evidence is required early consultation with the Council is recommended. The Council offers a One Stop Shop planning advice service where for a small fee, planning advice can be obtained prior to any application being submitted.

**Table 1: Justification Test Assessment Criteria**

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
<p><b>1. Rural Enterprise</b>  <b>(a)</b> There is a clearly established functional need and that they are essential for a full time rural worker(s) to live permanently at or near their place of agricultural, forestry or other rural based enterprise considered acceptable by the Borough Council</p>	<p>1.1 Is it essential for full time workers to tend to agricultural or rural enterprise business at short notice?</p> <p>1.2 Is it essential for full time workers to quickly deal with emergencies that could otherwise cause loss of agricultural produce such as crops and livestock?</p> <p>1.3 Is it essential for full time workers to protect livestock or business infrastructure from theft and/or vandalism day and night?</p>	<p>Planning Statement</p> <p>Police reports which cover incidents of crime and/or anti-social behaviour at the site</p>	<p>1</p>	<p>(v) (ix)</p>	<p>(a)</p>	<p>In order for a dwelling in the countryside to be deemed appropriate the applicant has to demonstrate that the operational needs of the enterprise require a round the clock on-site presence. The applicant will need to demonstrate the requirement in order to satisfy the Council's concern that the proposed development is not just a speculative residential development proposal in a potentially unsustainable location.</p> <p>The need to demonstrate the on-site presence is set out in the NPPF paragraph 55 and Local Plan (2006) policy RUR7 and RUR12.</p>

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
<p>(b) The agricultural, forestry or other rural based enterprise considered acceptable by the Borough Council has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so.</p>	<p>1.4 Has the enterprise been established for three or more years?</p> <p>1.5 Has the enterprise been profitable for at least one of the three years it has been established?</p> <p>1.6 Is there a clear prospect of the enterprise remaining economically viable in the long term?</p>	<p>Business accounts</p>	<p>1</p>	<p>(vii)</p>	<p>(b)</p>	<p>The need for the round the clock on-site presence will primarily be driven by the long term economic viability of the rural enterprise, not withstanding animal welfare in cases of livestock production. If the business is not proven to be currently viable and/or there is no clear prospect of remaining so there will be no need for an on-site presence as there will be no business in operation.</p> <p>The need to demonstrate the financial soundness of the rural enterprise is intrinsically related to the on-site presence and is set out in the NPPF paragraph 55 and Local Plan (2006) policy RUR7 and RUR12.</p>

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
<p>(c) The need could not be met by another existing dwelling nearby.</p>	<p>1.7 Are there any other suitable dwellings nearby which can meet the housing need?</p> <p>1.8 Have suitable dwellings or buildings suitable for conversion been sold separately from the farm and/or rural enterprise business holding? Such a sale could constitute a lack of housing need.</p>	<p>Residential property search Report</p> <p>Historical land use Report</p>	<p>1</p>	<p>(i)</p>	<p>n/a</p>	<p>If it is accepted that there is a genuine need for a round the clock on-site presence the applicant will need to further demonstrate that there are no suitable dwellings nearby which can meet the housing need. The applicant will need to demonstrate the housing situation in order to satisfy the Council's concern that that the proposed development is not just a speculative residential development proposal in a potentially unsustainable location when there is suitable and available housing nearby.</p> <p>The need to demonstrate the lack of existing housing provision is intrinsically related to the on-site presence and is set out in the NPPF paragraph 55 and Local Plan (2006) policy RUR7.</p>

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
<p>(d) The dwelling(s) proposed is of a size commensurate with the size/value of the agricultural, forestry or other rural enterprise it is supporting.</p>	<p>1.9 Is the size of the dwelling proportionate to the functional requirements of the rural enterprise?</p> <p>1.10 Is the market value of the dwelling proportionate to the current and/or future income generated through the rural enterprise?</p> <p>1.11 Is the dwelling sited so as to meet the identified functional need and does it relate well to existing buildings and/or other dwellings?</p>	<p>Planning Statement</p> <p>Property Valuation &amp; Business Accounts</p> <p>Plans &amp; Drawings</p>	<p>1</p>	<p>(i) (vii)</p>	<p>(b) (c)</p>	<p>If it is accepted that there is a genuine need for a round the clock on-site presence the applicant will need to further demonstrate that the proposed dwelling(s) is of a size that relates to the rural enterprise business model.</p> <p>The applicant will need to demonstrate the proportionate size of the dwelling(s) in order to satisfy the Council's concern that that the proposed development is not a speculative residential development proposal which cannot be supported (in isolation) by the anticipated turnover of the rural enterprise.</p> <p>For instance, it is highly unlikely that a rural enterprise with a turnover of £20,000 can realistically support a high quality 5 bedroom detached dwelling, with the accompanying mortgage/rent value; the dwelling would not be commensurate with the size/value of the rural enterprise it is supporting. If a future worker/business owner cannot afford to live in the dwelling then there would be no way of ensuring the round the clock on-site presence.</p> <p>The need to demonstrate the proportionate size of the proposed dwelling is intrinsically related to the on-site presence and is set out in the NPPF paragraph 55 and Local Plan (2006) policy RUR7 and RUR12.</p>

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
<p><b>2. Heritage</b></p> <p>Where relevant the development would represent the best viable use or secure the future of a heritage asset.</p>	<p>2.1 Will it not materially harm the heritage values of the place/asset and/or its setting?</p> <p>2.2 Will it avoid detrimental fragmentation of management of the place/asset and/or its setting?</p> <p>2.3 Will it secure the long term future of the place/heritage asset and its setting; and where appropriate, its continued use for a sympathetic purpose?</p> <p>2.4 Is it necessary to resolve problems arising from the inherent needs of the place/heritage asset, rather than the circumstances of the present owner, or the purchase price paid?</p> <p>2.5 Is sufficient subsidy not available from any other source?</p> <p>2.6 Can it be demonstrated that the amount of development is the minimum necessary to secure the future of the place/heritage asset, and that its form minimises harm to other public interests?</p> <p>2.7 Does the public benefit of securing the future of the significant place/heritage asset through such development clearly outweigh the harm of breaching other public policies?</p>	<p>Heritage Statement (Where Relevant)</p>	<p>2</p>	<p>(ii) (iii)</p>	<p>(d) (ii)</p>	<p>In order for a dwelling in the countryside to be deemed appropriate the applicant has to demonstrate that the development would rescue a heritage asset in danger of net harm. The applicant will need to demonstrate that the heritage asset will not be harmed and that its long term future will be secured by the development and that the development proposed is appropriate with regard to the heritage asset.</p> <p>The applicant will need to demonstrate the requirement in order to satisfy the Council's concern that that the proposed development is not just a speculative residential development proposal in a potentially unsustainable location and that the development would represent the best viable use and secure the future of the heritage asset.</p> <p>The need to demonstrate heritage asset justification is set out in the NPPF paragraph 55. Some of the functional test criteria are set out in the Local Plan (2006) policy RUR7 and RUR12</p> <p>The applicant also needs to satisfy/meet the requirements of NPPF paragraphs 132-136. Most if not all of criteria 2.1 to 2.7 will apply to any proposal justified through heritage. Relevant criteria will depend on the type of proposal, i.e. erection of new dwelling(s) regarded as necessary to secure the future of a heritage site or conversion of existing heritage asset into dwelling(s)</p>

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
<p><b>3. Redundant or Disused Buildings</b></p> <p>The development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.</p>	<p>3.1 Does the development re-use a redundant or disused building?</p> <p>3.2 Has the building been vacant for at least 12 months and reasonable marketing efforts conducted to secure existing use?</p> <p>3.3 Does the re-development of the building lead to the enhancement of the immediate setting?</p> <p>3.4 Is the redundant/disused building a heritage asset?</p>	<p>Planning Statement</p> <p>Plans &amp; Drawings</p> <p>Sales and marketing records</p> <p>Heritage statement</p>	<p>3</p>	<p>(ii) (iii) (vi)</p>	<p>(d) (i) (ii)</p>	<p>In order for a dwelling in the countryside to be deemed appropriate the applicant has to demonstrate that the existing building to be converted into residential use is redundant and disused and that the re-use of the building will lead to the enhancement of the immediate setting.</p> <p>Whilst it is difficult to set benchmark criteria to assess any "enhancement" of the immediate setting it will be expected that the development will improve the overall appearance of the vacant building and grounds, the immediate curtilage and the immediate surrounding area.</p> <p>If the development involves demolishing the redundant building, the applicant needs to demonstrate that the existing accommodation no longer meets modern standards and is incapable of economic repair or adaptation and is no longer required by the enterprise. In such a case, the scale and nature of the proposed development should be similar to the original. The form, scale, massing and general design should be such to minimise visual intrusion and should enhance immediate environmental and visual settings in the countryside.</p> <p>If building is a heritage asset, then assessment will be based in combination with criteria subject 2 (i.e. heritage)</p> <p>The applicant will need to demonstrate the requirement in order to satisfy the Council's concern that that the proposed development is not just a speculative residential development proposal in a potentially unsustainable location. The need is set out in the NPPF paragraph 55. Some of the functional test criteria are set out in the Local Plan (2006) policy RUR7 and RUR12.</p>

Criteria Subject	Functional Test Criteria	Application Assessment Mechanism	NPPF P55 Criteria	LP Rur7 Criteria	LP Rur12 Criteria	Justification
<p><b>4. Relevant Policies and other Material Considerations</b></p> <p>Proposals are in accordance with other relevant material considerations and policies in the Local Plan and the NPPF.</p>	<p>4.1 Does the proposed development lie on land over which a public footpath/bridleway or multiple public footpath/bridleways run?</p> <p>4.2 Are the proposals in accordance with all relevant policies in the Local Plan and NPPF?</p> <p>4.3 Are the proposals in accordance with all other material considerations at the time of application?</p>	<p>Planning Statement Plans &amp; Drawings</p>	<p>NPPF as a whole</p>	<p>Local Plan as a whole</p>	<p>Local Plan as a whole</p>	<p>Where the proposed development does directly affect a single or multiple public footpaths or bridleway then the relevant Town &amp; Country Planning regulations apply. In such cases the developer or their agent will need to discuss with the Council's Countryside Access Officer whether or not there is a need to consider the use of the appropriate legal procedure to divert or stop up the relevant public footpath or bridleway</p> <p>Notwithstanding the need to satisfy the specific criteria of the functional test, in order for the development proposals to be considered acceptable in planning terms all relevant Local Plan policies and NPPF paragraphs need to be satisfied. Also there maybe other material considerations at the time of application and these will need to be taken into account.</p>

**END OF SPD**

# Appendix 1: Local Plan (2006) Policy Extract

## Policy RUR7: Development in the Countryside

### DEVELOPMENT IN THE COUNTRYSIDE

IN ADDITION TO POLICIES GEP1, Rur11, Rur13, Rur16 AND OTHER RELEVANT LOCAL PLAN POLICIES, THE FOLLOWING FACTORS WILL BE TAKEN INTO ACCOUNT IN DETERMINING APPLICATIONS FOR PLANNING PERMISSION IN THE OPEN COUNTRYSIDE:

- i. RELATIONSHIP OF THE DEVELOPMENT TO OTHER BUILDINGS IN TERMS OF SITING, SIZE AND COLOUR,
- ii. VISUAL IMPACT ON THE LANDSCAPE,
- iii. COMPATIBILITY OF THE DESIGN OF THE DEVELOPMENT WITHIN ITS SETTING AND THE LANDSCAPE GENERALLY,
- iv. USE OF TRADITIONAL OR SYMPATHETIC MATERIALS,
- v. OPERATIONAL REQUIREMENTS OF THE AGRICULTURE AND FORESTRY INDUSTRIES,
- vi. REQUIREMENT WHERE APPROPRIATE FOR ADDITIONAL TREE AND HEDGE PLANTING AND OTHER RELATED ENVIRONMENTAL IMPROVEMENTS,
- vii. VIABILITY OF A FARM ENTERPRISE,
- viii. ADEQUACY OF THE SEWAGE DISPOSAL ARRANGEMENTS,
- ix. PROXIMITY TO EXISTING INTENSIVE LIVESTOCK UNITS, AND
- x. ADEQUACY OF THE ROAD NETWORK.

WITHIN THE TEES FOREST AREA THE BOROUGH COUNCIL WILL IMPOSE PLANNING CONDITIONS AND WILL SEEK LEGALLY BINDING AGREEMENTS, AS APPROPRIATE, TO ENSURE THE PLANTING OF TREES AND HEDGEROWS IN ASSOCIATION WITH NEW DEVELOPMENT.

## Policy RUR12: New Housing in the Open Countryside

### NEW HOUSING IN THE OPEN COUNTRYSIDE

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.

PROPOSALS FOR ONE FOR ONE REPLACEMENT DWELLINGS WILL ONLY BE APPROVED WHERE:

- i. THE EXISTING ACCOMMODATION NO LONGER MEETS MODERN STANDARDS AND IS INCAPABLE OF ECONOMIC REPAIR OR ADAPTATION, AND
- ii. THE SCALE OF THE PROPOSED DEVELOPMENT IS BROADLY SIMILAR TO THE ORIGINAL AND THE FORM, SCALE, MASSING AND GENERAL DESIGN IS SUCH TO MINIMISE VISUAL INTRUSION.

INFRASTRUCTURE INCLUDING SEWAGE DISPOSAL TO SERVE HOUSING IN THE RURAL AREA MUST BE ADEQUATE TO MEET THE NEEDS OF THE DEVELOPMENT.

## Appendix 2: NPPF Extract

### Paragraph 55

“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; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
  - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - reflect the highest standards in architecture;
  - significantly enhance its immediate setting; and
  - be sensitive to the defining characteristics of the local area.”

### Paragraph 153

“Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.”