

## **Planning Statement**

### **Introduction**

George F. White (Planning, Architecture and Development) have been instructed by Mr I Stobart & Mr T McCabe (the 'Client') to submit a S.73 application to seek the removal of restricted occupancy conditions of 3No holiday letting units to full, unrestricted, residential occupation. The address of the holiday letting units is known as Tithe Barn, Hall Walk, Easington Village. Having regard to section 38 (6) of the Planning and Compulsory Purchase Act 2004, this planning statement considers the application's conformity with the Development Plan, relevant national planning policy and other material considerations.

### **Background and Site Information**

The site relates to a grade II\* listed building which is located approximately 15 metres to the north of the grade I listed building of Seaton Holme. The site lies within the defined settlement limits of Easington Village and is set within the designated conservation area. The building has a long rectangular plan form and is two storeys in height. The former farmhouse has a lime washed finish, and the former barn is of limestone rubble with sandstone window and door surrounds.

Full planning permission was granted for the change of use of the building from offices to three holiday letting units through planning application DM/15/02495/FPA. This application was approved on the 6<sup>th</sup> January 2016 and has been subsequently carried out.

There were 5No conditions added to the above approval. Conditions 3 and 4 imposed the restrictions to ensure that the letting units were limited to holiday accommodation. The conditions are set out below for information.

3. *The holiday lets hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence.*

*Reason: To prevent permanent residential occupancy in accordance with Policy 1 and 35 of the Easington Local Plan.*

4. *The owners/operators shall maintain an up-to-date register of the names of all occupiers of the individual holiday lets, and of their main home addresses, and shall make this information available on request to the local planning authority.*

*Reason: to ensure that approved holiday accommodation is not used for permanent residential occupation and to meet the need for holiday accommodation.*

Prior to the submission of this Planning Application a Pre – Planning Application was also undertaken with Durham County Council under reference PRE42/21/01851. The Pre – Planning Application report produced by Michelle Hurton was general positive and recommended the submission of a formal planning application.

### **Proposed Development**

As set out above this application seeks to free the use of 3No holiday letting units to full, unrestricted, residential occupancy. The application site and buildings are identified on the Site Location Plan submitted with this application, Plan No. 544 – 09. Further, the current letting units, known as Tithe Barn, parking and access are shown on Plan No. 544 – 01. This should be regarded as both an existing and proposed drawing for the purpose of this change of use application as no physical alterations are proposed.

The units themselves are identified on Plan No. 544 – 06 (Ground Floor Plan) and Plan No. 544 – 07 (First Floor Plan). Again, these drawings should be regarded as both an existing and proposed drawing for the purpose of this change of use application as no physical alterations are proposed.

As identified on the plans above the accommodation schedule would be as follows:

Unit 1 – Two storey, two-bedroom unit

Unit 2 – Ground floor, two-bedroom unit

Unit 3 – First Floor, two-bedroom unit

The units above are all fully equipped and capable of being occupied as full, unrestricted, residential dwellings.

### **Planning Considerations and Assessment**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be considered in decision-making. The NPPF is a material planning consideration, and the County Durham Plan is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. It is noted that Easington Village does not have a Neighbourhood Plan.

### **Principle of Development**

Policy 6 recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development over and above that identified in the development plan for the area. This policy sets out the circumstances where such opportunities will be acceptable. This will include new build housing on suitable previously developed or greenfield sites, as well as conversions to accommodate new uses, the expansion or replacement of existing buildings, along with proposals including for example live/work units, community facilities, leisure, specialist living accommodation, small scale retailing, employment, infrastructure, and other economic generating uses.

Policy 6 states:

*The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and [identified criteria].*

The application site lies within the built-up area of the settlement of Easington; therefore, assessment against criteria the following criteria will be required.

**a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land.**

As this is a change of an existing building to an alternative use the proposal is considered compatible with the original use and surrounding uses. It will not prejudice any future development or undermine the Local Plan.

**b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate back land development.**

As this is a change of an existing building to an alternative use the proposal will not alter the physical form of the settlement or surroundings.

**c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for.**

As this is a change of an existing building to an alternative use the proposal will not alter lead to the loss of an open land.

- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement.**

As this is a change of an existing building to an alternative use the proposal will not alter the physical form of the settlement or surroundings.

- e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.**

It is considered that the parking requirements will remain the same, and that there will be no increase in traffic because of this application.

- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement.**

The site is within the built-up area of Easington Village and is therefore considered accessible to sustainable modes of transport, services and facilities.

- g. does not result in the loss of a settlements or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable.**

There will be no loss of facilities or services because of this application.

- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding.**

This proposal is a sustainable re-use of an existing building.

- i. where relevant, makes as much use as possible of previously developed (brownfield) land.**

This proposal is a sustainable re-use of an existing building.

- j. where appropriate, it reflects priorities for urban regeneration.**

This proposal is a sustainable re-use of an existing building.

Following the assessment above, it is therefore considered that the Principle of Development under Policy 6 can be established. Other material planning considerations will now be considered.

#### **Impact on the listed building, conservation area and character of the area**

County Durham Plan Policy 44 seeks to ensure that development sustains the significance of designated and non-designated heritage assets, ensuring proposals contribute positively to the built and historic environment in a manner appropriate to its significance, whilst recognising that some harm may be appropriate when weighed against the public benefits of a scheme. In turn Policy 29 of the CDP requires all development to achieve well designed buildings and contribute positively to an area's character. This approach is in accordance with Parts 12 and 16 of the NPPF.

In this instance the proposed change can be accommodated without undertaking any external or internal physical alterations. As demonstrated on the submitted plans, which are referred to as 'Existing and Proposed' the living areas, kitchens, shower rooms, bathrooms, bedrooms, and en-suites are already established. As a result, the significance of the grade II\* listed heritage asset would be preserved, while the continued use of the building would be beneficial and should be supported.

#### **Residential Amenity**

In terms of neighbouring amenity policy 31 of the local plan aims to ensure that developments can demonstrate that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or on the natural environment and that can be integrated effectively with any existing business and community facilities, that future occupiers of the proposed development will have acceptable living and/or working conditions and that the development will not create unacceptable

impacts such as overlooking, visual intrusion, visual dominance or loss of light, noise or privacy. The policy goes on to state that any existing business and/or community facilities would not have any unreasonable restrictions placed upon them because of the development. The policy is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings with paragraph 187 stating that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.

As confirmed in the Pre – Planning Application response distancing standards outlined in the Residential Amenity Standards Supplementary Planning Document recommend a minimum of 21 metres is achieved between opposing elevations containing habitable windows. It is identified that 14 metres to the south of the development site is Seaton Holme, a Grade I listed building which includes offices to the ground floor and a physiotherapy and holistic health centre at first floor. On this basis the proposal would fall short of the recommended distances, given that the opposing buildings would be in different use classes, that the change of use would help to secure the long-term survival of the listed building, it was confirmed through the Pre – Planning Application that there would be no significant adverse amenity issues which would arise because of the proposed change. Therefore, the separation distances whilst short of what is recommended are considered acceptable.

It should be noted that the surrounding area is predominantly residential in character therefore the proposed change to 3no C3 dwellings will be in character and keeping. Notwithstanding this there is also within proximity an agricultural building. Domestic dwellings that are located near to farm buildings that have no connection with the farming activities may be disturbed by noise and odour or be caused a statutory nuisance. In this case there are other NSRs within proximity and that the current use of the holiday lets has gone on for some time. Further only a single complaint made in September 2017 relating to an issue with flies has been received by Environmental Protection with no complaints relating to the farm.

It is considered that with only a single complaint being received in 5 years and none regarding the farm itself, this change of use is acceptable and that the future dwellings it creates should be unrestricted and unencumbered. This is particularly important as firstly this is what the application is seeking and that precedent for development in proximity to the farm has already been set with the dwellings located on The Spinney being comparable in separation distances. Any application of a controlling condition beyond what is being applied for and which seeks to impose additional restrictions on occupancy would fail the 6 tests of planning conditions by being unnecessary, unrelated to the development for which planning permission is being sought and unreasonable in all other respects. It should therefore be avoided by the LPA.

### **Highway Safety**

Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport. Development should have regard to Parking and Accessibility Supplementary Planning Document. At the Pre – Planning Application stage the Council's Highways Team raised no concerns about the proposed change to residential dwellings. This is because there are no adverse highway/traffic issues related to the conversion of the holiday accommodation to residential use. It is noted that the existing 5 no. on-site car parking spaces would comply with the minimum car parking requirements for 3 no. dwellings in accordance with Durham County Council's Residential Car Parking Standards.

### **Design, Access, and Heritage Considerations**

#### **Use**

As a result of this application the use will change from that of holiday letting to full, unrestricted residential use.

#### **Amount**

The accommodation will be 3No 2-bedroom residential units. Details are provided within the supporting plans and documents.

#### **Layout**

There will be no change to the existing layout or arrangements. Details are provided within the supporting plan and documents.

### **Scale**

There will be no change to the existing scale, amount or physical alterations to the scale of the existing buildings. Details are provided within the supporting plan and documents.

### **Landscape**

There will be no change to the existing layout or landscaping arrangements. Details are provided within the supporting plan and documents.

### **Appearance**

There will be no change to the existing appearance or physical alterations to the existing buildings. Details are provided within the supporting plan and documents.

### **Access**

Access to the building will remain unaltered. Details are provided within the supporting plan and documents.

### **Summary**

As has been demonstrated through the above assessment, the change of use of the existing holiday letting units to full, unrestricted, residential occupation should be considered acceptable. The principle of development is acceptable under Policy 6 and as there are no physical alterations to the building or its surrounds all other matters carry limited, to no weight. It has been explored above that there is no need to add any further elements of control using conditions. To do so would fail the 6 tests on the use of planning conditions, would be unnecessary, unrelated to the development for which planning permission is being sought and unreasonable in all other respects. As a result the application should be approved without delay.