

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

COMMITTEE DATE: 15<sup>TH</sup> February 2012

Page 1

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<b>APPLICATION REF. NO:</b>	<b>11/00836/CU</b>
<b>STATUTORY DECISION DATE:</b>	<b>10/02/12</b>
<b>WARD/PARISH:</b>	<b>Heighington and Coniscliffe - Heighington</b>
<b>LOCATION:</b>	<b>Twinsburn Farm, Heighington.</b>
<b>DESCRIPTION:</b>	<b>Retrospective change of use of agricultural building to workshop for repair and maintenance of applicant's vehicles.</b>
<b>APPLICANT:</b>	<b>Edgar Shepherd.</b>

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**APPLICATION AND SITE DESCRIPTION**

This proposal relates to the following development:

**The retrospective change of use of an agricultural storage building to a workshop for the repair and servicing of vehicles used in association with the applicant's business as operated from Twinsburn Farm.**

No other works are proposed; all alterations that took place were internal, such as the installation of inspection pits etc. The unauthorised change of use was brought to Officers' attention in December 2011.

There is a separate unauthorised development nearby in the form of the outside storage of wood material for the onward transfer to a wood pellet processing facility. Whilst this was part of the original planning application, it has now been removed from the application in order that it can be considered separately in association with the Environmental Health Officer.

**PLANNING HISTORY**

Since the use of the site for timber processing became authorised in the early 1990s, permission has been granted to extend existing buildings for sawdust processing operations in 1993 and 1999. (93/00117/MISC and 99/00524/FUL).

In 2007 an agricultural determination application was granted for the building the subject of the current proposal for a change of use. (07/00245/AG).

## **PLANNING POLICY BACKGROUND**

Borough of Darlington Local Plan Policy E5 – Change of Use of Buildings in the Countryside is considered relevant to this application. The main criteria to be satisfied in this instance is that relating to visual intrusion, traffic, amenity or disturbance problems.

## **RESULTS OF CONSULTATION AND PUBLICITY**

A site notice was posted and local residents consulted.

At the time of drafting nine letters of objection have been received raising the following issues :

( Note that many objections related to the outside storage and nearby footpath issues which are not subject of this application and have not been included below)

- Site has been used as proposed since 2007
- Access to site uses the right of way nearby which is not suitable for HGVs
- This area is designated as ‘ high landscape value ‘ in the Local Plan.
- Building’s current use not suited to original agricultural use.
- Floodlighting causes night time nuisance
- Tree screening has not been planted in accordance with the earlier permission.
- Noise nuisance from sheds late at night
- Increased impact from traffic

Comments from consultees are as follows:

Environmental Health Officer – *‘A site visit was undertaken on 5 January 2012. I understand that hand tools only are to be used within the vehicle repair workshop. Therefore, I would not expect any significant noise issues associated with this use and hence I would not have any objections to this element of the application. There are some external lights on the building. However these appear to be directed towards the front yard area and we have not had any complaints regarding any lighting issues.’*

Highways Engineer – No objections.

Parish Council – No objections

Rights of Way - No objections – but see note below.

## **PLANNING ISSUES**

The main planning issue associated with this application is the impact of the use on the local environment and nearby residents.

The proposed development consists of the repair and service of the applicant’s own vehicles within a building that has the benefit of planning permission (agricultural determination). The

visual impact of the building is not therefore considered a relevant issue in this instance. Landscape screening that was required as part of the earlier permission has not been carried out and will be the subject of a condition as part of any planning permission granted this time.

The proposal does not involve the use of the site by any additional vehicles, indeed keeping repairs and servicing “on site” may result in less vehicle movements to and from the site and consequently less noise and disturbance to local residents.

The Environmental Health Officer has concluded that there is unlikely to be any noise disturbance emanating from the building “*associated with this use*” . In addition the external lighting is not considered to be causing a nuisance, and no complaints have been received in this regard.

Access to the building and the overall site is to be restricted to the main farm driveway – use of the right of way towards Snackgate is to be restricted to pedestrians only by physical barriers as part of a separate action by the Council’s Rights of Way Officer.

Overall it is considered that this particular development – not including the outside storage of timber material which will be the subject of a further planning application – is acceptable in planning terms.

There is no increase in traffic envisaged to be attracted to the site and the work proposed to be carried out within the building is such that noise nuisance to residential properties - just over one third of a kilometre away - is unlikely to occur.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **RECOMMENDATION**

#### **That Planning Permission be granted with the following conditions:**

1. A3 – Time limit
2. B5 – Accordance with plans
3. E2 – Landscaping Scheme (amended)
4. This permission shall relate to the repair and servicing of vehicles associated with the applicant’s business at Twinsburn Farm only and no other unrelated business.  
REASON – In the interests of the amenities of nearby residents and the character of the locality.

### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The decision to grant planning permission has been taken having regard to the guidance contained within the Borough of Darlington Local Plan Policy E5 – Change of Use of Buildings in the Countryside.