

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 30th September 2015

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| APPLICATION REF. NO: | 15/00691/CU |
| STATUTORY DECISION DATE: | 29/09/15 |
| WARD/PARISH: | Low Coniscliffe |
| LOCATION: | North of Merrifield Hall, Lower Coniscliffe |
| DESCRIPTION: | Change of use of stables to residential dwelling including extensions. |
| APPLICANT: | Mr B Ward |

APPLICATION AND SITE DESCRIPTION

The application site is at present a paddock forming part of the curtilage of Merryfield Hall, having originally been part of its garden. There are three buildings within the paddock; the stables, a small garage adjacent and a larger storage building to the north. The application building comprises four stables of brick and tile construction, measuring some 7m by 14m.

Over the years the land around the Hall has been subdivided and there are now two access driveways onto Gate Lane; the current application site will share the driveway to the Hall.

PLANNING HISTORY

There have been no planning applications relating specifically to the paddock and stables, however in 2009 permission was granted to extend the adjacent Lodge to form a two storey dwelling (after an earlier refusal was dismissed on appeal) and in 2008 an application to create a third access to serve the current application site was refused because of the detrimental impact the required sight lines would have on the roadside hedgerow.

PLANNING POLICY BACKGROUND

Local Plan Policy E5 – Change of Use of Buildings in the Countryside.

NPPF – Chapter 6 – Delivering a wide choice of high quality homes.

RESULTS OF CONSULTATION AND PUBLICITY

Local residents were consulted and comments were received from one raising the following issues:

- Too many new dwellings and development approved in this area already.
- Residential development has gone beyond the village development limits.
- Sewage capacity in the locality is overloaded.
- Precedent will be set for more development in this locality if this is approved.

Parish Council – Object for the following reasons:

- Hall site is overdeveloped and now intruding into the countryside.
- This proposal will result in three separate dwellings beyond the development limits.
- Proposal not in full compliance with Policy E5 – will not benefit the rural community.

Highways Engineer – No objections to the proposal as it is to be accessed off a shared entrance to Merrifield Hall.

PLANNING ISSUES

There are considered to be two main planning issues associated with this proposal:

- The relevant planning policy and
- Whether the proposal complies with that policy

The relevant planning policy In justifying their proposals the applicants have referred to a variety of policies within the Local Plan and Core Strategy as well as the general principles contained within the NPPF. They have also referred to the recent Gladman Appeal decision in Middleton St George where the Inspector found that this Council does not have a 5 year supply of housing land available therefore housing policies within the Local Plan and Core Strategy are out of date and residential planning applications have to be judged against the NPPF.

Officers agree that this would be the approach for larger scale residential proposals, say 10 dwellings upwards, but do not consider a single rural building conversion proposal falls into this category and that the application should be considered against the specific Local Plan policy that relates to this type of development; namely Policy E5 [Change of Use of Buildings in the Countryside].

Compliance with planning policy The heading text of this policy can be summarised as follows:

Policy E5 [Change of Use of Buildings in the Countryside].

The change of use of existing buildings in the countryside will be permitted providing that for architecturally important buildings the conversion does not harm that character (not an issue in this instance). For other buildings (such as the application proposal) the structure should be sound and capable of conversion without excessive rebuilding or alteration. Finally the proposal should not be visually intrusive or create unacceptable traffic or other amenity problems. Extensions will not be permitted where they change the scale or character of the building.

The existing stable building is a substantial brick and tile structure set within its own fenced off grounds south of a larger paddock. It is not particularly visible from public viewpoints, there being a substantial roadside hedge screening the view.

The proposed alterations are limited in their scale a small gable and a link between the stables and garage, therefore the visual impact of the changes can be considered not to be substantial in this instance on either the existing building or the locality in general.

No new fences or accesses are proposed and no objections have been received from the Highways or Drainage Authorities. However there are certain works that can take place to residential properties without planning permission therefore if permission is granted it is proposed to impose a condition removing certain permitted development rights to prevent further uncontrolled development in this rural location.

Whilst it is accepted that new development has moved beyond the village development limits in the past for a variety of reasons, in this instance the building already exists and is in compliance with Local Plan Policy E5. There are no sound planning reason to refuse permission for this development.

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

Planning permission be **Granted** with the following conditions:

1. A4 – Time limit
2. B4A – Materials
3. B5 – In accordance with plans
4. C5 – Restriction of PD Rights