



**CITY OF DURHAM  
PARISH COUNCIL**

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7<sup>th</sup> September 2021

Dear Mr Spurgeon,

**DM/21/02896/FPA - Redevelopment of stables to provide 1no 4 bed dwelling at Fernhill, Newcastle Road, Crossgate Moor, Durham, DH1 4JZ**

The City of Durham Parish Council has reviewed the submitted application documents and considered their contents. The Parish Council strongly objects to the proposed development.

Planning law requires that decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The primacy of the development plan is reaffirmed in paragraph 47 of the National Planning Policy Framework (NPPF).

The policies within the statutory development plan that are relevant to the consideration of this application are contained within the:

- Durham City Neighbourhood Plan (2021 - DCNP);
- County Durham Plan (2020 - CDP).

Relevant material considerations include the NPPF and the planning history of the site.

The application site lies within the Green Belt and an area of higher landscape value.

Principle of the development - Green Belt

It is material that as part of the preparation of the CDP consideration was given to the removal of the wider Fernhill site from the Green Belt. The Inspector concluded that the site should remain within the Green Belt (paragraphs 337-337 of the report). It is also a relevant consideration that prior to this, in 2011, planning permission was refused for the development of three houses on the application site (4/11/00535/FPA), this decision was upheld at appeal in 2012 (APP/X1355/A/11/2162513). The proposal was considered unacceptable because of its adverse effect on the openness of the Green Belt.

Policy 20 of the CDP states that development proposals within the Green Belt will be determined in accordance with national planning policy. The NPPF is clear that the

government attaches great importance to Green Belts, with the fundamental aim being to prevent urban sprawl by keeping land permanently open (paragraph 137).

Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings in the Green Belt as inappropriate, except for those which comprise:

- buildings for agriculture and forestry;
- appropriate facilities for outdoor sport, recreation, cemeteries and allotments;
- extension or alteration of a building provided it does not result in disproportionate additions;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages;
- limited affordable housing; and
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use.

With regard to the redevelopment of previously developed land, paragraph 149 goes on to clarify that this is only appropriate where it would:

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Furthermore, policy G4 of the DCNP is clear that proposals must not cause harm to the overall quality of the Green Belt environment, particularly its openness.

It is therefore clear, that whilst the application site can be described as previously developed, it is required by the NPPF, that for the development not to be considered inappropriate, it must not have a greater impact on the openness of the Green Belt than the existing development.

Although the proposed dwelling would broadly follow the same footprint of the existing stables, its scale and massing would be significantly greater. It is proposed to replace a simple timber stable block with a large four-bedroom residential dwelling, with a gross internal floor area of 204 square metres.

The Parish Council believes that the change in use, alongside the scale and massing of the dwelling would have a greater impact on the openness of the Green Belt than the existing, simple stables. Furthermore, it would not contribute to meeting an identified affordable housing need. The proposed development therefore does not meet the provisions of paragraph 149 of the NPPF and as a result, it is inappropriate development.

Paragraph 148 of the NPPF requires very special circumstances to be demonstrated for the construction of new buildings in the Green Belt which do not meet the exceptions set out in

paragraph 149. The Parish Council considers that no such circumstances have been demonstrated.

It should also be noted that a previous application for this site (DM/14/03327/FPA) was refused in January 2021 on the following grounds:

*“It is considered that the proposal would harm the openness of the Durham City Green Belt and constitutes inappropriate development without very special circumstances to indicate otherwise and would have an adverse impact on the AHLV, contrary to policies 20 and 39 of the County Durham Plan and parts 13 and 15 of the National Planning Policy Framework.”*

**The Parish Council submits that by nature of the use, alongside the scale and massing of the development, it would have a greater impact on the openness of the Green Belt than the existing small stables. This is clearly contrary to the requirements of national planning policy and also policy G4 of the DCNP.**

#### Landscape impact

The application site lies within an Area of Higher Landscape Value (AHLV), as defined within the CDP. Policy 39 states that development will only be permitted within an AHLV where it conserves and where appropriate, enhances the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm. It is noted that no landscape assessment has been submitted as part of the application documents.

Whilst the Parish Council acknowledges that the topography of the site and existing landscaping does screen some of the visual impacts however, the proposed development, by virtue of the scale and massing as well as its use, would have a negative impact on the open and largely undeveloped nature of the application site.

Furthermore, DCNP policy H3 requires new development to be of a scale, density, massing and form which is appropriate to the context and setting of the area.

Paragraph 174 of the NPPF requires planning decisions to protect and enhance valued landscapes.

**The Parish Council considers the proposed development does not accord with the requirements of CDP policy 39 as it would not conserve the special qualities of the landscape and no benefits have been highlighted that would clearly outweigh the harm that would be caused. As a result of this impact, it is considered that the proposed development is also contrary to policy H3 of the DCNP and paragraph 174 of the NPPF.**

#### Future development

Whilst it is acknowledged that the council can only determine the application that is in front of them, the Parish Council is concerned that, should the application be approved, planning permission would then be sought for the construction of additional stables at Fernhill. It is

clear from the photographs contained within the submitted design and access statement that the stables are in use.

For the reasons set out in this response, the Parish Council urges that this application be refused. If officers are minded to approve this application, the Parish Council wishes that the application be called in to the Central and East Area County Planning Committee so that we may put our case to Members.

Yours sincerely,

**Adam Shanley**

**Clerk to the City of Durham Parish Council**