

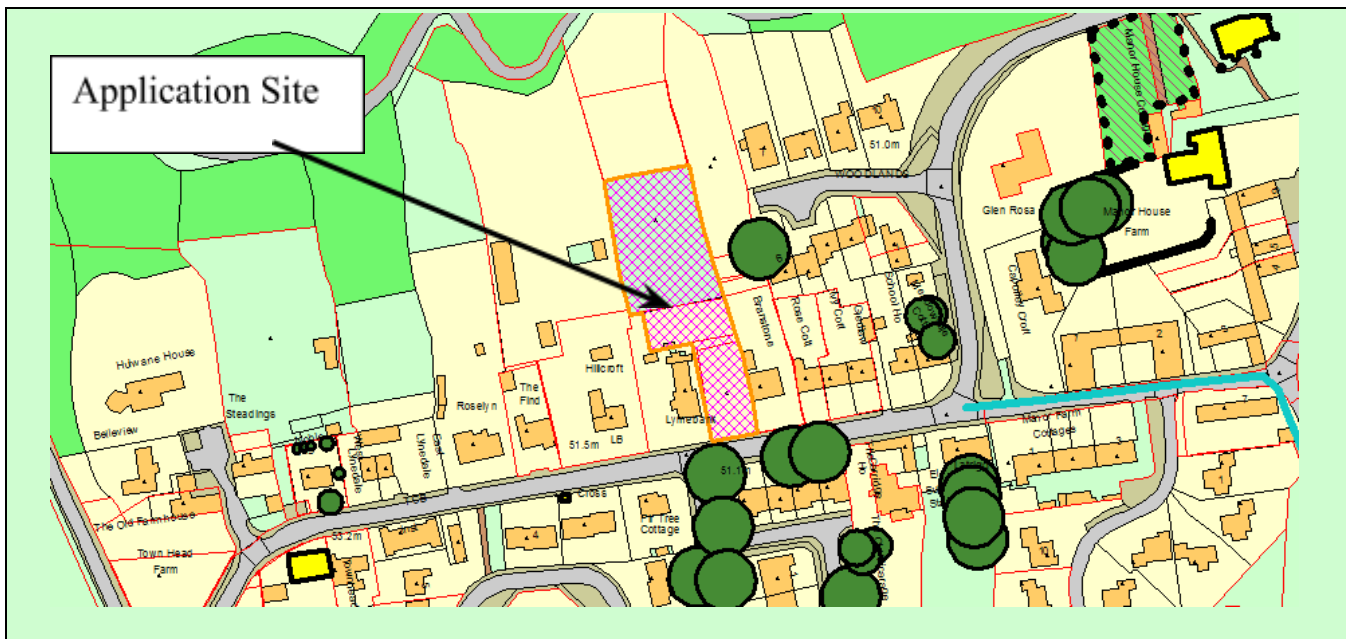


Northumberland County Council

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CASTLE MORPETH LOCAL AREA COUNCIL 10th SEPTEMBER 2018

Application No:	18/01508/FUL		
Proposal:	Construction of two dwellings		
Site Address	Land North Of Lynebank, Ulgham, Northumberland,		
Applicant:	Hartop Lynebank, Ulgham, Morpeth, Northumberland NE61 3AW	Agent:	Mr Fraser McKenna Strutt & Parker, 1-3 Oldgate, Morpeth, NE61 1PY
Ward	Pegswood	Parish	Ulgham
Valid Date:	27 April 2018	Expiry Date:	22 June 2018
Case Officer Details:	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		



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1. Introduction

1.1 The application is being determined by the Castle Morpeth Local Area Council at the request of Councillor Towns due to concerns of potential inconsistent decision making regarding 'infill' in the Green Belt.

2. Description of the Proposals

2.2 The proposal seeks for planning permission for the erection of 2no. detached one-and-a-half dwellings upon land to the rear of the dwelling known as "Lynebank"

in the village of Ulgham. The existing entrance would be used at Lynebank from the B1337 and would be widened for greater accessibility.

2.3 The application site comprises approximately 2775m² of land forming part of the curtilage of the dwelling 'Lynebank' located to the rear of the dwelling which in-turn fronts onto the main road (the B1337) running from Morpeth to the south and to Widdrington Station and Amble to the north. The two dwellings would be positioned in a linear formation to the north of Lynebank and aligned with the adjacent properties in Woodside. The main body of each dormer bungalow proposes a floor area of 251.57sqm and a ridge height of approx. 6.4m. The building would be constructed with facing tumbled stone work and late roofs.

2.4 The site has been subject to a refusal (16/04264/OUT) and subsequent dismissed appeal in June 2017 (APP/P2935/W/17/3167852) for a similar application. The reason for refusal was in respect of the location and harmful impact to the Green Belt; unjustified development in the open countryside outside of settlement boundaries and an unsustainable location due to a lack of local facilities and transport links in Ulgham.

2.5 The previous application was seeking outline consent with all matters reserved but with an indicative plan showing the dwellings to be sited in the same position within the parcel of land. The application however, showed access as being taken from the adjacent street "Woodlands".

3. Planning History

Reference Number: 16/01401/OUT

Description: Outline application for one new dwelling

Status: Permitted

Reference Number: 16/04264/OUT

Description: Outline permission for construction of 2 residential dwellings (1 x 2 storey 4-bed unit and 1 x 3-bed dormer bungalow).

Status: Refused

Reference Number: 12/03659/OUT

Description: Outline application for one new dwelling

Status: Permitted

Reference Number: 16/01401/OUT

Description: Outline application for one new dwelling

Status: Permitted

Reference Number: 18/01391/REM

Description: Reserved Matters Application for access, appearance, landscaping, layout and scale relating to approved outline planning permission 16/01401/OUT

Status: Permitted

Reference Number: 16/04264/OUT

Description: Outline permission for construction of 2 residential dwellings (1 x 2 storey 4-bed unit and 1 x 3-bed dormer bungalow).

Status: Refused

Appeals

Reference Number: 17/00012/REFUSE

Description: Outline permission for construction of 2 residential dwellings (1 x 2 storey 4-bed unit and 1 x 3-bed dormer bungalow).

Status: Dismissed

4. Consultee Responses

County Ecologist	No objections subject to conditions and s106 for coastal mitigation scheme
Highways	No objections.
Public Protection	No response received.
Northumbrian Water Ltd	No response received.
Lead Local Flood Authority (LLFA)	No objections
SE Tree And Woodland Officer	No response received.
Ulgham Parish Council	Objection (see full comments below)

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	11
Number of Objections	3
Number of Support	0
Number of General Comments	0

Notices

General site notice 15th May 2018
No Press Notice Required.

Summary of Responses:

Ulgham Parish Council

“Ulgham Parish Council (with the exception of Councillor Brown who took no part in the discussion or decision) wish to object to the planning proposal for the following reasons:-

The site is Greenbelt and outside the village line. This was established in a previous application, almost identical to this, which was lost at appeal on those grounds. This

decision has been used at planning training meetings as an example of how greenbelt around settlements has been upheld.

The agent has used a recent decision at Shield Green farm as an example of why this should be classed as infill. This has no comparison to this application as the house at Shield Green is between an existing farm steading and the main road, not in the garden behind a house which cannot be classed as infill.

There is some concern at the proposed provision for eight cars at the site. The agent also claims that the village has a public house open 7 days a week, offering food and drink. This is not correct the Forge Inn is only open at the weekends and no longer serves evening meals.

The agent claims that the nearest schools are Tritlington and Widdrington. This may be true but Ulgham is in the Pegswood catchment area and feeds into Ashington High school. There is no bus service to Tritlington from Ulgham and the County Council do not fund school travel to Widdrington.

The applicant claims that application 15/01852/out which was granted permission is the reason why this should be granted. That application was approved in September 2015 before the new village line and greenbelt had been established.

The applicant states in 3.2 that the site should be classed as infill due to there being commercial buildings to the west of the site. There are no commercial buildings, only a couple of small sheds which are used as storage.

In 4 the agent claims that Ulgham does not have a definitive inset boundary and in his opinion this should be changed to include this site. As stated before Ulgham does have a defined boundary which has been proven at two recent failed appeals.

The site is not sustainable. As the site lies outside the settlement boundary it does not meet the requirements for permitted development within the greenbelt. These are that they should be essential to meet the needs of Agriculture or Forestry.

As there is a more than adequate five-year housing supply in the area both at Widdrington and more recently approved at Pegswood this development does not meet any of the above criteria.

For all of the reasons stated above this application should be refused”.

There has also been 3 objections from local residents with the following concerns:

- Impact to the character of Woodlands and the village
- Located on Green Belt land and no exceptional circumstances have been demonstrated
- Impact to wildlife
- Previous application refused and dismissed at appeal
- Parking concerns

The above is a summary of the comments. The full written text is available on our website at:

6. Planning Policy

The adopted Development Plan for the area within which the application site is located comprises the saved policies of the Castle Morpeth District Local Plan, adopted in 2003 and saved Policy S5 in the Northumberland County and National Park Joint Structure Plan First Alteration (February 2005). Policy S5 establishes the general extent of an extension to the Tyne and Wear Green Belt to the north of Morpeth.

6.1 Development Plan Policy

Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration (February 2005)

Castle Morpeth District Local Plan (adopted 2003):

C1 - Settlement Boundaries
C11 - Protected species
UGC1 - Defined Settlement Boundary for Ulgham
H11 – Backland and Tandem Development
H15 - New Housing Developments
H16 - Housing in the Countryside

6.2 National Planning Policy

National Planning Policy Framework 2018 (NPPF)
National Planning Practice Guidance (amended, 2018)

7. Appraisal

7.1 The main issues for consideration include:

- Principle of development
- Design and impact on residential amenity
- Ecology
- Highway Safety

Principle of Development

Housing Supply

7.2 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirement. The five year housing land supply position is pertinent to proposals for housing in that paragraph 11 (d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

7.3 As set out in paragraph 73 of the NPPF, where the strategic policies are more than 5 years old, local planning authorities should measure their housing land supply against their local housing need. In accordance with the standard methodology, Northumberland's local housing need figure is currently 717 dwellings per annum. Against this requirement, and taking into account the supply identified in the Council's latest Five Year Supply of Deliverable Sites 2017 to 2022 report, the Council can demonstrate a 12.1 years supply of housing land. Therefore Northumberland clearly has more than a 5-year housing land supply, and as such, in this context, the presumption in favour of sustainable development does not apply.

7.4 This supply position updates that presented in the Council's 'Position statement following withdrawal of the draft Core Strategy (Nov 2017), and in the Five Year Supply of Deliverable Sites 2017 to 2022 report (Nov 2017) which used an Objectively Assessed Need of 944 dwellings per annum, informed by superseded evidence. While the draft Northumberland Local Plan includes a housing target of 885 dwellings per annum, given that the plan is not yet adopted, this target has not been used for the calculation of the Council's five year housing land supply position, as to do so would not reflect the NPPF.

Open Countryside

7.5 The application site lies in an area beyond the settlement boundaries of Ulgham as defined in the Castle Morpeth District Local Plan (2003). Therefore the site can be considered as being located in an area of open countryside. Following publication of the National Planning Policy Framework (NPPF) the provisions of saved Local Plan Policies C1, UGC1, H15 and H16 are still relevant in the determination of this application and remain the starting point for determining the proposals. These policies set out the basic principles against which new residential development proposals in the open countryside, outside of defined settlement boundaries, will be assessed with policies seeking to limit new house building in such locations to essential accommodation only, in line with the advice contained in the NPPF.

7.6 Policy C1 of the Castle Morpeth Local Plan establishes settlement boundaries and states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as being essential to the needs of agriculture or forestry or are permitted by alternative policies in the development plan.

7.7 Policy H16 also states that new housing in the open countryside will only be permitted where, inter alia, they are required in connection with the day-to-day operation of an agricultural enterprise and where the proposal accords with other criteria. There are no policies which allow the construction of market residential buildings in the open countryside and the dwellings would not be used in connection with the operation of an agricultural operation. Given this it is considered the principle of new build dwellings on this site would be contrary to Local Plan Policies C1 and H16. These policies generally align with the NPPF which only allows new build housing in the open countryside under very special circumstances, and so appropriate weight may be given to their provisions.

7.8 Development is supported inside settlement boundaries and, in specified circumstances which align with national policy and guidance; development would be supported beyond those boundaries. This approach is supported by the allocation of land for housing to meet identified needs. There are not considered to be any special circumstances in respect of this particular proposal.

7.9 The related appeal decision (APP/P2935/W/17/3167852 – Lynebank. Ulgham) supported this approach in the previously refused application on the site. The inspector confirmed that despite the age of the Local Plan, the settlement boundary policies should be afforded significant weight as the Council can demonstrate a 5 year housing land supply. The area is classed as open countryside due to its rural character and lack of urban development.

7.10 The site is greenfield and is located outside of an established settlement boundary. This location is contrary to a number of extant development policies and, in order to avoid unnecessary new development in open countryside, the principle of development is not supported in this respect. Given the scale of housing delivery in Northumberland in recent years, and the number of dwellings outstanding on extant permissions, it is considered unnecessary to encroach into the open countryside beyond the settlement boundary, to deliver additional housing.

7.11 As the circumstances have not changed since the previous refusal, it is considered the proposals would still represent non-essential and unjustified development in the open countryside outside of the defined settlement boundary limits for Ulgham. The application is therefore, contrary to the National Planning Policy Framework and Policies C1, UGC1 and H16 of the Castle Morpeth District Local Plan.

Sustainability

7.12 Part 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching principles – an economic, social and environmental objective.

7.13 In addition the NPPF goes on to state at paragraph 78 that: 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'. Paragraph 79 of the NPPF further states:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

- d) the development would involve the subdivision of an existing residential dwelling;
or
e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area”.

7.14 Whilst the development brings some benefit in terms of sustainable development, this should be weighed against the intentions of current national and local development plan policies which seek to direct growth to appropriate locations. It is not considered that the site is an isolated location given its proximity to the village of Ulgham, and it is accepted that new development could support the growth of a rural settlement and the services of villages nearby. Any application would still need to demonstrate however, if there are any social, economic and environmental benefits that all contribute to sustainable development.

7.15 The proposal would be built upon greenfield land that would have a detrimental impact upon the natural environment. As previously, stated the Council can demonstrate a 5 year supply of deliverable development and therefore the application is unable to identify a local need or state housing supply as an exceptional circumstance. It is considered that the economic and social objectives from two dwellings at this location would not outweigh the impact upon the environment and there have been no overriding factors to state otherwise within the application.

7.16 The previous application highlighted the response to the pre-application enquiry provided in January 2016 and in respect of this particular proposal submitted by the applicant, the following was offered:

“Ulgham has no local facilities and limited public transport links. There is an antiques shop which opens infrequently, a public house only open on a Friday night, Saturday and Sunday and a hall owned by the Women’s Institute. Bus services are limited and the nearest railway station is located in Widdrington Station, which has a very limited train service. In essence, this is not a sustainable settlement with an adequate range of facilities and services to cater for the day-to-day needs of its residents and the reliance would inevitably be on the private car. In the absence of any special need for the development, the proposed housing site would represent an unnecessary extension to the settlement in a less than sustainable location, poorly served by public transport facilities....”.

7.17 The inspector also concluded that the *“proposed development would not be located where future occupiers would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by private car”*

7.18 The village of Ulgham does not comprise any new facilities since the previous decision and therefore is still not a sustainable location in relation to the lack of an adequate range of facilities and services to cater for the day-to-day needs of its residents. Policy H16 of the Castle Morpeth District Local Plan requires that new houses in the open countryside will only be permitted if they are required in connection with the day-to-day operation of an agricultural or forestry enterprise. The application would therefore be contrary to Policy H16 as the proposal does not relate

to the provision of new dwellings in connection with an agricultural or forestry enterprise.

7.19 Having regard to the development plan, it is considered that to allow the development of this site for housing would conflict with national and local policy which aims to ensure that new development takes place in sustainable locations.

Green Belt

7.20 Saved Northumberland Structure Plan Policy S5 establishes the general extent of a Green Belt extension around Morpeth, with the detailed inner and outer Green Belt boundaries to be defined in a future local plan. While the plan did not define a detailed outer boundary or boundaries to settlements located within the general extent, as worded in Policy S5, it is clear that the application site is located within this extended area.

7.21 As the Castle Morpeth Local Plan (2003) defines boundaries to a number of settlements, it is considered that areas within these settlement boundaries are out with the Green Belt. Ulgham does not have a defined boundary therefore, it is considered that it is washed over by the Green Belt.

7.22 Whilst full weight cannot be given to Green Belt policy as it remains proposed by the Structure Plan rather than being established as such, of particular relevance are two recent appeal decisions. This includes the appeal in relation to the subject application site at Lynebank, Ulgham (ref: APP/P2935/W/17/3167852) and another at High House Lane to the west of Morpeth (ref: APP/P2935/W/17/31677263). In both cases the Planning Inspector in refusing the appeals adopted a consistent approach to the application whereby he recognised the proposed Green Belt status under Policy S5, then went on to assess the contribution that each site made to the five Green Belt purposes set out in paragraph 80 of the NPPF. In both cases, the Inspector concluded that the sites contributed significantly to the purposes of Green Belt and as such fell to be considered fully against established local and national Green Belt policy. Therefore a similar approach will be taken in the assessment of this application.

7.23 Firstly, to decide whether the site is within the general extent of the Green Belt the site needs to be assessed against its contribution towards the Green Belt purposes. The Inspector referred to another appeal decision by the Secretary of State on an appeal for 'Land off Avon Drive' near York (ref: APP/C2741/W/16/3149489) where it was concluded that it is enough for a site to make a contribution to one of these purposes for it to be within the general extent of the Green Belt.

7.24 Paragraph 134 of the NPPF sets out that Green Belt serves five purposes:

- a) To check the unrestricted sprawl of large built up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.25 It is considered that the site would encroach into the open countryside beyond the designated settlement boundaries and built form and would therefore contribute to the third Green Belt purpose. The inspector also concluded that the site is an area of rough grassland distinct from the residential garden and associated with the area of paddocks and enclosures to the north of the settlement towards the River Lyne. In addition, it would contribute to the fifth purpose as the inclusion of the site within the Green Belt would direct development to urban areas, thereby contributing to urban regeneration albeit to a limited degree.

7.26 As such in relation to the Green Belt as existing, the site contributes to the third and fifth purpose of the Green Belt. It is therefore concluded that the site is within the general extent of the Green Belt as established by Policy S5 of the Joint Structure Plan.

7.27 Paragraph 133 of the NPPF attaches great importance to the Green Belt, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

7.28 Paragraph 143 of the NPPF highlights that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 144 requires Local Planning Authorities (LPA) to ensure that substantial weight is given to any harm to the Green Belt, and that *“very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.

7.29 Both the NPPF and Policy C17 of the Local Plan identify a list of appropriate uses in the Green Belt for which new build development may be permitted. Any other uses not identified are deemed to be inappropriate.

7.30 The construction of new dwellings is not listed as one of the appropriate uses in the Green Belt under Local Plan Policy C17. The NPPF, at para 145, lists exceptions to the general policy of Green Belt restraint, setting out forms of development that are considered to be appropriate in the Green Belt. This does however differ slightly to the exceptions listed under Local Plan Policy C17 and so greater weight should be given to the NPPF. In terms of new buildings in the Green Belt the NPPF, under para 145, allows;

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which 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.

7.31 In this case, the development would not be for agriculture or forestry or be an appropriate facility for outdoor sport/ recreation. Nor would it consist of an extension or replacement buildings.

7.32 The NPPF does allow *limited infilling in villages* however, the site is not located within the village settlement boundaries. The Authority has received a High Court Appeal Judgement for a house at Tranwell Woods at 'The Bramblings' that refers to a previous Inspectors decision which states:

'The site is enclosed on three sides by dwellings with Belt Plantation to the south, and with an extended shared access from the C151. The development intended does not represent a gap in an otherwise [developed] frontage on the C151 through TW – this, in my view, [is] one reasonable test of infill development. To allow the Appeal would add an intrusive element to this sensitive area of countryside. While the dwelling would have limited visibility from public viewpoints, that cannot establish a convincing justification for the proposal. It would be able to be repeated too often, to the detriment of the countryside. Similarly, to grant planning permission would make it more difficult for the Council to resist similar proposals, undermining the clear intent of local planning policy...'

7.33 A recent appeal decision for a development of 2 dwellings at Bowes Hill (APP/P2935/W/18/3197543) in the Green Belt, also sets out a definition of limited infilling limited infilling. The Inspector stated:

"I am unaware of any formal definition in planning law, policy or guidance, or in the development plan, of the terms 'limited', 'infilling' or 'village'. However, it is reasonable to consider limited infilling as development which would occupy a small gap in an otherwise built up frontage."

This follows the definition within the Castle Morpeth Local Plan which states that infilling is the *'Infilling of small gaps within an otherwise continuously built up frontage'*.

7.34 The site is accessed from the existing access on the main frontage but the properties themselves would be positioned to the rear of Lynebank and appear as backland development rather than limited infill. In relation to the previous appeal at the site, the Inspector considered that *"the dwellings would only be bounded by built development on two sides and would appear as a development on the edge of the village, extending the built form of the settlement into the countryside and would not have the characteristics of infill within a village"*.

7.35 In terms of criteria- f) and g) the development would not be affordable housing for local community needs, nor limited infilling of previously developed land.

7.36 As such the development of the site in the Green Belt is not considered to be acceptable in principle as it does not fall under any of the exceptions allowed under paragraph 145 of the NPPF. Very special circumstances also do not exist which would justify the development in the Green Belt.

7.37 New housing in the Green Belt is considered to be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in special circumstances. Special circumstances have not been demonstrated in this instance. It is considered in this respect that the proposed development would cause material harm to the Green Belt and approval of the development in this location would conflict with the purposes of designating the area as Green Belt to the detriment of the character and appearance of the area.

Design and impact on residential amenity

7.38 Policy H15 of the Castle Morpeth District Local Plan provides the criteria for which new housing developments are assessed against. This includes ensuring the proposed layout, design and use of materials is sympathetic to the character of its surroundings and respecting the amenity of future and existing occupants. Furthermore, Policy H11 states that residential development of land will be refused for unacceptable backland development which would cause a loss of amenity to existing dwellings.

7.39 Ulgham is characterised in the main by traditional stone dwellings of varied shapes and sizes lining the afore-mentioned B1337 road. There is also a range of modern developments and building styles, varying from traditional stone buildings to a mix of stone, render & brick. There is no distinctive vernacular in the immediate area surrounding the site, but the modest scale of the proposed dormer bungalows would limit the overall height and presence from the surrounding area, and the use of materials would appear consistent with the nearby modern stone built properties present in the adjacent 'Woodlands'. It is considered that the the proposed dwellings, by virtue of the location of the application site, would not be prominent in the street scene and in accordance with policy H15 of the Castle Morpeth District Local Plan.

7.40 The open plan design of the dwellings ensures that no habitable rooms would look upon each other, and the outlook afforded to future occupants would not be compromised. The proposed east elevations do not have habitable windows that would overlook existing properties, and the separation distance between the properties would not result in an overbearing impact.

7.41 There is some concern, however, regarding the impact of the amenity to the existing property at Lynebank, and also the approved dwelling to the east of the site entrance, approved under application ref: 18/01391/REM. The position of the proposed properties to the rear of these dwellings and extended driveway would create noise and disturbance through additional vehicular movements. It is accepted that there would be some degree of harm to amenity but not to a significant level due to the scale of the proposed scheme and amount of additional traffic it would generate.

7.42 Overall, the proposed development would be in keeping with the established character of this part of Ulgham and not have a significant impact on residential amenity. The proposals would therefore be in accordance with Local Plan Policy H11

and H15, which seeks to achieve a satisfactory standard of living conditions and, more generally, promote high quality design.

Ecology

7.43 The site is within 10km of the coast, and therefore is it likely to lead to increased coastal disturbance which could contribute to a likely significant effect on the interest features of the Northumbria Coast SPA and Northumberland Shore SSSI.

7.44 The most effective mitigation for recreational impacts on coastal protected areas is the direct management of recreational activity within the designated sites themselves. However it is very difficult or impossible for developers to implement this because it is land outside of their control, and because it needs to be implemented on an ongoing basis.

7.45 Developers can chose to pay into a coastal mitigation service so that the Council can provide wardening on a coast-wide basis, a practice that has developed widely around England over the past 10-15 years. This will fund wardening and associated activities which will provide all of the mitigation developers require to ensure that their developments will not have an adverse effect on coastal designated sites, and therefore ensure that ecological issues are not a barrier to obtaining planning permission.

7.46 The contribution for this site would be £600 per unit as it is within 7km of the coastal sites. There is no requirement for developers to contribute to this service; however, there is a requirement for developers to provide adequate mitigation for their developments because the LPA cannot lawfully approve their planning application without this. Contributing to this strategic scheme is likely to be the simplest and most-cost effective way of providing adequate mitigation in most cases.

7.47 The applicant has confirmed in writing the subject to an approved application that there would be a contribution to the Coastal Mitigation scheme of £1200 for two dwellings.

7.48 In relation to the submitted ecological survey report, the County Ecologist has no objections subject to imposing conditions relating to mitigation for protected species. This includes provision of bat and bird boxes, further details of landscaping plan and SUDS area, retaining existing hedgerows and trees and the submission of a construction environment plan.

7.49 Overall, there are no objections on ecology grounds and the application is in accordance with the NPPF.

Highways

7.50 The application proposes to use the existing and extend the existing driveway but widen the entrance for improved access. The Highway Authority has assessed the impact of the proposed development on the highway network. The aim is to ensure that the proposal will not result in an adverse impact on the safety of all users of the highway, that the highway network in the area can accommodate the

anticipated trip generation, that safe access can be achieved, and that the highway remains unobstructed for the safe passage of all users of the highway.

7.51 The proposed development has been checked against the context outlined above and it is considered that it will not have an adverse impact on the safety of users of the highway in the area. In all other aspects concerning highway safety, the Highways Authority offers no objection subject to the imposition of appropriate conditions and informatives in the event of planning permission being granted so as to ensure highways safety, adequate parking and safe access and egress to/from the site.

7.52 The main planning considerations in determining this application have been set out and considered above whilst having regard to the appropriate local plan policies. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

7.53 The comments are based on informal advice and formal comments from Highways Authority are yet to be received. The members will be updated at the Local Area Council Meeting if there any additional comments.

Other Issues

7.54 The application and supporting information has highlighted other applications that have been approved outside of settlement boundaries or to demonstrate that the current application should be considered 'limited infill'. The supporting statement makes reference to Local Plan policies H3 and H4 but these were not 'saved' in 2007 and carry no weight in determining the application.

7.55 Each application has to assessed on its own merits and against the criteria within current national and local planning policy. The site has been subject to a refused application for a similar scheme and dismissed at appeal. The Authority has to give significant weight to the inspector's decision unless there are any significant changes to the proposal, planning law or policies. It would therefore be unreasonable behaviour to dismiss the previous decision made by the Inspectorate based on the similarities of the previous scheme.

7.56 The inspector also confirmed that the approval of the adjacent two dwellings in 2015 at 'Branstone' were outside the settlement boundary of Ulgham but was determined during the time the Council could not demonstrate a five year housing land supply. At the time, the relevant Local Plan policies were given limited weight. This is no longer the case at present.

7.57 The NPPF has been superseded with the amended version (June 2018) but the principles within the document has not changed significantly in relation to the principle of development for this application. As stated in the appraisal of this report however, there has been a recent high court judgement and separate appeal decision that helped the authority define 'limited infilling' which may not have been applied in other applications.

Equality Duty

7.58 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.59 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.60 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.61 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.62 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 Having regard to the relevant policies in the Development Plan and in giving due weight to national policy, it is considered that the principle of the development is not acceptable in this location. The construction on a new dwelling on the application site comprises development in the open countryside and beyond existing established settlement limits. The site lies within the Green Belt and represents an inappropriate development, which is in conflict with Green Belt policy and will cause detriment to the appearance of the surrounding area. The proposals are therefore contrary to the

guidance set out in the National Planning Policy Framework and the Castle Morpeth District Local Plan.

9. Recommendation

That this application be REFUSED permission for the following reasons:

Reasons

01. The site is within the Green Belt where the siting of new buildings is considered to be inappropriate development, unless subject to exceptions which do not apply in this case. The proposed development of the site is therefore considered to be harmful to the Green Belt and should not be approved except in very special circumstances, and no special circumstances have been identified in this case. The development would have an adverse effect on one of the purposes of including land in the Green Belt by encroaching into the countryside, and would lead to a marked loss of openness. The proposal would therefore be contrary to Castle Morpeth Local Plan Policy C17, and the National Planning Policy Framework.

02. The proposals would represent non-essential and unjustified development in the open countryside outside of the defined settlement boundary limits for Ulgham, contrary to the National Planning Policy Framework and Policies C1, UGC1 and H16 of the Castle Morpeth District Local Plan.

03. Due to the lack of local facilities and limited public transport links, this is not a sustainable settlement in terms of accessibility to an adequate range of facilities and services to cater for the day-to-day needs of its residents and the reliance would inevitably be on the private car. In the absence of any special need for the development, to grant planning permission for the proposed development would represent an unnecessary extension to the settlement in a less than sustainable location, poorly served by public transport facilities. To allow the development of this site for housing would not accord with national and local planning policies, which aim to ensure that new development is in sustainable locations, where prospective residents can have easy access to a full range of services and public transport links. The proposal is considered to be contrary to the requirements of Castle Morpeth District Local Plan policy H16 and the National Planning Policy Framework.

Date of Report: 22.06.2018

Background Papers: Planning application file(s) 18/01508/FUL