

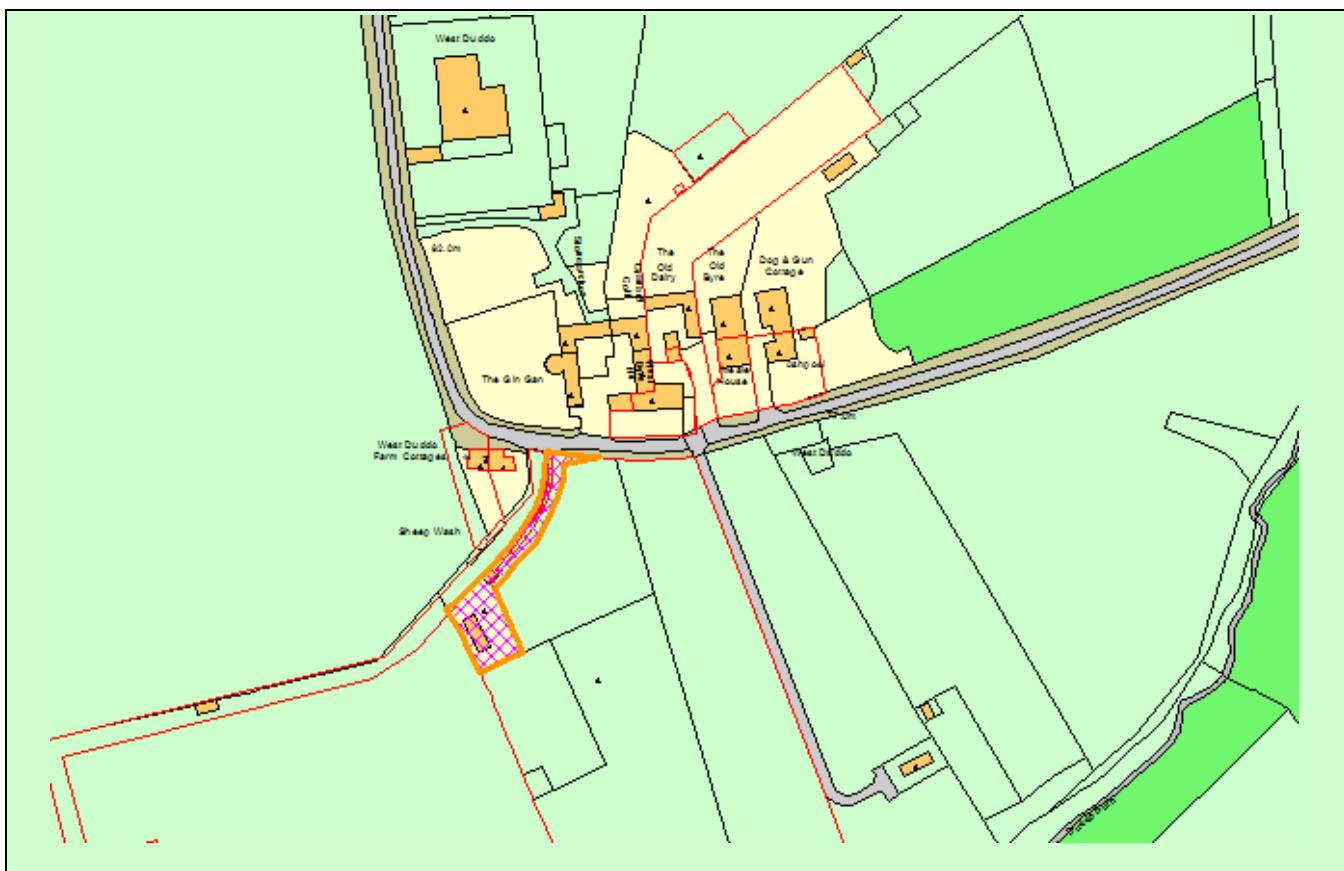


Northumberland County Council

Castle Morpeth Local Area Council 13th May 2019

Application No:	18/03367/FUL		
Proposal:	Alterations to the existing stable building and summerhouse approved under planning references CM/97/D/412 and 12/03885/FUL respectively and change of use to provide 1no. dwelling for rural workers.		
Site Address	Land South Of West Duddo Farm Cottages, Stannington, Northumberland,		
Applicant:	Mr Eric Thomas Fail Land West Of Duddo Farm, West Duddo, Stannington, Morpeth NE61 6BD	Agent:	Mr Tony Carter 13 Telford Court, Morpeth, Northumberland, NE61 2DB
Ward	Ponteland East And Stannington	Parish	Stannington
Valid Date:	25 September 2018	Expiry Date:	20 November 2018
Case Officer Details:	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



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1. Introduction

1.1 This application is being referred to the Local Area Council for a decision as the application has been recommended for refusal against the supportive comments of Stannington Parish Council.

2. Description of the Proposals

2.1 Planning permission is sought for alterations to the existing stable building and summerhouse approved under planning references CM/97/D/412 and 12/03885/FUL respectively and change of use to provide 1no. dwelling for rural workers at land south of West Duddo Farm Cottages, Stannington.

2.2 The application site is currently occupied by a stable building and a timber summer house. The summer house is used for shelter whilst caring for the animals on site. The proposal is for both structures to be converted and linked to each other and used for permanent accommodation to provide care for their animals of sheep and alpacas.

2.3 The works would include the insertion of windows and doors to the stable block and extending beneath the roof overhang on the east elevation for a glazed corridor. A link would extend to the summerhouse to provide further living accommodation.

3. Planning History

Reference Number: 17/00480/FUL

Description: Dismantle existing stable block and replace with a residential wooden chalet

Status: Withdrawn

Reference Number: CM/97/D/412

Description: Use of land for grazing, erection of stables and field shelter

Status: Approved

Reference Number: CM/97/D/412/A

Description: Renewal - Use of land for grazing, erection of stables and field shelter

Status: Approved

4. Consultee Responses

Stannington Parish Council	Comment: Stannington Parish Council supports this application as it will provide accommodation for a farmer who has successfully reared rare breed and alpaca over the last 7 years. it brings back into use a former stable building. We would support this on the basis that it had an agricultural tie included in the permission.
Highways	No objections
Northumbrian Water Ltd	No objections
County Ecologist	No objections
The Coal Authority	No response received.

Public Protection	No objections
County Ecologist	No objections subject to conditions

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	2
Number of Objections	1
Number of Support	13
Number of General Comments	0

Notices

General site notice 31st October 2019

No Press Notice Required.

Summary of Responses:

Support

- Required to protect animals
- No impact to surrounding area

Objection

- Timber frame Stables are what they are and accepted as being stables. As such they are not suited for residential purposes converted or otherwise.
- Conversion would not be in keeping with any of the surrounding houses in West Duddo.
- Alpacas are not at risk animals. They are a non native breed with a considerable population in the UK. Soay sheep are a feral animal and as such need little husbandry.

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

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PFCMIGQSJ5S00>

6. Planning Policy

Development Plan Policy

Stannington Parish Neighbourhood Plan (SPNP)

Policy 2 - New and extended community facilities

Policy 5 - New and expanding rural businesses

Policy 10 - Design and character

Castle Morpeth District Local Plan 2003

C1 Settlement Boundary

H15 New Housing Developments

H16 Housing in the Countryside
C11 Protected Species
C17 Green Belt development
H19 Conversion of buildings in rural areas for residential use.
H20 Conversion of buildings in rural areas for residential use.

National Planning Policy

National Planning Policy Framework (2019)
National Planning Practice Guidance (2018, as updated)

Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019)
STP1 Spatial strategy
STP8 Development in the Green Belt
HOU8 Residential development in the open countryside
QOP2 Good design and amenity
QOP4 Landscaping and trees
TRA4 Parking provision in new development

7. Appraisal

7.1 The main issues for consideration include:

- Principle of development
- Design
- Amenity
- Ecology
- Highway Safety

Principle of Development

7.2 In July 2018 (updated 2019) the Government published the National Planning Policy Framework (the NPPF). The policies within this Framework are material considerations which Local Planning Authorities should take into account from the day of its publication. The NPPF operates under a presumption in favour of sustainable development which is at the heart of the NPPF. It states that development proposals which accord with the development plan should be approved without delay unless material considerations indicate otherwise. The NPPF also provides specific policy guidance on development proposals which is, in itself, a material consideration in the determination of such schemes.

7.3 The adopted Development Plan for the area within which the application site is located comprises the Stannington Neighbourhood Plan, 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 around Morpeth.

Open Countryside

7.4 The site falls outside of a settlement boundary as defined on the proposals map under saved policy C1. The proposal is therefore identified as 'open countryside' and Policy C1 of the Local Plan restricts development beyond settlement limits unless in accordance with the relevant criteria of the identified policies within the plan. This includes policies H19 and H20 which is of relevance to this proposal.

7.5 In summary, criterion i) of Policy H19 permits development in the open countryside for the conversion and adaptation of buildings to residential use if the building is of substantial construction subject to a structural survey in certain circumstances. This is subject to reflecting the character of the existing buildings, has no detrimental impact to future and existing occupants and provides adequate outdoor amenity space identified in the remaining criteria of Policy H19 and within H20. The aim of policy H19 of the Local Plan in particular is to secure the protection of buildings with traditional rural character, with features and use of materials worthy of retention.

7.6 Policy STP1 of the Draft Northumberland Local Plan directs most sustainable development towards the larger towns, secondary centres and settlements within the County. Sustainable development will be supported within the constraints of the Green Belt and settlement boundaries defined on the Local Plan policies map or neighbourhood Plans.

7.7 Of particular relevance, Paragraph 79 of the NPPF 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".

7.8 In addition to the Open Countryside, 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 in West Duddo is located within this extended area. In addition 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. West Duddo Farm does not have a defined boundary and in effect, is washed over by the Green Belt. The Stannington Neighbourhood Plan also

identified that it is in conformity with Policy S5 and settlements identified on the Polices Map are within the general extent of the Green Belt under 'saved' policy S5, with the exception of Stannington Village.

7.9 The NPPF in paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Draft Northumberland Local Plan mirrors national policy. In terms of what the applicant has applied for which is the change of use and alteration of the existing buildings paragraph 145 of the NPPF is not relevant as this deals with new dwellings. Paragraph 146 says that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of these is the re-use of buildings provided that the buildings are of permanent and substantial construction.

7.10 The site is within the small hamlet of West Duddo Farm and whilst it may appear separate from the main cluster of buildings, it is visually linked to the nearby semi-detached dwellings to the south of the highway running through the settlement. Whilst the location is not accessible to everyday facilities and services, the site itself is not isolated from other dwellings. As such the criteria within paragraph 79 are not relevant.

7.11 The application is supported by information to suggest that the buildings are structurally sound with the plans showing little alteration other than internal walling. Whilst it is accepted that the current summer house may be of substantial construction, the stables sit on a concrete base and is constructed from a timber frame and walling with corrugated metal sheeting to the roof at a ridge height of approximately 2.5m high. The Authority's Building Control Team advised that there are concerns with the requirement for gas protection to be installed and upgrades for the existing roof structure. The existing roof structure will need to be strengthened with new purlins or replaced completely. Other works that would be required include structural alterations to existing timber frame openings, a new internal timber frame structure for wall insulation and furthermore, damp protection, gas protection and insulation to the flooring.

7.12 In general, small timber stables and small outbuildings are not constructed for permanent use and inappropriate for human habitation. The stables do not have any materials or features that are worthy of retention and the conversion would not enhance its setting or be in keeping with other traditional stone built properties in West Duddo. It is also, considered that the existing stable building is not of permanent and substantial construction capable of conversion without requiring major reconstruction. As such the proposals would not be appropriate in the Open Countryside or the Green Belt as it would not be in accordance with Local Plan Policy H19 or the criteria within paragraph 146 of the NPPF.

7.13 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". The application wishes to convert the buildings in order to provide a

dwelling for rural workers and considers 'very special circumstances' can be demonstrated. The planning statement highlights that:

"The proposals would not result in a new building in the open countryside though would provide appropriate accommodation for a rural worker to live near their place of work in connection with this rural based agricultural enterprise..... Currently, the applicants have to travel to the site from Station Road Stannington in order to manage the herd on a daily basis to ensure their welfare is maintained. However, during the lambing season this can be very problematic as the animals need around the clock care".

7.14 The applicants are retired and work on the land holdings caring for their animals. They live in Stannington village which is about 2 miles from West Duddo. The following livestock are currently kept on the above landholdings:-

- 30 Soay sheep.
- 4 Ryelands sheep.
- 4 Alpacas.

7.15 It has been demonstrated that the change of use and alteration is not acceptable in policy terms in the Green Belt and open countryside, however, as the applicant is trying to demonstrate very special circumstances exist for a rural workers dwelling it is considered that similar tests to those set out Castle Morpeth Local Plan Policy H16 are relevant. This states the following:

"NEW HOUSES IN THE OPEN COUNTRYSIDE WILL ONLY BE PERMITTED IF:
i) THEY ARE REQUIRED IN CONNECTION WITH THE DAY-TO-DAY OPERATION OF AN AGRICULTURAL OR FORESTRY ENTERPRISE;
ii) IT CAN BE CLEARLY SHOWN THAT IT IS ESSENTIAL FOR A FULL TIME WORKER TO LIVE ADJACENT TO HIS OR HER PLACE OF WORK;
iii) THE UNIT AND AGRICULTURAL ACTIVITY CONCERNED HAVE BEEN ESTABLISHED FOR AT LEAST THREE YEARS, HAVE BEEN PROFITABLE FOR AT LEAST ONE OF THEM, ARE CURRENTLY FINANCIALLY SOUND, AND HAVE A CLEAR PROSPECT OF REMAINING SO;
iv) THE ACCOMMODATION CANNOT BE PROVIDED BY THE CONVERSION OF AN EXISTING BUILDING ON THE HOLDING;
v) THERE ARE NO SUITABLE DWELLINGS IN THE AREA AVAILABLE FOR OCCUPATION BY THAT WORKER;"

In addition, Policy HOU 8 of the Draft Northumberland Local Plan states that proposals for new workers' dwellings in the open countryside will only be supported where the applicant is able to prove that:

- a. There is a clearly established existing functional need for a specialist full-time worker or one who is primarily employed in agriculture to live on the landholding, and that labour requirement does not relate to part-time employment;
- b. The agriculture business is financially sound and viable with a clear prospect of remaining so, the activity and landholding units concerned having been established for at least 3 years and been profitable for at least one of those last three years; and
- c. The functional need could not be fulfilled by any existing dwelling on the landholding unit or any other existing accommodation in the immediate area which is

suitable (including by means of refurbishment or appropriate extension) and potentially available for occupation by the workers concerned.

In terms of these tests an independent advisor has been consulted.

i) THEY ARE REQUIRED IN CONNECTION WITH THE DAY-TO-DAY OF AN AGRICULTURAL OR FORESTRY ENTERPRISE;

7.16 The main functional need on the landholdings that make up the livestock enterprises centred on the land to the south of West Duddo Farm Cottages will relate to the care of the livestock ie the sheep and Alpaca enterprises. In relation to the sheep the highest incidence of functional need will be when breeding ewes are lambing. However, in this instance none of the ewes have lambed for several years. In relation to the Alpacas, again the highest incidence of functional need will be when animals give birth. However the current animals are all males. The intended purchase of 6 breeding females is a proposition and may or may not come to fruition.

7.17 The care of the animals throughout the year will produce a functional need but as the animals kept are hardy breeds they will require less attention than normal commercial animals. The small number of animals kept will also produce a reduced functional need.

7.18 There is an established existing functional need in relation to the landholdings to the south of West Duddo Farm Cottages but that the functional need is commensurate with the small number of animals kept, the fact that they are of a hardy breed and that breeding has not taken place for some time

ii) IT CAN BE CLEARLY SHOWN THAT IT IS ESSENTIAL FOR A FULL TIME WORKER TO LIVE ADJACENT TO HIS OR HER PLACE OF WORK;

7.19 The calculated labour requirement of the various livestock enterprises currently undertaken on the land to the south of West Duddo Farm Cottages and can advise that based on the existing livestock numbers and cropping practices, there is a total calculated labour requirement of around only 0.1 of a full time worker.

iii) THE UNIT AND AGRICULTURAL ACTIVITY CONCERNED HAVE BEEN ESTABLISHED FOR AT LEAST THREE YEARS, HAVE BEEN PROFITABLE FOR AT LEAST ONE OF THEM, ARE CURRENTLY FINANCIALLY SOUND, AND HAVE A CLEAR PROSPECT OF REMAINING SO;

7.20 Due to the low numbers of animals kept and that no breeding has taken place in recent years to produce additional animals for sale, it is not considered to be a profitable business.

iv) THE ACCOMMODATION CANNOT BE PROVIDED BY THE CONVERSION OF AN EXISTING BUILDING ON THE HOLDING; v) THERE ARE NO SUITABLE DWELLINGS IN THE AREA AVAILABLE FOR OCCUPATION BY THAT WORKER;

7.21 The enterprise has a low labour requirement and is not a financially sound sustainable business, the independent advisor does not consider a worker should be resident on these landholdings.

7.22 This business has been established for more than 3 years but the Council's independent advisor considers that the labour requirement is for only around 0.1 of a full time worker and it is not a financially sound sustainable business to warrant a rural worker on site. As such, notwithstanding the fact it is considered the works to the stable would be so substantial that it could amount to a new dwelling, on this basis it has still been demonstrated by the independent agricultural advisor there is also not an essential need for a new rural workers dwelling to be constructed. The development would therefore in addition not meet the requirements set out in paragraph 79 of the NPPF, and would also be contrary to Policy C1 and H16 of the Castle Morpeth District Local Plan. It is therefore considered that 'very special circumstances' have not been demonstrated and the proposal would not be appropriate development in the Green Belt.

7.23 Overall, the stable block is not considered to be of permanent and substantial construction and is therefore not in accordance with policy C1, C17 and H19 of the Castle Morpeth District Local Plan and the NPPF as it is not an appropriate development in the Open Countryside and Green Belt. There is also not an essential need for a new rural workers dwelling and as such the proposal would also not accord with the NPPF and meet the criteria within policy H16 of the Local Plan for a new dwelling in the Open Countryside. Whilst limited weight can be afforded to the Northumberland Local Plan, the application would not accord with Policy HOU 8.

Design and residential amenity

7.24 Paragraph 127 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment and landscape setting, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

7.25 The building is of a simple timber design and the new extension to the east elevation and small link would introduce proportionate additions. There would be the insertion of windows and doors to modernise the structures into habitable use. Whilst the works would not enhance the appearance of the surrounding area, there would be no additional detrimental impact to the visual amenity due to retaining the general footprint and height of the existing timber structures. The building is some distance from any other housing, and it is considered that it would not have an adverse effect on adjacent land or buildings in accordance with the NPPF.

7.26 Overall, the proposal would accord with Policy 10 of the SPNP, criteria ii) and v) of Local Plan Policy H19. Whilst limited weight can be given to the Northumberland Local Plan (NLP) in this respect the proposal would also accord with NLP Policy POL 2, QOP 1 and QOP 2

Highways

7.27 The proposed development is to be served by an existing private access from the C151 junction to C150 junction which is an unclassified road with a speed restriction of 60mph. The proposed development is set back approximately 57 metres from the highway. The traffic expected to be generated from the proposed development is not considered to have a harmful impact on the highway network.

There are no highway safety concerns arising from the proposed development. The plans submitted referenced site plan giving details of parking are considered acceptable. There are no objections from the Highways Authority subject to a condition securing parking provision. The application is therefore, considered to be in accordance with the NPPF. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would accord with Policies TRA 2 and TRA 4 which look at the effects of the development on the transport network and parking provision in new development.

Ecology

7.28 Due to the nature of the buildings there is a negligible risk of them supporting roosting bats, however there is a small risk of bats using the buildings as a nesting location. Accordingly an advisory is required in this respect. Bats are however likely to forage in the local area given the presence of mature hedgerows and the Duddo Burn to the south; control of external lighting is required to ensure that harm to bats and other nocturnal mammals is avoided.

7.29 The method of foul water treatment is via a package treatment plant and the water quality of the Duddo Burn is unlikely to be impacted.

7.30 The applicant has proposed that hedgerow and tree planting is carried out, details of this planting should be secured by planning condition in order to ensure that suitable locally native species are utilised. Subject to conditions relating to mitigation for bat and bird boxes and a planting scheme, the County Ecologist has no objections to the application and the application is in accordance with the NPPF. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would accord with Policy ENV2 which seeks to protect and enhance biodiversity and geodiversity.

Equality Duty

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

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

Human Rights Act Implications

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.

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.

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 The application has been assessed against local plan policies and the NPPF as outlined above. Although issues of design, residential amenity, parking and foul sewage are acceptable, the principle of the conversion of the building to a new house in the open countryside and the Green Belt would not accord with policies C1, C17, H19 of the Castle Morpeth District Local Plan and the NPPF.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

01. The site is located in the open countryside and the Green Belt. The stables are not considered to be of permanent and substantial construction and so would not accord with Castle Morpeth District Local Plan policies C1 and H19. The proposal would represent inappropriate development in the Green Belt contrary to Castle Morpeth District Local Plan Policy C17 and paragraph 146 of the National Planning Policy Framework.
02. There is not an essential need for a new rural workers dwelling in the Open Countryside. The development would therefore represent unnecessary and unjustified development in the open countryside outside of the defined settlement boundary and would not meet the requirements set out in Policy C1 and Policy H16 of the Castle Morpeth District Local Plan.

Date of Report: 15.03.2019

Background Papers: Planning application file(s) 18/03367/FUL