

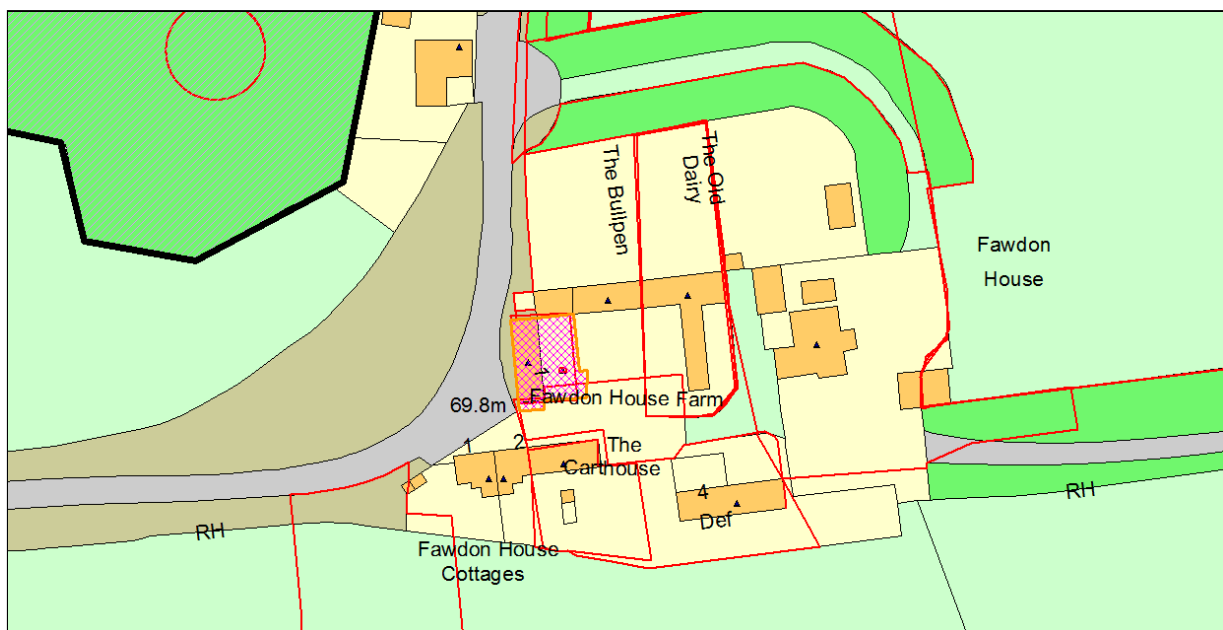


# Northumberland County Council

## Castle Morpeth Local Area Council Committee 10<sup>th</sup> February 2020

<b>Application No:</b>	19/01918/FUL		
<b>Proposal:</b>	Relocation of an oil tank and alterations to existing openings (Amended description 28/10/2019, Amended Plans received 25/10/2019).		
<b>Site Address</b>	1 Fawdon House Farm, Longhirst, Morpeth, Northumberland NE61 3LQ		
<b>Applicant/ Agent</b>	Ms Jacqueline Stevenson 1 Fawdon House Farm, Longhirst, Morpeth, Northumberland NE61 3LQ		
<b>Ward</b>	Pegswood	<b>Parish</b>	Longhirst
<b>Valid Date</b>	1 July 2019	<b>Expiry Date</b>	14 February 2020
<b>Case Officer Details</b>	Name: Mr Callum Harvey Job Title: Planning Officer Tel No: 01670 623625 Email: Callum.Harvey@northumberland.gov.uk		

**Recommendation:** That Members GRANT permission for this application, subject to recommended conditions.



## **1. Introduction**

- 1.1 This application has received a number of objections from local residents raising a number of concerns. Under the provisions of the Council's Scheme of Delegation, the application has been vetted by the Senior Planning Manager and given the concerns which have been raised the application is to be considered by the Castle Morpeth Local Area Planning Committee.

## **2. Description of the Proposals**

- 2.1 The application seeks consent for the relocation of an oil tank within the curtilage of 1 Fawdon House Farm in Longhirst, and alterations to existing openings on the eastern elevation of the property.
- 2.2 The property at 1 Fawdon House Farm forms part of a group of 5no. dwellings which were converted from barn buildings following approval from the former Castle Morpeth District Council in March 1991, planning reference C/91/D/4. Following the original decision in March 1991, amended schemes were considered, with the more recent approval for the barn conversions being granted by the former Castle Morpeth District Council in May 1994 under the same planning reference. The consent was subject to a number of planning conditions, with Condition 3 removing Permitted Development rights for these properties under Schedule 2, Part 1, Classes A-H of the General Permitted Development Order. As such, planning consent is required for the proposed oil tank and alterations to the windows at this property.
- 2.3 Following concerns raised by neighbouring residents in respect of the positioning and scale of the proposed oil tank, and the accuracy of the received plans in respect of the existing boundary treatments and openings at the property, amended Plans (Revision G) were received 15.12.2019. The planning authority has therefore assessed the proposals using this set of plans, and the recommendation is in respect of the development shown on these. Neighbouring residents have been re-consulted on the amended plans.
- 2.4 The plans show the oil tank being located adjacent to the southern gable elevation of the property, within the red line boundary which outlines the land in ownership of the applicant. The proposed fire-rated oil tank would measure 1.45m in width, 0.6m in depth and 1.6m in height, and would be adjacent to the 2.4m high stone wall which forms part of the western boundary of the application site. At 1.45m in width with a further 0.18m separation distance between the tank and the elevation of the property as shown on the received plans, the proposed tank would be narrower than the adjacent 1.9m wide stone wall, therefore the oil tank as proposed would not reduce the width of the access road to the group of dwellings known as Fawdon House Farm from the public highway. An indicative visual plan has been received showing the appearance of the oil tank, which would be constructed in a metal material with a coloured finish. As the oil tank would be fire-rated, the necessary fire safety measures would be built-in to the structure.

- 2.5 Following concerns raised by neighbouring residents in respect of the accuracy of the previously submitted plans, the amended plans which are now being considered show the existing provision of 2no. car parking bays which meet national car parking space standards within the curtilage of the property, the position of existing boundary treatments at the property, and the recent alterations to 3no. windows on the east facing front elevation of the property.
- 2.6 Following concerns raised by the Highways Authority, the received plans show the location of the parking of a servicing vehicle for the oil tank, measuring 2.7m x 8.2m, on the highway verge located to the west of the application site and the proposed location of the oil tank. The applicant has clarified in email correspondence that the oil tank would usually require refueling during one delivery during Spring/Summer/Autumn and approximately two deliveries during Winter. The proposed location of the servicing vehicle would not require the vehicle to enter the shared courtyard between the group of dwellings at Fawdon House Farm and would not restrict access to the courtyard from the public highway.
- 2.7 Following concerns raised by neighbouring residents about the accuracy of the previously submitted existing plans, a new existing plans document has been received 27.01.2020 which shows the existing timber gate located adjacent to the location of the proposed oil tank. The applicant has confirmed that the gate has been in place for more than ten years, therefore it is immune from enforcement action from the local planning authority, in accordance with Section 171B of the Town and Country Planning Act (1990, as amended). As the existing plans document show the site as existing, it is not considered necessary to consult neighbouring properties on this document, as neighbouring residents would already be aware of the gate's existence when making comments on the application. The previously submitted proposed plans document (Revision G, received 15.12.2019) has not been amended.
- 2.8 The application site is within the High Risk Coal Working Referral Area as identified by the Coal Authority, due to the local area's Coal Mining history.

### **3. Planning History**

**Reference Number:** 13/02658/FUL

**Description:** Proposed conversion of existing garage and insertion of windows to east and south elevation as amended by plan received 22/12/13

**Status:** Permitted

**Reference Number:** 16/01541/FUL

**Description:** Retrospective application for the siting of garden storage shed in garden

**Status:** Permitted

**Reference Number:** CM/91/D/4

**Description:** Conversion of disused barns to 5 no dwellings garages and ancillary works (as amended by plans and letter received 4th February 1991)

**Status:** Permitted

## **4. Planning Policy**

### 4.1 Development Plan Policy

Castle Morpeth District Local Plan (2003) (Saved Policies 2007)

Policy RE1 – Energy Conservation

Policy RE8 – Contaminated Land

Policy RE9 – Ground Stability

Policy C1 – Settlement Boundaries

Policy H14 – Improvements to Existing Housing

Policies H19 and H20 – Conversion of buildings in the open countryside to residential use

Policy H22 – Alteration and Extension of Dwellings in the Open Countryside

Northumberland County and National Park Joint Structure Plan Alteration (2005)

Policy S5 – Extension to Green Belt

### 4.2 National Planning Policy

NPPF - National Planning Policy Framework (February 2019)

NPPG - National Planning Practice Guidance (2019)

### 4.3 Emerging Planning Policy

Emerging Northumberland Local Plan Publication Draft (January 2019) with Minor Modifications (May 2019)

Policy STP 1 – Spatial strategy (Strategic Policy)

Policy STP 4 – Climate Change Mitigation and Adaptation (Strategic Policy)

Policy STP 7 – Strategic Approach to the Green Belt (Strategic Policy)

Policy STP 8 – Development in the Green Belt (Strategic Policy)

Policy HOU 1 – Making the best use of Existing Buildings (Strategic Policy)

Policy HOU 8 – Residential development in the Open Countryside

Policy HOU 9 – Residential development management

Policy QOP 1 – Design principles (Strategic Policy)

Policy QOP 2 – Good design and amenity

Policy QOP 5 – Sustainable design and construction

Policy QOP 6 – Delivering well-designed places

Policy TRA 1 – Promoting sustainable connections (Strategic Policy)

Policy TRA 2 – The effects of development on the transport network

Policy TRA 4 – Parking provision in new development

Policy ENV 1 – Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

Policy ENV 7 – Historic Environment and Heritage Assets  
 Policy POL 1 – Unstable and contaminated land  
 Policy POL 2 – Pollution and air, soil and water quality

## 5. Consultee Responses

Highways	<p><i>Comments dated 07.08.2019:</i>          The plan submitted on 22nd July 2019 referenced PO-20-100 Revision C giving details of car parking is not considered acceptable as the applicant has not shown parking and manoeuvring space for vehicles associated with the servicing of the oil tank; a revised plan giving details of this is required.</p>
Longhirst Parish Council	No response received.
Highways	<p><i>Comments dated 07.10.2019:</i>          The applicant has submitted a plan referenced PO-20-100 Rev E which shows the parking arrangements and the exact location of the oil tank which is just within the boundary beyond the access point to the adopted network. It is plotted that the oil service vehicle will stop within the wide access point (adopted highway extent). This area is not there to enable vehicles to stop and effectively any vehicle that has stopped in the area indicated on the plan will be within the visibility splay which may cause a major conflict if there is a vehicle waiting to egress onto the B-Road.</p> <p>Furthermore, if a vehicle stops here and a vehicle is required to enter the site, the vehicle will be required to perform a complicated manoeuvre to enter the access which also may cause conflict. The applicant should submit details as to how often this oil tank will be serviced. If it is serviced regularly, the applicant should reconsider the proposed arrangements in the best interest of highway safety.</p>
Highways	<p><i>Comments dated 24.10.2019:</i>          A further re-consultation has been submitted with further details in regards to the oil tank servicing schedule.</p> <p>It has been clearly stated that the servicing will occur on a staggered basis which usually sees one delivery during Spring/Summer/Autumn and approximately two deliveries during Winter.</p> <p>With these details in mind, it would be difficult to justify further amendments or a refusal on the scheme in highway terms.</p> <p>RECOMMENDATION: No observations: No issues arise from the proposal.</p>

## 6. Public Responses

Neighbour Notification

Number of Neighbours Notified	6
Number of Objections	11
Number of Support	1
Number of General Comments	0

### Notices

No Site Notice Required.

No Press Notice Required.

### Summary of Responses:

1 letter of support has been received from a neighbouring property, though a subsequent letter of objection has been received from the same property. 8 further objections have also been received from other neighbouring properties.

The received objections have raised the following concerns which are material planning considerations:

- Visual impact of the oil tank on the streetscene;
- Visual impact of the boundary treatments shown on the received plans;
- Visual impact of the window alterations shown on the received plans;
- Insufficient car parking provision at the applicant's property, in breach of a condition imposed of a previous consent;
- Highway safety in relation to the proposed location of an oil tanker when servicing the proposed oil tank;
- Restriction of access to neighbouring properties at Fawdon House Farm; and
- The proposed oil tank would require more frequent servicing than the applicant has indicated to Council officers.

The received objections have also raised the following concerns which are not material planning considerations:

- The proposed oil tank would not meet OFTEC and other Building Regulations, and would also not meet guidance published by the Health and Safety Executive (HSE);
- The applicant's ownership of the parcel of land where the oil tank is proposed to be located;
- The land covenants in place on the application site;
- The existing temporary oil tank within the curtilage of the applicant's property (which would be removed if consent were granted for the current proposal) is a health and safety risk; and
- Vehicles currently parking on the highway verge to the west of the application site.

The above is a summary of the comments. The full written text is available on

our website at:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PT1JXSQS0K500>

## 7. Appraisal

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The Saved Policies of the Castle Morpeth District Local Plan (adopted 2003) remain the development plan and the starting point for determining applications as set out at Paragraph 47 of the NPPF.

7.2 The NPPF states that from the day of its publication, weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. The emerging Northumberland Local Plan was submitted to the Planning Inspectorate in May 2019 for independent examination, supported by a schedule of Minor Modifications following a six week period of consultation earlier this year. The Authority are therefore affording appropriate weight to policies contained within the emerging plan which form a material consideration in determining planning applications alongside Development Plan Policies.

7.3 Following officer assessment and in light of the comments received the main issues for consideration in the determination of this application are as follows:

Material Planning Considerations  
Principle of the development  
Design and visual impact  
Impact on residential amenity  
Highway Safety  
Coal Mining Legacy

### Material Planning Considerations

7.4 As set out in Section 6 of this report, a number of concerns have been raised by neighbouring residents, separating them into what is and is not a material planning consideration when assessing the current application.

7.5 'Material Planning Considerations' must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation and must also fairly and reasonably relate to the issue in question. Issues such as a loss of view, a negative effect on the value of properties, disputes over land ownership, or other matters which fall beyond the remit of planning policy, guidance, and legislation are not material considerations when assessing and determining a planning application.

- 7.6 Therefore concerns which have been raised by neighboring residents in respect of OFTEC and Building Regulations, and also conflicts with guidance published by the Health & Safety Executive, cannot be taken into consideration when assessing the current planning application. These are matters which would be considered by colleagues in the Building Control team at the County Council, as they fall under separate legislation. It should be noted that if a development is granted approval under planning legislation, this would not set a precedence where the development would then be approved under Building Regulations; they are separate processes covered by separate legislation. It is therefore possible that planning consent could be granted for the proposed development, and for the development to then not gain approval in respect of Building Regulations.
- 7.7 With this in mind, Members are reminded that the proposals should be assessed based on material planning considerations in order to reach a reasonable determination under relevant planning policy, guidance, and legislation. To refuse a planning application on the grounds a non-material planning consideration would not be a reasonable decision for the planning authority to make, therefore the authority would be open to such a refusal decision being overturned were an appeal made to the Planning Inspectorate.
- 7.8 The material planning considerations to be considered in the assessment of this application are set out in this report.

#### Principle of the development

##### *Open Countryside*

- 7.9 The application site lies in an area beyond the settlement boundary of Morpeth 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 and H22 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 proposals for the alteration or extension of existing residential properties within open countryside, outside of defined settlement boundaries, will be assessed against, in line with the advice contained in the NPPF.
- 7.10 Policy C1 of the Castle Morpeth District Local Plan (CMLP) restricts the development of new buildings within the open countryside, and directs the decision maker to Policy H22 when assessing proposals for the alteration or extension of existing residential dwellings. Criteria v) of Policy H22 restricts the extension of buildings which have previously been converted to residential use under Policy H19 of the CMLP. It is noted that the proposal does not seek to extend the property therefore this criteria does not apply. The proposal also does not seek to construct a new building. Therefore the proposal does not conflict with either of Policies C1 or H22 of the CMLP.

##### *Green Belt*



- 7.11 The application site falls within the Green Belt as identified on the Key Proposals Map under Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan Alteration (2005).
- 7.12 Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 of the NPPF states that the Green Belt serves the following 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.
- 7.13 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 145 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt. Paragraph 145 goes on to state that one exception to this is 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.
- 7.14 The proposal seeks consent for an oil tank with a 0.9m<sup>2</sup> footprint and measuring 1.6m in height. The tank is located adjacent to the host property and a 2.4m high stone wall. The proposal is not considered to be a disproportionate addition to the existing building and would therefore not have an adverse impact on the openness of the Green belt or the other purposes of the Green Belt. As such the proposed oil tank would not be inappropriate development in the Green Belt as it meets one of the exceptions set out in Paragraph 145 of the NPPF.

### *Energy Conservation*

- 7.15 Policy RE1 of the CMLP seeks to reduce proposed development's dependence on non-renewable resources and reduce greenhouse gases. Policy STP 4 of the emerging Northumberland Plan also seeks to reduce greenhouse emissions from development proposals across the County.

7.16 The proposed tank would be used for the storage of oil for the heating of the applicant's property. It is noted that this oil is a fossil fuel and the use of the tank is dependent on a servicing vehicle, albeit infrequently. It is however also noted that the property is dependent on this fuel source as a means of heating as are many other existing dwellings in rural areas; as such it is considered unreasonable to require the applicant to switch to a more carbon-neutral form of energy provision for the heating of their existing home.

#### *Summary of the Principle of Development*

7.17 The proposal is not considered to be inappropriate development in the Green Belt, and would not conflict with Policies C1 or C22 of the CMLP in respect of open countryside or conflict with Policy RE1 of the CMLP in respect of Energy Conservation. The proposal is therefore considered to be acceptable in principle, in accordance with Policies RE1, C1 and H22 of the Castle Morpeth District Local Plan, Policies STP1, STP4, STP7, STP8 and HOU1 of the emerging Northumberland Local Plan, and the NPPF.

#### Design and visual impact

7.18 The proposed oil tank requires consent as Permitted Development rights under Schedule 2, Part 1 Classes A-H of the General Permitted Development Order were removed by condition when the application site was granted consent for conversion into a residential dwelling. The reason behind this condition was to retain control over the development of the site, in the interests of the appearance of the development.

7.19 The proposed oil tank is of a typical scale for an oil tank ancillary to a residential dwelling. The proposed tank would be constructed of metal with a coloured finish, and would be clearly visible from adjacent properties, though it would only be partially visible from vantage points on the public highway to the west. As the proposed oil tank would be of a bespoke design, the applicant has submitted that the tank itself has not been commissioned for manufacture and would not be commissioned unless planning consent were granted due to the cost of manufacturing the tank. Therefore the authority is not yet able to fully assess the exact appearance of this particular tank over and above the details shown on the received plans. Notwithstanding the submitted intended dimensions of the tank, it is considered necessary to request further finishing details of the oil tank to be submitted for consideration prior to its installation through a planning condition, so that its appearance within the streetscene can be fully assessed. Subject to the use of this condition, it is considered that the appearance of the proposed oil tank in this location would not detract from the character or significance of the converted barns which makes up Fawdon House Farm, and would not be an unusual form of development within the curtilage of a dwelling in a rural setting.

7.20 The received plans also show alterations to the first floor openings on the east facing front elevation of the property. These alterations comprise changes to the glazing and the timber frames. The scale and positioning of

the openings have not been altered, and the previous white painted timber frames have been replaced like-for-like. It is considered that the amended window frames are not notably different from the previous window frames, with the only notable difference being the change in the glazing. It is considered that the proposed openings would not have an adverse impact on the appearance of the dwelling, which is a converted barn, or have an adverse impact on the appearance of the street scene.

- 7.21 It is considered that the proposed works would not have a significant adverse impact on the appearance of the host property or the streetscene which comprises converted barns. The provisions of Policies H19 and H20 of the CMLP, which control the appearance of barn conversions, have been taken into consideration when making this assessment. The proposal is therefore considered acceptable in respect of visual appearance, in accordance with Policies H14, H19, H20 and H22 of the CMLP, Policies HOU8, HOU9, QOP1, QOP2, QOP5, QOP6, ENV1 and ENV7 of the emerging Northumberland Local Plan and the NPPF.

#### Impact on residential amenity

- 7.22 The proposed oil tank would be located adjacent to the site boundary of the application site, 6.8m from the neighbouring property to the south.
- 7.23 Concerns have been raised by neighbouring residents in respect of the safety of the installation of the oil tank. As explained earlier in this report, the approval of the specifics of the installation of the tank would fall under Building Regulations and is not a material planning consideration when assessing this planning application. To recommend refusal on the grounds of impact on residential amenity would therefore be unreasonable.
- 7.24 The proposal also seeks consent for the replacement of 3no. existing first floor windows on the east elevation with openings with a different glazing design. The changes to these openings would not lead to a greater degree of over looking onto the curtilage of neighbouring properties than the original windows. As such, this element of the proposal raises no planning concerns.
- 7.25 The proposal has been assessed and is not considered to have an unacceptable impact on residential amenity. The proposals are therefore considered acceptable in this respect, in accordance with Policy H14 of the Castle Morpeth District Local Plan, and the NPPF.

#### Highway Safety

- 7.26 The proposed oil tank would be located within the curtilage of the applicant's property, and would be adjacent to the private access road leading to the group of converted barns known as Fawdon House Farm. The public highway ends at the adjacent stone wall located to the west of the proposed oil tank location.

- 7.27 The Highways Authority have been consulted on the proposals and had initially raised concerns in respect of where the service vehicle for the proposed oil tank would park during the servicing of the tank. Following the receipt of an amended site plan showing the service vehicle parking on the highway verge to the west of the application site, and comments from the applicant clarifying that the oil tank would be serviced on a staggered basis which usually sees one delivery during Spring/Summer/Autumn and approximately two deliveries during Winter, the Highways Authority have no objection to the proposal, and have not recommended the use of any conditions in the interests of highway safety.
- 7.28 Concerns have been raised by neighbouring residents in respect of the car parking provision of the applicant's property. An amended plan has been received which accurately shows the existing provision of two car parking bays within the curtilage of the property. These car parking bays meet the national car parking bay size standard of 2.4 metres x 4.8 metres. It is also noted that the access into the courtyard and the courtyard itself are not adopted highway, therefore the Council are restricted in actions that it can take in respect of residents who decide to park their vehicles outside of these designated car parking bays.
- 7.29 The proposal has been assessed and, subject to the oil tank servicing vehicle being parked in accordance with the received site plan, would not have an unacceptable impact on highway safety. The proposal is therefore acceptable in this respect in accordance with the NPPF.

### Coal Mining Legacy

- 7.30 The application site is located within the High Risk Coal Mining Area as identified by the Coal Authority. The proposal would not lead to extensive ground works, therefore the application is not required to be supported by a Coal Mining Risk Assessment. The proposal would not lead to land instability, lead to the ingress of ground gas gases or lead to land contamination issues, in accordance with Policies RE8 and RE9 of the Castle Morpeth District Local Plan and the NPPF.

### Other Matters

#### *Existing Boundary Treatments*

- 7.31 Concerns have been raised by neighbouring residents in respect of the location and appearance of the existing close boarded timber fence at the applicant's property. Due to its height the fence is considered Permitted Development under Schedule 2, Part 2, Class A of the General Permitted Development Order. It is noted that the Permitted Development rights which were removed from the property under decision CM/91/D/4 does not include these rights in respect of fences, therefore the application site still benefits from these rights. As such the fence does not require planning consent.

### *Equality Duty*

7.32 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*

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

#### *Human Rights Act Implications*

7.34 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.

7.35 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.

7.36 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 concerns raised by neighboring residents have been fully taken into account in the assessment of this proposal.

- 8.2 In view of the material planning considerations the Local Planning Authority can use to assess the application, it is considered that the proposed oil tank and window alterations are acceptable in principle, in accordance with the relevant policies in the development plan and the NPPF.
- 8.3 In view of the material planning considerations the Local Planning Authority can use to assess the application, the proposed development would not have an adverse impact on the appearance of the host property or the streetscene, would not have an adverse impact on the amenity of neighbouring residents, would not lead to the ingress of ground gases or land instability, and would not have an unacceptable impact on highway safety, in accordance with the relevant policies in the development plan and the NPPF.
- 8.4 As explained earlier in this report, the concerns raised by neighbouring residents in respect of the proposed oil tank not meeting OFTEC, Health and Safety Executive (HSE) and other Building Regulations, is not a material planning consideration in the assessment of this planning application. These considerations would be assessed by colleagues in the County Council's Building Control team under the relevant legislation.

## **9. Recommendation**

That this application be GRANTED planning permission subject to the following:

### Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1. Plans and Elevations Dwg. No. PO-20-100 Revision G – received 15.12.2019

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

- 3) Prior to its installation, precise details of the finish of the oil tank shall be submitted to the authority for consideration and approval. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of the appearance of the development within the streetscene, which comprises converted barns, in accordance with Policies

H14, H19, H20 and H22 of the Castle Morpeth District Local Plan and the NPPF.

## **EIA**

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

**Date of Report: 28.01.2020**

**Background Papers:** Planning application file(s) 19/01918/FUL; 13/02658/FUL; CM/91/D/4.