

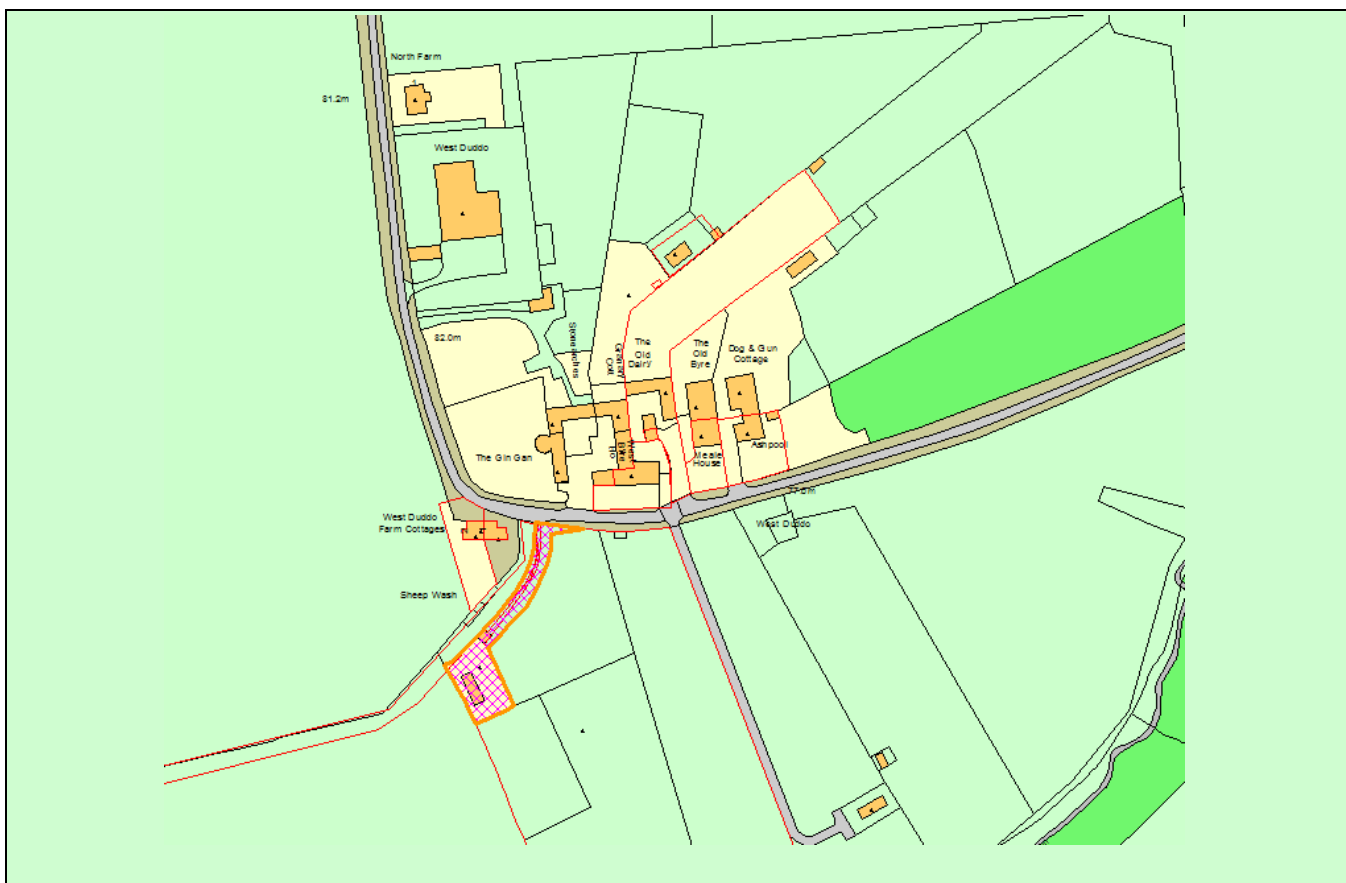


Northumberland County Council

Castle Morpeth Local Area Council Meeting 10th February 2020

Application No:	19/03764/FUL		
Proposal:	Demolition of stables and summerhouse and siting of a residential chalet (as amended 18.12.2019)		
Site Address	Land South Of West Duddo Farm Cottages, Stannington, Northumberland,		
Applicant:	Mr Fail C / O George F White,	Agent:	Mr Craig Ross 4-6 Market Street, Alwick, NE66 1TL,
Ward	Ponteland East And Stannington	Parish	Stannington
Valid Date:	30 September 2019	Expiry Date:	25 November 2019
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 Under the Council's current Scheme of Delegation, where an application raises significant planning issues or objections, it is referred to the Head of Service for determination as to whether the application should be considered by Members of the relevant Planning Committee. The application has been vetted by the Senior Manager and Chair of the Committee, where it was decided that the application is being referred to the Local Area Council for a decision as the application has been recommended for approval against the supportive comments of Stannington Parish Council.

2. Description of the Proposals

2.1 Planning permission is sought for the demolition of the existing stable building and summerhouse with a new timber chalet for permanent residential use at land south of West Duddo Farm Cottages, Stannington.

2.2 The application site is currently occupied by a timber stable building and summer house. The summer house is used for shelter whilst caring for the animals on site. The supporting planning statement states that the existing structures on the site (2No buildings) are to be completely removed and replaced with a single timber chalet.

2.3 The existing floor area of the timber stables measures approximately 14m x 3.4m and 2.7m high with an overhang roof above the eastern elevation of an additional metre. The floor area of the summer house measures 5.5m x 4m to a height of 3.5m. This is a combined floor space of 66.6sqm and a volume of 205m³. The proposed residential chalet measures 15.6m x 6.6m and 3.9m high. This would have a floorspace of 103sqm and a volume of 401.5m³.

2.4 The supporting letter states that the access to the proposed development will be via the existing gate to the site and a gravel drive will lead up to the dwelling. The gravel drive will allow for good drainage and will not impact the surrounding area.

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

Reference Number: 18/03367/FUL

Description: 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.

Status: Refused

4. Consultee Responses

County Ecologist	No objections
Stannington Parish Council	Supporting Comments
Highways	No objections
Northumbrian Water Ltd	No objections

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	1
Number of Support	8
Number of General Comments	0

Notices

General site notice 9th October 2019

No Press Notice Required.

Summary of Responses:

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=PXD5WTQSJLW00>

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 (2019)

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

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, as well as the Housing Delivery Test, 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 or where recent housing delivery is below a 75% threshold. This situation is the principal means (albeit not the only way) by which existing policies relevant to housing can be deemed out-of-date.

7.3 As identified in the Northumberland Strategic Housing Land Availability Assessment (September 2019), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites against the County's minimum Local Housing Need figure. Using the 2014-based household projections for the 2019-2029 period, together with the latest 2018 affordability ratio, gives a minimum Local Housing Need of 676 dwellings per annum (Figure 3). Allowing for the 5% buffer therefore means that the SHLAA's identified 7,956 dwellings 'deliverable' supply would equate to a 11.2 years housing land supply (Figures 12-14).

7.4 The Housing Delivery Test result records that Northumberland achieved 197% delivery against its minimum housing need for the initial three years 2015-18, while delivery over the last three years 2016-19 means that the HDT result for 2016-19 is expected to be even higher at 238% (Figure 2).

7.5 Therefore, in the context of paragraph 11(d) and Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.

Principle of Development

Open Countryside

7.6 The site falls outside of a settlement boundary as defined on the proposals map within the Castle Morpeth Local Plan. Under saved policy C1 of the 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. 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.

7.7 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.

7.8 The Parish Council is in favour of the proposals as the application would support a local business however, the application is not proposing a rural workers dwelling. The previous application on site (Ref:18/03367/FUL) to convert the stables was refused for a rural workers dwelling. In particular, the application considered that the enterprise for Alpacas on site has a low labour requirement and is not a financially sound sustainable business and therefore, does not consider a worker should be resident on site. The issue for supporting a business has therefore already been assessed and refused and is not an exceptional circumstance for a dwelling within the Open Countryside and does not conform to Policy H16.

7.9 The NPPF must be afforded great weight and states in 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'*.

7.10 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".

7.11 The site is within the small hamlet of West Duddo Farm and not considered a 'village' that would support services in a village nearby and therefore, not in accordance with paragraph 78 of the NPPF. 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 and not isolated from other buildings. In this instance paragraph 79 does not apply.

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 It is considered that there would be no major economic benefit through the construction phase of one residential chalet with a relatively minor contribution. The nearest settlement is Stannington which has a primary school and public house but is 3km to the east. The proposed development is located on an area of land on the south eastern side of the U9096 at West Duddo. There are no footways, bus stops, Public Rights of Way or cycle routes in the vicinity of the development. As such, the development is not considered to be accessible with poor connectivity to sustainable transport modes. Whilst the site is near a small hamlet and other buildings, the location is not accessible to everyday services or facilities with reliance on the private car to Stannington, surrounding villages and larger towns such as Morpeth, Cramlington and Ponteland. The site would replace an existing structure but the proposed residential property would further intensify the use of the site in the open countryside are also no environmental or biodiversity benefits proposed.

7.14 Overall, the Authority can demonstrate beyond a 5 Year Housing land supply and the location of this development in the open countryside is contrary to policy C1 and H16 of the Castle Morpeth Local Plan. The site is not considered to conform to the sustainability objectives within the NPPF and in particular the site is not considered to be an appropriate location for permanent residential development without access to services or facilities. There has been no adequate demonstration of exceptional circumstances to justify the development and therefore, the development is not acceptable in principle.

7.15 The proposal would represent unnecessary and unjustified development in the open countryside outside any defined settlement boundary, contrary to Morpeth Neighbourhood Plan Policies C1 and H16 of the Castle Morpeth District Local Plan.

Green Belt

7.16 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.

7.17 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".

7.18 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.

7.19 The provision of new build housing 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.

7.20 The site history identifies that the land within the site was approved for grazing, and the erection of stables and field shelter (Ref:CM/97/D/412) and therefore recognised as agricultural use. The existing characteristics of the site and grazing of alpacas supports an agricultural use and there is no evidence that the land has been used for livery services that may suggest the stables or land could be considered previously developed land under the definition within the NPPF that excludes: *“land that is or was last occupied by agricultural or forestry buildings.”*

7.21 It is also worthy to note that whilst the application proposes to remove the existing stables and summerhouse, the proposed chalet would be of a greater footprint, height and near double the volume. The character of the site is surrounding open fields and a residential chalet would intensify the use of the site whilst also formalising the access and providing surrounding residential curtilage with parking provision and outdoor amenity space. The associated domestic paraphernalia, fencing, parking, garden furniture, landscaping would also further add to the residential character of the site. It is considered that the proposal would have a greater impact on the Green Belt than the existing arrangement in terms of its spatial and visual aspects.

7.22 Overall, the proposal for a residential building would not fall within any of the exceptions under paragraph 145 of the NPPF and is therefore, considered inappropriate development within the Green Belt.

Design/Visual Impact

7.23 Policy H15 of the Castle Morpeth District Local Plan states the design criteria for housing development and the NPPF states that planning decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

7.24 The proposed chalet would alter the character of the site from agricultural to residential use. The hamlet of West Duddo is characterised by traditional converted farm buildings and two storey properties and whilst a chalet would replace other timber structures, the permanent use and residential curtilage would not be consistent with the style of properties in the area. The proposed chalet by virtue of its scale, use of different materials and design would have an adhoc appearance which does not correspond well with the existing buildings. This would be to the detriment of the appearance of the area and not create a cohesive form of development. As such it would have a detrimental impact upon the character of the area and fail to add to the overall quality of the area which is not in accordance

with Local Plan Policy H15 and the NPPF. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also be contrary to NLP Policy QOP1.

7.25 The proposed chalet would not have a detrimental impact to neighbouring amenity due to the adequate separation distances retained in terms of loss of light, outlook and privacy. In terms of impact on residential amenity, it is considered the proposals would be in accordance with Policy H15 of the Local Plan and the NPPF. Whilst limited weight can be given to the Northumberland Local Plan (NLP) in this respect the proposal would also accord with NLP Policy QOP 1 and QOP 2.

Highways

7.26 The NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.27 The dwelling will be accessed via an existing gated private access road which extends southwards from the U9096, serving access to the existing building / proposed chalet. It is noted that the submitted site plan, provides insufficient levels of details in regards to the internal layout. Appendix D of the Northumberland Local Plan Publication Draft Plan (Regulation 19) outlines that 2/3 bedroom dwellings require 2 No. parking spaces. As outlined above, the submitted site plan does not provide details of in curtilage car parking and driveway widths which is a requirement to discharge conditions subject to planning permission being granted. A condition is therefore recommended to submit details of car parking which must demonstrate a minimum of 2 No. parking spaces and driveways specification.

7.28 There are no objections to the application from the Local Highways Authority subject to conditions. It is therefore, in accordance with the NPPF as there would be significant impact to highway safety.

Ecology

7.29 Due to the nature of the buildings there is a negligible risk of them supporting roosting bats. 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.

7.30 The method of foul water treatment from septic tank is considered acceptable as the water quality of the Duddo Burn is unlikely to be impacted.

7.31 The application 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. In addition, proposed bird nesting provision can be secured by planning conditions. The two aforementioned measures are likely to result in a net gain in biodiversity for the site, in accordance with the aims of the NPPF.

7.32 Overall, the County Ecologist has no objections to the scheme and it is in accordance with the NPPF and Local Plan Policy C11. Whilst limited weight can be

given to the Northumberland Local Plan (NLP) the proposal would also be contrary to Policy ENV2 which seeks to protect and enhance biodiversity and geodiversity.

Land Contamination

7.33 The construction of this chalet would require the demolition of existing stables and other ancillary buildings. As the proposed chalet would be built on the existing hardstanding and would not require the construction of foundations which would penetrate this surface, Public Protection does not have concerns in relation to ingressing ground gases.

7.34 Due to the close proximity of existing residential dwellings (1 and 2 West Duddo Farm Cottages) it will be necessary to impose planning conditions restricting the times of construction, delivery of materials and demolition. This is to protect the health of existing residents from noise pollution at noise sensitive times. A dust management condition is also necessary as large quantities of wood dust may be generated as timber for the chalet is cut / conjoined etc. As such the application is in accordance with the NPPF.

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 proposal cannot be considered to be acceptable in principle due to its location in the Open Countryside and Green Belt. The proposal would also fail to enhance the character of the surrounding built environment. The application is not in accordance with the relevant Local Plan Policies and the NPPF.

9. Recommendation

That this application be REFUSED permission subject to the following:

01. The proposal would represent unnecessary and unjustified development in the open countryside outside any defined settlement boundary. As a 5 year housing land supply can be demonstrated by the local planning authority this means that the requirement for new homes does not become the dominating factor in the decision-making process. As the site is recognised as open countryside land, and not situated within a sustainable location with poor access to services or facilities, the proposal is considered to be unacceptable and thus not in accordance with policies C1 and H16 of the Castle Morpeth District Local Plan.

02. The development represents an unacceptable form of development by virtue of its encroachment into the Green Belt. No very special circumstances have been demonstrated to outweigh the harm to the openness of the Green Belt. The development is therefore contrary to the provisions Policy C17 Castle Morpeth District Local Plan, the NPPF and Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan.

03. By virtue of the design of the proposals, scale and use of materials the residential chalet would have a detrimental impact upon the prevailing character of West Duddo and fail to add to the overall quality of the area which is not in accordance with Castle Morpeth District Local Plan Local Plan Policy H15 and the NPPF .

Date of Report: 17.12.2019

Authorised by:

Date:

Background Papers: Planning application file(s) 19/03764/FUL

