

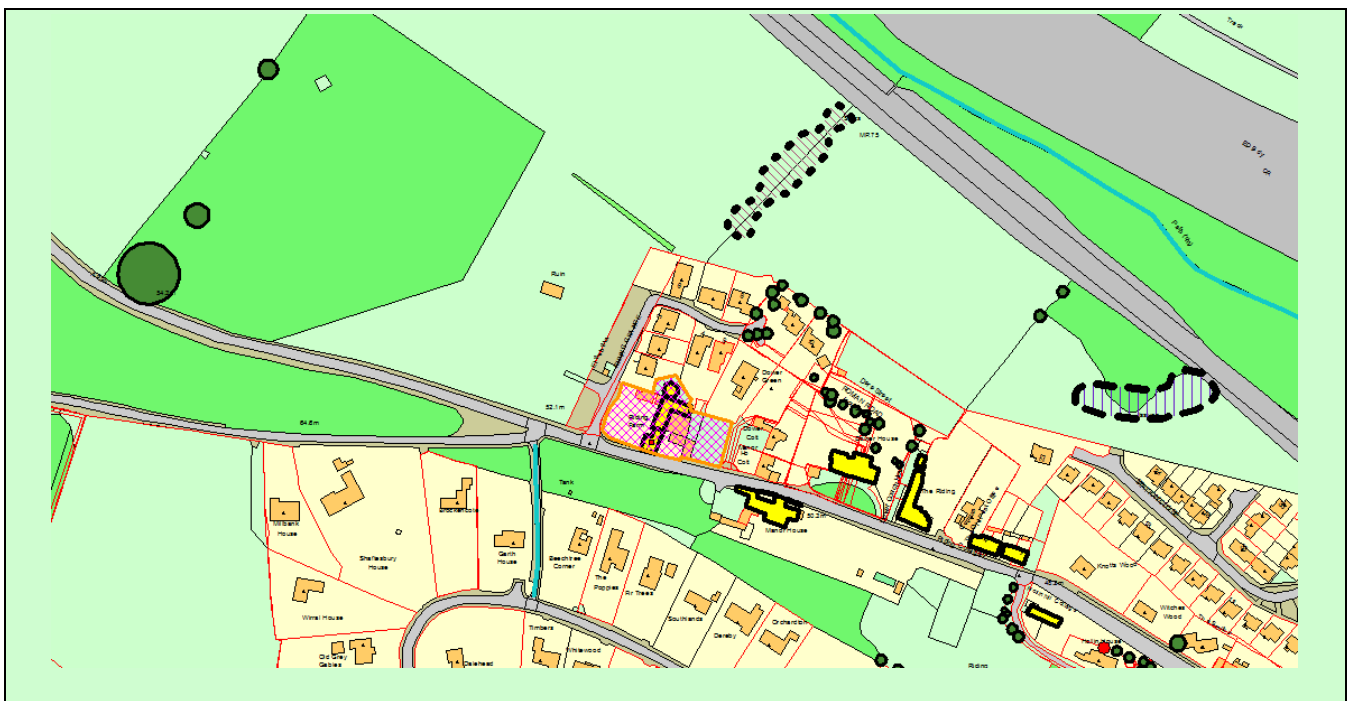


# Northumberland County Council

## Tynedale Local Area Planning Committee 11 December 2018

<b>Application No:</b>	18/01223/FUL		
<b>Proposal:</b>	Demolition of existing modern structures, Change of Use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building		
<b>Site Address</b>	Riding Farm, Riding Mill, NE44 6HW		
<b>Applicant:</b>	Trustees of the Riding Farm Settlement c/o Land Factor, Hexham Business Park, Hexham, NE46 3RU	<b>Agent:</b>	Mr Keith Butler Unit 11 South Acomb, Bywell, Stocksfield, NE43 7AQ
<b>Ward</b>	Stocksfield And Broomhaugh	<b>Parish</b>	Broomhaugh And Riding
<b>Valid Date:</b>	6 April 2018	<b>Expiry Date:</b>	1 June 2018
<b>Case Officer Details:</b>	Name: Ms Melanie Francis Job Title: Senior Planning Officer Tel No: 01670 625549 Email: melanie.francis@northumberland.gov.uk		

**Recommendation:** That this application be REFUSED permission



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## **1. Introduction**

1.1 The application is to be determined by the Tynedale Local Area Committee at the request of a local councillor.

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

2.1 Planning permission is sought for the change of use of agricultural buildings to two dwellings, including the demolition of modern structures and the construction of a 1½ storey extension at Riding Farm, Riding Mill. The site, located on the western edge of the village is part of a farmstead which is no longer in agricultural use and includes a farmhouse and former yard area to the west which are not part of this application.

2.2 The proposed dwellings would use the existing access to the farm buildings located to the east of the farmhouse. The farm buildings consist of two ranges: an L-shaped range on the west with gingang to the north, which would be one dwelling, and a L-shaped range at the front (south-east corner) of the site which would provide the second dwelling. An area of land to the east would provide garden areas for both properties.

2.3 The western property would be created by converting the existing two storey range of buildings, which is attached to the farmhouse to the south, the single storey offshoot attached on the north-west corner and the gingang to the north. A modern building which currently covers and infills the yard area between the buildings would be removed and replaced by a two storey kitchen dining area, with bedroom above and a new single storey entrance porch connecting the new range to the existing on the ground floor. The gingang would be converted into a living room which would be connected to the main range by an opening created in the northern elevation of this range. This building would have a bedroom on the ground floor, plus living space, with a staircase introduced to access the bedrooms and bathrooms on the 1<sup>st</sup> floor. In the roof, seven rooflights would be introduced. Parking for this property would be in the existing yard area, south of the new extension. A pedestrian access would be created into the proposed garden area. This property would also have a small area of garden around the gingang, which coincides with the existing northern boundary of the site.

2.4 The southern, L-shaped range of cartshed with granary above, would be converted with a kitchen/living room on the ground floor created by demolishing part of the wall between two of the buildings. The cart shed openings would be glazed on the western elevation. A new window would be created on the ground floor eastern elevation. A staircase would be introduced to access three bedrooms and two bathrooms on the 1<sup>st</sup> floor. Two parking spaces would be provided on the western side of the building. The garden area to the east would be accessed through the property.

2.5 The farm buildings are grade II listed and are of stone construction with slate and stone roofs. The late 18<sup>th</sup> century buildings consist of a cartshed with granary above, byres, and a barn. The gingang, which retains its wooden roof construction, but no machinery, dates to the early 19<sup>th</sup> century. The yard area between the two ranges of

buildings is infilled with a modern roofed building. On the eastern side of the site is an area overgrown with grass and small trees, bounded by brick walls to the north and west, stone walls and buildings to the south, and a wooden fence to the east. The western and northern walls are former garden walls of possible 18<sup>th</sup> century date. Attached to the western range of buildings is the farmhouse which is separately listed grade II. No works are proposed to the farmhouse.

2.6 The site is located on the western edge of the village of Riding Mill, adjacent to the A695.

2.7 Submitted with the application were the following:

- Historic Building Assessment (P F Ryder December 2016)
- Design and Access Statement and Heritage Statement
- Fabric Schedule
- Window/Door Opening Schedule
- Fabric Detail
- Bat Survey (E3 Ecology Final March 2018, updated September 2018)
- Screening Assessment Form (Version 7.2)
- Contaminated Land Risk Assessment Phase 1 (Soil Environment Services Ltd October 2018)

2.8 An application for listed building consent (ref: 18/01224/LBC) for the conversion of the listed buildings and an application for two new houses to the west of the farmbuildings (ref: 18/01246/FUL) are currently being considered.

### 3. Planning History

**Reference Number:** 14/01388/HEGRMN

**Description:** Proposed removal of hedge/fence

**Status:** Refused

**Reference Number:** 17/03518/DEMGDO

**Description:** Prior notification for demolition of former hay barn in the yard to the west of Riding Farm

**Status:** Prior notification not required

**Reference Number:** 18/01224/LBC

**Description:** Listed building consent for demolition of existing modern structures, Change of Use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building.

**Status:** Pending consideration

**Reference Number:** 18/01246/FUL

**Description:** Construction of two one and a half storey dwellings and alterations to parking and access arrangements

**Status:** Pending consideration

**Reference Number:** T/940079

**Description:** Demolition of boundary wall and outbuilding (As amended by plans received 13.4.94)

**Status:** Permitted

#### 4. Consultee Responses

Broomhaugh And Riding Mill Parish Council	Support: an amendment to the plans now includes realigning a public footpath which improves the width of the footpath, and it brings redundant buildings back into use.
Highways	No objection subject to conditions.
Building Conservation	Objection: in the absence of fundamental information including structural information we are unable to determine the acceptability of the scheme. Overall consider that the development proposals are harmful to the heritage assets and their setting and that the degree of harm is substantial.
County Ecologist	Subject to mitigation set out in revised bat report and relevant conditions, no objection. However, this mitigation has not been provided on submitted plans and so application would not accord with policy and legislation.
Public Protection	Objection: the proposed development is in an area of historic coal mining and a report detailing how protective measures for methane and carbon dioxide ground gases can be incorporated into the building has not been provided.
Waste Management - West	No response received.
Northumbrian Water Ltd	No comments to make.

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	10
Number of Objections	0
Number of Support	0
Number of General Comments	2

##### Notices

Site Notice: expired 16 May 2018

Press notice: expired 11 May 2018

##### 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=P6PZBDQSFPD00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Tynedale Local Development Core Strategy (2007)

GD1 General development principles  
BE1 Principles for the built environment  
H6 Change of use of existing buildings to housing

Tynedale Local Plan (Adopted April 2000)

GD2 Design criteria  
GD4 Range of transport provision for all development  
GD6 Car parking standards outside the built up areas  
H32 Residential design criteria  
BE22 The setting of listed buildings  
CS23 Development on contaminated land  
CS27 Sewerage  
NE27 Protection of Protected Species

### 6.2 National Planning Policy

National Planning Policy Framework (2018)  
National Planning Policy Guidance (as updated 2018)

### 6.3 Other documents/strategies

Planning (Listed Buildings and Conservation Areas) Act 1990

Northumberland Local Plan – Draft Plan for Regulation 18 Consultation (July 2018)

## **7. Appraisal**

7.1 The main issues in the determination of this application are:

Principle of development  
Design and impact on the listed buildings  
Impact on protected species  
Contamination  
Impact on adjoining residential amenity  
Access and parking  
Water and sewerage

Principle of development

7.2 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 Tynedale Core Strategy and the Tynedale Local Plan remain the development plan and as outlined in paragraph 12 of the NPPF is the starting point for decision making. Paragraph 213 of the NPPF does, however, advise that the weight given to Local Plan policies depends on their degree of consistency with the NPPF.

7.3 The site is within the smaller village of Riding Mill as classified in the Tynedale LDF Core Strategy where small scale development only is permitted. The site is an existing range of buildings and as such, within a smaller village, is acceptable in principle.

#### Design and impact on the setting of the listed buildings

7.4 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local authority to have special regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest which it possesses.

7.5 The NPPF (paragraphs 191-194) states that when determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm to the significance of designated heritage asset requires clear and convincing justification.

7.6 The proposal affects a grade II listed building, the north range and gingham; a curtilage listed building, the south range and granary; and the site is within the curtilage of the grade II listed farmhouse. The proposal therefore affects the setting of a number of listed buildings.

7.7 A detailed assessment of the impact of the development on the fabric and character of the listed buildings has been undertaken in the listed building application ref: 18/01224/LBC. This acknowledges that although the buildings are no longer in agricultural use, the lack of a structural report to ascertain whether the structural capacity of the building can withstand the changes proposed, the lack of other information needed to assess the application, plus some of the proposals, has resulted in the Conservation Officer objecting to the application. The changes to the building, particularly the option of raising the roof of the western range to introduce a bat loft, as set out in the Bat Survey (September 2018) has resulted in the Conservation Officer considering that the application would result in substantial harm to the building. Other changes including the construction of a new extension is acceptable in principle, but the design of some of the fenestration and the removal of some of the historic fabric within the buildings is not considered to be appropriate and would not sustain the significance of the listed building.

7.8 Where substantial harm is identified, paragraph 195 of the NPPF states that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial benefits that outweigh that

harm. The agent has provided examples of cases where this has been achieved, plus the agent considers that bringing the buildings back into use, providing economic benefits by investing in the buildings, and social benefits in the use of the buildings for housing, would outweigh any identified harm.

7.9 Whilst acknowledging that a new purpose for the buildings is required, any new use has to be appropriate and fully justified. The Local Planning Authority recognises that a change of use to residential could be appropriate but the scheme as submitted would represent substantial harm to the buildings. In cases such as this the NPPF directs that these applications should be refused unless *substantial* public benefits outweigh that harm or all of a number of listed criteria are met. All of the criteria have not been met and the limited public benefits would not outweigh this identified harm. In this respect the application would not accord with Core Strategy Policy BE1, Local Plan Policies GD2 and BE22 and the NPPF.

#### Impact on protected species

7.10 The proposal would impact upon a regionally significant brown long-eared bat roost; one of the largest such roosts in Northumberland, plus pipistrelle and natterer's roosts. An updated bat survey was submitted in September 2018 which has been assessed by the County Ecologist. This report proposes the raising of the roof of building 2 to create a bat loft, as it hosts the main roost; the area currently proposed to form bedroom 2 sectioned off to provide a sealed bat loft; plus the insertion of bitumsatic felt and access points into the building to mitigate for the reduction in area compared to the current roost space. In addition a bat loft over the entire 1<sup>st</sup> floor of building 9 would be required. Although plans to this effect have been included in the bat report, no plans showing this proposed mitigation have been submitted. In addition, although this proposal would be acceptable to the bat population of the site, the raising of the roof would not be acceptable in relation to the impact on the listed building. As there are no updated plans showing the proposed mitigation of a protected species, the application would not accord with Local Plan NE27 and the NPPF.

#### Contamination

7.11 A Phase 1 Desk Top Study (October 2018) providing a contaminated land assessment has been submitted with the application. This has been assessed by the Council's Environmental Protection Officer who has stated that the development is located in an area of historic coal mining and a detailed report as to how protective measures for methane and carbon dioxide ground gases can be incorporated into the new buildings has not been provided. As such the application would not accord with Local Plan Policy CS23 and the NPPF.

#### Impact on adjoining residential amenity

7.12 The layout of the proposed conversions and their position in relation to adjacent buildings, including the adjoining farmhouse, means that the development would not impact on the amenity of adjoining residential dwellings. The farmhouse, which is owned by the applicant and is the only building currently occupied on the site, would have its current curtilage restricted by the proposal but this would not create issues of overlooking or direct impact on amenity. No 1 Riding Grange located to the north-west of the gingang is the closest property outside the perimeter of the site, but

again it is considered that this would not be adversely affected by the development. The application would accord with Local Plan Policies GD2 and H32 and the NPPF in this respect.

### Access and parking

7.17 An amendment to the application in relation to the access, which includes the widening of the footway adjacent to the entrance to the site and has the support of the Parish Council, has been submitted. The Highway Authority has considered the application and has commented that the car parking to be provided is acceptable, with sufficient turning facilities, and that the widening of the footway would have to be to NCC specification. The Highway Authority has no objection subject to relevant conditions. Subject to these conditions the application would accord with Local Plan Policies GD4 and GD6.

### Water and sewerage

7.18 The development would be connected to the main sewer. Northumbrian Water has been consulted on the application and has no comments to make. The application would accord with Local Plan Policy CS27.

### Other Matters

#### *Equality Duty*

7.19 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*

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

#### *Human Rights Act Implications*

7.21 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.

7.22 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.

7.23 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 affects the setting of a number of listed buildings and a regionally important bat roost. The mitigation proposed in the most recent bat survey would involve raising the roof which would substantially harm the character and setting of the listed building. In addition, there is inadequate information to make an informed decision on the impact of the proposal on the listed buildings, and alterations to certain elements of the design are required. A report identifying how to incorporate measures into the buildings to protect against methane and carbon dioxide ground gases has not been submitted.

8.2 Issues in relation to the impact on adjoining residential amenity, access and parking, and water and sewerage, as outlined in the report, are considered acceptable and would accord with relevant policy. However, the application fails on a number of grounds: it is considered to cause substantial harm to the setting of the listed building, it would not achieve the necessary mitigation to protect a regionally important bat colony, and it does not provide adequate information in relation to ground gases. The application would not accord with Core Strategy Policy BE1, Local Plan Policies GD2, BE21, NE27, CS23 and the NPPF.

## **9. Recommendation**

That this application be REFUSED permission subject to the following:

### Reason

1 The proposal would, with the alterations to the buildings and the lack of information to substantiate those changes, represent substantial harm to the setting of the listed buildings for which the limited public benefits that can be demonstrated would not outweigh that harm. The application would fail to accord with Core Strategy Policy BE1, Local Plan Policies GD2 and BE22 and the NPPF.

2 The proposal would impact upon a regionally significant bat roost and although appropriate mitigation has been recommended in the bat report, this is not reflected on submitted plans but which would conflict with and affect the character and setting of the listed buildings. It would not accord with Local Plan Policy NE27 and the NPPF.

3 The development is located in an area of historic coal mining and a detailed report as to how protective measures for methane and carbon dioxide ground gases can be incorporated into the new buildings has not been submitted. As such the application would not accord with Local Plan Policy CS23 and the NPPF.

**Background Papers:** Planning application file(s) 18/01223/FUL