



# Northumberland County Council

## Tynedale Local Area Council Planning Committee

11th June 2019

<b>Application No:</b>	17/04497/FUL		
<b>Proposal:</b>	Demolition of existing allotment shed and erection of allotment workshop, greenhouse and yurt for agricultural food production.		
<b>Site Address</b>	Land South West Of Street Houses, Street Houses, Wylam		
<b>Applicant/ Agent</b>	Miss Sammy Coxell / Mr David Walton Valley Environmental Consulting Ltd, The New Inn, Bridge St, Blaydon, NE21 4JJ		
<b>Ward</b>	Bywell	<b>Parish</b>	Wylam
<b>Valid Date</b>	02.11.2018	<b>Expiry Date</b>	28.12.2018
<b>Case Officer Details</b>	Name: Ms Haley Marron Job Title: Senior Planning Officer Tel No: 01670 625 547 Email: haley.marron@northumberland.gov.uk		

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



## **1. Introduction**

- 1.1 Following a valid objection from the Parish Council, the application has been referred to the Chair of Tynedale Local Area Council and the Head of Service for their consideration as to whether the application should be determined by the Planning Committee. Given the level of interest in the application and concerns raised by the Ward Councillor, it has decided the application should be determined at the Tynedale Local Area Council.

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

- 2.1 The site is situated opposite Street Houses, Wylam, alongside the Hadrians Way.
- 2.2 The site is currently amenity cut grassland with a small brick and timber building located to the north west corner. Tree planting defines the site boundaries. The site area measures 0.30 hectares. The applicant states that historically the site has been used for allotment use, but this is no longer the case. It is likely that this was used as amenity land associated with the residential dwellings at Streethouses.
- 2.3 Full planning permission is sought for the demolition of an existing shed type building and the erection of a workshop and greenhouse building for agricultural food production. The proposal also includes the erection of a tepee/yurt for office/storage space. The building would be single storey with living roof/ green wall to the workshop.
- 2.4 The development is to support the proposed sustainable local food production company that would operate from the site. The proposals would generate one part time employee.
- 2.5 The site is to be accessed from U8209 onto a private drive leading to the gates access at Rift Farm, across and via a gate on the Hadrians Way.
- 2.6 The site is located close to the banks of the River Tyne, within the open countryside and Green Belt land.

## **2. Site Constraints**

- The application site is located within the Green Belt to the east of Wylam.
- The site is 115m from George Stephenson's Birthplace George Stephenson's Cottage (Grade II\* listed building).
- A Public Bridleway bounds the north of the site
- It is located adjacent to Close House Riverside Site of Special Scientific Interest (SSSI) and Wildlife Trust Nature Reserve.

### **3. Supporting Information**

3.1 In support of their application the applicant has submitted the following documents:

- Planning Statement
- A Coal Mining Risk Assessment
- Ecological information regarding the grassland on site

### **4. Planning History**

There is no planning history.

### **5. Planning Policy**

#### **5.1 Development Plan Policy**

*Tynedale LDF Core Strategy (2007)*

GD1 Locational policy setting out settlement hierarchy  
BE1 Principles for the built environment  
NE1 Principles for the natural environment

*Tynedale Local Plan (2000, Policies Saved 2007)*

GD2 Design Criteria for development, including extensions and alterations  
GD4 Range of transport provision for all development  
GD6 Car parking standards outside the built-up areas  
NE7 New buildings in the Green Belt  
NE33 Protection of Trees, Woodlands and Hedgerows  
NE34 Tree felling  
NE37 Landscaping in developments  
H32 Residential design criteria  
CS23 Development on contaminated land  
CS27 Sewerage

*Northumberland Local Plan Publication Draft Plan (Regulation 19)*

Policy STP 1 - Spatial strategy  
Policy STP 2 - Presumption in favour of sustainable development  
Policy STP 3 - Principles of sustainable development  
Policy STP 7 - Strategic approach to the Green Belt  
Policy STP 8 - Development in the Green Belt  
Policy QOP 2 - Good design and amenity  
Policy TRA 1- Promoting sustainable connections  
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

5.2 National Planning Policy

National Planning Policy Framework (NPPF) (2018)

National Planning Practice Guidance (NPPG) (2018, as updated)

**6. Consultee Responses**

<p>Wylam Parish Council</p>	<p>Object to the proposals on the following grounds;</p> <ol style="list-style-type: none"> <li>1. On the public's enjoyment of the Waggonway and local heritage at George Stephenson's Birthplace;</li> <li>2. On the effects on the surrounding natural environment (including SSSI and Green Belt) and the public's ability to enjoy it;</li> <li>3. On whether the site is suitable for the development proposed in terms of location, access, service and its impact on broader environmental factors (waste disposal, vehicle traffic);</li> <li>4. On its impact on neighbouring households in the area;</li> <li>5. On whether the 'change of use' if granted might open the site up to future development.</li> </ol> <p>The Parish Council would like to see the applicant engaging with the local community at Street Houses to enable understanding of the proposal and to properly assess its impact.</p>
<p>Bywell Ward Councillor</p>	<p>Objects to the application.</p> <p>I have visited the site and spoken to residents living close to it. I fully support the local residents in their objections to this application, with particular reference to access, parking and loading/unloading, lack of utilities (water, electricity, sewage), vermin concerns due to proximity to the river, and potential risks to cyclists, runners, walkers etc on the much-used Wylam wagonway caused by deliveries to and from the site.</p> <p>Any future re-opening of Stephenson's Cottage would increase footfall on the wagonway and</p>

	<p>potentially increase risk to visitors walking from the car park in Wylam along the wagonway to the National Trust property.</p> <p>Such a development could also be a potential target for anti-social behaviour. The change of use of a domestic garden/allotment to a 'food production business' is in my opinion inappropriate in this setting, and the fact that there is no support from the owners of the access land or any neighbour leads me to support their objections to this application.</p>
NCC Highways	No objections.
NCC Ecology	No objections, subject to conditions.
NCC Public Rights of Way	No objections, subject to conditions.
NCC Building Conservation	No harm will be caused to the setting of the Grade II* Listed Building of George Stephenson's Cottage.
Northumbrian Water	No objections, advice given regarding Surface Water.
Natural England	No comments to make on this application.
The Coal Authority	No objections.
Northumberland Wildlife Trust	No response received.
The Environment Agency	No response received.

## 7. Public Responses

### Neighbour Notification

Number of Neighbours Notified	8
Number of Objections	15
Number of Support	0
Number of General Comments	0

### Notices

General site notice, 5th May 2018  
Press Notice published 24th May 2018

## Summary of Responses:

Fifteen letters of objection have been received in relation to this application.

A letter of objection has also been received from Wylam Parish Council and County Councillor for the Bywell Ward - Karen Quinn as noted above.

The concerns raised relate to access, parking and safety issues associated with vehicular movements around a public right of way, the Wylam Wagonway, which is well used.

Objections highlight the lack of access to the site, and that the noise and disturbance associated with commercial food production would be harmful to the amenity of local residents. Concerns are also raised in relation to vermin, anti-social behaviour, disturbance during construction periods, waste disposal, lack of parking and the potential use of the yurt as overnight accommodation.

7.1 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/simpleSearch/Results.do?action=firstPage>

## **8. Appraisal**

8.1 The main issues for consideration in the determination of this application include:

- Principle of development in the open countryside and Green Belt
- Ecology
- Impact on heritage assets
- Design and impact on the character of the area
- Amenity
- Highways safety
- Ground conditions

### ***Principal of development in open countryside and green belt***

8.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 both indicate that in dealing with planning applications, local authorities should have regard to the development plan unless material considerations indicate otherwise. The NPPF maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise.

8.3 The NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.4 The policies of the Tynedale Core Strategy and Tynedale Local Plan provide the starting point for the determination of this application. The most recent development plan document is the Tynedale Core Strategy, adopted in October 2007. Policy GD1 of the Core Strategy, the first in this Strategy, sets out spatial distribution aims for new development to ensure that development proposals are directed towards settlements of the District that can accommodate a scale commensurate with their size and function.

8.5 The site is located within the Green Belt. 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. Green Belts serve five purposes, which are:

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

8.6 Paragraph 143 of the NPPF sets out that, as with previous Green Belt policy, 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 requires local planning authorities to ensure that substantial weight is given to any harm to the Green Belt, stating 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.

8.7 Paragraph 145 of the NPPF which states that a local planning authority should regard the construction of new buildings as inappropriate development in Green Belt. Exceptions to this include buildings for agriculture and forestry.

8.8 Policy NE7 of the Tynedale Local Plan refers to development within the Green Belt, stating that planning permission will only be granted for the construction of new buildings for a limited number of purposes. One of these purposes is where the development is for agriculture and forestry.

8.9 The applicant submits that the development meets the exception tests. They submit that the development can be considered agricultural or horticultural, i.e for food production purposes and is therefore acceptable as a building, for agriculture in the Green Belt. Officers have considered the information

submitted and do not consider that the proposed development could be considered to be required for agriculture. The existing site is only 0.3ha and has been used previously as an allotment or amenity land for a neighbouring dwelling. The applicant states that the site will be used for food production which will be packed on site and sold but they also contest that vehicular access is not required for this and that all the produce would be taken to the main road by barrow over some significant distance. The scale of the operations and land area would indicate that this would be a hobby site for growing and packing plants rather than falling within the wider scale of horticulture/agriculture. The size of the area of land would also indicate that the two structures were not relative to the scale of the unit and could not be considered to be necessary for the use as proposed.

- 8.10 It is therefore considered that the proposed newGD1 buildings on site would not be considered to fall within the scope of agriculture and do not meet any other exception for development in the Green Belt.
- 8.11 Policy GD1 of Tynedale Core Strategy identifies that the open countryside will be limited to the re-use of existing buildings. The proposal seeks to erect a new workshop and greenhouse building for agricultural food production. The proposal also includes the erection of a tepee / yurt for office/storage space. The proposal is therefore contrary to GD1.
- 8.12 Furthermore Policy BE15 of the Tynedale Local Plan states that the re-construction of buildings within the open countryside will be permitted provided all of the following criteria are met:

- (a) the new building is not materially larger than the building it replaces;
- (b) the design and materials conform with the criteria set out in Policy GD2.

The proposal is contrary to BE15. The site is currently cut grassland with a small brick built and timber out building to the north west corner. The proposed workshop and greenhouse would be significantly larger than the existing building on the site. The workshop would extend 8m by 8m with the greenhouse attached at 7.3m by 17.8m. A yurt is also proposed to the east of the site.

- 8.13 Having regards to the above the development is contrary to Policy BE15. The design of the building and impact on the character of the area will be considered later in the report.
- 8.14 For the reasons set out above, it is considered the proposals would represent an inappropriate form of development within the Green Belt and open countryside. The development does not meet the exceptions of Paragraph 145 of the NPPF and the development is contrary to NE7 and BE15 of the Tynedale Local Plan and GD1 of the Tynedale Core Strategy.



### ***Ecological impact of the development***

- 8.15 The NPPF requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF requires Local Planning Authorities to encourage opportunities to incorporate biodiversity in and around developments.
- 8.16 The Tynedale Local Plan Policy NE27 seeks to ensure Protected Species are protected. This policy is consistent with the NPPF and is therefore relevant to this proposal.
- 8.17 The site is a grassland site with tall tree planting to the site boundaries. The site is sensitive in ecological terms because it is directly adjacent to Close House Riverside SSSI (a calaminarian grassland which due to its historical heavy metal contamination, which supports some specialist species) and Wildlife Trust Nature Reserve. In addition the River Tyne - tidal extent Local Wildlife site is a close proximity.
- 8.18 There are also records of otter, badger, red squirrel, bats and kingfisher in the area, all of which are protected species and therefore a potential material consideration when making a planning decision. There are also records of hedgehog in the area, which are a priority species and therefore a potential material consideration.
- 8.19 The risk of bats on the site is considered to be low risk given the flat roof nature of the existing building on the site. Only one tree is to be removed and therefore the risk to nesting birds is low and can be controlled.
- 8.20 The key issue is whether the site itself (which consists of grassland) can support specialist species, the same as those on the adjacent grassland SSSI.
- 8.21 The applicant has submitted further ecological information regarding the grassland and its ecological and habitat value. This demonstrates there is no priority grassland or grassland associated with the adjacent Close House Riverside SSSI and Wildlife Trust Nature Reserve are likely to be present at the site.
- 8.22 The Council's Ecologist has considered the application in full and advises the development is acceptable subject to appropriate mitigation measures relating to the submission of an Environmental Management Plan, lighting details and planting details associated with the sedum building elevations.
- 8.23 Natural England have confirmed they have no comments to make on the application.
- 8.24 The Northumberland Wildlife Trust has also been consulted but the Council has not received a response.

8.25 The development is considered acceptable in terms of its ecological impact on the environment. Subject to the imposition of conditions, there are no objections raised to the proposal on ecological grounds. The application therefore complies with Local Plan Policy NE27 and the aims of the NPPF.

### ***Impact on Heritage Assets***

8.26 The NPPF, Part 16 relates to conserving and enhancing the historic environment. Local Development Plan Policy BE22 specifically seeks to protect the setting of listed buildings. Emerging policy also seeks to protect heritage assets, although little weight can be given to this policy at this time.

8.27 The Planning (Listed Buildings and Conservation Areas) Act 1990 advises, at Paragraph 66, that Local Planning Authorities should have special regard to the desirability of preserving the setting which it possesses.

8.28 Within the application site itself there are no designated heritage assets, however there is a Grade II\* Listed Building approximately 115m to the west of the site, namely George Stephenson's Cottage, the birthplace of George Stephenson. The impact on the setting of the Cottage therefore needs to be considered.

8.29 It is noted local representations have been received expressing concern regarding the impact on the heritage asset.

8.30 The Council's Urban Conservation Officer has considered the application and advises that the setting and significance of the Cottage will not be impacted by the proposed development given existing screening.

8.31 Having regard to the above, the development is acceptable in terms of impact on heritage assets. The application complies with BE22 of the Local Plan and the aims of Part 16 of the NPPF.

### ***Design and impact on the character of the area***

8.32 Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

8.33 Policy GD2 of the Tynedale Local Plan states development will be required to respect the positive characteristics of the District's natural and built environment and to conform to the following design criteria:

- (a) The design should be appropriate to the character of the site and its surroundings, existing buildings and their setting, in terms of the scale, proportions, massing, positioning and appearance of buildings, use of materials, structures and landscaped and hard surfaced areas. Detailed plans will be expected to include a survey of the existing site and its

immediate surroundings, and the retention of features of value (e.g.: archaeological remains, areas of open space within settlements, trees, hedgerows and water features)

- 8.34 Policy QOP1 of the emerging Northumberland Local Plan (NLP) echoes this and seeks to support development which respects its surroundings. Policy ENV1 of the same document states that the character and significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by taking an ecosystem approach to understanding the significance and sensitivity of the natural resource. Little weight can be attributed to these policies at this time.
- 8.35 It is noted that the Ward Councillor has expressed concern regarding the impact on the character of the area and whether the development is appropriate in its setting.
- 8.36 To reduce the visual impact of the development the applicant proposes a single storey development with a living roof/green wall to the proposed workshop to reduce visual impact. The applicant also points out that the site is almost entirely screened by vegetation.
- 8.37 The site is located in the open countryside in a rural location. It is located off Hadrians Way, part of the definitive Rights of Way network running along the banks of the River Tyne. The site is not connected to any form or pattern of existing development. The site is a relatively small grassland site, however the site is located within a much larger swathe of land, characterised by established tree planting primarily associated with the Rights of Way, the SSSI and Nature Reserve.
- 8.38 It is considered that the development would be out of character with its surroundings by virtue of its location, design, size, scale and massing. The development proposes a large building on the plot, with the workshop extending 8m by 8m with the greenhouse attached measuring a further 7.3m by 17.8m. A tippee / yurt is also proposed to the eastern part of the site which would be at odds with the character of the area. Whilst the site benefits from some screening, the site would still be visible from the bridleway to the northern boundary and it is considered the development be visually incongruous in the area.
- 8.39 The applicant draws attention to the point the site has been used for historic allotment use. Whilst this may have been the case, the site is no longer in use for allotment purposes.
- 8.40 For the above reasons, it is considered that the development does not respect the natural environment within which it sits. The development is therefore contrary to GD2 of the Local Plan and the aims of the NPPF.

### ***Amenity***

- 8.41 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

- 8.42 Policy GD2 of the Tynedale Local Plan seeks to protect the amenity of adjacent land or buildings.
- 8.43 Policy QOP2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses. Little weight can currently be given to this policy.
- 8.44 The nearest residents to the site are those to the north of the site in the row of residential properties at Street Houses. Local residents have expressed concern that the development would be harmful to the amenity of local residents.
- 8.45 Given the separation between the site and the residents, it is considered the development will not affect residential amenity in terms of loss of in terms of loss of light, overbearing appearance or loss of privacy. Furthermore it is not considered the operational requirements of the horticultural business would give rise to undue noise and disturbance. It is noted that the development would generate only one part time member of staff.
- 8.46 Having regard to the above it is considered that the development would not give rise to significant impacts on the amenity of adjacent land and buildings. In this context the development complies with GD2 of the Tynedale Local Plan and the provisions of the NPPF.

### ***Highways Safety***

- 8.47 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.48 Policy GD4 of the Tynedale Local Plan seeks to ensure safe access, connectivity and transport links.
- 8.49 Policies TRA1 and TRA2 of the emerging NLP seek to ensure that development does not have a negative impact upon the transport network. Policy TRA4, together with Appendix D, sets out standards for parking provision in new development. It is considered that the proposal is in accordance with these policies, however little weight can currently be given to them.
- 8.50 It is noted that the Parish Council, Ward Councillor and local residents have expressed concerns regarding the proposed access to the site, parking and safety associated with vehicular movements around the Public Rights of Way.
- 8.51 The applicant proposes that the site will be accessed from U8209 onto a private drive leading to the gates access at Rift Farm, across and via a gate on the Hadrians Way.
- 8.52 In their Planning Statement the applicant submits that vehicular access to the site would not be required. The site will be serviced by foot or hand cart only. During construction access would be required to hand assemble the buildings.

During operation, access for 1 member of staff would be required. However the parking of only one car would be required at the Street Houses access or in the Wylam Main Car Park.

- 8.53 The Council as Highway Authority has fully assessed the application for its impact on the safety of the road network, raising no objections to the proposals on the basis of the information submitted due to the distance from the public highway. It is considered unusual that a development as proposed for commercial food production would not require vehicular access to the site but the application must be assessed on the information provided.
- 8.54 The Council's Public Rights of Way Officer has also assessed the application given the proximity of defined public footpaths and bridleways adjacent to the site. She raises no objection to the application subject to conditions to ensure the network remains open and free from obstruction at all times.
- 8.55 Having regard to the above, the development is acceptable in highway terms and complies with the Local Plan Policy GD4 and the NPPF.

### ***Ground conditions***

- 8.56 The NPPF Part 15, Paragraph 170 seeks to prevent new and existing development from contributing to land instability amongst other matters.
- 8.57 The site is within a Coal Mining High Risk Referral Area. The applicant has submitted a Coal Mining Risk Assessment to consider the impact of the development on land stability in this location.
- 8.58 The Coal Authority have been formally consulted on the application and raise no objections to the application.

## **9. Conclusion**

- 9.1 The development would not be an acceptable form of development in the open countryside. The development would be contrary to GD1 which seeks to re-use existing buildings or approve new buildings where they are not materially larger than the existing building on the site.
- 9.2. Furthermore the development does not meet the exception tests for development in the Green Belt. The development does not constitute agricultural use.
- 9.3 The development would also harm the character of the area by virtue of its location, design, size, scale and massing. The proposals would therefore conflict with the policies of the development plan and the NPPF.

## **10. Other Matters**

### ***Equality Duty***

- 10.1 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*

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

*Human Rights Act Implications*

- 10.3 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.
- 10.4 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.
- 10.5 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.

## **11. Recommendation**

That this application be REFUSED for the following reasons:-

1. It is considered that the proposals would represent an inappropriate form of development within the Green Belt and open countryside. The development does not meet the exceptions of Paragraph 145 of the NPPF

and the development is contrary to NE7 and BE15 of the Tynedale Local Plan and GD1 of the Tynedale Core Strategy.

2. The development would be out of character with its surroundings by virtue of its location, design, size, scale and massing. The development is therefore contrary to GD2 of the Tynedale District Local Plan, Tynedale Core Strategy Policy BE1 and the NPPF.

**Date of Report:** 22nd May 2019

**Background Papers:** Planning application file(s) 17/04497/FUL