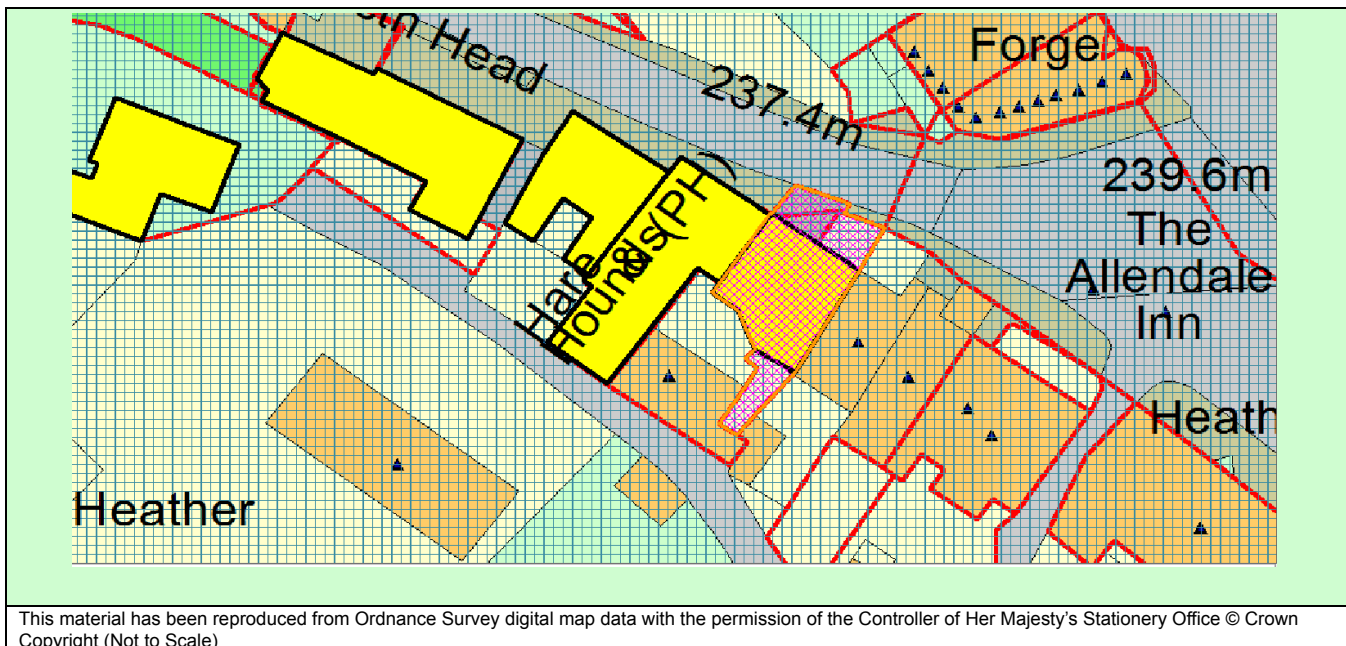




Northumberland County Council

Application No:	19/01506/FUL		
Proposal:	Retrospective permission for a temporary (2 years) timber shed.		
Site Address	Osborne House, The Peth, Allendale, NE47 9BJ		
Applicant:	Mr Neil Cole Osborne House, The Peth, Allendale, NE47 9BJ	Agent:	Jenny Ludman Eastburn, South Park, Hexham, NE46 1BS
Ward	South Tynedale	Parish	Allendale
Valid Date:	13 May 2019	Expiry Date:	8 July 2019
Case Officer Details:	Name: Ms Marie Haworth Job Title: Planning Officer Tel No: 01670 623787 Email: Marie.Haworth@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



1. Introduction

1.1 This application falls to be determined by members of the Tynedale Local Area Council Planning Committee, in accordance with the Council's current Scheme of Delegation, as the officer recommendation contrasts with the statutory consultee response of Allendale Parish Council and the application site is within a Neighbourhood Plan area.

2. Description of the Proposals

2.1 Retrospective planning permission is sought for the retention of a timber shed at Osborne House, The Peth, Allendale for a temporary period of two years.

2.2 The application property is a Grade II Listed Building due to its special architectural and historic interest. The property which dates to the late 18th century; it is of stone construction with tooled dressings under a stone slate roof having brick stacks. The 3-storey and basement, 3-bay house is accessed by centrally located stone stairs leading to a 4-panelled door in raised stone surround. Openings are square-headed having wedge lintels and slightly projecting sills with 2-over-2 timber sashes to ground and first floor; and two-paned windows to second floor. The basement openings consist of timber doors a 9-pane fixed casement.

2.3 The application property is also located within the Allendale Conservation Area and is within the North Pennines Area of Outstanding natural Beauty.

2.4 The shed is of wooden construction and has a width of 1.35 metres a depth of 17.5 metres and an eaves and ridge height of 2.1 metres and 2.46 metres respectively.

3. Planning History

Reference Number: 13/00634/FUL

Description: Proposed planning approval for the creation of a basement flat, as amended.

Status: PERMITTED

Reference Number: 13/00787/LBC

Description: Listed Building Consent for proposed creation of basement flat, as amended.

Status: PERMITTED

Reference Number: 16/02304/COU

Description: Proposed science fiction museum within the existing basement and cellar at Osborne House

Status: PERMITTED

Reference Number: 16/02308/LBC

Description: Listed building consent for proposed science fiction museum within the existing basement and cellar of Osborne House

Status: PERMITTED

Reference Number: 19/00941/DISCON

Description: Discharge of condition 3 (opening hours) from 16/02304/COU.

Status: PERMITTED

Reference Number: T/20080943

Description: Proposed conversion of existing cellar and basement to flat

Status: PERMITTED

Reference Number: T/20080942

Description: Listed Building Consent: Proposed conversion of existing cellar and basement to flat

Status: PERMITTED

Reference Number: T/20080642

Description: Listed Building Consent: Proposed conversion of existing cellar and basement to flat

Status: REFUSED

Reference Number: T/20080631

Description: Proposed conversion of existing cellar and basement to flat

Status: REFUSED

Reference Number: T/20041382

Description: Listed Building Consent: Internal and external alterations

Status: REFUSED

Reference Number: T/20040688

Description: Listed Building Consent: Internal and external alterations

Status: REFUSED

4. Consultee Responses

Allendale Parish Council	Support the application.
Building Conservation	Objection; It is considered that the application represents harm to the setting and significance of the Grade II listed building; the collective significance of the Grade II listed building group; and fails to preserve or enhance the special character and appearance of the Allendale Conservation Area. The degree of harm is 'less than substantial'. When the application is evaluated having regard to the Allendale Neighbourhood Plan it is considered that it is contrary to the identified Policies.
North Pennines AONB	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	10
Number of Objections	0
Number of Support	153
Number of General Comments	2

Notices

Site notice Conservation & affect LB, 21st June 2019
Hexham Courant 23rd May 2019

Summary of Responses:

There were 156 representations received in relation to the application; 154 support. 1 neutral and 1 detailed as an objection but on further inspection this was actually a letter of support.

The comments can be summarised as follows;

- not permanent construction
- small and unobtrusive
- only a minor impact on the visual impact of this row of houses
- shed itself is well built, matches the rural area and does not detract from the town
- Created local landmark
- encourages people to visit Allendale which brings revenue into the village who will use other services

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=PRAKH9QSFZZ00>

6. Planning Policy

6.1 Development Plan Policy

Allendale Neighbourhood Development Plan 2015

ANDP 1 General Development Principles

Tynedale LDF Core Strategy 2007

BE1 Principles for the Built Environment

EDT1 Principles for Economic Development and Tourism

GD1 The General Location of Development

GD4 Principles for Transport and Accessibility

Tynedale District Local Plan 2000 (policies saved 2007)

GD2 Design Criteria for Development

GD4 Range of Transport Provision for all Development

TM2 Enhancement of Existing Facilities, Attractions and Infrastructure

TM6 Tourism development in the North Pennines AONB

NE15 Development in the North Pennines AONB

BE18 Development affecting the character and setting of a Conservation Area

BE22 The setting of a Listed Building

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

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

6.3 National Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019

ECN 1 Planning Strategy for the Economy (Strategic Policy)

ECN 12 A Strategy for Rural Economic Growth (Strategic Policy)

ECN 15 Tourism and Visitor Development

QOP 1 Design Principles (Strategic Policy)

QOP 2 Good Design and Amenity

ENV 6 North Pennines Area of Outstanding Natural Beauty

ENV 7 Historic environment and heritage assets

ENV 9 Conservation Areas

7. Appraisal

7.1 In assessing the acceptability of any proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Tynedale Local Plan and Tynedale Core Strategy as identified above.

7.2 Paragraph 48 of 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 is in its submission stage and 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 The main issues for consideration in the determination of this application are:

- Principle of the development
- Design and Visual Impact
- Impact on the setting of a Listed Building
- Impact on the Allendale Conservation Area
- Impact on the North Pennines Area of Outstanding Natural Beauty
- Impact upon amenity

Principle of the Development

7.4 The NPPF maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise. As a starting point, Policy GD1 of the Tynedale LDF Core Strategy refers to the principles for the general location of development. Policies STP 1 and STP 2 are closely aligned with the national Planning Policy Framework and support a presumption in favour of sustainable development. Allendale is detailed as a Local Centre as defined by Tynedale LDF Core Strategy Policy GD1 and the focus of development to a lesser extent as such the principle of this small scale development is considered acceptable.

7.5 Policy EDT1 of the Tynedale LDF Core Strategy sets out the principles for economic development and tourism, one of which is to support a buoyant and diverse local economy, which recognises the importance of tourism to the District. A further principle within Policy EDT1 seeks to protect and enhance existing tourist facilities and infrastructure, whilst allowing new tourist development where appropriate in order to increase the range, quality and type of facilities available to tourists.

7.6 Policy ECN 1 of the emerging Northumberland Local Plan (Publication Draft Plan) sets out the planning strategy for the economy. This policy sets out a number of principles, one of which is to “support and promote tourism and the visitor economy”.

7.7 Policy TM2 of the Tynedale District Local Plan relates to the enhancement of existing tourist facilities, attractions and infrastructure. Policy TM2 states “proposals to enhance existing facilities, attractions and infrastructure will be encouraged, particularly in the towns and villages of the District”.

7.8 Policy ANDP 1 Allendale Neighbourhood Development Plan supports development where would support and maintain the continued sustainability and viability of communities across the Parish subject to certain criteria which includes tourism related development and tourist accommodation.

7.9 The application site operates as The Allendale Sci-Fi Museum which was granted consent under application numbers 16/02304/COU and 16/02308/LBC and opened in 2018. The Planning Statement and Heritage Statement submitted in support of this application states the shed was constructed to provide shelter for a ‘Dalek’ that was made as part of a school project and provides an additional attraction to the Museum. Whilst it is accepted that the museum can be considered a tourist attraction which brings visitors to the area of Allendale no justification has been presented to show that the shed is an essential requirement to the success of the existing business.

7.10 There is significant support for the application and it is acknowledged that having the shed does provide accommodation for an ‘attraction’ to the museum, though it is noted that there is already a ‘dalek’ on display inside the museum. However, of itself, the shed does not contribute the tourist facility and this cannot be used as justification for the otherwise unacceptable development (as detailed further in this report). As such would not accord with Policy EDT1 of the Tynedale LDF Core Strategy, Policy TM2 of the Tynedale District Local Plan, Allendale Neighbourhood District Plan or the NPPF.

Design and Visual Impact

7.11 Tynedale District Local Plan Policy GD2 sets out the design criteria and states that 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.

7.12 The shed which is the subject of this application is of timber construction is typical in its construction and the materials used to a garden shed which would generally be found within the garden of a residential property. It is not considered that the basic unfinished wooden structure is in keeping with its setting in front of the facade of the existing stone listed building, within the main main thoroughfare of the Conservation Area contrary to Local Plan Policy GD2 and the NPPF.

Impact on the North Pennines AONB

7.13 Policy TM6 of the Tynedale District Local Plan states that tourism development within the North Pennines AONB will be permitted where the scenic quality is maintained and where they do not from the landscape quality.

7.14 Allendale Neighbourhood Development Plan Policy ADNP 1 states that

All development shall be designed and located having regard to the principles and advice set out in the North Pennines AONB Building Design Guide (2011) and the North Pennines AONB Planning Guidelines (2011) and any other relevant design guidance for AONB areas extant at time the application is determined. It shall be located to ensure that it does not significantly and adversely affect the:

- amenity of nearby residents or other sensitive land uses; or*
- character and appearance of the settlement or area in which it is located.*

All development shall avoid harm to the significance of social, built, historic, cultural and natural heritage assets of the Parish.

Development that significantly and adversely affects the landscape character, appearance, tranquillity and dark skies of the North Pennines Area of Outstanding Natural Beauty will not be permitted.

7.15 Policy ENV 6 of the emerging Northumberland Local Plan seeks to protect the North Pennines Area of Outstanding Natural Beauty and ‘*supports small scale development where it does not impact on the AONB's special qualities*’ whilst ‘*supporting the growth and diversification of the rural economy through the expansion of existing businesses and the development of new businesses.*’

7.16 The North Pennines AONB Building Design Guidance sets out design principles; it states that a well designed building should express something coherent about its structure and form and that the use of modern materials can compromise the design integrity of a building. It advises that a new building should be placed to avoid intruding on a neighbour’s privacy or disrupting existing spatial qualities and that the choice of materials and colour should marry comfortably with existing materials and not strike harsh contrasts.

7.17 The proposed development sits within the North Pennines AONB, it is considered that the siting of a garden shed forward of the principal elevation of a stone town house within a highly visible location would be contrary to the design principles set out in the North Pennines AONB Design Guidance. The location of the shed on the principle elevation would detract from the landscape character of the area and as such would not accord with Tynedale District Local Plan Policies TM6, Allendale Neighbourhood Development Plan Policy ADNP 1, emerging Northumberland Local Plan Policy ENV6; the North Pennines AONB Building Design Guidance and the NPPF.

Impact on the Allendale Conservation Area

7.18 The National Planning Policy Framework (NPPF) is a significant material consideration and cognisance has been given to Chapters 12 'Achieving well-considered design' and 16 'Conserving and Enhancing the Historic Environment'.

7.19 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.20 Policy BE1 of the Tynedale LDF Core Strategy sets out the principles for the built environment and seeks to '*conserve and where appropriate enhance the quality and integrity of Tynedale's built environment and its historic features including archaeology, giving particular protection to listed buildings, scheduled monuments and conservation areas.*'

7.21 Policy ENV 9 of the emerging Northumberland Local Plan states that (a) '*Opportunities will be sought to, and development will be encouraged that will, help preserve or enhance the character or appearance and/or reinforce its local distinctiveness and/or better reveal its significance*' and that (b) '*development that would lead to substantial harm to (or total loss of significance of) any aspect of a Conservation Area that contributes to the reasons that it was so designated, will not be supported unless the exceptional circumstances set out in Policy ENV 7(4) apply; if the harm is less than substantial, this will be weighed against any public benefit and any compensatory contribution that the same development may make to part 1(a) above;*

7.22 The application property sits within the Allendale Conservation Area, the shed sits within a prominent position opposite Market Place and at the top of the hill from Peth Head; the shed is highly visible from both the Market Place and from the approach uphill from Peth Head. The Building Conservation Officer has been consulted and has concluded that the proposal fails to preserve or enhance the special character and appearance of the Allendale Conservation Area

7.23 Taking all of the above into account it is considered that the shed is out of character with the area and would result in harm the character setting of the Conservation Area and as such the proposal does not accord with Tynedale LDF Core Strategy Policy BE1, Allendale Neighbourhood District Plan policy ANDP 1 and the NPPF.

Impact on the Setting of a Listed Building

7.24 Section 16 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

7.25 Tynedale District Local Plan Policy BE22 states that *'proposals for development which would adversely affect the essential character or setting of a Listed Building will not be permitted. Proposals for development within the setting of a Listed Building will only be appropriate where the following criteria are met:*

- a) the detailed design is in keeping with the Listed Building in terms of scale, height, massing and alignment; and*
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which are in keeping with those found on the Listed Building.'*

7.26 Policy ENV 7 of the emerging Northumberland Local Plan advocates that *'development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings'* and that *'where development proposals would cause less than substantial harm to the significance of the designated heritage asset, this will be weighed against the public benefits of the proposal, including securing the optimum use that is viable and justifiable.'*

7.27 Chapter 16 of the NPPF states that in determining applications the local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality (paragraph 192) and when considering the impact a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. (Paragraph 193). Paragraph 194 states that Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.28 The shed is sited beyond the front elevation of a Grade II Listed Building and within the Allendale Conservation Area and as such is not considered to be appropriate to the character of the site and its surroundings, existing buildings and their setting, in terms of the scale, proportions, positioning and appearance of building including use of materials. The Building Conservation Officer has been consulted and has concluded that the proposal would represent harm to the setting and significance of the Grade II Listed Building stating that the degree of harm is 'less than substantial'. The Planning Statement and Heritage Statement submitted in support of the application states that the shed was constructed to provide shelter for a 'Dalek' that was made as part of a school project and that there is a full-size original Dalek in the Museum.

7.29 A large number of letters of support for the application have been received for the application including support from Allendale Parish Council. Many of the letters refer to the museum and the Dalek and not to the shed which is the focus of this application. Some of the letters of support identified that the museum had become a village attraction and had contributed to the local economy, some even stating that the 'Dalek' had become a village attraction and a local landmark.

7.30 In relation to this application the museum or the 'Dalek' are not part of the application, which the LPA acknowledges do contribute to the local tourism economy. The subject of this application is merely the construction of a shed which is sited in front of the principal elevation of a Grade II Listed Building and within a prominent position within the Allendale Conservation Area. No clear and convincing justification has been demonstrated that the existence of the shed would provide significant public benefit to outweigh the level of harm identified or that its existence would secure the optimum viable use of the Grade II Listed Building which is successfully operating as a Museum and viable business.

7.31 Taking the above into deliberation it is considered that the proposal would not accord with Tynedale District Local Plan Policy BE22, Allendale Neighbourhood District Plan ENV1 and the emerging Northumberland Local Plan Policy ENV7.

Impact upon amenity

7.32 Tynedale District Local Plan Policy GD2 states that development in terms of design should not have an adverse effect on adjacent land or buildings, in terms of loss of light, noise or other disturbance, overbearing appearance or loss of privacy. Policy GD2 establishes the criteria for the built environment. The emerging Northumberland Local Plan Policy QOP2 seeks to ensure that new development has a positive impact on amenity development which would result in unacceptable adverse impacts on the amenity of neighbouring uses, in terms of both individual and cumulative impacts will not be supported. The application has been assessed against the relevant policies and it is considered that there would be no significant impact on residential amenity resulting from the proposed development. The impact on residential amenity is acceptable in this application and the proposal is in accordance with Tynedale Local Plan Policy GD2, Emerging Northumberland Local Plan Policy QOP2 and the NPPF.

Other considerations

Equality Duty

7.33 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

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

Human Rights Act Implications

7.35 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.

7.36 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.

7.37 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The application has been considered above against the relevant local planning policies and the National Planning Policy Framework; it is considered that the development is unacceptable. The location of the shed on the principle elevation would detract from the landscape character of the area and as such would not accord with Tynedale District Local Plan Policies GD2, TM6, Allendale Neighbourhood Development Plan Policy ADNP 1, emerging Northumberland Local Plan Policy ENV6; the North Pennines AONB Building Design Guidance and the NPPF.

8.2 The shed is out of character with the area and would result in harm the character setting of the Conservation Area and as such the proposal does not accord with Tynedale LDF Core Strategy Policy BE1, Allendale Neighbourhood District Plan Policy ANDP 1.

8.4 The application represents harm to the setting and significance of the Grade II listed building; the collective significance of the Grade II listed building group; and fails to preserve or enhance the special character and appearance of the Allendale Conservation Area. The degree of harm is 'less than substantial'. No clear and convincing justification has been demonstrated that the existence of the shed would

provide significant public benefit to outweigh the level of harm identified or that its existence would secure the optimum viable use of the Grade II Listed Building which is successfully operating as a Museum and viable business. The proposal would not accord with Tynedale District Local Plan Policy BE22, Allendale Neighbourhood District Plan ENV1, the emerging Northumberland Local Plan Policy ENV7.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

1. The location of the shed forward of the principle elevation of Osborne House is out of character with the immediate setting of the of the property by virtue of its siting, design and materials and in addition the shed represents harm to the setting and significance of the Grade II listed building; the collective significance of the Grade II listed building group; and fails to preserve or enhance the special character and appearance of the Allendale Conservation Area. The development is therefore contrary to Tynedale District Local Plan Policies GD2, BE22 and TM6, Tynedale LDF Core Strategy Policy BE1, Allendale Neighbourhood Development Plan Policy ADNP 1, emerging Northumberland Local Plan Policy ENV6a dn ENV7 and the NPPF.

Date of Report: 18th July 2019

Background Papers: Planning application file(s) 19/01506/FUL