



Northumberland County Council

Tynedale Local Area Council Planning Committee 13 August

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| Application No: | 19/01854/FUL | | |
| Proposal: | Construction of permanent site entrance and access track | | |
| Site Address | Land West Of Heathery Hill, Lowgate, Hexham, Northumberland | | |
| Applicant: | Blue Sky Resorts Ltd C/O Agent | Agent: | Mr Clive Cunio 8 St Georges Court, Altrincham Business Park, Dairyhouse Lane, Altrincham WA14 5UA |
| Ward | Hexham West | Parish | Hexham |
| Valid Date: | 11 June 2019 | Expiry Date: | 16 August 2019 |
| Case Officer Details: | Name: Miss Rachel Campbell Job Title: Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk | | |

Recommendation: That this application be REFUSED permission



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1. Introduction

1.1 This application is being referred to the Planning Committee as it raises significant planning issues and has given rise to relatively significant local objection following previous planning applications relating to Heathergate Country Park, which have also received substantial interest and have been determined by members of the Committee previously.

2. Description of the Proposals

2.1 Planning permission is sought for the construction of a permanent site entrance and access track on land to the west of Heatheryhill, Lowgate. The proposal would connect the extended part of Heathergate Caravan Park to the C284 road. The application follows a previous grant of planning permission for a temporary access site entrance and access track at the site, which was determined by Members of the Tynedale Local Area Council Planning Committee on 15th August 2017 under planning application reference: 17/00223/FUL.

2.2 Following the grant of temporary permission, planning permission was then sought to construct a permanent access site entrance and access track at the application site, which was refused by Members of the Tynedale Local Area Council Planning Committee on 12th December 2017 under planning application reference: 17/03728/FUL. This 2017 refusal decision was the subject of an appeal which was subsequently dismissed by the Planning Inspector in July 2018.

2.3 A variation of condition application was then subsequently granted planning permission to extend the temporary period of consent granted under planning application reference: 17/00223/FUL, which was determined by Members of the Tynedale Local Area Council Planning Committee on 26th February 2019. This temporary permission will expire on 16th August 2019.

2.4 The application proposes to construct a permanent site entrance and access track in a similar location as the existing temporary site entrance and access track which was previously granted planning permission. The proposed development would involve the enlargement of the access to the C284, together with the construction of a 120 metre long access track within the site, which would have a width of 3.5 metres and a passing place with a track width of 6 metres part way into the site to enable vehicles to pass one another.

2.5 The access track would be constructed of grasscrete or similar, having an open permeable surface that would enable vegetation growth through the base structure. The proposed site entrance would be constructed of tarmac and would require the removal of 11 metres of hedgerow. To mitigate for this loss, the proposal would include the installation of 10 metres of hedgerow either side of the site entrance.

2.6 The applicant has made the following changes to the scheme which seek to address the matters raised within the 2018 appeal decision:

- The provision of additional planting and a low bund along the length of the access track, together with a reconfiguration of the alignment of the track;

- The removal of lighting along the access track; and
- The closure of the existing permanent access by permanently locking the gates to the vehicular access.

2.7 The site lies within the open countryside adjacent to the small village of Lowgate, which is situated within the Green Belt and to the west of the main town of Hexham. The application site is also within an Area of High Landscape Value and is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI).

3. Planning History

Reference Number: 19/01171/VARYCO

Description: Variation of condition 2 (habitation period) of application T/20050948 to allow 12 month habitation period

Status: Pending Consideration

Reference Number: 19/00702/FUL

Description: Extension and alterations to existing office building

Status: Permitted

Reference Number: 18/04091/ELEGDO

Description: Erection of 3 new wooden poles

Status: No Objection

Reference Number: 18/02761/VARYCO

Description: Variation of condition 1 (temporary permission) pursuant to planning permission 17/00223/FUL

Status: Permitted

Reference Number: 18/02755/DISCON

Description: Discharge of conditions 8 (External lighting) 11 (Bird Boxes) on approved planning application 18/01745/VARYCO (amended description 20/08/2017)

Status: Permitted

Reference Number: 18/01745/VARYCO

Description: Variation of condition 1 (approved plans) pursuant to planning permission 16/04092/VARYCO in order to amend the location of 6 location plans.

Status: Permitted

Reference Number: 17/03728/FUL

Description: Proposed construction of permanent site entrance and access track

Status: Refused

Reference Number: 17/03217/DISCON

Description: Discharge of conditions 5 (Hedgerow Replacement) and 6 (Crushed Stone Colour) relating to planning permission 17/00223/FUL

Status: Permitted

Reference Number: 17/00223/FUL

Description: Construction of temporary site entrance and access track

Status: Permitted

Reference Number: 16/04322/DISCON

Description: Discharge of conditions 5 (landscaping) and 9 (drainage) of approved planning application 16/00950/VARYCO

Status: Permitted

Reference Number: 16/03818/DISCON

Description: Discharge of condition 15 (amphibian method statement) on approved planning application 16/00950/VARYCO

Status: Permitted

Reference Number: 16/00950/VARYCO

Description: Variation of conditions 1 (approved plans), 6 (landscaping) and 8 (access provision) pursuant to planning permission 82/E/559 in order to allow revision of caravan layout, landscaping and access arrangements.

Status: Permitted

Reference Number: 15/02361/CLEXIS

Description: Certificate of lawfulness of existing use for 39 caravan pitches

Status: Permitted

Reference Number: T/20070063

Description: Change of use of land to allow the siting of 32 caravans, and construction of childrens play area and construction of a new access road.

Status: Withdrawn

Reference Number: T/20061114

Description: Relocation of existing site access, realigning existing track to provide an all weather surfaced drive, and creation of childrens' play facility

Status: Withdrawn

Reference Number: T/20050948

Description: Vary condition No. 2 of Planning Permission Reference: J74/32 to extend the opening times to 11 months (1st March to 31st January)

Status: Permitted

Reference Number: T/960154

Description: Proposed construction of extension to existing toilet and shower block to provide community room, storage and residential flat

Status: Permitted

Reference Number: T/93/E/818

Description: Renewal - Siting of residential caravan.

Status: Permitted

Reference Number: T/93/E/209

Description: Unopposed Revocation of Planning permission under section 99 of the Town and Country Planning Act 1990.

Status: Permitted

Reference Number: T/92/E/70

Description: Erection of dwelling house for warden, and refurbishment of existing shower and toilet building.

Status: Refused

Reference Number: T/91/E/679

Description: Construction of dwelling house for Warden.

Status: Refused

Reference Number: T/90/E/319

Description: Construction of country club to include swimming pool, squash courts, restaurant, function and outdoor tennis courts.

Status: Refused

Reference Number: T/75/E/104

Description: Extension to existing toilet facilities.

Status: Permitted

Appeals

Reference Number: 18/00008/REFUSE

Description: Proposed construction of permanent site entrance and access track

Status: Dismissed

4. Consultee Responses

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| Hexham Town Council | Objects to the application as the proposal would be inappropriate development in the Green Belt and would harm the character and appearance of the area. |
| Highways | No objection subject to conditions and informatives. |
| Building Conservation | No objection. The proposed works will not cause any harm to any nearby heritage assets. |
| County Ecologist | Comments: A Hedge Survey Report was submitted for the previous planning application reference: 17/03728/FUL. This should be updated to reflect any design changes and submitted to accompany this application. |
| Public Protection | No comment. |
| Lead Local Flood Authority (LLFA) | No comment. Recommended informative. |

5. Public Responses

Neighbour Notification

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| Number of Neighbours Notified | 25 |
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| Number of Objections | 14 |
| Number of Support | 0 |
| Number of General Comments | 0 |

Notices

General site notice – Displayed on 1st July 2019
No press notice required.

Summary of Responses:

14 representations of objection have been received in relation to this application. The objections raise concerns on the following issues:

- The proposal for a permanent site entrance and access track has previously been refused by the local planning authority in 2017 (planning application reference: 17/03728/FUL) and was also dismissed at appeal in 2018.
- The proposed development would be contrary to national and local planning policies.
- Although the applicant has slightly amended the proposal, surely the issue of the principle of the development remains.
- The approval of this application would open the flood gates for further inappropriate and insensitive development of this area by the applicant.
- The proposed development would cause harm to the Green Belt and would result in encroachment.
- The use of grasscrete as a road surface is impractical and would be inappropriate as a result of the number of vehicles which would be utilising the track.
- Closing the existing permanent entrance to Heathergate Country Park is unenforceable and could not be conditioned.
- To close the existing access would make the situation worse.
- The application would increase the traffic along the C284.
- Very special circumstances do not exist and the proposal would not preserve the openness of the Green Belt.
- Inaccuracies with the documentation provided in this application, in particular the general arrangement plan.
- The field and field boundaries are regularly frequented by a number of different protected species.
- The application does not propose any mitigation against the impact of the development upon local wildlife and habitats.
- The existing access to Heathergate Country Park is more than adequate.

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=PSXEOXQSGKC00>

6. Planning Policy

6.1 Development Plan Policy

Tynedale LDF Core Strategy (2007)

Policy BE1 – Principles for the Built Environment
Policy GD1 – The General Location of Development
Policy GD4 – Principles for Transport and Accessibility
Policy GD5 – Minimising Flood Risk
Policy NE1 – Principles for the Natural Environment

Tynedale District Local Plan (2000, policies saved 2007)

Policy BE22 – The Setting of Listed Buildings
Policy CS19 - Location of Development either causing or adjacent to Pollution Sources
Policy CS22 - Location of Noise Generating Uses
Policy GD2 – Design Criteria for Development
Policy GD4 – Range of Transport Provision for all Development
Policy NE7 – New Buildings in the Green Belt
Policy NE27 – Protection of Protected Species
Policy NE33 – Protection of Trees, Woodlands and Hedgerows
Policy NE34 – Tree Felling
Policy NE37 – Landscaping in Developments

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)
National Planning Practice Guidance (NPPG) (2018, as updated)

6.3 Other Documents/Strategies

Northumberland Local Plan (Publication Draft Plan) (Regulation 19) and Proposed Minor Modifications, as submitted 29 May 2019

Policy ENV 2 – Biodiversity and Geodiversity
Policy ENV 3 – Landscape
Policy ENV 7 – Historic Environment and Heritage Assets
Policy QOP 1 – Design Principles (Strategic Policy)
Policy QOP 2 – Good Design and Amenity
Policy QOP 4 – Landscaping and Trees
Policy STP 1 – Spatial Strategy (Strategic Policy)
Policy STP 2 – Presumption in Favour of Sustainable Development (Strategic Policy)
Policy STP 3 – Principles of Sustainable Development (Strategic Policy)
Policy STP 7 – Strategic Approach to the Green Belt (Strategic Policy)
Policy STP 8 – Development in the Green Belt (Strategic Policy)
Policy TRA 1 – Promoting Sustainable Connections (Strategic Policy)
Policy WAT 3 – Flooding

Hexham Neighbourhood Plan 2019-2036 Submission Plan (January 2019)

Policy HNP1 – Sustainable Development in the Neighbourhood Area
Policy HNP2 – High-Quality Sustainable Design in the Neighbourhood Area
Policy HNP7 – Designated Heritage Assets
Policy HNP17 – Hedgerows, Trees and Verges in Hexham

7. Appraisal

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

- Principle of the development in the Green Belt;
- Design and impact on the landscape;
- Impact upon residential amenity;
- Highway safety;
- Flood risk and drainage;
- Heritage impact; and
- Ecology.

Principle of the Development in the Green Belt

7.2 The National Planning Policy Framework (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. This policy states development should be limited to the re-use of existing buildings within the open countryside unless otherwise allowed under alternative policies in the development plan.

7.3 Policy NE7 of the Tynedale District Local Plan states that within the Green Belt, planning permission will only be granted for the construction of new buildings for a limited number of purposes. The construction of a permanent site entrance and access track would amount to engineering operations, which do not fall under the list of development types set out within Policy NE7 of the Tynedale District Local Plan, which deals only with the construction of new buildings. There are no policies elsewhere within the development plan which relate specifically to the type of development proposed. Planning law dictates that the determination of applications remains with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration, and sets out principles for the Green Belt within Chapter 13.

7.4 Paragraph 134 of the NPPF states that “*Green Belt serves five purposes:*

- a) To check the unrestricted sprawl of large built-up areas;*
- b) To prevent neighbouring towns merging into one another;*
- c) To assist in safeguarding the countryside from encroachment;*
- d) To preserve the setting and special character of historic towns; and*

e) *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.*

7.5 Paragraph 143 of the NPPF sets out that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.* Paragraph 144 of the NPPF states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.*

7.6 Paragraph 145 of the NPPF states that *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

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 the new building is in the same use and not materially larger than the one it replaces;*

d) *The replacement of a building, providing 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”.*

7.7 Paragraph 146 of the NPPF states *“certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

a) *Mineral extraction;*

- b) Engineering operations;*
- c) Local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) The re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) Development brought forward under a Community Right to Build Order or Neighbourhood Development Order”.*

7.8 The Northumberland Local Plan (Publication Draft Plan) was published for consultation in January 2019, with proposed minor modifications submitted on 29th May 2019. In accordance with Paragraph 216 of the NPPF; the policies contained within the document at this stage carry some weight in the assessment of planning applications.

7.9 Policy STP 7 of the Northumberland Local Plan (Publication Draft Plan) sets out the strategic approach to the Green Belt. Policy STP 7 states *“the Green Belt within Northumberland, as defined on the Policies map, will be protected to:*

- a. Check the unrestricted sprawl of Tyne and Wear;*
- b. Safeguard the countryside from encroachment;*
- c. Prevent the merging of: Newcastle upon Tyne with Ponteland, Newcastle Airport, or Cramlington; and North Tyneside with Cramlington or Blyth;*
- d. Preserve the setting and special character of Hexham, Corbridge and Morpeth;*
- e. Prevent Morpeth merging with neighbouring settlements;*
- f. Prevent the merger of rural settlements; and*
- g. Assist in the regeneration of settlements in South East Northumberland beyond the Green Belt”.*

7.10 Policy STP 8 of the Northumberland Local Plan (Publication Draft Plan) relates to development in the Green Belt. Policy STP 8 states that *“in assessing development proposals within the Green Belt:*

- a. Development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal;*
- b. Development which is appropriate in the Green Belt, as defined in national planning policy, will be supported;*

c. Development which improves access to the countryside; provides opportunities for outdoor sport and recreation; enhances landscapes and biodiversity; or improves damaged or derelict land will be encouraged and supported, provided it does not conflict with national policy in relation to Green Belt”.

7.11 As aforementioned, the construction of a permanent site entrance and access track would amount to engineering operations. Paragraph 146 of the NPPF states that engineering operations in the Green Belt are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. It is acknowledged that planning permission was refused and dismissed on appeal under application reference 17/03728/FUL for the construction of a permanent site entrance and access track, which was considered to constitute inappropriate development within the Green Belt on the basis that as a permanent feature it would be harmful to the openness of the Green Belt and the purposes of including land within it.

7.12 The proposed development has been assessed having regard to the conclusions of the Planning Inspector in the 2018 appeal decision, which forms a material consideration in the determination of planning applications.

7.13 The 2018 appeal decision highlighted that *“the appellant advises that the proposal includes the cessation of the use of the existing site access for vehicular traffic. There is therefore the potential for a considerable number of vehicles to use the proposed track throughout the day, particularly at times when occupancy of the extended caravan park is high”*. The 2018 appeal decision considered that the use of grasscrete material for the access track would *“blend into the landscape to a degree... however, frequent use by vehicles would be likely to leave clearly discernible tracks along its length and the track would result in perforated hard surfacing”*. The 2018 appeal decision concluded that *“the effect on the openness would not be confined purely to the proposed permanent works themselves and the lighting. There would also be the associated activity of vehicles going to and from the caravan park throughout the day”*.

7.14 It is acknowledged that the applicant has made some amendments to the scheme which seek to address the concerns raised within the 2018 appeal decision. These amendments are:

- The provision of additional planting and a low bund along the length of the access track, together with a reconfiguration of the alignment of the track;
- The removal of lighting along the access track; and
- The closure of the existing permanent access by permanently locking the gates to the vehicular access.

7.15 Although these amendments do go some way in addressing the concerns raised within the 2018 appeal decision, such as the removal of lighting along the access track, these amendments are not considered to be enough to completely remove the harmful impact caused by the proposal upon the openness of the Green Belt as highlighted in the Inspector’s report. Overall, it is considered that the proposed permanent site entrance and access track would not preserve the

openness of the Green Belt and would adversely impact on the purpose of safeguarding the countryside from encroachment. The previous temporary consent was considered appropriate only because it was required for construction for a limited time and then the land would be reinstated. Consequently, the very special circumstances necessary to justify the currently proposed development are not considered to exist and have not been demonstrated as part of this application. The NPPF is clear that the harm by reason of inappropriateness and any other harm arising from the development must be clearly outweighed. In this event, the harm by reason of inappropriateness and harm identified in terms of impact on the openness of the Green Belt are attributed substantial weight in the overall balance, and weigh heavily against the proposed development. The application is therefore considered to be unacceptable in Green Belt terms, and would be contrary to Policies STP 7 and STP 8 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the NPPF.

Design and Impact on the Landscape

7.16 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 124 of the NPPF states *“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”*.

7.17 Policy BE1 of the Tynedale LDF Core Strategy sets out the principles for the built environment. One of the principles set out within Policy BE1 seeks to *“ensure that development is of a high quality design that will maintain and enhance the distinctive local character of the District’s towns, villages and countryside”*.

7.18 Policy NE1 of the Tynedale LDF Core Strategy establishes the principles for the natural environment, one of which seeks to protect and enhance the character and quality of the landscape, biodiversity and geological interest of the District and to give particular protection to areas and sites recognised for their environmental and scientific interest. Policy NE1 also seeks to manage the relationship between development and the natural environment in order to minimise risk of environmental damage and avoid the urbanisation of the countryside.

7.19 Policy NE37 of the Tynedale District Local Plan sets out criteria for new development to meet in relation to landscaping. Policy NE33 of the Tynedale District Local Plan relates to the protection of trees, woodlands and hedgerows. Policy ENV 3 of the Northumberland Local Plan (Publication Draft Plan) relates to landscaping in developments.

7.20 Policy GD2 of the Tynedale District Local Plan sets out the design criteria which must be met by all types of development. One of the criteria set out within Policy GD2 states the design of proposed development *“should be appropriate to the character of the site and its surroundings, existing buildings and their setting, in terms of scale, proportions, massing, positioning and appearance of buildings, use of materials, structures and landscaped and hard surfaced areas”*.

- 7.21 Policy QOP 1 of the Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development to follow. Criterion (a) states that design will be supported where it *“makes a positive contribution to local character and distinctiveness and contributes to a positive relationship between built and natural features, including landform and topography”*.
- 7.22 In terms of the Northumberland Landscape Character Assessment (NLCA) the site lies within Landscape Character Type 31 - Glacial Trough Valley Sides and within Landscape Character Area 31d - Langley to Stocksfield. These lie within Natural England National Character Area 11 - Tyne Gap. The NLCA identifies the strong enclosure pattern of Landscape Character Type 31 which includes hedgerows as a key characteristic. The development guidelines for Landscape Character Type 31 also refer to essential roads being integrated into the valley landscape through careful siting, ground modelling and planting.
- 7.23 Whilst part of the existing hedgerow adjacent to the C284 road would be affected, only 11 metres of hedgerow would be removed as part of this application. To mitigate for this loss, the proposal would include the installation of 10 metres of hedgerow either side of the site entrance. This element of the scheme is not considered to have a harmful impact upon the visual appearance of the landscape.
- 7.24 The access track would be constructed of grasscrete material, thus having an open permeable surface that would enable vegetation growth through the base structure. The access track would be visible from within the application site but would remain relatively visually discreet from outside of the application site, except for immediately adjacent to the site entrance on its own but would be highlighted by its use by vehicles accessing the site.
- 7.25 The use and activity associated with the proposed permanent site entrance and access track must also be considered in this section. Despite amendments having been made to the scheme in an attempt to address the concerns previously raised, such as additional landscaping and the provision of a low bund, the associated activity of vehicles along the proposed access track has not been addressed. The associated activity of vehicles along the proposed access track, particularly during the hours of darkness, would result in an intrusive effect on the open countryside, that would be materially different to that which would reasonably be associated with a field or farm access. The proposed permanent site entrance and access track would contrast with the traditional, rural character of the countryside setting of the application site. The proposal would therefore result in the urbanisation of the open countryside. The 2018 appeal decision also concluded that the permanent proposal resulted in harm to the character of the area. Thus, the proposed development would fail to accord with Policies NE1 and BE1 of the Tynedale LDF Core Strategy, Policy GD2 of the Tynedale District Local Plan, Policies ENV 3, STP 2 and STP 3 of the Northumberland Local Plan (Publication Draft Plan), Policies HNP1 and HNP 2 of the Hexham Neighbourhood Plan and the principles of the NPPF.

Impact upon Residential Amenity

- 7.26 Policy GD2 of the Tynedale District Local Plan states there should be *“no adverse effect on adjacent land or buildings in terms of loss of light, noise or*

other disturbance, overbearing appearance or loss of privacy". Policies CS19 and CS22 of the Tynedale District Local Plan seek to safeguard sensitive land uses such as residential properties from noise pollution.

7.27 Policy QOP 1 of the Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development. One of the principles of this policy states that proposals will be supported where design "*protects general amenity*". Policy QOP 2 of the Northumberland Local Plan (Publication Draft Plan) relates to good design and amenity. This policy seeks to preserve the amenity of those living in, working in or visiting the local area.

7.28 The application site is located to the west of residential dwellings and the small village of Lowgate. Whilst there is likely to be some increased disturbance to nearby dwellings from the proposed site entrance and access track, it is not considered that this would be significant. Much of the impacts would be derived from vehicular movements passing through Lowgate via the C284 and passing across the application site. The nearest garden boundary of a residential dwelling, is that of 2 Heatheryhill, which is located approximately 120 metres from the proposed access track. The nearest residential dwelling, 4 Heatheryhill, is located approximately 120 metres from the proposed access track.

7.29 The proposed access and access track would reduce the number of vehicles utilising the existing permanent access to the site, particularly, if the existing permanent vehicular access is to be closed, as stated within the application. The proposal would increase the traffic movements along the C284, and in turn would impact upon the residential dwellings to the west side of the small village of Lowgate. This impact would not, however, be as significant as the current arrangement due to the residential dwellings being set back from the highway, the width of the highway and the 30 mph speed restriction in this area. The 2018 appeal decision highlighted that "*the development would not materially harm the living conditions of those living adjacent to the field or road, and could potentially improve that of those living next to the lane leading to the existing access*".

7.30 Heathergate Caravan Park is currently accessed via the existing permanent access which is located along a track between two properties at the junction of the C284 and the B6305. The entrance to this track is very narrow. Providing a new, permanent access, away from these properties, would reduce the impacts the additional traffic could have on residents who are currently affected most by the use and movements associated with the caravan park, without compromising the living conditions of the occupants of the dwellings to the west of Lowgate.

7.31 Overall, in the absence of any direct harm arising from the construction of the proposed, permanent site entrance and access track, it is considered that the proposed development would preserve the amenity of local residents and, to a degree, improve the amenity of residents by diverting traffic to a location further away from existing dwellings. As such, the development is considered to be acceptable in terms of residential amenity, and would not significantly impact upon local residents in terms of noise pollution and any other harm. The proposed development is considered to be acceptable in accordance with Policies CS19, CS22 and GD2 of the Tynedale District Local Plan, Policies QOP 1 and QOP 2 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the NPPF in this respect.

Highway Safety

- 7.32 Policy GD4 of the Tynedale LDF Core Strategy sets out the principles for transport and accessibility. Policy GD4 of the Tynedale District Local Plan sets out the criteria relating to transport for all types of development. Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) relates to promoting sustainable connections.
- 7.33 The Council's Highway Development Management team has been consulted on this application and has no objection to the proposed development in relation to highway safety, subject to conditions and informatives. The recommended conditions relate to the submission of the details of the means of access and the submission of the details of surface water drainage. The Council's Highway Development Management team considers that the proposed development would not have a severe impact on highway safety.
- 7.34 Heathergate Caravan Park is currently accessed by both vehicles and pedestrians via the existing permanent access which is located along a track between two properties at the junction of the C284 and the B6305. There is a pedestrian gate to the caravan park which is separate to the vehicular access gate which will enable pedestrians to still utilise this access route to the caravan park, should the existing permanent vehicular access be closed except for emergency access. Therefore, the existing footpath on the northern side of the C284 would not be required to be extended up to the proposed permanent vehicular access, as there will be no new pedestrian access via this route.
- 7.35 The application proposes to change the vehicular access onto the C284 from temporary to permanent, and to include the construction of an internal grasscrete access road. The location of the access is within the 30mph speed limit and the applicant is proposing to create and maintain 2.4 metres x 90 metres visibility splays in both directions. The Council's Highway Development Management team considers that the proposed access is acceptable and would be in accordance with standards for an access onto the classification road and based on the speed limit at this location.
- 7.36 The supporting information submitted as part of this application states that the proposed, permanent access road would become the primary vehicular access route into Heathergate Country Park and that the existing permanent vehicular access would be permanently closed and only used for emergency vehicular access. The Council's Highway Development Management team considers that this action would not impact on safety at the proposed vehicular access, thus a condition in this regard has not been recommended and would be considered unnecessary and unenforceable.
- 7.37 The application proposes to install a 6 metre wide access with 10 metre radii and this is considered to be acceptable. Low level lighting to highlight the access route has been removed from the scheme and therefore a different method of delineating the access route will be required. Subject to accordance with the recommended conditions, the proposed development is considered to be in accordance with Policy GD4 of the Tynedale LDF Core Strategy, Policy GD4 of

the Tynedale District Local Plan, Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF in relation to highway safety.

Flood Risk and Drainage

7.38 Policy GD5 of the Tynedale LDF Core Strategy relates to minimising flood risk. Policy WAT 3 of the Northumberland Local Plan (Publication Draft Plan) relates specifically to flooding. The Council's Lead Local Flood Authority (LLFA) team has been consulted on this application. The planning application is classed as a minor development and as such the LLFA is not a statutory consultee, and therefore have not reviewed this application and make no comment. The LLFA have, however, recommended an informative be attached to any permission granted relating to the creation of hardstanding areas of permeable materials. The access track is proposed to be constructed of grasscrete which is a permeable surface and the site entrance would introduce a small area of tarmac. It is therefore considered that the proposed development would not give rise to any greater risk of flooding at the site or elsewhere, and in this respect the proposal would be in accordance with Policy GD5 of the Tynedale LDF Core Strategy and Policy WAT 3 of the emerging Northumberland Local Plan (Publication Draft Plan).

Heritage Impact

7.39 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a statutory duty upon local planning authorities to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses. Similarly, Policy BE22 of the Tynedale District Local Plan seeks to preserve the essential character or setting of a listed building, ensuring development does not adversely affect designated heritage assets. Policy ENV 7 of the Northumberland Local Plan (Publication Draft Plan) relates to the historic environment and heritage assets. Policy HNP7 of the Hexham Neighbourhood Plan relates to designated heritage assets.

7.40 The Council's Building Conservation Officer has assessed the proposed development and raises no objections to the proposals. The nearest listed building is Fairshaw Farmhouse which is situated approximately 100 metres to the west of the site entrance. The construction of the permanent site entrance and access track would not be considered to impact upon the setting of the listed building due to the distances involved, and as such the application is regarded as being acceptable in accordance with Policy BE1 of the Tynedale LDF Core Strategy, Policy BE22 of the Tynedale District Local Plan, Policy ENV 7 of the Northumberland Local Plan (Publication Draft Plan), Policy HNP7 of the Hexham Neighbourhood Plan and the aims of Chapter 16 of the NPPF in this respect.

Ecology

7.41 As set out above, Policy NE1 of the Tynedale LDF Core Strategy sets out the principles for the natural environment. Policy NE27 of the Tynedale District Local Plan relates to the protection of protected species and states development which is likely to adversely affect protected species will only be permitted, if harm to the species can be avoided. Policy NE33 of the Tynedale District Local Plan relates

to the protection of trees, woodlands and hedgerows. Policy NE34 of the Tynedale District Local Plan relates to tree felling. Policy ENV 2 of the Northumberland Local Plan (Publication Draft Plan) relates to biodiversity and geodiversity.

7.42 The Council's Ecologist has been consulted on this application and has commented that a Hedge Survey Report was submitted for the previous planning application reference: 17/03728/FUL and that this document should be updated to reflect any design changes and submitted to accompany the current application. Therefore, it is not clear from the information submitted as part of this application what the ecological impacts are. The ecological impact of the proposed development has not been demonstrated within the application, and as a result the local planning authority is unable to fully assess this element of the proposal and would need to be subject to further consideration. However, given that there is a fundamental objection to the principle of the development in the Green Belt this further information has not been requested and progressed.

Equality Duty

7.43 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

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

Human Rights Act Implications

7.45 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 well-being 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.

7.46 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.

7.47 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 National and local planning policies have been taken into consideration when assessing this application. The proposed development would constitute inappropriate development in the Green Belt and would not preserve the openness of the Green Belt, contrary to Policies STP 7 and STP 8 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the National Planning Policy Framework. The proposal would also fail to accord with Policies BE1 and NE1 of the Tynedale LDF Core Strategy, Policy GD2 of the Tynedale District Local Plan, Policies ENV 3, STP 2 and STP 3 of the Northumberland Local Plan (Publication Draft Plan) and Policies HNP1 and HNP2 of the Hexham Neighbourhood Plan in relation to design and impact on the landscape.

8.2 The proposal would accord with Policies CS19, CS22 and GD2 of the Tynedale District Local Plan and Policies QOP 1 and QOP 2 of the Northumberland Local Plan in relation to impact upon residential amenity. The proposal would also accord with Policy GD4 of the Tynedale LDF Core Strategy, Policy GD4 of the Tynedale District Local Plan and Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) in relation to highway safety. The proposal would also accord with Policy BE22 of the Tynedale District Local Plan, Policy ENV 7 of the Northumberland Local Plan (Publication Draft Plan) and Policy HNP7 of the Hexham Neighbourhood Plan in relation to impact upon heritage assets. The proposal would also accord with Policy GD5 of the Tynedale LDF Core Strategy and Policy WAT 3 of the Northumberland Local Plan (Publication Draft Plan) in relation to flood risk and drainage.

8.3 There are outstanding concerns in relation to an assessment of the ecological impact of the proposed development. However, there remains a fundamental objection to the proposals as inappropriate development in the Green Belt that cannot be supported.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

01. The proposed development represents inappropriate development in the Green Belt that would not preserve the openness of the Green Belt. Very special circumstances have not been demonstrated to outweigh the harm to the Green Belt and any other harm, caused by the development. As such the application is contrary to the principles of the National Planning Policy Framework.

02. By virtue of its location, the proposed development would result in encroachment into the open countryside beyond the established built form of Lowgate and would have a resultant harmful impact upon the character and appearance of the site and the surrounding area. The proposal would therefore be contrary to Policies BE1 and NE1 of the Tynedale LDF Core Strategy, Policy GD2 of the Tynedale District Local Plan and the principles of the National Planning Policy Framework.

Date of Report: 29.07.2019

Background Papers: Planning application file(s) 19/01854/FUL