



Northumberland

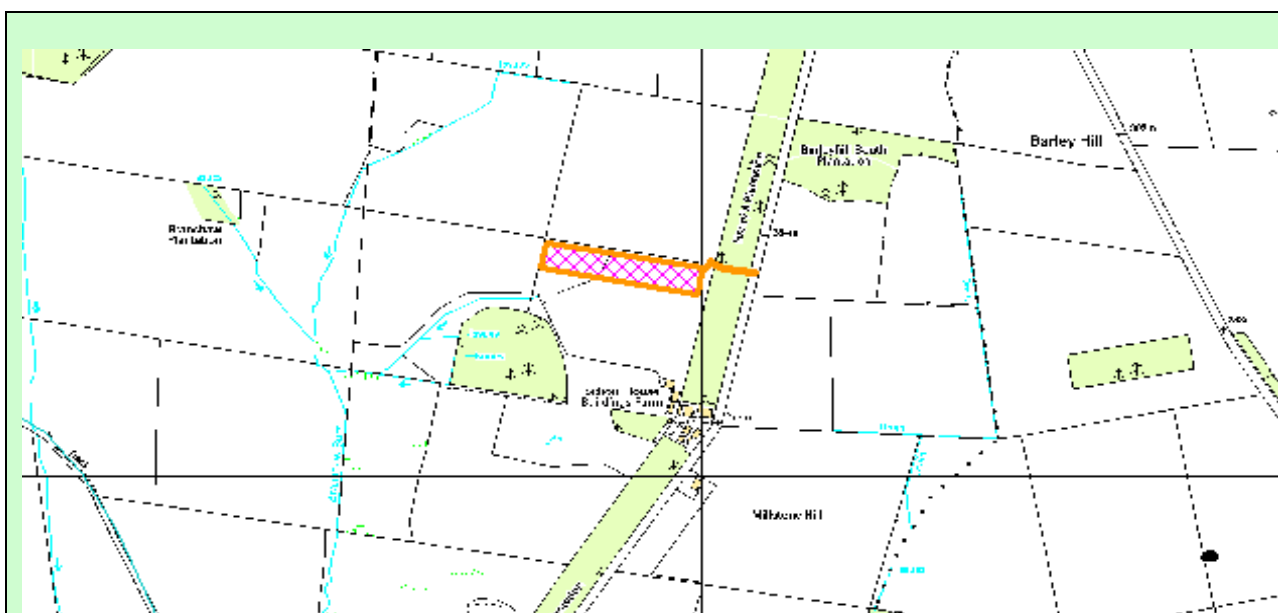
County Council

Tynedale Local Area Council Planning Committee

10 December 2019

Application No:	18/04458/FUL		
Proposal:	(Retrospective) Application for construction of timber building for commercial breeding of rabbits and guinea pigs		
Site Address	Starvall, Kiln Pit Hill, Consett, Northumberland, DH8 9SB.		
Applicant:	Mr P Worsley, 38 Welford Road, Consett, DH8 8AH	Agent:	Mr Robin Wood, R & K Wood Planning LLP, 1 Meadowfield Court, Meadowfield Ind. Est, Ponteland, Newcastle upon Tyne, NE20 9SD
Ward	South Tynedale	Parish	Healey
Valid Date:	24 January 2019	Expiry Date:	21 February 2019
Case Officer Details:	Name: Mrs Haley Marron Job Title: Senior Planning Officer Tel No: 01670 625547 Email: haley.marron@northumberland.gov.uk		

Recommendation: That this application be GRANTED temporary planning permission for a period of 3 years.



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1. Introduction

1.1 Following an objection from Healey Parish Council and under the provisions of the Council's current Scheme of Delegation, the application has been referred to the Senior Planning Manager – Development Management and the Chair of the relevant Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application should be referred to the Committee for determination.

2. Description of the Proposals

2.1 Retrospective planning permission is sought for the construction of a building for the commercial breeding of rabbits and guinea pigs. The building was constructed in 2017.

2.2 The building is some 34m in length just under 13.8m wide and 2.7m in height to the eaves and 4.8m in height to the ridge. The building is constructed of timber boarding with a fibre sheet roof with doors to the side elevations. The building is divided internally along a central line with further smaller sub-divisions within the southern half of the building. The use of the building, as detailed above, is for the purposes of rearing of commercial pets for sale.

2.3 Externally, there some building materials within the curtilage of the site. In addition, there are a number of demountable buildings and containers on the site which are considered to require planning permission in their own right but have not been included within the current application.

2.4 The site is located in the open countryside and within the North Pennines AONB.

3. Planning History

17/01103/FUL Construction of a timber agricultural building. Refused 22.12.2017 for the following reasons:

1. The proposal cannot be justified as being for the purpose of agriculture or forestry and as such the principle of allowing such a building in this isolated open countryside location proposed would be contrary to Tynedale Development Framework Core Strategy Policies GD1, NE1 and BE1 and Tynedale District Local Plan Policies BE14 and NE1.

2. By virtue of the design and appearance of the building it has a detrimental impact on the character and appearance of the site, landscape and setting of this particular part of the open countryside and the North Pennines AONB. The

proposal is therefore not in accordance with the Tynedale District Local Development Framework and Core Strategy Policies NE1 and BE1 and Tynedale District Local Plan Policies GD2 and NE15, or the aims and principles of the NPPF.

4. Consultee Responses

Healey Parish Council	<p>Healey Parish Council objects to this application for the following reasons.</p> <p>This application was submitted when the enforcement notice was issued.</p> <p>This application should NOT be divorced from the wider setting and is therefore overdevelopment of the site.</p> <p>The access through the woodland is queried.</p> <p>Page 2 of the R&K Wood Planning LLP submission records the provision of a letter dated October 10th 2016 from the LPA Officers in Morpeth. This letter is not attached.</p> <p>Information sheet: No 13 Foul Sewage Disposal is recorded as Unknown – this is insufficient misleading information.</p> <p>Rabbits and guinea pigs will produce foul sewage.</p> <p>No 14 Waste Storage and Collection is recorded as no plans to incorporate areas to store and aid the collection of waste. Again, this is insufficient misleading information.</p> <p>No 15 Trade Effluent is recorded as no plans for effluent. Once again this is insufficient misleading information.</p> <p>Non-agricultural animal bedding and disposal of waste is not being addressed.</p> <p>The provision of water (for the animals to drink and in the Staff Rest Room) to the site has not been identified.</p>
Highways	No objection subject to relevant conditions
Public Protection	Public protection have no comments to make on this application.
Northumbrian Water Ltd	No comments to make.
North Pennines AONB	No response received.
County Ecologist	As this is retrospective one cannot comment on impact on protected or priority species.

5. Public Responses

Neighbour Notification

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

Notices

Site notice displayed 25th July 2019

No Press Notice Required.

Summary of Responses:

None received

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/applicationDetails.do?activeTab=documents&keyVal=PJZG6QQSKZT00>

6. Planning Policy

6.1 Development Plan Policy

Tynedale LDF Core Strategy 2007

GD1 Locational policy setting out settlement hierarchy
 Policy GD4 Principles for Transport and Accessibility
 BE1 Principles for the built environment
 NE1 Principles for the natural environment

Tynedale District 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 of Hexham, Haltwhistle, Prudhoe and Corbridge
 NE15 Development in the North Pennines AONB
 NE27 Protection of Protected Species

6.2 National Planning Policy

National Planning Policy Framework (2012)
 National Planning Practice Guidance (2018, as updated)

6.3 Other Documents/Strategies

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

Policy STP 1 - Spatial strategy

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Principles of sustainable development

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

Policy ENV 2 Biodiversity and Geodiversity

Policy ENV 3 Landscape

Policy ENV 6 North Pennines Area of Outstanding Natural Beauty

North Pennines AONB Building Design Guide (2011)

North Pennines AONB Planning Guidelines (2011)

7. Appraisal

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

- Principle of the development;
- Design and impact on the North Pennines AONB;
- Impact upon residential amenity;
- Highway safety;
- Ecology
- Other matters.

Principle of the development

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 The NPPF Paragraph 80 states that planning policies and decisions should enable a) the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside.

7.4 The Emerging Northumberland Local Plan Policy STP1 (g) states that development in the open countryside will only be supported if it can be

demonstrated that it: is directly related to the needs of primary activity in agriculture, forestry, other land based industries, rural businesses, or the sustainable diversification of such activities (amongst other matters).

7.5 The application site is located in the open countryside. In the context of the above it is clear that the Tynedale Core Strategy and Tynedale Local Plan restrict new development in the open countryside to agricultural and forestry operations. The application seeks planning permission for a large scale timber building for the commercial breeding of rabbits and guinea pigs which does not fall within the definition of agriculture or forestry. There are no policies within the development plan which relate specifically to the type of development proposed. Therefore the proposed development would not accord with Policy GD1 of the Tynedale LDF Core Strategy.

7.6 The applicant has submitted a supporting statement to justify the need for the development in this location. It is noted that the previously refused application lacked any supporting information. This information includes details of the business, its operational requirements and further justification as to why the business needs to be in this rural location, in the open countryside. This is set out below.

The Business

- The applicant primarily specialises in the breeding of rabbits and this is based on the keeping of approximately 250 does which are bred with a number of bucks in order to produce litters for the pet business.
- Each doe will typically produce approximately 5-10 kits, with does producing up to 5 litters per year. The kits are sold to the wholesale pet trade.
- Not all of the new kits are sold, and some are retained as future breeding stock within the business. At present the applicant breeds from a number of species
- The applicant also has approximately 150 guinea pigs.
- The female sows are bred with a number of male boars and the pups that these produce are again sold to the wholesale pet trade.
- The guinea pigs on average produce 3 litters per year with 3 to 5 pups in each litter. Again, a number of the pups are retained as part of the replenishment of the breeding stocks.

The proposed building and operational requirements

- The building is used for the keeping and rearing of these animals as part of the applicant's business and within the building this includes the keeping of the animals within a large number of cages.
- In addition, part of the building is used for the storage of consumables associated with the business and this includes feed and bedding.
- The building also contains divided space such as a staff/rest room area for the applicant and his wife to use when not tending to the animals.
- An isolation room is also provided, should animals have to be isolated from the rest of the breeding stock.
- The animals that form part of the business require constant care in respect of the provision of feed and water and also the daily change of bedding. This typically requires an input of 3 to 4 hours per day.

- During breeding and the birth of litters, this time input increases and work required within the business can extend up to 6 hours a day and beyond.

Locational factors to justify rural location (applicant's submission)

- It is important to be relatively isolated from neighbouring uses that may cause disturbance of contamination to the animals. In this respect, the applicant selected the site on the basis of its rural and relatively isolated location.
- In relation to the animals, it is considered important that these are not subjective to loud or constant noise as would potentially be the case if the site was within a more commercial employment or industrial site location.
- The location away from other potential sources of contamination is also important, in particular with regard to the potential for contamination from diseases such as Viral Haemorrhagic Disease (VHD). This is a disease that affects rabbits, and which is highly contagious.
- A more isolated rural location in which the applicant can maintain better bio-security. In this respect many elements of the rural enterprise which is now being undertaken are consistent with the bio security considerations present within an agricultural operation such as poultry.
- In addition to this, other factors which necessitate a more isolated location away from receptors such as residential dwellings include the potential impacts of odour arising from the operation of the site and also any potential disturbance as a result of operation of the site, due to the presence of staff outside normal working hours, required during animals mating and birth. This presence is required due to any potential complications which may occur.

7.7 Furthermore the applicant seeks to make the case that the development, whilst not falling within the definition of agricultural use is akin to agricultural use and the building is typical of an agricultural style in its appearance.

7.8 This information has been considered and carries some weight in the determination of this application. Officers accept that whilst not falling within the definition of agricultural use, there are some similarities to agricultural use namely in terms of the handling animals and the operational requirements.

7.9 The weight given to this, and other matters discussed below will be evaluated within the conclusions of this report.

Design and Impact on the North Pennines AONB

7.10 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”*.

7.11 Policy NE1 of the Tynedale LDF Core Strategy relates to the principles for the natural environment. One of the criteria set out within Policy NE1 seeks to *“protect and enhance the character and quality of the landscape, biodiversity and geological interest of the District and give particular protection to areas and sites recognised for their environmental and scientific interest”*.

7.12 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”*.

7.13 Policy NE15 of the Tynedale District Local Plan relates to development in the North Pennines AONB. Policy NE15 states that *“development within or adjacent to the AONB which adversely affects the scenic quality of the AONB will not be permitted”*.

7.14 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”*.

7.15 Policy ENV 3 of the Northumberland Local Plan (Publication Draft Plan) relates to landscape. This policy advises that proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character.

7.16 Policy ENV 6 of the Northumberland Local Plan (Publication Draft Plan) relates to development within the North Pennines AONB. This policy states *“the special qualities of the North Pennines Area of Outstanding Natural Beauty will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific guidance”*.

7.17 The North Pennines AONB Building Design Guide sets out principles for new buildings in the AONB. The guide states *“new building in the AONB should relate to the established character of the area in which it is to be located”*. The guide follows on to state *“whatever the type of development, the key to successful integration lies in the careful consideration of the characteristics of the surrounding landscape, the setting of the proposed building, the scale and massing of adjacent buildings and the general range of materials used in them”*.

7.18 The previous application was refused for reasons of principal development but also because of the impact on the character of the area and the AONB.

7.19 The applicant in their new submission states that *“the building is of a scale and type which can acceptably sit within a rural location such as this. The building is relatively low level and is seen against a backdrop of a predominantly rising landform when seen from the south and west. As such it is not prominent within the local landscape. Although visible from the nearby highway, it can be identified that from the surrounding road network, intervening trees and woodland plantations do limit the majority of views of the site”*.

7.20 In addition the applicant states that *“in relation to the sites location within the AONB, it can also be noted that the site sits on the very periphery of the AONB and in terms of the landscape character in this area it is not considered that the building*

in question is inconsistent with or out of character with other buildings found within the AONB”.

7.21 The applicant seeks to make the case that the location is not part of the upland AONB areas and as such is not characterised by traditional stone-built barns and structures. In the context of a more low land setting it is considered that the redevelopment of this former agricultural building in this setting is visually acceptable.

7.22 The building has largely been completed and does have the appearance of typical large agricultural building.

7.23 The North Pennines AONB Partnership have been formally consulted on this application, but no response has been received. It is noted that they did not object to the previous application subject to colour treatment of the building being agreed but that application was made on the basis of it being in agricultural use. The building is located in an open field, and is not well related to any existing landscaping features which would screen it from the wider area. The scale and location of the building could have been better considered to mitigate any impact. It is considered that should the principal of development be accepted by Members here, the appearance could be mitigated by including conditions to agree details of colour treatment of the building to be implemented within a specific time period.

Highway Safety

7.24 Policy GD4 of the Tynedale Local Plan seeks to ensure safe access, connectivity and transport links.

7.25 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.

7.26 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.

7.27 The site is accessed onto the C267, which is a section of adopted highway with a 60mph speed limit. There is space for parking within the curtilage of the site.

7.28 The Council as the Local Highway Authority has fully assessed the application for its impact on the safety of the road network, raising no objections to the proposals. It is considered unusual that a development as proposed is acceptable, subject to the existing site access from the C267 being upgraded to Northumberland County Council's Type C specifications. This matter can be controlled by way of condition.

7.29 Having regard to the above, the development is acceptable in highway terms and complies with the Local Plan Policy GD4 and the NPPF.

Impact on Amenity

7.30 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”*.

7.31 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.

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

7.33 The site is located in the open countryside well distanced from local residents. For this reason it is considered the development will not affect residential amenity.

7.34 Public Protection have been consulted and they have no comments to make.

7.35 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.

The planning balance

7.36 The application seeks planning permission for a large scale timber building for the commercial breeding of rabbits and guinea pigs which does not fall within the definition of agriculture or forestry. There are no policies within the development plan which relate specifically to the type of development proposed and the principle of development would therefore be unacceptable.

7.37 However, The applicant has submitted a supporting statement to justify the need for the development in this location which includes details of the business, its operational requirements and further justification as to why the business needs to be in this rural location, in the open countryside.

7.38 The applicant is applying retrospectively and has been operating the rural business there for more than two years. The Council also accept that there are some similarities with the business operations and other agricultural uses. The Council would also seek to assist an existing rural business where possible, and so would not wish to refuse the application outright.

7.39 In recognition of these factors, but with a remaining need for officers to be satisfied of a requirement for scale of the building required, together with the long term security of this type of business to justify its location in both economic and environmental terms, it is considered that a temporary and personal permission for a period of three years would be appropriate in this case. This would allow the applicant sufficient time to seek alternative premises and can be secured by planning condition.

7.40 Having regard to the above it is considered the proposal is acceptable in planning terms subject to the condition temporary planning permission.

Other matters

7.41 Healey Parish Council have objected to the application on the following grounds.

- Overdevelopment - Only the application before us can be determined. Use of land on adjacent sites are subject to separate regulation and control.
- Foul drainage - NWL have been consulted and do not object to the application
- Waste storage and collection - the Council's Public Protection Team have been consulted on the application and they make no comments on the grounds of waste. It is likely however that such matters would be controlled by other legislation such as the Environment Agency and their Permitting regulations.
- Trade effluent - this is not a matter for the Council as Local Planning Authority to control. This would be a separate matter controlled by the Environment Agency and their Permitting regulations.

8. Recommendation

That this application be granted permission, subject to the following conditions:

01. The development hereby permitted shall be completed and maintained otherwise than in complete accordance with the approved plans contained within the application. For clarity, these are:-

SITE PLAN AND ELEVATIONS NO/PL/0032/001
FLOOR PLAN NO/PL/0032/002
LOCATION PLAN 1:1250

Reason: To ensure the development is maintained in accordance with the approved plans, in the interests of proper planning.

02. The development to which this permission relates is granted solely for the benefit of the applicant, Mr P Worsley, for the specific use applied for and for no other purpose. Should the use cease or the applicant no longer occupy the site for any reason, the Local Planning Authority shall be notified in writing prior to this, and all buildings, structures and operational development associated with the building/use shall be removed from the site and the land restored to its former condition within a period agreed with the Local Planning Authority.

Reason: The building and its use are not considered to be suitable for permanent retention in this location in accordance with the National Planning Policy Framework and saved Policies GD1, GD2, and NE15 of the Tynedale District Local Plan and policies BE1 and NE1 of the Tynedale Core Strategy.

03. The development to which this permission relates is granted for a temporary period expiring on 11th December 2022, after which the use shall cease and all

buildings, structures and operational development associated with the building/use shall be removed from the site and the land restored to its former condition no later than one month from that date.

Reason: The building and its use are not considered to be suitable for permanent retention in this location in accordance with the National Planning Policy Framework and saved Policies GD1, GD2, and NE15 of the Tynedale District Local Plan and policies BE1 and NE1 of the Tynedale Core Strategy.

04. Notwithstanding the plans approved a scheme for the colour treatment of the building shall be submitted to and approved in writing by the Local Planning Authority within one calendar month of the decision being issued. Thereafter the development shall be carried out in accordance with the scheme agreed within one calendar month.

Reason : To ensure the external appearance of the building is satisfactory to the North Pennines AONB Partnership, having regard to Policy NE15 of the Tynedale Local Plan.

05. The development shall not be occupied until details of the vehicular access have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

Informatives

1. You should note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) you should contact Highways Development Management at highwaysplanning@northumberland.gov.uk

2. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

3. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Date: 22 November 2019

Background Papers: Planning application file(s) 18/04458/FUL