



# Northumberland

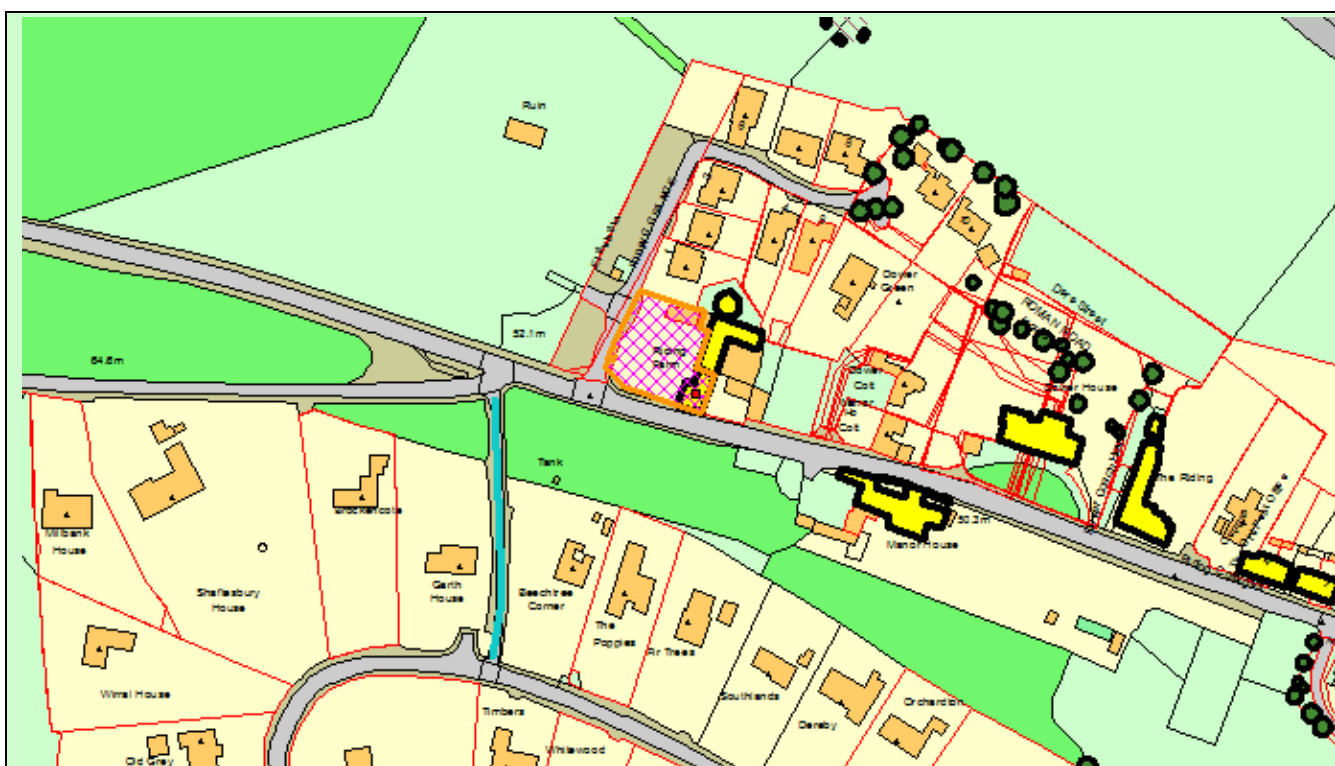
## County Council

### Tynedale Local Area Council Planning Committee

10 December 2019

<b>Application No:</b>	19/01951/FUL		
<b>Proposal:</b>	Construction of single storey dwelling and alterations to parking and access arrangements		
<b>Site Address</b>	Riding Farm, Riding Mill, Northumberland, NE44 6HW		
<b>Applicant:</b>	Mr R Findlay Galbraith, Hexham Business Park, Burn Lane, Hexham, Northumberland NE46 3RU	<b>Agent:</b>	Mr Keith Butler Unit 11 South Acomb, Bywell, Stocksfield, Northumberland NE43 7AQ
<b>Ward</b>	Stocksfield And Broomhaugh	<b>Parish</b>	Broomhaugh And Riding
<b>Valid Date:</b>	17 June 2019	<b>Expiry Date:</b>	12 August 2019
<b>Case Officer Details:</b>	Name: Ms Melanie Francis Job Title: Senior Planning Officer Tel No: 01670 625549 Email: melanie.francis@northumberland.gov.uk		

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



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## **1. Introduction**

1.1 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 Planning permission is sought for the construction of a single storey dwelling, plus alterations to parking and access arrangements at Riding Farm, Riding Mill. The proposed house would be roughly 'U' shaped and would be constructed of stone with a slate roof, 4.5 metres in height. It would have wooden, painted windows, and doors of wood or aluminium, cast iron guttering and downpipes, and sandstone sills and lintels. Amenity space would be provided around the dwelling, with parking for two cars to the front (south). The existing site, which is an open area to the west of the listed farmhouse and farm buildings, would be divided up to create parking and garden space for the farmhouse at the southern end. A new access would be created for both the new dwelling and the existing farmhouse by the demolition of part of the western boundary wall.

2.2 Riding Farmhouse is a stone built, late 18th century two storey building with a slate roof and is grade II listed. It is attached to a range of stone built farm buildings which are separately listed grade II. The site is located on the western edge of the village of Riding Mill, adjacent to the A695.

2.3 Submitted with the application were the following:

Heritage Statement (Keith Butler)  
Historic Building Assessment (P F Ryder December 2016)  
Contamination Assessment: Screening Assessment Form Version  
Bat survey, Riding Mill Farm New Build, Riding Mill (E3 Ecology Ltd  
September 2018)  
Soil environment Services Phase 1 Desk Top Study (October 2018)

## **3. Planning History**

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

Description: Proposed removal of hedge/fence

Status: Refused

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

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

Status: Prior notification not required

**Reference Number: 18/01223/FUL**

Description: Demolition of existing modern structures, Change of Use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building

**Status: Refused**

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

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

**Status: Refused**

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

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

**Status: Refused**

**Reference Number: 19/01947/FUL**

Description: Demolition of existing modern structures, Change of use of existing agricultural buildings to two dwellings including internal and external alterations and construction of 1.5 storey extension on footprint of previous building. (Resubmission)

**Status: Pending consideration**

**Reference Number: 19/01948/LBC**

Description: Listed Building Consent for demolition of existing modern structures, Change of Use of existing agricultural buildings to two dwellings including internal and external alterations and construction of 1.5 storey extension on footprint of previous building. (Resubmission)

**Status: Pending consideration**

**Reference Number: T/940079**

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

**Status: Permitted**

**Appeals**

**Reference Number: 19/00045/REFUSE**

Description: Demolition of existing modern structures, Change of Use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building

**Status: Dismissed**

**Reference Number: 19/00047/REFUSE**

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

**Status: Dismissed**

**Reference Number: 19/00048/REFUSE**

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

**Status: Dismissed**

## **4. Planning Policy**

### 4.1 Development Plan Policy

Tynedale Local Development Core Strategy (2007)

GD1 General development principles  
BE1 Principles for the built environment  
H1 Principles for housing  
H2 Housing provision and management of supply  
H3 The location of new housing  
H5 Housing density

Tynedale Local Plan (Adopted April 2000, Policies saved 2007)

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

### 4.2 National Planning Policy

National Planning Policy Framework (2019)  
National Planning Policy Guidance (as updated 2018)

### 4.3 Emerging policy

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

STP1 Spatial strategy  
HOU2 Provision of new residential development (Strategic Policy)  
HOU9 Residential development management  
QOP 1 Design principles (Strategic Policy)  
QOP2 Good design and amenity  
TRA4 Parking provision in new development  
ENV 2 Biodiversity and geodiversity  
ENV 7 Historic environment and heritage assets

### 4.4 Other Documents/Strategies

Planning (Listed Buildings and Conservation Areas) Act 1990

## 5. Consultee Responses

Broomhaugh and Riding Mill Parish Council	Support: more family accommodation would support the village amenities. Scheme well thought out and new house not out of character with the Riding Grange houses. Welcome tidying up of site.
Highways	No objection subject to conditions
Northumbrian Water Ltd	No objection but the applicant should develop their surface water drainage solution.
Building Conservation	Objection: the proposal would harm the listed building, its setting and its architectural and historic interest.
Public Protection	No objection subject to a condition.
Waste Management - West	No response received.
County Ecologist	No objection on condition that the avoidance, mitigation and enhancement measures detailed in the recommended condition are carried out in full.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	1
Number of Support	0
Number of General Comments	0

### Notices

Site notice: expired 24 July 2019

Press notice: expired 25 July 2019

### Summary of Responses:

One letter of objection has been received from a neighbouring property stating that building in front of the current farmhouse is unacceptable. Nobody would buy a listed barn conversion with a house in their back garden 5-10 metres away.

The above is a summary of the comments. The full written text is available on our website at:

## 7. Appraisal

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

Principle of development

Design and impact on the setting of the listed buildings

Siting and residential amenity, including impact on adjoining properties

Access and parking

Impact on protected species

Contamination

Water and sewerage

### Principle of development

7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration. The Tynedale Core Strategy and the Tynedale Local Plan remain the development plan and as outlined in paragraph 12 of the NPPF is the starting point for decision making. Paragraph 213 of the NPPF does, however, advise that the weight given to Local Plan policies depends on their degree of consistency with the NPPF.

7.3 The Draft Northumberland Local Plan has been published. In line with paragraph 48 of the NPPF, the amount of weight that can be given to the emerging Local Plan depends upon the stage of the plan, the level of unresolved objections and its consistency with the NPPF. The emerging Northumberland Local Plan was submitted for Examination on the 29 May 2019 and it is expected that Examination will take place in September 2019. This is referred to as the 'Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019'. At this stage some weight can be given to the emerging Local Plan policies. The site has been removed from the housing site allocation within the submission Northumberland Local Plan.

7.4 Planning permission (ref: 18/01246/FUL) was refused by the Tynedale LAC on 13 December 2018 for the construction of two one and a half storey dwellings and alterations to parking and access arrangements. This is on the same site as this proposal. This decision has been appealed by the applicant and this appeal has been dismissed (November 2019) for the following two reasons:

- a. significant effects to the listed buildings from development within their setting;
- b. the application would not provide adequate living conditions in terms of setback, outlook and light for future occupiers contrary to Local Plan Policy GD2 (f), which seeks to ensure no adverse effect on adjacent land or buildings, in terms of loss of light, and overbearing appearance; and Local Plan Policy H32 which seeks to provide adequate privacy, outlook and daylighting is maintained by the adequate spacing of dwellings.

7.5 The site is within the smaller village of Riding Mill as classified in the Tynedale LDF Core Strategy where small scale development only is permitted. The dwelling would be located to the rear of the listed farm buildings attached to the farmhouse. Core Strategy Policies H1 and H3 limit new build housing to main towns, local centres and smaller villages with adequate services and so in this respect as Riding Mill has a range of local services. Policy STP 1 of the emerging Local Plan groups regards Riding Mill as a service village where a proportionate level of housing can be provided and be the focus for investment in rural areas to support the provision and retention of local retail, services and facilities.

7.6 The principal of development in this location would accord with Core Strategy Policies H1 and H3 as a suitable location for small scale development. Other material considerations in the determination of the application will be considered below.

#### Design and impact on the setting of the adjoining listed building

7.7 Section 66 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.

7.8 The NPPF states that when determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where harm is identified, this is weighed against the public benefits of bringing the site back into use.

7.9 The proposal is within the curtilage of two grade II listed buildings: Riding Farmhouse, and the farm buildings including the gin-gang. The proposed dwelling would be some 8 metres from the listed gin-gang, 6.5 metres from the main range of farm buildings, but only 3 metres from the attached off-shot to these buildings. In assessing this application, special regard must be made to the impact that the new build would have on the setting of the listed buildings.

7.10 The Conservation Officer has assessed the application and considers that the development 'would in a physical and perceptive sense sever the last link between the farmstead and its rural setting'. The Officer considers that building in this location would 'obscure and compete with the listed buildings' resulting in a significant change to the setting of the buildings and their connection with the surrounding landscape. This is reiterated by the Inspector in their decision on a new build on this site who states that *'the development of the site via the proposed scheme would result in the further severance of remaining farmland which would result in a loss of historic association of the land to the collection of farm buildings'*. The Conservation Officer, as does the Inspector, considers that the development would result in 'less than substantial harm' to the setting of the adjoining listed buildings.

7.11 Conversely the agent considers that the proposal would not harm the listed buildings and that there would be public benefits to their conversion. The agent has

stated that in the previous application they did not provide an enabling development argument but have now commented that if this application is approved, it *'will make the development of the project as a whole a much more attractive proposition'*. A viability report, or any form of business case has not previously been provided and when the application was discussed at pre-application stage, there was no suggestion that the conversion of the farm buildings would not be viable without a new build on the site. The Inspector has also commented on this in their appeal decision and states that there is no evidence that the development is necessary to ensure the conservation of the historic buildings and as such is not a form of 'enabling development'.

7.12 'Public benefit' is not defined, but it is acknowledged that any benefit must be beyond the private and should flow from the development and be of a nature and scale that is of benefit to the public at large. In terms of Riding Farm, the additional housing provided would not be of significant benefit, especially as the Council can demonstrate in excess of a deliverable five year housing land supply. Any development should sustain and enhance the significance of listed buildings and it is considered that the construction of a new dwelling on this site would not provide public benefits which would outweigh the harm that would occur by the development within the curtilage of the listed buildings.

7.13 When assessing the impact of development on listed buildings, the cumulative impact on setting needs to be carefully considered. It is clear that the existing Riding Grange development, particularly the construction of no 1 Riding Grange, has already impacted on the setting of the Riding Farm listed buildings. The buildings at Riding Farm are currently the first group of buildings seen when accessing Riding Mill from the west and are therefore seen within the context of a rural setting of fields and trees. The setting and context of the listed farmstead is therefore of primacy within this site and of importance to how this application can be evaluated. The Inspector also considers that development on this site *'would obscure the historic buildings and compete with the overall sense of the agricultural steading'*. A neighbouring property has objected to the development and has stated that building in front of the current farmhouse is unacceptable and that nobody would buy a listed barn conversion with a house in their back garden 5-10 metres away. The neighbour is referring to the applications for the conversion of the adjacent buildings to residential, which is currently under consideration (ref: 19/01947/FUL; 19/01948/LBC).

7.14 The application also proposes to demolish some 12 metres of the existing stone boundary wall on the western side of the site. Although it is acknowledged that the surrounding stone wall fronting Riding Grange and the main road are not historic, they do complement the existing buildings. It is considered that by creating a wide access splay and creating parking areas for the new dwelling and the existing farmhouse, that the car parking area would dominate the front of the site. This, with the proposed dwelling would compete with the listed buildings and as stated by the Conservation Officer, create a *'developed suburban townscape'* as opposed to the current rural setting where the full extent of the listed buildings can be appreciated. The Inspector considers that the existing opening on the western boundary wall is *'authentic to the historic integrity of the site'*. The Inspector also considers that *'the proposed opening, although larger in the previous application than this proposal, is excessive and inauthentic to the local character and distinctiveness of the area'* and *'combined with the dominance of vehicular parking, surfacing and residential*



*paraphernalia associated with the proposed dwellings would give a largely domestic and urbanised appearance to this largely rural and agricultural setting’.*

7.15 The Inspector goes on to say that the previously proposed dwellings *‘have little relationship to the historic steading and would be a discordant addition to this group of historic agricultural buildings; and that ‘the development of the appeal site adversely affects the historic relationship and association of the buildings with the greater rural setting, and as such would be detrimental to the significance of the listed buildings via development within their setting’.*

7.16 It is considered that the current application being considered for a new dwelling is less appropriate and of a more incongruous design than the previously refused application that was dismissed at appeal. It is considered that this proposal would result in harm to the setting and special character of the listed buildings resulting in the primacy of the listed buildings being lost and dominated by a new building constructed in an incongruous form. The appeal decision by the Inspector has demonstrated that the principle of development on this site for a residential use is unacceptable as it adversely affects the historic buildings and would by development within their setting be detrimental to the significance of the listed buildings. This harm to the setting of the listed buildings would be contrary to Local Plan Policies GD2, BE22 and national policy as outlined in the NPPF, plus Draft Local Plan Policies ENV 7 and QOP 1.

#### Siting and residential amenity including impact on adjoining properties

7.17 The proposed dwelling would be located parallel to and to the west of the listed farm building. This would provide a 6.5 metre (at the widest point) rear garden area. Local Plan Policy H32, which covers new residential development, requires a minimum garden depth of 10 metres. It also provides minimum guidelines in relation to the adequate spacing of dwellings to avoid overlooking and to give a reasonable outlook. This requires at a minimum a 15 metre distance between rear elevations and opposing gables and walls. As mentioned above, applications for planning permission and listed building consent have been submitted for the conversion of the adjoining listed buildings and without prejudice to the determination of those applications, the rear of this dwelling could potentially be between only 3 and 6.5 metres from the rear elevation of an adjoining property.

7.18 As a new detached dwelling, this would be out of character both in its’ form, being single storey as opposed to the two storey dwellings to both the north and the east, and in relation to the garden space that would be provided. The Inspector in their appeal decision where a larger, 10 metre garden would be provided, considered that the walls of the existing farm buildings on the site *‘would have a domineering presence for future residents utilising the gardens and give a very poor outlook from the rear garden space’.* The Inspector also considered that there would be overshadowing of the proposed garden space and it would be unlikely to achieve an adequate amount of sunlight. It is considered that a single storey dwelling in a prominent location, as one enters the village of Riding Mill, would not be appropriate to the character of the site and its surroundings and would not provide an adequate level of amenity space contrary to Core Strategy Policy BE1 and Local Plan Policies GD2 and H32 in this respect.

7.19 The new dwelling would be at the closest point, some 9 metres from 1 Riding Grange. The north elevation of the new dwelling would have two windows, serving a kitchen and dining area, and a door for the utility room. 1 Riding Grange has a conservatory extension on their southern elevation, plus a glazed door to a living area, two first floor bedroom windows, and a significant area of garden. At the present time there is a stone boundary wall separating 1 Riding Grange from Riding Farm. It is considered that in order to provide the level of amenity that the occupants of 1 Riding Grange currently enjoy, that some form of boundary treatment, over and above the existing stone wall would need to be provided. Subject to this the amenity of neighbouring properties would be acceptable in accordance with Local Plan Policies GD2 and H32.

### Ecology

7.20 A bat survey was submitted with the application as the site is adjacent to a brown long eared roost of county importance. The County Ecologist has assessed this survey and has no objection subject to mitigation and enhancement being carried out as detailed in the report and subject to a condition. Subject to this condition the application would accord with Local Plan Policy NE27.

### Contamination

7.21 A contaminated land assessment report has been submitted with the application which concludes that the risk of contamination is low to moderate. Public Protection has assessed the application and has no objection subject to relevant conditions. Subject to these conditions, the application would accord with Local Plan Policy CS23.

### Access and parking

7.22 The development would require the construction of a new access from the U8098 with some 12 metres of wall being removed to create a 12 metre access. The Highway Authority has assessed the application and considers that sufficient parking on site is available. Subject to the submission of further details in relation to surfacing and further details which can be conditioned, the application would accord with Local Plan Policies GD4 and GD6.

### Water and sewerage

7.23 Northumbrian Water has been consulted on the application and has commented that the developer should develop their surface water drainage solution. Subject to this the application would accord with Local Plan Policy CS27.

### *Equality Duty*

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*

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

### *Human Rights Act Implications*

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.

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.

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 assessed against local plan and national planning policies as outlined above. Since the application has been submitted the appeal decision for the previously refused scheme for housing on this site has been dismissed as the Inspector considers that it adversely affects the historic relationship and association of the buildings with the greater rural setting, and as such would be detrimental to the significance of the listed buildings via development within their setting. It is clear therefore that this development would harm the setting of the adjoining listed buildings and as such it would be contrary to Local Plan Policies GD2, BE22 and national policy as outlined in the NPPF, plus Draft Local Plan Policies ENV 7 and QOP 1. In addition, the proposal would not provide adequate distances between adjacent buildings nor provide sufficient amenity space, and would provide a form of development which would be out of character with the existing area, contrary to Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

## 9. Recommendation

That this application be REFUSED permission subject to the following:

### Reason

1. The construction of a new dwelling would result in harm to the setting and special character of the listed buildings. The new build would not complement the existing buildings but would adversely affect the historic relationship and association of the buildings with the greater rural setting which would be detrimental to the significance of the listed buildings and their setting. This harm would be contrary to Tynedale District Local Plan Policies GD2 and BE22, Tynedale LDF Core Strategy Policy BE1 and the NPPF.

2. The new dwelling and the space around it would not reflect the character of the site and its surroundings. The dwelling would be located too close to the adjoining listed building and would not provide an adequate level of amenity space contrary to Tynedale LDF Core Strategy Policy BE1, and Tynedale District Local Plan Policies GD2 and H32 and the NPPF.

**Background Papers:** Planning application file(s)

19/01951/FUL

Appeal Decisions:

APP/P2935/W/19/3230587

APP/P2935/W/19/3230584

APP/P2935/W/19/3230589