

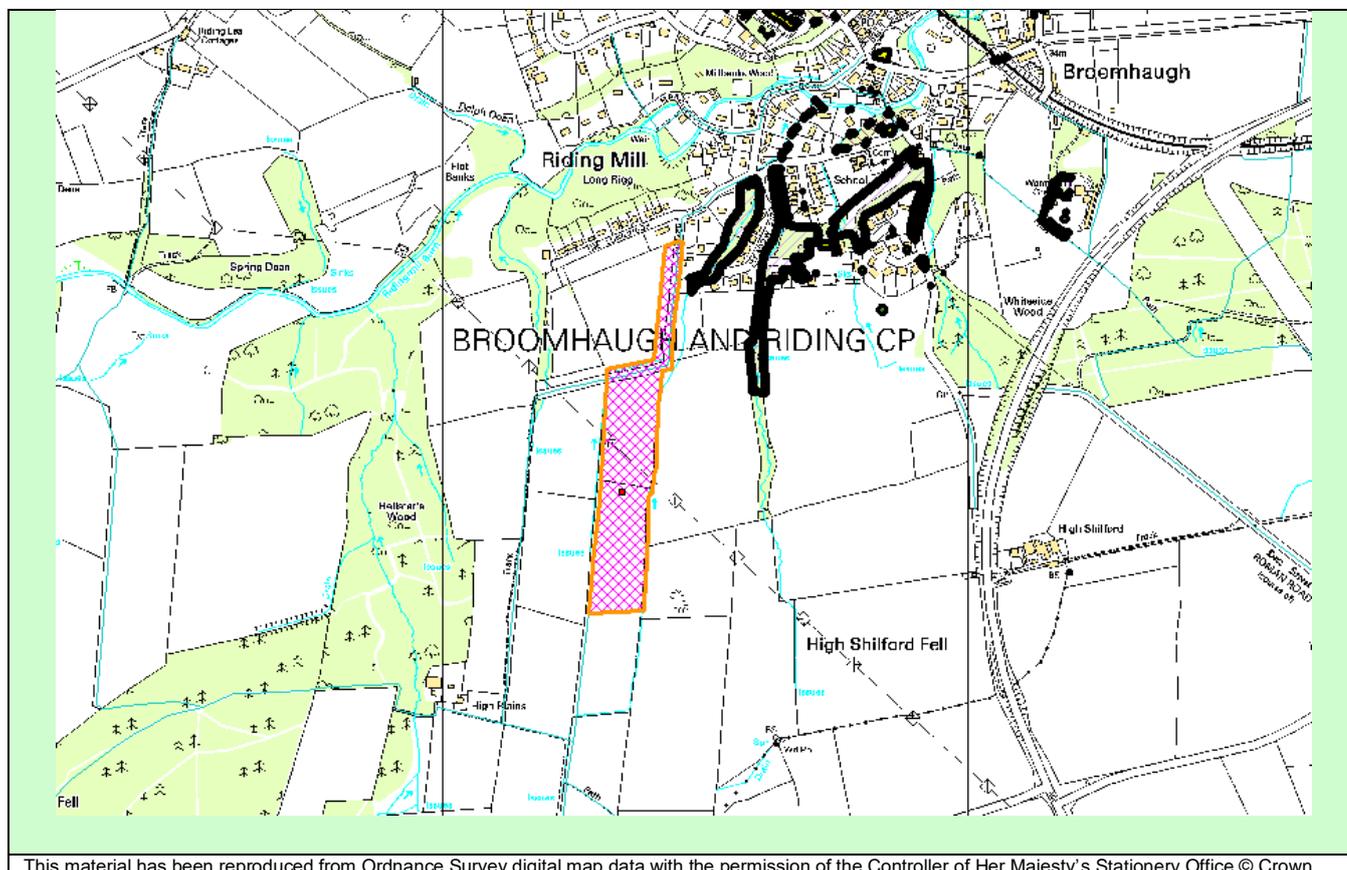


Northumberland County Council

Virtual Tynedale Local Area Committee: 8 December 2020

Application No:	20/01932/FUL		
Proposal:	Construction of single dwelling with annex and ancillary accommodation, c.6.5 metre high wind turbine, associated landscaping and highway works (amended description)		
Site Address	Land South Of Church Lane, Church Lane, Riding Mill, Northumberland		
Applicant:	Mr and Mrs Sweeney 1 North View Terrace, Birches Nook, Stocksfield, NE43 7JN	Agent:	Miss Rachel Thompson Partnership House, Cundall , Regent Farm Road, Gosforth, Newcastle Upon Tyne NE3 3AF
Ward	Stocksfield And Broomhaugh	Parish	Broomhaugh And Riding
Valid Date:	29 September 2020	Expiry Date:	31 December 2020
Case Officer Details:	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



1. Introduction

1.1 Under the Virtual delegation scheme, which is as a result of amendments to the constitution and governance measures in response to the coronavirus epidemic, the application was referred to the Director of Planning and Chair and Vice Chair of the Tynedale Local Area Council Planning Committee who agreed that the application raises wider community issues and so should be considered by Members of the Virtual Tynedale Local Area Council Planning Committee.

2. Description of the Proposals

2.1 Planning permission is sought for the construction of a single dwelling with an annex and ancillary accommodation, a c.6.5 metre high wind turbine and associated landscaping and highway works on land south of Church Lane, Riding Mill. The application would be constructed on a site in the open countryside consisting of two fields covering an area of 4.65ha which are accessed from a Public Right of Way stretching from Church Lane on the south-western side of the village of Riding Mill. The existing field access at the northern end of the site would be used as the entrance to the site where the proposed drive would follow the general contours of the land meandering along the eastern side of the site to the proposed house. The Public Right of Way enters the site adjacent to the field access where it continues along the western side of the site where it exits and continues to the south beyond the application site.

2.2 The dwelling would be located towards the south-eastern corner of the site. The building, which would have 811m² of living space, would consist of two, two storey wings, with a 3rd storey basement under part of the site, attached to a central living area. On the ground floor would be kitchen/living and dining areas, plus play room, snug and office. The first floor would have three bedrooms in one wing which would be connected by a 'bridge' to two further bedrooms. A basement level would be for plant/gym and entertainment. To the rear would be an attached L-shaped annex which would have one bedroom with a kitchen/living area. Attached to this would be garaging and ancillary storage, adjoining a large courtyard for the parking of cars and landscaped beds.

2.3 The building would be constructed of natural stone and glass at ground floor level with the north and south elevations extensively glazed. Black metal cladding would be used on the floors above with the cladding 'overhanging' the front elevation. The roofs create an asymmetric design, hence the name 'Fold House'. The west elevation of the annex would be constructed in stone. The aim of the design of the fenestration is to get solar gain, limit overheating and maximise daylight. Solar panels would be located on the roof of the ancillary building. A 6.5 metre wind turbine would be constructed to the south-west of the dwelling on the top of the hill.

2.4 The applicant analysed nine sites during 5 years before this site was chosen. The design brief states that it is a development of a modern farmstead complex. The aim was to achieve net positive carbon building during construction and operation creating a climate positive house. Excess thermal energy would be captured and stored via an inter-seasonal battery and dynamic thermal wall, and research agreements with four universities to research the data would be undertaken. The

building is intended to be embedded within the landscape taking in views, and to reduce the visual impact with the ancillary buildings built into land to the rear.

2.5 The site which drops significantly in height from south to north, would be landscaped with native trees and shrubs and with stone paving to the north and south. A pond would be created adjacent to the roadway.

2.6 The Public Right of way from Church Lane to where it enters the site would be surfaced with 20mm of crushed aggregate and four passing places would be created in the lane. A fence would be constructed along the route of the Public Right of Way within the site, parallel to the existing hedge boundary, creating a minimum of a 2 metre footpath which would be retained as a grass sward.

2.7 Following the submission of the original application, and following concerns expressed about the impact on Church Lane by construction traffic, the red line boundary was amended to include a L-shaped piece of land which is an agricultural field, to the north of the site which runs parallel to the Church Lane PROW. The existing field gate off Church Lane would be used to access this field and it would be used on a temporary basis for accessing the site during the construction phase. A temporary construction access track would be laid across the field.

2.8 The site is located in the open countryside and the Green Belt, affects a Public Right of Way, is a Coal Working Referral Area and is within an Area of High Landscape Value.

2.9 A Notice under Article 13 of application for planning permission was advertised in the Hexham Courant by the applicants.

2.9 Public engagement was undertaken through a website providing details of the plans and a letter sent to 114 residents. The proposal was assessed by the NE Design Review Panel on two occasions.

Submitted with the planning application were the following documents:

- Coal Mining Risk Assessment (Cundall, 28 April 2020)
- Ecological Appraisal (E3 Ecology Ltd, January 2020)
- Foul Drainage Assessment Form (FDA)
- Landscape Strategy (dp landscape architecture, April 2019)
- Lighting Impact Assessment
- Climate Positive Strategy Rev 01
- Construction Method Statement Rev 04
- Design and Access Statement (Howarth Litchfield)
- Drainage Strategy Rev 01
- Flood risk assessment Rev 01
- Landscape and Visual Impact Assessment Rev 01
- Legal note on Greenbelt and NPPF Paragraph 79 (Nicola Allan, 31 July 2020)
- Planning Statement Rev K (Cundall, 31 July 2020)
- Statement of Community Involvement (Cundall, 31 July 2020)
- Transport Technical Note (Cundall)
- Zone of Theoretical Visibility Study Rev 02
- Heritage Statement (Howarth Litchfield, 11 September 2020)
- A Unique Opportunity – Site Selection
- Consultation -Response

3. Planning History

None

4. Consultee Responses

Broomhaugh and Riding Mill Parish Council	<p>Objection:</p> <ul style="list-style-type: none">• Quality of architecture not of standard required for para 79 house;• does not enhance the landscape and there are no VSC. Services element is not innovative.• Concerns regarding long-term maintenance of Church Lane and access past school and pre-school.• Unnecessary upgrading of rural path.• Claims of enhancements the house would make to the village and countryside cannot be substantiated.• Green agenda to be commended but this not supported in size and nature of the development.• Additional comments on '<i>Consultation-Response</i>': some of the information is misleading including the ratio of objectors to non-objectors; consider it is statistically unsound, as it makes assumptions that people in the village who did not respond, did not object.• Distribution of responses is visually misleading.• Statement to residents not having visibility of the proposed dwelling is incorrect. Houses on Slaley road have direct view across the valley.
Highways	<p>No objection:</p> <p>Highways Development Management have no jurisdiction over the use of the private roads of PRow and so no objections in principle. Recommends conditions.</p>
Countryside/ Rights Of Way	<p>No objection subject to necessary consents and maintaining 2 metre footpath throughout the site.</p>
West Tree And Woodland Officer	<p>No response received.</p>
Northumbrian Water Ltd	<p>No comments to make</p>
County Ecologist	<p>Commented that application should not be determined as ecological survey not robust enough as does not include Church Lane, survey only took place over one day, and desk top study not complete.</p>
The Coal Authority	<p>No objection</p>
Lead Local Flood Authority (LLFA)	<p>No objection</p>
County Archaeologist	<p>No objection and no archaeological monitoring required.</p>
Public Protection	<p>No response received.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	10
Number of Objections	193
Number of Support	1
Number of General Comments	1

Notices

General site notice: expired 20 October 2020

Press notice: expired 10 September 2020

Summary of Responses:

The application has received 193 letters of *objection*. The objections have been summarised but not limited to the following issues;

Green Belt

- Contrary to Green Belt policy in that inappropriate development harmful to the Green Belt
- Would suburbanise part of the Green Belt
- Undermines Green Belt policy to assist in safeguarding the countryside from encroachment
- Need to protect Green Belt for future generations
- Impact on openness of Green Belt both spatially and visually

Ecological issues

- Rich biodiversity of the land would be affected and ecological impact has not been properly assessed
- Historic and botanical research on lane by applicant has been selective
- Describing land as poor semi-improved grassland field denies the lands importance as a local amenity and home to wildlife. Is valuable foraging area for wildlife including owls.
- The lane supports a number of species that have been undisturbed and unimproved for a very long time and many of the species are very scarce in and around the village.

Use of Church Lane

- The use of the track from Church Lane which it is proposed to upgrade the surface and widen would result in urbanisation, contrary to the rural character of the right of way.
- Addition of passing places shows that significant additional vehicle journeys along the route, which would impact on extensive use of the path by pedestrians.

- Widening would encroach on verges and hedgerows
- Evidence from Northumberland Land Archives is that the lane dates to at least from 1719 as opposed to information submitted with the application
- The new access does not alter the impact the final construction will have on the lane
- Resurfacing the lane would destroy the rich biodiversity and link with history
- Planning agents have downplayed importance of the lane
- Concerns that temporary access would become a permanent when difficulties of accessing Church Lane were realised
- Access track is not owned by the applicants

Impact on PROW through the site

- Objection to narrowing established right of way on the western side of the field to 2 metre margin
- The footpath is very popular with local residents and the proposal would enclose the footpath
- One of the few circular walks in Riding Mill
- Application undermines the status of the footpath. Many footpaths have been closed in recent years and this footpath is the only way out of the village up to Healey
- Destroying much loved footpath, local walk and areas of beauty

Design and impact on the landscape

- Unnecessarily large dwelling and outbuildings in a visually prominent position on the hillside, out of character to other properties in area
- Construction of significant amount of internal private driveway which would result in significant scar on the landscape
- Not been demonstrated that design of exceptional quality, outstanding or innovative
- Design would not be considered to raise standards generally
- Would not enhance the immediate setting in a positive way and result in serious scarring of the established landscape
- Fails to address the very special circumstances to justify an exception to paragraph 79 of the NPPF
- It is not a modern farmhouse
- House will detract from scenic views from the footpath
- Not an isolated home under paragraph 79 as close to the village
- Ancillary structures more appropriate to an industrial site
- NE Design Review Panel raised concerns about the scale of the building, its location on the skyline and its north facing windows.
- Views spoiled by substantial development day and night. Will have a high visual impact
- Not show glare from solar panels and proposed wind turbine
- No spirit of place, no narrative, no reference to cultural heritage.
- ZTVs are too limited in radius and Hadrian's Wall World Heritage Site is not considered

Traffic and use of local roads

- Construction traffic would need to use unadopted roads currently managed by the Long Rigg Property Owners Association
- Additional vehicle journeys that this house will generate
- Traffic passing the church, Millenium Hall, First and pre-school creating noise, pollution and road safety issues
- Noise of vehicles to and across the site would disturb wildlife and residents along Church Lane

Climate and energy issues

- Any climate positive claim is outweighed and undermined by a large footprint using mainly unsustainable materials in steel, concrete and glass in the middle of an agricultural field, plus transportation to site
- No peer review of the energy savings claimed
- Unsure how development could be 'green' as exaggerated claims about the climate positive design and contributing positively to bio-diversity
- Embodied carbon that build would create is enormous
- Complexity of energy systems to achieve low energy consumption
- Wood burning stove not included in the carbon emissions
- North facing reduces solar gain
- Noise pollution from turbine on footpath
- Inefficient design of wind turbine, position will render it ineffective and potential for bird mortality
- Consuming resources to house only 5 people on a 4.57ha site is unsustainable

Light impact

- Lighting impact assessment only considers light pollution from the house up into the night sky, not take account of the light down into the village

Impact on residential amenity

- Construction Method Statement submitted would result in activity being in full view of residents of Long Rigg
- Construction phase would cause upset to local community

Agricultural use of land

- The tenant on the land who farmed sheep has been evicted
- Land was sold as prime agricultural land

Other issues:

- Constantly modifying plan in response to objections is undemocratic
- Already large properties around Riding Mill. There is a need for smaller dwellings and affordable housing
- All of the benefits are for the owners not the community
- Sets a precedent for other sites in Northumberland
- Health and wellbeing benefits of being able to access countryside when land being used for one family.
- Risk of run-off and flooding on Church Lane

- No evidence for connection with universities

The one letter of *support* states that it is an exceptional piece of design which does not detract from the landscape.

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

<http://publicaccess.northumberland.gov.uk/onlineapplications//applicationDetails.do?activeTab=summary&keyVal=QCJJDUQSH4E00>

6. Planning Policy

6.1 Development Plan Policy

Tynedale LDF Core Strategy (2007)

GD1 Locational policy setting out settlement hierarchy
GD2 Prioritising sites for development
GD3 The Green Belt
GD5 Flood risk
BE1 Principles for the built environment
NE1 Principles for the natural environment
H1 Principles for housing
H3 The location of new housing

Tynedale Local Plan (2000, policies saved 2007)

GD2 Design Criteria for development, including extensions and alterations
GD4 Range of transport provision for all development
GD6 Car parking standards outside the built-up areas
NE7 New buildings in the Green Belt
NE27 Protection of Protected Species
NE37 Landscaping in developments
H32 Residential design criteria
LR11 Outdoor sports facilities for new residential development
LR15 Play areas in new residential developments
CS27 Sewerage
TP27 Development affecting Public Right of Way
LR19 Safeguard existing and promotion of new public rights of way

6.2 National Planning Policy

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

6.3 Emerging Planning Policy

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

STP1 Spatial strategy
STP8 Development in the Green Belt
HOU8 Residential development in the open countryside
QOP2 Good design and amenity
QOP4 Landscaping and trees
TRA4 Parking provision in new development
ENV2 Biodiversity and geodiversity
ENV3 Landscape
ENV4 Tranquillity, dark skies and a sense of rurality
ENV7 Historic environment and heritage assets
WAT2 Water supply and sewerage
WAT3 Flooding
WAT4 Sustainable drainage systems
INF6 Planning obligations

7. Appraisal

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

Principle of development:

Green Belt

Open countryside, paragraph 79 and design

The planning balance

Scale, design and appearance

Landscape proposals and wider landscape and visual impact

Access along Church Lane and parking within the site

Impact on residential amenity

Ecological impact

Use of the Public Right of Way

Archaeological impact on the lane

Wind turbine

Foul and surface water drainage

Coal Mining Risk Area

Sports and play

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. 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 the inquiry is taking place. 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.

7.3 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirement. As identified in the Northumberland Strategic Housing Land Availability Assessment (September 2019), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites against the County's minimum Local Housing Need figure. Using the 2014-based household projections for the 2020-2030 period, together with the then latest updated 2019 affordability ratio, now gives a minimum Local Housing Need of 651 dwellings per annum (Figure 3). Allowing for the 5% buffer therefore means that the forecast updated 'deliverable' 5-year supply for 2020-2025 would equate to a 10.9 years housing land supply. Therefore, in the context of Footnote 7 of the NPPF, part d of the presumption in favour of sustainable development does not apply.

Green Belt

7.4 The site is located within the Green Belt as identified in Tynedale Core Strategy Policy GD3 and within Emerging Local Plan Policy STP 8. The proposal would conflict with Tynedale Local Plan Policy NE7, which lists types of development appropriate in the Green Belt, although this list is not completely compliant the more up-to-date policies within the NPPF.

7.5 The NPPF in paragraph 133 sets out the importance of Green Belts, with 'the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Paragraph 134 of the NPPF goes on to state the five purposes of the Green Belt which c) to assist in safeguarding the countryside from encroachment is relevant in the context of this site.

7.6 Paragraph 143 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 outlines that the construction of new buildings is inappropriate in the Green Belt and provides a list of exceptions which does not include the development of a new dwelling on a greenfield site under consideration here. Consequently, the development is considered inappropriate development in the Green Belt which should, as discussed above, only be approved in 'very special circumstances. Paragraph 144 goes onto say that the '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'.

7.7 In order to consider the level of harm, it is necessary to assess the impact of the development on the openness and purposes of the Green Belt. Openness is not defined in national policy but is generally accepted to refer to 'absence of development'. Openness is capable of having both a spatial and a visual dimension, and includes as outlined in the PPG , 'the duration of the development' and the 'degree of activity likely to be generated'.

7.8 The site and its surroundings are clearly open and separate from any urbanising influences. The introduction of a large building with its resultant scale and massing, design, materials, its associated infrastructure and its visibility adjoining a Public Right of Way would clearly impact on and result in harm to the openness of the site.

The development would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

7.9 The Planning Statement submitted with the application considers that Fold House meets the criteria of paragraph 79 and provides a wider public benefit. The case sets out that it is an exceptional design and has outstanding sustainability credentials combining a number of technologies and architectural features to balance energy demands and create a climate positive home. It believes that it would impact on the environment in a positive way and that it would respond to the local landscape character and would bring net biodiversity gains. It argues that in this respect it would provide the 'very special circumstances' to justify a new building in the Green Belt. Even if the proposal were to satisfy the requirements of paragraph 79 e) of the NPPF, there is nothing in the NPPF to suggest that this would automatically satisfy the 'very special circumstances' to outweigh the harm to the Green Belt. The existence of any very special circumstances will be considered further below.

Open countryside, paragraph 79 and design

7.10 The site is located in the open countryside where Tynedale Core Strategy Policy GD1 limits development to the re-use of existing buildings only. The NPPF considers that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Tynedale Local Plan Policies H1 and H3 encourage the development of housing in smaller villages with adequate services. The site is open fields located c.1 mile from the centre of the village of Riding Mill and so the proposal would not accord with these policies.

7.11 In terms of the emerging Local Plan, Policy STP 1 places the site within the open countryside and housing development is only supported in the open countryside in certain circumstances as set out in Policies HOU7 and HOU8. The plan is currently at Inquiry and there are unresolved objections to the types of development that may be supported in the countryside. The Planning Inspector conducting the Inquiry has requested modifications to both policies STP 1 and HOU 8 and so these policies can be given limited weight at this point. However, the proposals would be contrary to the above mentioned policies as submitted.

7.12 Paragraphs 77-79 of the NPPF discuss rural housing, with paragraph 79 providing exceptions for 'isolated' homes in the countryside. Isolated development is a term which the Court of Appeal (Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610) defines as being "physically separate or remote from a settlement". In this context the site itself is not within or adjoining any settlement and there are no other houses in or adjacent to the site. The site, although not particularly remote to the village of Riding Mill, is physically separate and is to some extent, functionally separate, as the site is reached by an unlit track. In this respect, despite objections suggesting otherwise, it is considered that the location of the proposed house is isolated for the purposes of assessing paragraph 79 of the NPPF.

7.13 This is the position taken by the applicant who has based the justification for the proposed dwelling under paragraph 79 e) of the NPPF which states that:

The design is of exceptional quality, in that it:

- *Is truly exceptional or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

7.14 Whether the proposal satisfies these requirements is a planning judgement, although in line with paragraph 129 of the NPPF, regard should be given to recommendations made by design review panels when assessing the design of development. The North East Design Review Panel assessed the proposal on two occasions with the report including how the scheme could be supported under paragraph 79 e), particularly in relation to the 'innovative' approach towards energy and the potential to improve future development in rural areas. The final report concludes with:

"The Design Review Panel consider this scheme to be a true demonstrator project for future developments. The connection between Architect, Client and M&E Engineer is to be celebrated and contributes towards the innovation through the iterative design process. Such a relationship is regionally significant, and the scheme, should it proceed, would be an exemplar to the northeast. Indeed, this project makes the case for Paragraph 79 exemptions".

7.15 The decision does, however, rest with the Local Planning Authority who must assess the application against the requirements of paragraph 79 e). The main argument that the applicant and the Design Review Panel present is that the design incorporates an 'innovative' approach to energy, and that it is the combination of the approaches to energy performance which make the design innovative. In addition, in order for the requirement to raise standards more generally in rural areas, the intention is for universities to test the energy approach so that it can be certified and used by others.

7.16 The Design and Access Statement states that the development would 'set new standards in environmental design and challenge the strategies and methods of heating, ventilation and holistic sustainable design'. The term 'Active Home' has been adopted by the applicant in that the development combines a number of technologies and architectural features to balance energy demands and create a climate positive home. There have been many objections to the claims and the complexity of the proposal in order to achieve low energy consumption. Although contacts have been made with universities to share research data, there appears to be no formal agreement in place that this would take place both initially or into the foreseeable future and it would prove difficult to secure this if granting planning permission.

7.17 In terms of the proposal improving its immediate setting, the site is in the open countryside with no previous development on this site. Consequently, although the building has been designed for this specific location, the house and its curtilage covers a significant area of undeveloped countryside and the design fails to be sensitive to the defining characteristics of the local area' as outlined in paragraph 79 e), particularly in relation to scale and design of the dwelling itself. The suggested enhancements to the site relate to improvements to biodiversity, the landscape and maintaining the public right of way. These are in the overall scheme negligible, and

would not be judged to significantly enhance the immediate setting. In addition, ensuring that these enhancements take place and endure into the future would again be difficult to secure.

The planning balance

7.18 The case set out by the applicant that it is an exceptional design and has outstanding sustainability credentials combining a number of technologies and architectural features to balance energy demands and create a climate positive home. It believes that it would impact on the environment in a positive way and that it would respond to the local landscape character and would bring net biodiversity gains. As stated above, it is not considered that the proposals would meet the stringent tests under para 79 and the LPA is not satisfied that the scheme would render wider public benefit.

7.19 The applicant argues that by achieving compliance with Para 79 that this would provide the 'very special circumstances' to justify a new building in the Green Belt. Even if the proposal were to satisfy the requirements of paragraph 79 e) of the NPPF, which this concludes it does not, there is nothing in the NPPF to suggest that this would automatically satisfy the 'very special circumstances' to outweigh the harm to the Green Belt.

7.20 Whilst there is little doubt that significant efforts have gone into the design of the proposed scheme, and that it would use the most up to date technologies that could be used as a good example of their type and mix, there is little evidence that there is a unique reason that this site has been chosen for such a development and that this couldn't have been achieved elsewhere, on a less prominent site outside of the Green Belt and in a more sustainable location. In short, the LPA is not satisfied that there is an overriding justification for this development on this particular site. This is compounded by the lack of securable long-term involvement with research bodies or ecological improvements.

7.21 Notwithstanding the design of the scheme which will be looked at in more detail below, the proposal represents inappropriate development in the open countryside Green Belt and no very special circumstances have been put forward which would be considered to outweigh the harm to the Green Belt. This includes the impact on the open and undeveloped setting of the site and the openness of the Green Belt.

7.22 The principal is therefore considered to be contrary to Tynedale Local Plan Policy NE7, Tynedale Core Strategy Policy GD1 and GD3, H1 and H3, Emerging Local Plan Policy STP 8, HOU7 and HOU8 and the NPPF.

Scale, design and appearance

7.23 The house and attached buildings would be located at the top, south-east corner of the site and would be reached by a long sinuous drive from the north-west corner, along the eastern side of the site. The proposal, which would partly be set into the hillside to the rear would largely be built of stone and glazing at the ground floor level with the front (north) and rear (south) elevations being glazed to the apex of the roof. The roof and first floor levels of the building on the side elevations would be covered in black metal cladding with the roofs forming an asymmetric design. This cladding would 'overhang' the front elevation. The house, which would be some 7.6 metres in height, would have two main wings over two levels, linked by a living

area at ground level and a 'bridge' at first floor level, between the two. A sunken basement would be located under part of the house. The house would be 26.5 metres in length and 14.3 metres in depth. To the rear of the house would be an L-shaped development consisting of an attached one-bedroomed annex, garaging and ancillary building. This would be 20.4 metres by 25.5 metres in size, with a height of 5.8 metres. To the rear of the house and adjoining the annex would be a formal courtyard garden area, with a parking area adjoining the outbuildings. The site would have areas of hard landscaping to the north, adjacent to the front elevation, which would lead into native tree and shrub planting to soften the transition between the house and the landscape.

7.24 The proposal, whilst of an intrinsically high quality design, is located in a fairly isolated, prominent open countryside location. The buildings are of a very large scale for a single dwelling, with large areas of glazing and metal cladding which, despite landscaping and building it partly into the hillside, would be out of context and represent a jarring feature in this gentle, agricultural landscape. The extensive form of the development with its attached outbuildings and hard landscaping, despite its attempt to be a modern take on a farmstead, would not be sympathetic to the character of the site and the area. The black metal cladding and large areas of glazing dominate and overpower the location. Of significant concern is the overall size of the curtilage of the building which would result in development, including the driveway and wind turbine extending over an area of some 4.65 acres. Although much of this would not be built upon, and despite naturalistic planting, the topography of an extensive area would be remodelled to create an extremely large curtilage, again out of context in this rural location. For these reasons the application would not accord with Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policies GD2 and H32 and Emerging Local Plan Policy QOP2.

Landscape proposals and wider landscape and visual impact

7.25 The site consists of two agricultural fields which are classified as Grade 3: Good to moderate and have previously been used for grazing. The site slopes steeply from south to north. The NPPF in paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Most of the objectors highlight the importance that Church Lane and the PROW has to the local community in terms of enjoying the landscape and views from the site, how the footpath is accessible to many and the health benefits that walking and the available local countryside provides.

7.26 A Landscape Report was submitted with the application which states that the site contains a range of landscape features from existing trees and shrubs along the boundaries, with areas of scrub and grassland amongst the site. The site lies on the cusp between two Landscape Character Areas, Tyne Gap and Hadrian's Wall which is a 'narrow distinctive corridor centred on the River Tyne' and is part of a wooded landscape of deciduous, mixed and coniferous woodland; and to the south, the North Pennines which is characterised by a sense of remoteness and is a largely undisturbed landscape. The Landscape Report states that the site lying on the fringe of the two areas is part of a 'transitional landscape'. The proposal is to preserve and enhance the existing landscape to create the setting for the new development which includes new woodland planting, enhancing the wetland area and building a new

pond. Wildflower meadows and an orchard would be planted. Naturalistic planting would take place around the house. The landscaping would work with the natural topography of the site, ensuring that no material leaves the site. Over 3000 native trees and shrubs would be planted in the woodland area and another 100 native trees planted on the site. It is concerning, however, that the landscape strategy should follow from an understanding of the natural ecology of the site but as the ecology assessment is incomplete, the proposed landscaping may not be reflecting and working with the native habitat and species of the site.

7.27 The topography of the site means that the development would have no or negligible visibility from the south. It has been stated that one of reasons for the selection of this site is that it has a low number of visual receptors – those being the users of the PROW, residents of Beauclerc 1.75km to the NW and road users on very isolated sections of the NCN 72 Hadrians Cycleway route and A69. The site has been chosen as it is isolated from the village of Riding Mill but low enough in the valley that its setting is framed by the valley sides, and the dwelling has been designed to ‘nestle’ into the topography of the site. A Zone of Theoretical Visibility (ZTV) Study which looked at sites from a 5km radius from the site and a Lighting Impact Assessment have been submitted to assess the visual impact of the building and its attached development. The application considers that there would be no views of the proposal from Riding Mill and that the proposed tree planting would reduce the visual effects of the house over time. The ZTV report identified that the proposed development would be theoretically visible predominately to the north of the plot.

7.28 The Lighting Impact Assessment identifies that the lighting through the site would be designed not to result in any light spill into the surrounding countryside. This includes the use of overhangs on the north façade to prevent light spillage, automated blinds on the ground floor, with black out curtains on the first floor. Internally there would be internal and external daylight sensors. A low level of lighting would be provided at the entrance and along the drive. The intention is to commit to the Northumberland National Park Lighting Master Plan Guidance for the boundary.

7.29 The direct impact on the physical landscape and the visual impact on the immediate and wider landscape have been considered in the submission of this application. It must be acknowledged, however, that changing what is a 4.65ha area of agricultural fields to a large domestic curtilage containing a large house with extensive areas of glazing and attached buildings, would have a profound and permanent change to this landscape area. As a result of the siting of the building which would be set into the hillside, and the attempts to prevent light spillage, it may not have a high level of visibility from adjacent properties but would be a permanent and jarring landscape feature. In addition, the changes to the surface of Church Lane, its widening and creation of passing places, the fencing in of the PROW through the field, plus the fact that people using the PROW would not have views over open countryside, but instead a view of a house and its attendant land, would change that landscape and the way it is experienced. In this respect it is considered that the development would fail to protect and enhance the character of the countryside, would lead to urbanisation of the countryside and would impact on peoples experience and enjoyment of the countryside contrary to Tynedale Core Strategy Policy NE1 and the NPPF.

Access along Church Lane and parking within the site

Background to Church Lane

7.30 A notice under article 13 was published in the Hexham Courant on 18 June 2020 and a copy sent to the Council. The Parish Council has written in to register its legal interest in Church Lane from its junction with Millfield Road, the track leading up to the applicant's land south of Church Lane and the footpath along the western boundary of the applicant's land. The Long Rigg Property Owners Association registered their legal interest in the portion of Church Lane which is an unmade track portion of the bridle way/Right of Way within the red line boundary of the site location plan. The owners of Brook House, Church Lane have registered an interest in the portion of Church lane which is an unmade track portion of the bridle way/Right of way adjoining their house. The Transport Technical Note states that a third party landowner has rights of access across Church Lane.

7.31 The site would be accessed along Church Lane which is a privately maintained road and as mentioned earlier in the report, a notice under article 13 was published in the Hexham Courant in relation to the use of Church Lane. This from its junction with Long Rigg is a classified Public Right of Way (see below). This is a tarmac surface until it reaches Brook House and Bywood located on the eastern side of Church Lane. Despite what is said in the Transport Technical Note, the tarmac road does not date to the construction of these two dwellings (although it may have been renewed at this time), as there was a tarmac road for Staward, the previous house located on this site. From this point southwards, the surface is in part unmetalled with vegetation. It is proposed to restore the surface of the existing track with a 20mm crushed aggregate to dust finish to provide a vehicular access 2.75 m in width with four passing places. The site, which would be entered where the existing field access is located, has garaging for three cars and a large courtyard area for turning and parking.

7.32 Highways Development Management (HDM) has assessed the application and commented that they have no jurisdiction over the use of the private roads or Public Right of Way. They also consider that the red line boundary should be extended to the adopted highway in order to secure access to the development. HDM consider that the addition of one further dwelling is unlikely to be detrimental to road safety or capacity issues on the adopted highway. The HDM team consider that the Construction Method Statement (Rev 04) would be acceptable to mitigate concerns with the construction phases of the development subject to the works being to the satisfaction of the Public Right of Way team. HDM have no objection to the application subject to their recommended conditions. It is considered that the proposal, subject to recommended conditions would accord with Tynedale Local Plan Policies GD4 and GD6, Emerging Local Plan Policy TRA4 and the NPPF.

Impact on residential amenity

7.33 The development would not be located adjacent to any other buildings, although the use of Church Lane could have some impact on properties along the eastern side of this route. In terms of objections in relation to residential amenity, the main concerns appear to be during the construction phase of the development. Unfortunately development is always likely to have some impact on local residents during the construction phase but this could not be a reason for withholding planning permission.

7.34 Other concerns expressed relate to the Lighting Impact Assessment which was submitted, and the resulting visibility of the building. The impact of lighting on the landscape has been assessed and although it is acknowledged that there would be some impact to the wider area, it is considered that this is not to the extent that planning permission should be withheld for the impact it would have on the amenity of neighbouring residents. It is considered that the application would accord with Tynedale Local Plan Policies GD2 and H32, Emerging Local Plan Policy QOP2 and the NPPF in this respect.

Ecological impact

7.35 An Ecological Appraisal Report (E3 Ecology Ltd, January 2020) was submitted with the application which stated that the site consists of two poor semi-improved grassland fields, bounded by broadleaf woodland, dense scrub with trees and hedgerows. Two small streams, one along the northern boundary and another along the eastern boundary lie adjacent to the site.

7.36 This report has been assessed by the County Ecologist who has commented that the application should not be determined until clarification within the report and updated 'in season' survey information has been received. The County Ecologist has referenced the size of the site and the fact that the survey was only undertaken on a single day which makes it unlikely that a sufficiently robust ecological assessment could be completed on a site of this size, plus the 50 metre buffer zone, and in particular botanical and bird assessments/survey undertaken in late October. The Officer has also referenced that the survey did not include the verges and adjoining land alongside Church Lane where there are proposals to widen the road and create passing places. It is also not clear which, if any parts of the 50m buffer zone beyond the site boundaries were surveyed. The Desk Top survey was also not complete in that it did not include Habitats of Principal Importance in the vicinity, protected species and Species of Principal Importance under the terms of s41 of the Natural Environment and Rural Communities Act 2006. In this respect, as the ecological survey is incomplete, it is not possible to assess the impact of the development on the ecology of the area and so the application would not accord with Tynedale Local Plan Policy NE27, Emerging Local Plan Policy ENV2 and the NPPF.

Use of the Public Right of Way

7.37 As mentioned earlier, Church Lane is, from its junction with Long Rigg, the Broomhaugh and Riding Public Footpath 5, the route of which would not be altered by the application. There have been many objections regarding the use of Church Lane and the impact on the Public Right of Way through the site. The Rights of Way Officer has assessed the application and stated that Northumberland County Council, as the Highway Authority have an interest in the maintenance of the surface of any public footpath for the use of pedestrian traffic. Where private vehicular rights exist, a higher standard of maintenance may be required but as long as the materials used and the final surface condition do not impede the use of the footpath for pedestrians and are to the standards of the Highway Authority, the works would be acceptable.

7.38 The Rights of Way Officer has commented that where it is proposed to widen the existing track and provide passing places, the wider passing places would not be part of the public footpath. Where the footpath enters the fields in the applicant's

ownership, it is intended that the footpath would be fenced off but the applicant would be required to maintain and manage the adjacent hedgerow and provide a footpath a minimum of 2 metres in width and manage the vegetation within. Fencing adjacent to this should not include any barbed wire. The Officer has said that if any structures would be required between Church Lane and the agricultural fields, it would need to be demonstrated that they are authorizable under S.147 Highways Act 1980. In undertaking the re-grading of the land at the northern and southern ends of the site, details of the levels, gradients and materials at the points where they cross the footpath should be provided for approval by the Highway Authority. It is also expected that as far as possible the existing gradients should be maintained and the footpaths grass covering should be re-established. Subject to these requirements, the application would accord with Tynedale Local Plan Policies TP27 and LR19 and the NPPF.

Archaeological impact on the lane

7.39 A Heritage Statement (Howarth Litchfield, 11 September 2020) has been submitted with the application. In addition, a number of objectors have provided detailed responses and information on the heritage value of Church Lane and the wider environment. The County Archaeologist has assessed the submitted information and has commented that Church Lane is a historic track and although shown on the 1st edition Ordnance Survey map of 1860 and the tithe map of 1842, it probably dates from at least the 18th century when the fields in the area were enclosed. The County Archaeologist noted on their visit to the site that a metalled surface was visible along much of the length of the track which appeared to indicate a post-medieval date, although without investigating below that, it is not possible to establish whether earlier layers are present. The application would preserve the existing track *in situ* beneath a new road surface. The County Archaeologist considers that the limited groundworks do not require archaeological investigation or monitoring. The Officer considers that although the introduction of passing places and widening of the bend would result in some change, this would not be to an extent that they would object to the application. Although the character of the track would change, it would not harm the preservation of the existing track and so in this respect the application would accord with Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policy BE27, Emerging Local Plan Policy ENV7 and the NPPF.

Wind turbine

7.40 In terms of the wind turbine, Paragraph 154 b, Footnote 49 of the NPPF states that a wind turbine should not be considered acceptable unless it can be demonstrated that any planning impacts identified by the local community have been addressed and it has community backing. The site does not fall within an identified suitable area in the current Tynedale development which is the Tynedale Core Strategy and the saved policies of the Tynedale District Local Plan and there is no neighbourhood plan for this area. The proposed location of the wind turbine does, however, fall within a suitable area as identified in the emerging Northumberland Local Plan under Policy REN 2. This policy is subject to some significant unresolved objections so can only be given limited weight in any decision at this time. When looking at community backing, this must be judged based on the representations received and a clear majority of the local community supporting the proposed turbine. Based on the level of objections received for this application, it is not possible to demonstrate this. The provision of a wind turbine is therefore contrary to the development plan and the NPPF.

Foul and surface water drainage

7.41 In terms of foul drainage the proposal intends to use a package treatment plant as outlined on the submitted form. Foul water would be collected, conveyed and treated on site using an energy efficient sewage treatment system, Bio Pure. Northumbrian Water has been consulted on the application and has no comments to make as connections for both foul and surface water discharge are not proposed to the public sewerage network.

7.42 Managing surface water drainage would be through run-off from roofs and hardstanding which would be collected and stored for re-use. A wetlands area would incorporate a retention pond to attenuate any excess surface water on site, including any overflow from the rain water collection tanks. Permeable surfaces would be used for the driveway and courtyard and swales would direct surplus runoff from the hardstanding to the reed bed. The LLFA has assessed the application and are satisfied that the drainage strategy meets the demands of surface water runoff through sustainable drainage techniques such as: rainwater harvesting, swale, pond and attenuation area. The application would accord with Tynedale Core Strategy Policy GD5, Emerging Local Plan Policy WAT4 and the NPPF.

Coal Mining Risk Area

7.43 A Coal Mining Risk Assessment (Cundall, 2020) was submitted with the application and provides an assessment of the coal mining legacy on the site and any potential risks and liabilities. A development High Risk Area runs in an east-west direction through the southern part of the site. The report concluded that there is no evidence of coal mining related activity within the site or within a distance that may affect the site and the proposed development. The Coal Authority has been consulted on the application and has confirmed the evidence of the report and that the proposed development would be outside this area. The Coal Authority has no objection to the application and so it would accord with Tynedale Local Plan Policy CS23.

Sports and Play

7.44 At present there is a deficiency in the amount of children's play provision and outdoor sports facilities in Tynedale. The former Tynedale Council adopted its policies on 7 March 2006 which seeks financial contributions for sport and play facilities, and provision of outdoor sport from all new housing development in line with Tynedale Local Plan Policies LR11 and LR15. The provision of sports and play provision arising from residential development is a fundamental aspect of such developments, and as such, failure to make adequate provision on this basis can provide a justification for the refusal of an application. As a house with more than four bedrooms the contribution to play/informal space would be £2,776 and the contribution to sport would be £1,576, totalling £4,352. Given the main issues that have been identified in respect of development on the site, no contribution has been sought or progressed with the applicant. However, this would need to be provided and secured by way of a Section 106 agreement for any development to progress on the site and to accord with Tynedale Local Plan Policies LR11 and LR15 in this respect.

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 proposal represents inappropriate development in the open countryside Green Belt and no very special circumstances have been put forward which would be considered to outweigh the harm to the Green Belt. This includes the impact on the open and undeveloped setting of the site and the openness of the Green Belt.

8.2 The principal is therefore considered to be contrary to Tynedale Local Plan Policy NE7, Tynedale Core Strategy Policy GD1 and GD3, H1 and H3, Emerging Local Plan Policy STP 8, HOU7 and HOU8 and the NPPF.

9. Recommendation

That this application be REFUSED permission for the following reasons:

1. The site is located in the open countryside where development is strictly controlled. The development of a dwelling in this isolated location would be contrary to Tynedale Core Strategy Policies GD1, H1 and H3 and the NPPF.

2. The proposal would be inappropriate development within the Green Belt and would harm the openness of the Green Belt in this location. No very special circumstances have been put forward that would outweigh the harm identified. Therefore, the application fails to accord with Tynedale Core Strategy Policy GD3, Tynedale Local Plan Policy NE7 and chapter 13 of the NPPF.

3. The submitted ecology survey is incomplete and has not provided a sufficiently robust ecological assessment which means that it is not possible to fully assess the impact of the development on the ecology of the site and adjoining area and so the application would not accord with Tynedale Local Plan Policy NE27 and the NPPF.

4. The proposed development is located in a fairly isolated, prominent open countryside location. The extensive form and materials used in the design of the development and the overall scale and massing of the proposed buildings together with the development of a large curtilage and associated works, would not be sympathetic to the character of the site and the area and would fail to protect and enhance the character of the countryside contrary to Tynedale Core Strategy Policies BE1 and NE1, Tynedale Local Plan Policies GD2 and H32 and the NPPF.

5 There is a deficiency in the amount of outdoor sports facilities across the former District of Tynedale. No Section 106 planning obligation for a contribution towards outdoor sports facilities arising from this development as required by the Council's Supplementary Planning Document 'New Housing: Planning Obligations for Sport and Play Facilities' has been completed and the proposal is therefore contrary to the provisions of Core Strategy Policy GD6 and Local Plan Policy LR11.

6 There is a deficiency in the amount of children's play provision across the former District of Tynedale. No Section 106 planning obligation for a contribution towards children's play provision or open space facilities arising from this development as required by the Council's Supplementary Planning Document 'New Housing: Planning Obligations for Sport and Play Facilities' has been completed, and the proposal is therefore contrary to the provisions of Core Strategy Policy GD6 and Local Plan Policy LR15.