



Northumberland

County Council

Your ref:

Our ref:

Enquiries to: Nichola Turnbull

Email: nichola.turnbull@northumberland.gov.uk

Tel direct: 01670 622617

Date: 2 August 2021

Dear Sir or Madam,

Your attendance is requested at a meeting of the **TYNEDALE LOCAL AREA COUNCIL** to be held in Committee Room 1, County Hall, Morpeth, Northumberland, NE61 2EF on **TUESDAY, 10 AUGUST 2021 at 4.00 PM.**

Yours faithfully

Daljit Lally
Chief Executive

To Tynedale Local Area Council members as follows:-

T Cessford (Chair), C Homer (Vice-Chair), A Scott (Vice-Chair (Planning)), A Dale, C Horncastle, JI Hutchinson, D Kennedy, N Morphet, N Oliver, J Riddle, A Sharp, G Stewart and H Waddell

Any member of the press or public may view the proceedings of this meeting live on our YouTube channel at <https://www.youtube.com/NorthumberlandTV>

Members are referred to the risk assessment, previously circulated, for meetings held in County Hall. Masks should be worn when moving around but can be removed when seated, social distancing should be maintained, hand sanitiser used regularly and members are requested to self-test twice a week at home, in line with government guidelines.



Daljit Lally, Chief Executive
County Hall, Morpeth, Northumberland, NE61 2EF
T: 0345 600 6400
www.northumberland.gov.uk



AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

- 1. PROCEDURE AT PLANNING MEETINGS** (Pages 1 - 2)
- 2. APOLOGIES FOR ABSENCE**
- 3. MINUTES**

Minutes of the meeting of the Tynedale Local Area Council held on 13 July 2021, will be submitted to the September meeting.
- 4. DISCLOSURE OF MEMBERS' INTERESTS**

Unless already entered in the Council's Register of Members' interests, members are required to disclose any personal interest (which includes any disclosable pecuniary interest) they may have in any of the items included on the agenda for the meeting in accordance with the Code of Conduct adopted by the Council on 4 July 2012, and are reminded that if they have any personal interests of a prejudicial nature (as defined under paragraph 17 of the Code Conduct) they must not participate in any discussion or vote on the matter and must leave the room. NB Any member needing clarification must contact Legal Services, on 01670 623324. Please refer to the guidance on disclosures at the rear of this agenda letter.
- 5. DETERMINATION OF PLANNING APPLICATIONS** (Pages 3 - 6)

To request the committee to decide the planning applications attached to this report using the powers delegated to it.

Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>
- 6. 20/02417/FUL** (Pages 7 - 28)

Residential development of 9 detached and semi-detached dwellings, single and two storey, plus associated infrastructure (amended description).
Land North of Lonkley Lodge, Lonkley Head Allendale
- 7. 21/00826/FUL** (Pages 29 - 52)

Proposed development of rural worker's dwelling
Land to south and east of North Side Farm, Harlow Hill
- 8. PLANNING APPEALS UPDATE** (Pages 53 - 62)

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

9. DATE OF NEXT MEETING

The next meeting will be held on Tuesday, 14 September 2021 at 4.00 p.m.

10. URGENT BUSINESS

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussion or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name (please print):
Meeting:
Date:
Item to which your interest relates:
Nature of Registerable Personal Interest i.e either disclosable pecuniary interest (as defined by Annex 2 to Code of Conduct or other interest (as defined by Annex 3 to Code of Conduct) (please give details):
Nature of Non-registerable Personal Interest (please give details):
Are you intending to withdraw from the meeting?

1. Registerable Personal Interests – You may have a Registerable Personal Interest if the issue being discussed in the meeting:

a) relates to any Disclosable Pecuniary Interest (as defined by Annex 1 to the Code of Conduct); or

b) any other interest (as defined by Annex 2 to the Code of Conduct)

The following interests are Disclosable Pecuniary Interests if they are an interest of either you or your spouse or civil partner:

(1) Employment, Office, Companies, Profession or vocation; (2) Sponsorship; (3) Contracts with the Council; (4) Land in the County; (5) Licences in the County; (6) Corporate Tenancies with the Council; or (7) Securities - interests in Companies trading with the Council.

The following are other Registerable Personal Interests:

(1) any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Council; (2) any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) one of whose principal purpose includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management); or (3) any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Council.

2. Non-registerable personal interests - You may have a non-registerable personal interest when you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described below to a greater extent than most inhabitants of the area affected by the decision.

The persons referred to above are: (a) a member of your family; (b) any person with whom you have a close association; or (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

3. Non-participation in Council Business

When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that the criteria set out below are satisfied in relation to any matter to be considered, or being considered at that meeting, you must : (a) Declare that fact to the meeting; (b) Not participate (or further participate) in any discussion of the matter at the meeting; (c) Not participate in any vote (or further vote) taken on the matter at the meeting; and (d) Leave the room whilst the matter is being discussed.

The criteria for the purposes of the above paragraph are that: (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either** (b) the matter will affect the financial position of yourself or one of the persons or bodies referred to above or in any of your register entries; **or** (c) the matter concerns a request for any permission, licence, consent or registration sought by yourself or any of the persons referred to above or in any of your register entries.

This guidance is not a complete statement of the rules on declaration of interests which are contained in the Members' Code of Conduct. If in any doubt, please consult the Monitoring Officer or relevant Democratic Services Officer before the meeting.

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Northumberland County Council

Appendix 1

PROCEDURE AT PLANNING COMMITTEE

A Welcome from Chairman to members and those members of the public watching on the livestream

Welcome to also include reference to

- (i) Fact that meeting is being held in a Covid safe environment and available to view on a live stream through You Tube Northumberland TV
- (ii) Members are asked to keep microphones on mute unless speaking

B Attendance / Apologies of members

- (i) Democratic Services Officer (DSO) to announce and record any apologies received.

C Minutes of previous meeting and Disclosure of Members' Interests

D Development Control

APPLICATION

Chair

Introduces application

Site Visit Video (previously circulated) - invite members questions

Planning Officer

Updates – Changes to recommendations – present report

Public Speaking

Objector(s) (up to 5 mins)

Local member (up to 5 mins)/ parish councillor (up to 5 mins)

Applicant/Supporter (up to 5 mins)

NO QUESTIONS IN RELATION TO WRITTEN REPRESENTATIONS OR OF/BY LOCAL COUNCILLOR

Committee members' questions to Planning Officers

Chairman to respond to raised hands of members as to whether they have any questions of the Planning Officers

Debate (Rules)

Proposal

Seconded

DEBATE

Again Chairman to respond to raised hand of members as to whether they wish to participate in the debate

- No speeches until proposal seconded
- Speech may not exceed 6 minutes is this to be retained
- Amendments to Motions
- Approve/Refuse/Defer

Vote(by majority or Chair's casting vote)

- (i) Planning Officer confirms and reads out wording of resolution
- (ii) Legal officer should then record the vote FOR/AGAINST/ABSTAIN (reminding members that they should abstain where they have not heard all of the consideration of the application)



Northumberland County Council

TYNEDALE LOCAL AREA COUNCIL

10 AUGUST 2021

DETERMINATION OF PLANNING APPLICATIONS

Report of the Director of Planning

Cabinet Member: Councillor CW Horncastle

Purpose of report

To request the Local Area Council to decide the planning applications attached to this report using the powers delegated to it.

Recommendations

The Local Area Council is recommended to consider the attached planning applications and decide them in accordance with the individual recommendations, also taking into account the advice contained in the covering report.

Key issues

Each application has its own particular set of individual issues and considerations that must be taken into account when determining the application. These are set out in the individual reports contained in the next section of this agenda.

DETERMINATION OF PLANNING APPLICATIONS

Introduction

1. The following section of the agenda consists of planning applications to be determined by the Tynedale Local Area Council in accordance with the current delegation arrangements. Any further information, observations or letters relating to any of the applications contained in this agenda and received after the date of publication of this report will be reported at the meeting.

The Determination of Planning and Other Applications

2. In considering the planning and other applications, members are advised to take into account the following general principles:
 - Decision makers are to have regard to the development plan, so far as it is material to the application
 - Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise

- Applications should always be determined on their planning merits in the light of all material considerations
 - Members are reminded that recommendations in favour of giving permission must be accompanied by suitable conditions and a justification for giving permission, and that refusals of permission must be supported by clear planning reasons both of which are defensible on appeal
 - Where the Local Area Council is minded to determine an application other than in accordance with the Officer's recommendation, clear reasons should be given that can be minuted, and appropriate conditions or refusal reasons put forward
3. Planning conditions must meet 6 tests that are set down in paragraph 206 of the NPPF and reflected in National Planning Practice Guidance (NPPG, March 2014 as amended). They must be:
- Necessary
 - Relevant to planning
 - Relevant to the development permitted
 - Enforceable
 - Precise
 - Reasonable in all other respects
4. Where councillors are contemplating moving a decision contrary to officer advice, they are recommended to consider seeking advice from senior officers as to what constitutes material planning considerations, and as to what might be appropriate conditions or reasons for refusal.
5. Attached as Appendix 1 is the procedure to be followed at all Local Area Councils.

Important Copyright Notice

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BACKGROUND PAPERS

These are listed at the end of the individual application reports.

IMPLICATIONS ARISING OUT OF THE REPORT

Policy:	Procedures and individual recommendations are in line with policy unless otherwise stated
Finance and value for Money:	None unless stated
Human Resources:	None
Property:	None

Equalities:	None
Risk Assessment:	None
Sustainability:	Each application will have an impact on the local environment and it has been assessed accordingly
Crime and Disorder:	As set out in the individual reports
Customer Considerations:	None
Consultations:	As set out in the individual reports
Wards:	All

Report author Rob Murfin
 Director of Planning
 01670 622542
 Rob.Murfin@northumberland.gov.uk

APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES

Chair

Introduce application

Planning Officer

Updates – Changes to Recommendations – present report

Public Speaking

Objector(s) (5mins)

Local Councillor/Parish Councillor (5 mins)

Applicant / Supporter (5 mins)

NO QUESTIONS ALLOWED TO/ BY PUBLIC SPEAKERS

Member's Questions to Planning Officers

Rules of Debate

Proposal

Seconded

DEBATE

- No speeches until motion is seconded
- Speech may not exceed 10 minutes
- Amendments to Motions
- Approve/ refuse/ defer

Vote (by majority or Chair casting vote)

Chair should read out resolution before voting

Voting should be a clear show of hands.

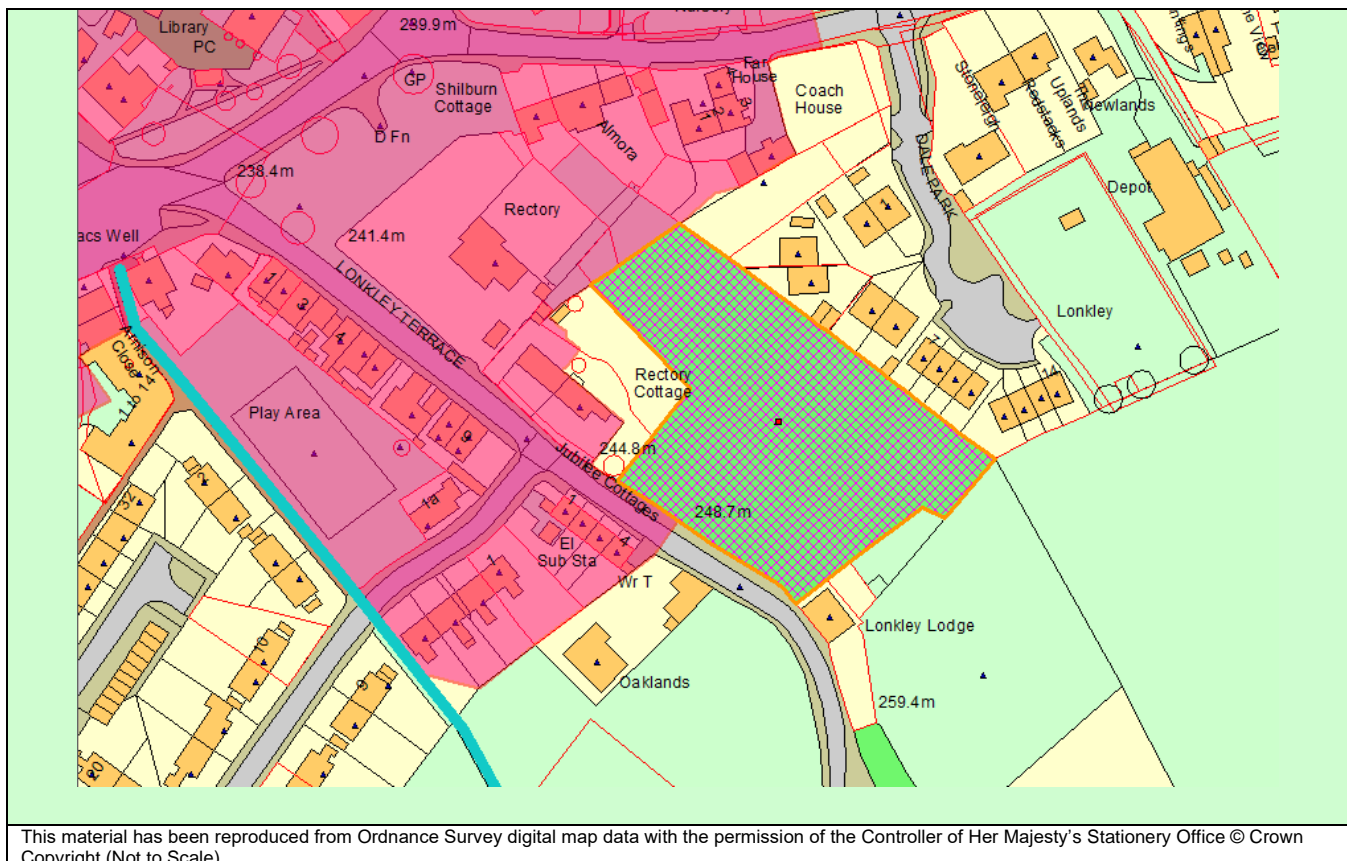


Northumberland County Council

Tynedale Local Area Council Planning Committee 10 August 2021

Application No:	20/02417/FUL		
Proposal:	Residential development of 9 detached and semi-detached dwellings, single and two storey, plus associated infrastructure works (amended description).		
Site Address	Land North of Lonkley Lodge, Lonkley Head, Allendale, Northumberland		
Applicant:	Mr Mark Goodson 12 Ridley Close, Hexham, NE46 2HY,	Agent:	Mr Andrew Herdman Forge Cottage, 16 Eglington, Alnwick, NE66 2TZ
Ward	South Tynedale	Parish	Allendale
Valid Date:	17 August 2020	Expiry Date:	30 June 2021
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 GRANTED permission



1. Introduction

1.1 Under the Virtual delegation scheme, 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 issues of strategic, wider community or significant County Council interest and therefore should be considered by Members of the Tynedale Local Area Council Planning Committee.

2. Description of the Proposals

2.1 Planning permission is sought for the construction of nine dwellings, plus associated infrastructure works on land north of Lonkley Lodge, Allendale. The site, which covers some 0.48 hectares, is an area of grassland with some mature trees fronting Lonkley Terrace (C296). The site slopes steeply from south to north and is the start of the built-up area of Allendale when approached from the south-east. To the rear (east) of the site is the Dale Park residential development, with Lonkley Lodge located at the south-west corner of the site.

2.2 The site would be accessed to the north of the existing field access with the development covering a roughly rectangular area of land, and in the north-eastern portion of the site, a pond for water capture and area of grassland would be sited. The proposal would consist of a mixture of detached three- bedroom houses, detached two and three bedroom bungalows; and three bedroom semi-detached houses. Three two storey properties would face towards Lonkley Terrace: plot 1, a detached house to the west of the access and plots 8 and 9 to the east which would be semi-detached and step down the slope of the land. Plot 2, a detached dwelling would be located behind plot 1 with three bungalows, plots 3, 4 and 5 parallel to the boundary with Dale Park. Plots 6 and 7, which would be semi-detached houses, would be located in the south-eastern corner of the site. All the properties would have garages, apart from plots 8 and 9 which would have two car parking spaces to the rear of each dwelling.

2.3 The dwellings would be built with natural random rubble sandstone to all principal elevations with the use of stone quoins, lintels, mullions and sills; render on some elevations and slate roofs. The proposal would have differing designs: some with single storey extensions and front and rear porches, and gables to the roof in the case of plots 6 and 7. Windows would be white or off-white uPVC in a traditional sliding sash style. Doors would also be of a traditional style. Rainwater gutters would be fixed using traditional methods with no fascia or soffit boards. The bungalows would be between 5.8 and 6.1 metres high in the case of Plot 5 which has a bedroom in the roof space and the houses would be 7.29 metres in height for plots 6 and 7; some 7.4 metres in height for plots 8 and 8.1 metres in height for plot 2 and 8.5 metres in height to the apex of the roof for plot 1. The existing stone boundary walls would be retained, apart from where the entrance would be created, and further dry-stone walling would be used throughout the site, as well as the planting of hedgerows and trees. Private driveways and visitor parking areas would be formed from Beamish cobble blocks.

2.4 The site is currently bounded with a stone wall and a wide grass verge along Lonkley Terrace, with mature trees along the boundary in the south -west corner. The stone walling continues around most of the site with some timber fencing and

hedging adjacent to Rectory Cottage to the north-west. The site is on the edge of the village of Allendale and immediately adjacent to the boundary of the Allendale Conservation Area. The site is located in the North Pennines AONB.

2.5 The application was submitted in 2020 but since that time the application has been amended reducing the numbers, layout and design of the dwellings.

2.6 Submitted with the application were the following documents:

- 'Ecological Impact Assessment Land at Lonkley Terrace, Allendale' March 2021, EcoNorth Ltd., Version V02 Final, 12/03/21.
- Phase I Geoenvironmental Desk Study – DBS Environmental Ltd September 2020
- Phase I Geoenvironmental Desk Study – DBS Environmental Ltd March 2021 Ref: 1401R001i2
- Design, Access and Heritage Statement Rev A (20 February 2021)
- Arboricultural Implications Assessment Lonkley Terrace V2 2021 (Woodsman Arboricultural Consultancy)
- Flood risk assessment and proposed drainage strategy
- Sustainable Drainage Assessment (GeoSmart Information)

3. Planning History

No known planning history

4. Consultee Responses

Allendale Parish Council	Objection: regarding underwater tank and drainage problems of residents to the north and the safeguarding of water to Isaac's Well. The Council recommend that the Planning Officer contact the Newcastle Diocese because of the existence of a covenant preventing development of the land.
Highways	No objection subject to conditions.
North Pennines AONB	No objection as ecological issues dealt with.
Forestry Commission	No opinion given.
Building Conservation	No objection: design and layout much improved. Chimneys should be added to all properties. All rooflights should be vertically proportioned, flush fitting conservation roof lights.
Lead Local Flood Authority (LLFA)	No objection subject to conditions
Education - Schools	No impact on educational infrastructure or SEND numbers.
Northumbrian Water Ltd	No objection subject to a condition.
Fire & Rescue Service	No objection in principle
Public Protection	No objection subject to conditions

County Ecologist	No objection subject to conditions
County Archaeologist	No objection subject to a condition

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	34
Number of Objections	40
Number of Support	3
Number of General Comments	0

Notices

Site notice: expired 6 October 2020

Press notice: expired 17 September 2020

Summary of Responses:

There have been 40 objections from 20 households and three letters of support.

The the main objections can be summarised as:

- Increased traffic congestion and concerns over road safety
- Noise pollution and CO² emissions
- Loss of privacy, light and overshadowing of adjacent properties
- Lack of privacy for plot 8
- Loss of natural habitat for range of fauna seen on the site
- Loss of mature trees
- Development does not reflect local people and local need
- Not fulfil affordable housing need
- Disruption of historic water course which feeds into Isaac's Well
- Increased surface run off leading to risk of future flooding from the site
- No reference to drainage system or solution
- Poor design and layout
- Fails to comply with planning policy
- Loss of historic and archaeological importance

The three letters of support highlighted that the development was:

- Good for the community
- A good use of land
- Good design

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

<http://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QE6PX7QSHT400>

6. Planning Policy

6.1 Development Plan Policy

Allendale Neighbourhood Development Plan (Made 1 July 2015)

ANDP 1 General Development Principles

ANDP 2 Scale of Housing Development

Tynedale LDF Core Strategy 2007

GD1 Locational policy setting out settlement hierarchy

GD5 Minimising flood risk

BE1 Principles for the built environment

NE1 Principles for the natural environment

H1 Principles for housing

H3 The location of new housing

H4 Housing on green field land

Tynedale Local Plan (April 2000)

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

NE15 Development in the North Pennines AONB

NE27 Protection of Protected Species

NE33 Protection of Trees, Woodlands and Hedgerows

NE34 Tree felling

NE37 Landscaping in developments

BE18 Development affecting the character and setting of a Conservation Area

BE29 Development and preservation

H32 Residential design criteria

CS24 Development adjacent to or in vicinity of contaminated land

CS27 Sewerage

LR11 Outdoor sports facilities for new residential development

LR15 Play areas in new residential developments

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG) (2014 as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

STP1 Spatial strategy

HOU 2 Provision of new residential development (Strategic Policy)

HOU 5 Housing types and mix

QOP2 Good design and amenity

QOP4 Landscaping and trees

TRA4 Parking provision in new development
ENC15 Tourism and visitor development
ENV2 Biodiversity and geodiversity
ENV3 Landscape
ENV4 Tranquillity, dark skies and a sense of rurality
ENV6 North Pennines Area of Outstanding Natural Beauty
ENV7 Historic environment and heritage assets
WAT2 Water supply and sewerage
WAT3 Flooding
WAT4 Sustainable drainage systems
INF6 Planning obligations

6.4 Other documents/strategies

North Pennines AONB Building Design Guide (2011)

7. Appraisal

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

Principle of development
Housing land supply
Siting, design and residential amenity
Impact on the character of Allendale Conservation Area and the North Pennines AONB
Impact on adjoining residential amenity
Access, highways and parking
Ecological impact and trees
Archaeology
Flooding, foul and surface water drainage
Public protection
Education
Sports and play provision
Other issues: underground tank and Isaac's Well

Principle of development

7.2 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development comprises policies in the Tynedale Core Strategy and the Tynedale Local Plan as identified above. The National Planning Policy Framework (NPPF) (February 2019) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.3 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.4 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.5 The application site is a greenfield site on the edge of the village of Allendale. Policy GD1 of the Tynedale Core Strategy sets out the principles for the location of new development with the main focus for development being main towns, local centres and smaller villages with adequate services. The location of the site accords with the 'General Development Principles' in Policy ANDP 1 of the Neighbourhood Plan where development should be at a scale and in locations where the development can be shown to support and maintain the continued sustainability and viability of communities across the Parish by providing new homes.

7.6. The proposed housing would be on a greenfield site but the emerging Local Plan allocates the site for housing under Policy HOU 4 (d)(viii) 'land east of Lonkley Terrace, Allendale Town' stating the site to be 0.55ha in area and having capacity of between 8 and 16 dwellings which is based on two SHLAA assessments which assessed the site as 'suitable', 'available' and 'achievable' within 6-10 years of the SHLAA. Although the Tynedale Core Strategy establishes a sequential approach to the location of new development, the NPPF (chapter 11) requires an effective use of land in providing homes and other uses, therefore limited weight can be given to the Core Strategy in this respect. As the site is in a local centre with adequate services, the provision of housing would accord with Tynedale Core Strategy Policies H1 and H3.

7.7 Allendale Neighbourhood Plan Policy ANDP 2 refers to small scale housing schemes which do not compromise the character and appearance of the area and covers schemes of up to 9 dwellings. The policy states that the housing development would: need to be of a nature and scale that reflects and respects the character and appearance of the area in which it is situated and it can be readily visually accommodated into the surrounding landscape or townscape without adverse impact on the character of its setting; not result in an adverse impact on the amenity of any existing neighbours; and not otherwise adversely impact sensitive land uses. These issues will be explored further below.

7.8 As the development is for less than ten houses, an affordable housing provision is not required, as confirmed by the Affordable Housing Officer.

7.9 The NPPF (paragraphs 125) also discusses appropriate densities for dwellings. At this site the density would be 19 dwellings per hectare which is below the site density of 30 dwellings per hectare as set out in Core Strategy Policy H5. However, in the context of this site, which is on the edge of the settlement, and within a village, the density proposed for this site is not inappropriate.

Housing land supply

7.10 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' 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, the presumption in favour of sustainable development does not apply.

Siting, design and residential amenity

7.11 Chapter 12 of the NPPF sets out the principles of creating well-designed places. Good design is a key aspect of sustainable development and the NPPF stresses that planning decisions should ensure that development adds to the overall quality of the area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to local character and history, including the surrounding built environment and landscape setting; and establishes or maintains a strong sense of place. This understanding of a site and its context is discussed in the National Design Guide and the need for the design to contribute to local distinctiveness.

7.12 A Design and Access Statement has been submitted with the application which discusses the design ethos of the proposal. The application has been amended since the original submission, creating an overall design, including the housing, roads and landscaping to be appropriate to the character of the village of Allendale, redolent of the vernacular and in line with the North Pennines AONB Design Guide.

7.13 The development has also been amended to 'work with the site' and have a more traditional form with properties fronting onto Lonkley Terrace stepping down the slope. This stepping of levels would continue through the site and plots 6, 7 and 8 would partially be built into the hillside and any retaining works within the site would use natural materials, either timber or stonework. Stone, slate and some render would be used for the housing with roofs constructed as traditional gables and chimneys added to some of the properties. Windows and doors would be of a traditional style. Different surfacing materials for the roads, parking and pathways would be used and there would be native mixed hedging and tree planting around the site in order to enhance the biodiversity of the site. Stone walling would be used as boundaries, based on the existing stone boundaries around much of the site.

7.14 The North Pennines AONB and the Building Conservation Officer have been involved in discussions on the design and layout of the development. The AONB has no objection to the development. The Building Conservation Officer has commented that the design and layout is much improved, although considers that chimneys should be added to all properties and has recommended a condition in relation to the proposed rooflights.

7.15 In order to design a more traditional form of development, not all of the plots would have a rear garden depth of 10m as outlined in Tynedale Local Plan Policy H32. However, because of the width of the dwellings, the gardens would be of an

appropriate size providing private amenity space. The plots at the front of the site would have, in the case of plots 8 and 9, long front gardens with the existing mature trees and further hedging and tree planting creating privacy. Objections from Lonkley Lodge have raised the issue that they would be looking into the amenity space of plot 8, and although there may be a degree of overlooking into the front garden, it is considered that adequate privacy can be created in the side area to the south. Plot 1 would have no rear garden but would have garden to the front, and to both sides. Again, the site would have landscaping in the form of hedging and trees and the area to the north would provide private amenity space, as would the area to the north of Plot 2. Despite objections relating to overlooking into the amenity space of proposed dwellings, it is considered that overall an adequate level of private amenity space would be provided for the proposed dwellings. It is considered that this and the proposed design of the development would accord with Policy ANDP 1, Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policies GD2 and H32 and the NPPF.

Impact on the character of Allendale Conservation Area and the North Pennines AONB

7.16 The site abuts the boundary of the Allendale Conservation Area and the site and village lie within the North Pennines AONB. The site has been developed to follow the design principles of the AONB Building Design Guide and in line with Policy ANDP 1 to not significantly and adversely affect the 'character and appearance of the settlement ...in which it is located'. Policy ANDP 1 goes on to say that development that significantly and adversely affects the landscape character, and appearance of the AONB will not be permitted which is also mirrored in Policy NE15 of the Tynedale Local Plan. It is considered that the design of the development as assessed above using a traditional design, form and materials would not harm the character of the adjoining Allendale Conservation Area and the character and appearance of the AONB in line with Policy ANDP 1, Tynedale Local Plan Policies NE15 and BE18 and chapters 15 and 16 of the NPPF.

Impact on adjoining residential amenity

7.17 The application has been designed to take account of the position of existing properties and is sited with the residential development at Dale Park to the rear. Consequently, bungalows have been proposed along the eastern side of the site so that they would not be overbearing on the existing properties and would not result in overlooking into the rear gardens of 4-6 Dale Park. Providing garages at the rear of the plots and planting additional hedging and trees would also increase levels of privacy. By constructing plots 5 and 6 in the south-east corner, facing down the site to the north, there would be no overlooking into plots 7-10 Dale Park. Although there have been a number of objections from residents of Dale Park, and it is acknowledged that their outlook would change as a result of this development, it is considered that the proposal would not be overbearing or have an adverse effect on their amenity.

7.18 At the front of the site, plots 1, 2 and 9 are considered to not impact on the amenity of adjoining neighbours. Lonkley Lodge, which is the closest property to the site, has objected to the position of plot 8 and so this plot has been positioned a further 2.7 metres away, 5.7 metres in total, from their boundary wall but would be set back from their side elevation, which with windows on the side and a conservatory, looks northwards and into the site. Although the outlook of Lonkley

Lodge would change, they are in an elevated position above the site and with existing trees on the boundary and the location of plot 8, they would not be overlooked. The property also has a long garden area to the east of their house and so they would maintain private amenity space.

7.19 Despite objections, it is considered that the development would not have a detrimental impact on the amenity of adjoining residential properties and that planning permission should not be refused for this reason. It is considered that the application would accord with Policy ANDP 1 and Tynedale Local Plan Policies GD2 and H32.

Access, highways and parking

7.20 The site is located off the C296, Lonkley Terrace, and the development would access the site to the north of an existing field access. As there are no pavements along the front of the site, the Highway Authority has recommended a footway from the site to the existing footway at the junction with the U8226, Allenfields. The access provided would be a Northumberland County Council's Type C, which would require an agreement with the Council, with the access to the site being offered for adoption by Northumberland County Council and the internal road to remain under private ownership. Visibility splays would be acceptable. Details of the surface water drainage in relation to the highway which would discharge surface water into the existing combined NWL drain, plus details of surface water drainage at the site access have been provided and considered acceptable. Drawings of vehicle swept paths have been submitted and these show that turning and manoeuvring throughout the site is achievable by both car and refuse vehicle. A Construction Method Statement would need to be submitted and approved prior to any works commencing on site.

7.21 Parking would consist of a mixture of garages and parking areas, including visitor parking. Cycle storage would use Sheffield-style cycle racks, wall mounted cycle hooks or external timber storage sheds. The parking and proposed cycle and refuse storage is considered acceptable by the Highway Authority. Following revisions to the scheme, and despite objections in relation to the development and its impact on the highway, the Highway Authority considers that the development would not have a significant impact on highway safety and there is no objection in principle to the proposals. Conditions and informatives in relation to car parking, cycle storage, highway works, refuse servicing, street lighting and impacts during the construction phase would address any concerns with the development. The application would accord with Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

Ecological impact and trees

7.22 The report 'Ecological Impact Assessment Land at Lonkley Terrace, Allendale' March 2021, EcoNorth Ltd., Version V02 Final, 12/03/21 was submitted with the application; an update to the original one submitted. The application includes the planting of 20 native trees and a mixed native hedgerow, the provision of rain gardens and a pond, plus the planting of meadow mix grassed areas.

7.23 The site is considered to be largely species poor semi-improved grassland, with trees near the site boundaries. The County Ecologist has assessed the application and has no objections but recommended a condition to secure ecological avoidance,

mitigation and enhancement. The Ecologist has also commented that the revised proposal has provided space to create and enhance grassland to the north-west of the site with the hard and soft landscaping plan showing a range of native species to be used in boundary hedgerows as standard trees and meadow grassland. It is considered that the inclusion of areas of enhanced meadow is positive, particularly around the SuDS pond. The Ecologist has commented that the species proposed is appropriate apart from the use of Field Maple and has therefore recommended that there is a condition in terms of further details on landscaping. A condition to protect the existing trees during construction has also been recommended.

7.24 In terms of the wider ecological impacts of the development, the site lies some 900 metres north of the North Pennines Dales Meadows Special Area of Conservation (SAC) and Peckriding Meadows Site of Special Scientific Interest (SSSI) with further SAC and SSSI lying some 1.2km to the south-east. The site has been considered in light of the assessment requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) by Northumberland County Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it was concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. The proposal does not meet any of the criteria in Natural England's Impact Risk Zone (IRZ) for this location. In terms of the ecology of the site, including the trees, the application would accord with Tynedale Local Plan Policy NE27, Policy ANDP 1 and the NPPF.

Archaeology

7.25 The County Archaeologist has evaluated the proposal and has said that the site is outside the historic settlement focus of Allendale with the slope of the site making it less likely to have been used for historic settlement. The site does, however, contain quite well-preserved ridge and furrow earthworks showing that the site was used for agriculture probably from the medieval period onwards. The County Archaeologist considers that although the earthworks are of interest, this is of local importance and 'not of sufficient significance to warrant refusal of the application to enable them to be preserved in situ' but as evidence of historic land-use within the medieval and later settlement of Allendale, they do warrant preservation by record. The County Archaeologist has therefore recommended an archaeological recording condition to be attached to any grant of planning permission. Subject to this condition the application would accord with Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policy BE29 and the NPPF.

Flooding, foul and surface water drainage

7.26 The site is in flood zone 1. A Flood risk assessment and proposed drainage strategy, a Sustainable Drainage Assessment (GeoSmart Information) and plans showing the surface water management on the site (Drawing no:0300CIV220) and one showing proposed foul drainage (Drawing no:0300CIV210) have been submitted and assessed. There would be a pond in the north-eastern corner of the site, rainwater harvesting butts, permeable paving and attenuation tanks/geo-cellular storage crates for surface water runoff. Existing drainage and flooding issues have been of concern to many objectors but the LLFA have been consulted on the application and following the submission of additional information have no objection

subject to conditions. Subject to these conditions the application would accord with Tynedale Core Strategy Policy GD5.

7.27 Northumbrian Water had previously commented at the pre-application stage that their initial analysis was that there was insufficient capacity in the network for the anticipated surface water flows arising from the development and advised that alternative sustainable solutions for surface water should be found. They have recommended a condition in this respect.

Public Protection

7.28 The Environmental Protection team have been consulted on the application and are satisfied that the risk to human health from the proposal is negligible in terms of ground contamination and ground gases including radon. They have, however, because of the proximity of adjoining residential properties recommended conditions in relation to noise and dust during the construction phase. Subject to these conditions the application would accord with Tynedale Local Plan Policies GD2 and CS23.

Education

7.29 Tynedale Core Strategy Policy CS1 which discusses the principles for community services and facilities seeks to address deficiencies in services and facilities and facilitate improvements in their level of provision. The NPPF (paragraph 95) states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. In this respect the Education Department has been consulted and have commented that the development has been assessed for its impact on local education infrastructure and there would be no impact on educational infrastructure or SEND numbers. The application would accord with Tynedale Core Strategy Policy CS1 and the NPPF.

Sports and play provision

7.30 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. The developer has agreed to a contribution which with seven 3-bedroom dwellings and two 2-bedroom dwellings would include a contribution of £17,350 to play/informal open space and £9850 to outdoor sport, totalling £27,200. This would need to be provided and secured by way of a Section 106 agreement for any development to progress on the site and subject to this the application would accord with Tynedale Local Plan Policies LR11 and LR15 in this respect.

Other issues: Underground tank and Isaac's Well

7.31 A number of objections have been received, including from the Parish Council regarding the impact that the development would have on Isaac's Well. The applicant has since undertaken investigations on the site which has shown that the

discharge pipe ultimately flows into the existing 150mm diameter combined sewer belonging to Northumbrian Water – and not Isaac's Well. The applicant has confirmed that the works on the site would not affect the below-ground tank or the discharge pipe. It has been found that Isaac's Well is fed by a drain that collects water from the Allenfields playing fields. An updated topographical survey showing the location of the underground water tank was provided. The application would therefore accord with Tynedale Core Strategy Policy BE1 and GD5.

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 has been assessed against the NPPF and the development plan, which includes the Allendale Neighbourhood Plan, and the principle of housing on this site is considered acceptable. Despite the objections from neighbours, consultees have assessed the application and have no objection subject to relevant conditions. The objection from the Parish Council with regard to Isaac's Well and the underground tank has been investigated on site and would not be affected by the development. The design and layout of the development using traditional materials and native landscaping following the principles of the AONB Design Guide would ensure that the proposal would not harm the character of the adjoining Allendale Conservation Area and the landscape and appearance of the North Pennines. Despite the outlook of adjoining residents changing as a result of this development, it is considered that the development would not result in an overbearing appearance or loss of privacy whereby planning permission should be refused. Subject to all relevant conditions and the signing of a Section 106 agreement in respect of financial contributions for Sports and Play, including the sum of £17,350 for play/informal open space and £9,850 for outdoor sport, the application is considered to be in accordance with the development plan.

9. Recommendation

That this application be GRANTED permission subject to the signing of a Section 106 agreement in respect of financial contributions for Sports and Play including the sum of £17,350 for play/informal open space and £9,850 for outdoor sport.

Conditions/Reason

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall not be carried out otherwise than in accordance with the approved plans. The approved plans for this development are:

Drawing no: 102 Rev E Proposed site plan
Drawing no: 1110 Plot 1 elevations
Drawing no: 1111 Plot 1 floor and roof plans and section
Drawing no: 1112 Plot 2 elevations
Drawing no: 1113 Plot 2 floor and roof plans and section
Drawing no: 1114 Rev A Plot 3 elevations
Drawing no: 1115 Plot 3 floor and roof plans and section
Drawing no: 1116 Rev A Plot 4 elevations
Drawing no: 1117 Plot 4 floor and roof plans and section
Drawing no: 1118 Rev A Plot 5 elevations
Drawing no: 1119 Rev A Plot 5 floor and roof plans and section
Drawing no: 1120 Rev A Plots 6 and 7 elevations
Drawing no: 1121 Rev A Plots 6 and 7 floor plans
Drawing no: 1122 Rev A Plots 6 and 7 roof plan and sections
Drawing no: 1123 Rev A Plots 8 and 9 elevations
Drawing no: 1124 Rev A Plots 8 and 9 floor plans
Drawing no: 1125 Rev A Plots 8 and 9 roof plan and sections
Drawing no: 110 Proposed hard and soft landscaping

Drawing no:0300/CIV/200 Site access: existing and proposed
Drawing no:0300/CIV/202 Site access: sections and details

Surface Water Management Scheme Incorporating SuDS Features / Elements - As
Proposed reference 0300/CIV/220
Sustainable Drainage Assessment reference 74540R1 Surface Water Drainage -
Details as Proposed Sheet 1 of 2 reference 0300/CIV/221
Surface Water Drainage - Details as Proposed Sheet 2 of 2 reference 0300/CIV/222

Reason: To ensure that the development is carried out in complete accordance with the approved plans.

3 Before development commences above damp-proof course level, details and samples of all materials, including slate, stone, lintels, sills, drainage goods, windows and doors and any other materials to be used in the construction of the dwellings and garaging and for use in the landscaping, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance of the area and the amenity of neighbouring properties. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

4 The natural stone to be used in the exterior of the building shall be laid in rough courses with mortar of a colour to match the natural colour of the stone and with flush or very slightly recessed joints.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

5 A sample panel of at least one metre square shall be built and made available to the Local Planning Authority with details of the mortar, which shall be lime based, provided and approved in writing by the Local Planning Authority prior to the construction of the stonework. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

6 The proposed houses shall have no fascia boards and guttering shall be fixed with traditional brackets.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

7 Windows shall be set within their openings by approximately 100mm and have no trickle vents.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

7 Roofs shall be constructed of natural slate, a sample of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the

development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

8 All roof lights shall be black and vertically proportioned in a flush fitting conservation style.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

9 Notwithstanding what is shown on the submitted plans, full details of the existing and proposed finished site levels, as well as the finished floor levels of all the dwellings, shall be submitted and approved in writing by the Local Planning Authority prior to any construction above damp- proof level. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interests of visual and residential amenity of the site and the area in accordance with Tynedale Local Plan Policies Gd2 and H32 and the NPPF.

10 Notwithstanding what is shown on the submitted plans, included drawing no: 0300/ARCH /110: proposed hard and soft landscaping, details and samples where appropriate of all boundary treatments including dry stone walls and hedging, and the soft landscaping shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, porches or additional window openings, boundary treatment or other structures or buildings shall be constructed within the curtilage of the dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on the appearance of the dwelling house and on neighbouring properties of any additions may be properly assessed in the interests of amenity and in accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

12 No dwelling shall be occupied until the car parking areas indicated on the approved plans has been implemented in accordance with the approved plans. Thereafter, the car parking areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

13 Notwithstanding the details submitted, no dwelling shall be occupied until details of the proposed highway works (the construction of the site access/egress onto the C296, Lonkley Terrace, together with associated pedestrian connectivity works and dropped kerb crossing/tactile paving on Lonkley Terrace and Allenfields, drainage and streetlighting) have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

14 Notwithstanding the details provided, the development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

15 Development shall not commence until a Construction Method Statement together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement and plan shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development
- v. Routing Strategy

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Tynedale Local Plan Policies GD2, GD4 and GD6 and the NPPF.

16 No dwelling shall be occupied until details of refuse servicing strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the servicing of refuse storage containers within the site, and if NCC Refuse Team are to collect from the site confirmation that there will be liability for any damage or wearing caused to the internal road layout as a result of normal servicing of the site. The approved refuse servicing strategy shall be confirmed and implemented before the development is brought into use. Thereafter the refuse storage facilities and No dwelling shall be occupied until details of refuse servicing strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the servicing of refuse storage containers within the site, and if NCC Refuse Team are to collect from the site confirmation that there will be liability for any damage or wearing caused to the internal road layout as a result of normal servicing of the site. The approved refuse servicing strategy shall be confirmed and implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse servicing strategy shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Local Plan Policy GD2 and the NPPF.

17 No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with with Local Plan Policy GD2 and the NPPF.

18 The development hereby permitted shall undertake in accordance with the following, unless otherwise agreed in writing by the local planning authority:

- No tree felling or vegetation clearance shall be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
- Prior to first occupation or use of the development, a minimum of one integrated bird box and/or bat box must have been constructed within the fabric of each of the new building following best practice guidance.
- All species used in the planting proposals shall be locally native species of local provenance.
- All garden boundary fences, or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To conserve and enhance local biodiversity in line with the NPPF. In accordance with Tynedale Core Strategy Policy NE1 and the NPPF.

19 No development shall be carried out other than in accordance with the tree protection plan included in 'Pre-Development BS5837 Arboricultural Implications Assessment - Lonkley Terrace 2020', Woodsman Arboricultural Consultancy, Rev A 12th March 2021.'

Reason: To maintain and protect the existing landscape and biodiversity value of the site. In accordance with Tynedale Core Strategy Policy NE1, Tynedale Local Plan Policy NE33 and the NPPF.

20 A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 15/10/20). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

- a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCCCT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.
- b) The archaeological recording scheme required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.
- c) The programme of analysis, reporting, publication and archiving if required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest. In accordance with Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policy BE29 and the NPPF.

21 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with Tynedale Core Strategy Policy GD5 and the NPPF.

22 During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with Tynedale Local Plan Policy GD2.

23 Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours: Monday to Friday - 08:00 to 18:00 Saturday - 08:00 to 13:00 With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with Tynedale Local Plan Policy GD2.

24 No development shall commence, until a written dust management plan has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall be carried out in accordance with the plan so agreed.

Reason: To ensure a commensurate level of protection against obtrusive windblown dust and debris. In accordance with Tynedale Local Plan Policy GD2

25 If during redevelopment contamination not previously considered is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants in accordance with Tynedale Local Plan Policy CS23.

26 No external lighting may be installed at or above the first floor level of any of the approved dwellings.

Reason: To protect residential amenity and provide a commensurate level of protection against light. In accordance with Tynedale Local Plan Policy GD2.

27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) the garages hereby approved shall not be converted into habitable accommodation, including utility room, study or similar uses, without the prior written consent of the Local Planning Authority.

Reason: To ensure the provision of adequate off-road parking space within the site and in accordance with Policy GD6 of the Local Plan.

Reason: The Local Planning Authority considers that any further development may prejudice a satisfactory layout and could have a harmful effect upon the amenity of the area and in accordance with the Nation Planning Policy Framework.

28 Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall

- i. Restrict discharge from the development to 2 l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by LLFA and the local planning authority.
- ii. Adhere to the principles as set out in the drainage strategy from '*Surface Water Management Scheme Incorporating SuDS Features / Elements - As Proposed*' reference '0300/CIV/220' and '*Sustainable Drainage Assessment*' reference '74540R1'
- iii. Provide attenuation on site for the 1 in 100 year plus climate change event.
- iv. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.
- v. Provide details of the adoption and maintenance of all surface water features on site.
- vi. Provide technical details and cross-section of the proposed permeable paving. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the effective disposal of surface water from the development in accordance with Tynedale Core Strategy Policy GD5.

29 Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime in accordance with Tynedale Core Strategy Policy GD5.

30 Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features. in accordance with Tynedale Core Strategy Policy GD5.

31 Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- * As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- * Construction details (component drawings, materials, vegetation);
- * Health and Safety file; and
- * Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards. in accordance with Tynedale Core Strategy Policy GD5.

Background Papers: Planning application file(s) 20/02417/FUL

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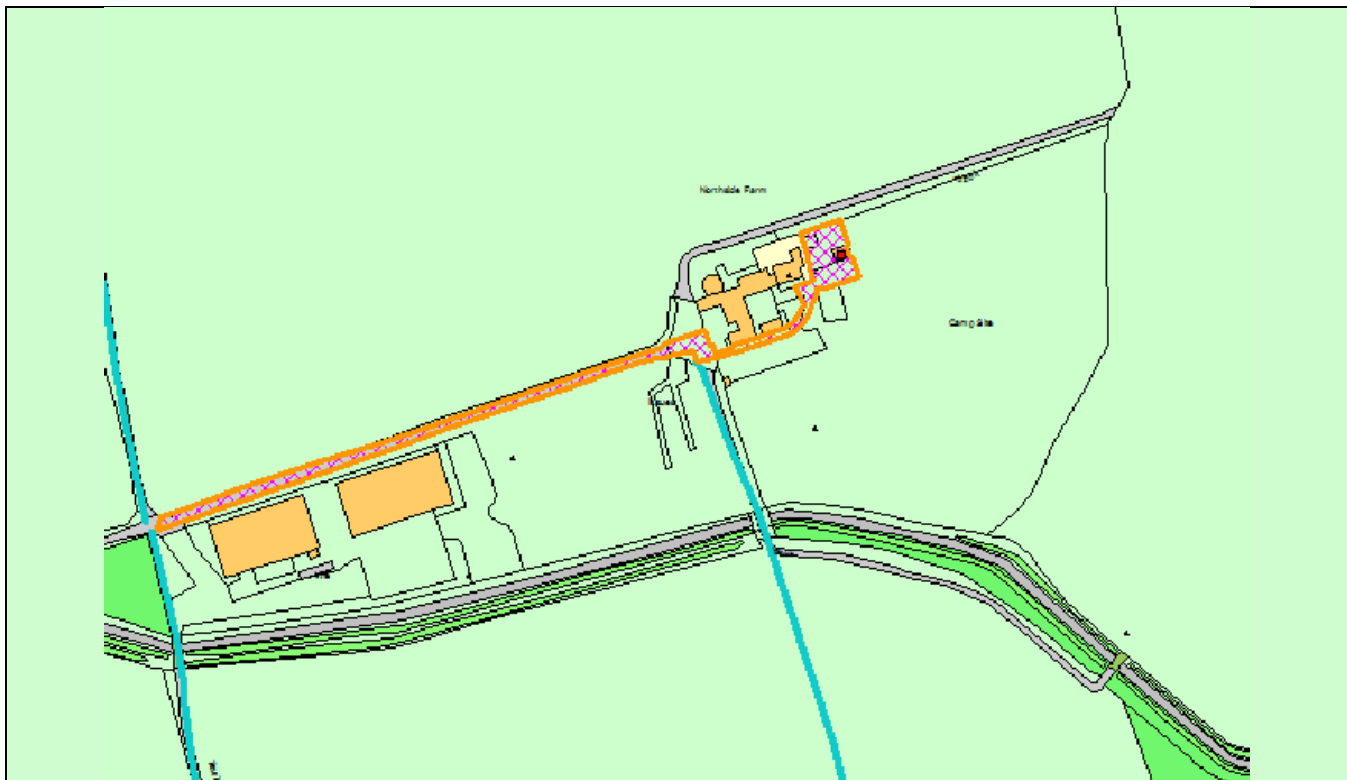


Northumberland County Council

Tynedale Local Area Council Planning Committee 10 August 2021

Application No:	21/00826/FUL		
Proposal:	Proposed development of rural worker's dwelling		
Site Address	Land to south and east of North Side Farm, Harlow Hill, Northumberland		
Applicant:	Mr & Mrs Lockey, North Side Farm, Oatens Bank, Horsley, NE15 0LZ	Agent:	Miss Hannah Wafer, George F White, 4-6 Market Street, Alnwick, NE66 1TL
Ward	Bywell	Parish	Horsley
Valid Date:	7 May 2021	Expiry Date:	13 August 2021
Case Officer Details:	Name: Mr Neil Armstrong Job Title: Principal Planning Officer Tel No: 01670 622697 Email: neil.armstrong@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



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1. Introduction

1.1 Under the Virtual Delegation Scheme, the application has been referred to the Director of Planning and Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee due to the representations received to the proposals. It was agreed that the application raises issue of strategic, wider community or significant County Council interest, and so should be considered by the Committee.

2. Description of the Proposals

2.1 Full planning permission is sought for the construction of a detached, two-storey rural worker's dwelling at Northside Farm, Harlow Hill, Horsley. The holding extends to 27 hectares (68 acres). The wider site is used for the operation of a wedding venue in the converted former farm buildings, and in addition there are 10 camping pods and 4 timber holiday cottages, which are rented out for holiday accommodation and in connection with the wedding venue use. The applicants have also recently brought livestock onto the site, with a total of 21 hectares (51 acres) used as part of the livestock enterprise. The application states that the farm currently supports two Shorthorn beef cattle herds and 125 sheep. The new dwelling is proposed for the owners of the overall business at Northside Farm and their family.

2.2 The site is accessed from the U8197 and is located between the B6318 to the north and the A69 to the south, south-east of Harlow Hill and north of Horsley. The site is located in the open countryside and the Green Belt and is also within the Hadrian's Wall World Heritage Site Buffer Zone.

2.3 The applicant's planning statement sets out that due to what they state is the absence of a fit-for-purpose dwelling at the farm, the applicants currently live in Allendale (25 miles from the application site). It is stated that the applicants have explored options for living closer to the farm, although comment that house prices in the area surrounding Horsley are considerably more expensive than those in Allendale.

2.4 The planning statement makes reference to an existing dwelling on the holding, which is described as being derelict and in the process of being converted for additional office space due to the growing work force. Having regard to plans submitted with recent applications (18/04028/FUL and 19/00954/HPA) that sought to extend and alter this dwelling, it is noted that this is a three-bedroom property. It should be noted that there does not appear to be any consent that has been obtained in order to change the use of this to office space.

2.5 The application follows the withdrawal of a similar proposal for a dwelling submitted under reference 19/04535/FUL. Officers had raised concerns in relation to the lack of justification of an essential need for a new dwelling in this open countryside and Green Belt location, and the current application has sought to provide further information and justification to support the proposals.

3. Planning History

Reference Number: T/20040800

Description: Hedgerow removal notice - Retrospective - Removal of 150 metres of hedging

Status: Refused

Reference Number: T/20100358

Description: Construction of agricultural storage building and new vehicular and pedestrian access

Status: Permitted

Reference Number: T/20100821

Description: Change of use of existing building to provide services building incorporating showers/WC and kitchen and change of use of part of existing grass field for location of six wigwams including new tree/hedge planting

Status: Permitted

Reference Number: CM/20110114

Description: Advertisement consent for one non-illuminated double sided directional roadside sign

Status: Permitted

Reference Number: T/20110119

Description: Construction of agricultural storage building.

Status: Permitted

Reference Number: 11/01937/COU

Description: Retrospective: Change of use of existing building to provide kitchen and dining area for visitor accommodation

Status: Permitted

Reference Number: 12/01817/FUL

Description: Part conversion and extension of existing farm buildings to accommodate a small office and cafe including kitchen, outdoor area and amenities

Status: Permitted

Reference Number: 13/00205/FUL

Description: Proposed expansion of existing wigwam campsite by adding 4no additional wigwams

Status: Permitted

Reference Number: 16/02987/COU

Description: Proposed change of use of the barn development to hold weddings - to use barn as a wedding venue and events space, and change of use of farm house to wedding accommodation.

Status: Permitted

Reference Number: 16/00110/LIC

Description: Application for a premises licence

Status: No objection

Reference Number: 17/00006/LIC

Description: Application for a premises license.

Status: No objection

Reference Number: 17/00012/LIC

Description: Application for a premises license

Status: No objection

Reference Number: 18/01389/FUL

Description: Proposal for four additional camping cabins

Status: Permitted

Reference Number: 18/04028/FUL

Description: Extension to dwelling.

Status: Refused and dismissed on appeal

Reference Number: 19/00905/DISCON

Description: Discharge of Conditions 5 (Detailed Landscaping Scheme), 6 (Lighting) and 7 (Cycle Parking) on approved planning application 18/01389/FUL

Status: Permitted

Reference Number: 19/00954/HPA

Description: Householder prior notification application for a proposed rear extension with depth of eight measured from the base of the rear wall of the original dwelling.

Status: Prior approval not required

Reference Number: 19/04535/FUL

Description: Proposed erection of a manager's house (restricted occupancy)

Status: Withdrawn

4. Consultee Responses

Horsley Parish Council	No response received.
Highways	No objection subject to conditions.
Countryside/Rights of Way	No objection subject to conditions.
Historic England	No objection.
County Archaeologist	No objection.
Northumbrian Water Ltd	No response received.
County Ecologist	No objection subject to condition.
Public Protection	No objection subject to conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	25
Number of Objections	1
Number of Support	13
Number of General Comments	0

Notices

Site Notice - Public Right of Way: 18 May 2021

Summary of Responses:

A total of 14 representations have been received with 13 in support and 1 objection. The representations in support have been received from contributors, employees and other local businesses across the County and wider area that comment as follows:

- the enterprise is a well-established multi-purpose venue comprising farm, wedding/events and holiday accommodation and a dwelling is required to run the business more effectively
- dwelling is required to provide support, security and management of the business
- the dwelling would be appropriate in this location and in keeping with the area
- the business supports other local businesses and provides local employment
- there is justification and an essential need for a new dwelling for the applicants and family.

The objection comment refers to the following

- query the justification put forward on the essential need for a new dwelling in relation to agricultural operations
- there is an existing farm cottage on the site

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

<http://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QPECDCQSMEA00>

6. Planning Policy

6.1 Development Plan Policy

Tynedale Local Development Core Strategy (adopted October 2007)

GD1 General development principles
GD2 Prioritising sites for development
GD3 Green Belt
BE1 Principles for the built environment
H1 Principles for housing
H2 Housing provision and management of supply
H3 The location of new housing
H4 Housing on greenfield land
EDT1 Economic development and tourism

Tynedale Local Plan (Adopted April 2000)

GD2 Design criteria
GD4 Range of transport provision for all development

GD6 Car parking standards outside the built up areas
H18 Housing for rural businesses
H32 Residential design criteria
NE7 New buildings in the Green Belt
NE8 New dwellings in the Green Belt
NE17 Development in the setting of Hadrian's Wall World Heritage Site
BE26 Hadrian's Wall World Heritage Site
BE28 Archaeological assessment
BE29 Development and preservation
LR11 Outdoor sports facilities for new residential development
LR15 Play areas in new residential development (standards and design criteria)
LR19 Safeguard existing and promotion of new public rights of way
TP27 Development affecting Public Rights of Way
CS23 Development on contaminated land
CS27 Sewerage

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG) (2018, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

STP 1 Spatial strategy
STP 2 Presumption in favour of sustainable development
STP 3 Principles of sustainable development
STP 7 Strategic approach to the Green Belt
STP 8 Development in the Green Belt
ECN 12 A strategy for rural economic growth
ECN 14 Farm/rural diversification
ECN 15 Tourism and visitor development
ECN 16 Green Belt and tourism and visitor economy
HOU 2 Provision of new residential development
HOU 8 Residential development in the open countryside
HOU 9 Residential development management
QOP 1 Design principles
QOP 2 Good design and amenity
TRA 4 Parking provision in new development
ENV 2 Biodiversity and geodiversity
ENV 7 Historic environment and heritage assets
ENV 8 Frontiers of the Roman Empire- Hadrian's Wall World Heritage Site
WAT 2 Water supply and sewerage
POL 1 Unstable and contaminated land
INF 5 Open space and facilities for sport and recreation
INF 6 Planning obligations

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development

plan, unless material considerations indicate otherwise. In this case the development comprises policies in the Tynedale Core Strategy (TCS) and the saved policies of the Tynedale Local Plan (TLP) as identified above. The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.3 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.4 Following assessment of the proposals and responses received following consultation, the main issues that are considered to be relevant in the determination of the application as follows:

- principle of development
 - Green Belt
 - open countryside and essential need for rural worker's dwelling
- siting, design and impact on the landscape
- residential amenity
- access and parking
- heritage assets
- public right of way
- ecology
- drainage and sewerage
- contamination
- planning obligations

Principle of development

7.5 The site is an existing wedding venue and tourism site within the open countryside. Policy EDT1 of the TCS aims to support a buoyant and diverse local economy, whilst recognising the importance of tourism in the area. Paragraph 84 of the NPPF discusses the sustainable growth and expansion of all types of business in rural areas, including sustainable rural tourism and leisure developments which respect the character of the countryside. Policy ECN 15 of the emerging NLP seeks to promote and develop Northumberland as a destination for tourists and visitors, including for weddings. Supporters of the scheme have highlighted the benefits of the site to tourism. Notwithstanding the benefits of the overall site to tourism, the current application is for a new build dwelling to be occupied by the owners of the enterprise

and has to be assessed in terms of the principle of a new house in the open countryside and Green Belt as discussed below.

Green Belt

7.6 The proposal would result in development within the Green Belt. Policy NE7 of the TLP sets out circumstances when new development in the Green Belt may be permitted, and the proposal would not fall within any of these. Policy NE8 of the TLP relates specifically to new dwellings and states there will be a presumption against the construction of new dwellings in the Green Belt.

7.7 The most up-to-date Green Belt policy that should be afforded significant weight is set out within the NPPF. Paragraph 137 states *“the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*.

7.8 Paragraph 147 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 goes on to state that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.

7.9 Paragraph 149 of the NPPF states that *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”*. Exceptions to this are then identified, including buildings for agriculture and forestry. However, the construction of a new dwelling, albeit connected to the existing business operations, would not meet the exceptions to inappropriate development. Therefore, the provision of a new dwelling in this location within the Green Belt is regarded as inappropriate and should not be approved unless very special circumstances exist.

7.10 In principle, very special circumstances could be said to exist if an essential need for a rural worker to live at the site has been demonstrated. Having regard to paragraph 148 of the NPPF, 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.

7.11 Whilst little weight can be applied to it at this time, Policy STP 8 of the emerging NLP reflects the NPPF and states:

1. In assessing development proposals within the Green Belt:

- a. Development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal;*
- b. Development which is not inappropriate in the Green Belt, as defined in national planning policy, will be supported;*
- c. Development which improves access to the countryside; provides opportunities for outdoor sport and recreation; enhances landscapes and biodiversity; or improves*

damaged and derelict land will be encouraged and supported, provided it does not conflict with national policy in relation to Green Belt.

7.12 The applicant's Planning Statement suggests that 'very special circumstances' exist to outweigh the harm to the Green Belt based on an essential need for a new dwelling, which will be explored further in the following sections.

Open Countryside and Essential Need for Rural Worker's Dwelling

7.13 The site lies within an isolated location in the open countryside and therefore the principle of development for the construction of new dwellings in such a location would not normally be supported having regard to Policies GD1, H1 and H3 of the TCS. Policy GD1 states that development in the open countryside will be limited to the re-use of existing buildings, whilst Policies H1 and H3 direct new housing to more sustainable locations within main towns, local centres and smaller villages.

7.14 Policy H18 of the TLP relates to the construction of new dwellings in the countryside and states that:

A dwelling may be permitted in the countryside in special circumstances where the applicant can clearly demonstrate that it is essential for one or more people engaged in a viable agricultural or other compatible and sustainable rural business to live at or very close to the site of their work. Permission will only be granted for such development subject to:

- (a) the applicant being able to demonstrate that the requirement for such housing could not be met from existing accommodation in the area, or buildings suitable for conversion; and*
- (b) the imposition of conditions and/or the seeking of a planning obligation to ensure that occupancy is restricted; and*
- (c) no adverse effect on the environment; and*
- (d) the site being well related to any existing built development in the countryside; and*
- (e) the proposal being of a scale and design which is sympathetic with its surroundings and appropriate to its purpose; and*
- (f) the proposal forming part of a financially viable existing rural business holding.*

7.15 More up to date policy in respect of rural housing is provided within the NPPF, with paragraph 79 stating that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 80 goes on to state that: "*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building; or*
- e) the design is of exceptional quality, in that it:*

- *is truly outstanding 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.*

7.17 Paragraph 010 of the 'Housing needs of different groups' section of the Government's Planning Practice Guidance (PPG) states that considerations that it may be relevant to take into account when applying paragraph 80a of the NPPF, as copied above, could include:

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.

7.16 Turning to the emerging NLP, although little weight can be given to this at this stage, Policy STP 1 reflects the NPPF in terms of development in the countryside and states:

g. Development in the open countryside will be supported if it can be demonstrated that it:

- i. Supports the sustainable growth and expansion of existing business or the formation of new businesses in accordance with Policy ECN 13; or*
- ii. Supports the development and diversification of agricultural and other land-based rural businesses in accordance with Policy ECN 14; or*
- iii. Supports sustainable rural tourism and leisure developments in accordance with Policy ECN 15; or*
- iv. Provides for residential development in accordance with Policies HOU 7 or HOU 8; or*
- v. Supports the retention, provision or improvement of accessible local services and community facilities which cannot be provided in settlements, in accordance with Policy INF 2; or*
- vi. Provides for essential transport, utilities and energy infrastructure in accordance with other policies in the Local Plan; or*
- vii. Relates to the extraction and processing of minerals, in accordance with other policies in the Local Plan.*

7.17 Again at this stage little weight can be applied to it, but Policy HOU 8 of the NLP refers specifically to residential development in the countryside and in relation to new dwellings for rural workers states:

1. The development of isolated homes in the open countryside will only be supported where:

a. There is an essential and clearly established need for a full-time rural worker necessary to meet the operational needs of a rural business to live permanently at or near their place of work in the countryside, and where it can be demonstrated that:

i. The business is financially sound and viable with a clear prospect of remaining so, the activity and landholding units concerned having been established for at least three years and been profitable for at least one of those last three years; and

ii. The functional need could not be fulfilled by any existing dwelling on the landholding unit or any other existing accommodation in the immediate area, which is suitable (including by means of refurbishment or appropriate extension) and potentially available for occupation by the workers concerned; or

b. It represents the optimal viable use of a heritage asset, or represents appropriate enabling development to secure the future of a heritage asset(s); or

c. It re-uses redundant or disused buildings and enhances its immediate setting; or

d. It involves the appropriate sub-division of an existing residential dwelling; or

e. The design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards of architecture, and would help to raise the standards of design in rural areas, and it would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

7.17 The applicant's agent and planning consultants (George F White) have submitted a Planning Statement and an 'Appraisal of the Requirement for a Farm Worker's Dwelling', which set out the background to the business operations and look to justify the essential need for a rural worker's dwelling and thus the very special circumstances for a new dwelling in this location. The Local Planning Authority (LPA) has commissioned AG & P Jackson (Chartered Surveyors & Land Agents) to review the submitted information and assess the proposal for a dwelling as set out in this application, which has included a visit to the site and meeting with the applicants

Existing Situation

7.18 Having regard to the information provided with the applicant's appraisal and the AG & P Jackson report, the applicant's own a total of 27 hectares that make up the holding at Northside Farm. The holding includes the stone-built farm buildings, including a two-storey stone cottage, at Northside Farm. It is understood that the property was formerly part of Harlow Hill Farm, which was a rented farm from the Duke of Northumberland. In 2010 the Lockey family surrendered their tenancy of Harlow Hill Farm and purchased Northside Farm. The applicants have this year rented around 16 hectares near Bellingham as seasonal grazing for their sheep flock.

7.19 At the present time the livestock that are kept on these land holdings comprise 16 Galloway heifers that have recently been purchased and will be put to the White Shorthorn Bull next year, calving for the first time in the spring of 2023. The intention is to rear the offspring from these cattle to about 20 months of age for beef for use in the catering of the wedding enterprise. The proposal is to expand this enterprise so there are up to 20 cows calving through the year with the offspring being reared for beef. In addition, 160 gimmer lambs were purchased in January 2021 with first lambing expected in the spring of 2022.

7.20 The land holdings have previously been used as arable land. There is an area of around 7 hectares of permanent pasture. 13 hectares of previous arable land have now been reseeded to grassland and are to be mown for conservation for winter feed for the livestock. 5 hectares have been sown with a seed mixture to provide a habitat and feed for wild birds as part of the Countryside Stewardship Scheme. The remaining land consists of the farmyard and hard standings.

7.21 The applicant's appraisal sets out that due to the economic climate, the former mixed pig and arable farm diversified in 2010 and there are now three main elements to the farm business: the wedding venue, glamping pods and holiday cottages. The wedding venue holds around 40 weddings per year, although it is suggested that this is increasing due to its popularity, with a ceremony capacity of 150 guests and reception capacity of 250 guests. The camping pods can accommodate up to 50 guests and the 4 timber holiday cottages accommodate a total of 8 guests. It is stated that the farm attracts between 6,000 - 8,000 visitors a year from around the world.

7.22 The applicants propose to erect a general-purpose agricultural building to the southern boundary of the holding and to the south-east of the camping pods. The LPA received notification of this new building to be constructed under permitted development rights under application 20/03734/AGRGDO, however it has not yet been constructed.

7.23 As referred to earlier the site also has a two-storey stone-built cottage, which had been occupied by a tenant. The cottage was refused planning permission (ref:18/04028/FUL) for extensions, which was subsequently dismissed at appeal. However, a notification for prior approval for a proposed larger home extension was submitted under application 19/00954/HPA, which determined that the work could be undertaken through permitted development rights and that prior approval was not required. In order to benefit from those permitted development rights, the works were required to be undertaken by the 30 May 2019, however this has not occurred. This building has been converted to office space, a meeting room and storage although the applicant's agents have been made aware that no planning permission has been obtained for such a change of use.

Employment

7.24 The wedding venue enterprise is operated by the applicants on a full-time basis. This was begun in 2016 and now has around 40 weddings per year, mostly held between April and November. When the lodges and camping pods are not required for weddings, they are let out to visitors to the area. The business employs a full-time events manager and up to 12 part-time locally based staff for hospitality, cleaning and maintenance. Catering is provided by external caterers and there can be up to 8 of their staff on site during events.

7.25 There are no staff living on the site and Mr and Mrs Lockey live in Allendale, some 25 miles away. The owners have stated that they are now finding it difficult to run the wedding venue by not living on the site and have concerns over security when there is no one on site outside normal working hours. The applicants wish to invest in the site but do not feel able to do this without living there.

The functional need

7.26 As highlighted earlier, the relevant test in determining whether a new dwelling should be permitted in this isolated open countryside location is whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. A functional need is would look to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.

7.27 The applicant's planning statement looks to demonstrate that the needs of the business are sufficient to warrant a permanent on-site presence. It is also suggested that the personal circumstances of the applicants also contribute to the effective operation and delivery of the existing businesses. The statement sets out that there is an existing business need in relation to the following:

- *Managing up to 270 guests and staff onsite at any one time;*
- *Managing overnight guests - numbers can exceed 100 people on weekends and during holiday periods;*
- *Managing guests during unsociable hours;*
- *Maintaining the health, safety and hygiene standards associated with being a fully licensed hospitality venue;*
- *Fire monitoring;*
- *Day-to-day management of all aspects of the farm business;*
- *Managing Countryside Stewardship and Basic Payment Scheme requirements*
- *Management of deliveries which include large quantities of food, drink, linen, maintenance parts, farm equipment, wedding accessories;*
- *Farm security from rural crime (robberies and poaching are becoming an increasing issue); Grassland management, and associated issues;*
- *Continual update of farm books (farm business accounts and bill paying);*
- *Animal health and welfare;*
- *Animal security;*
- *Day-to-day livestock management;*
- *Holding and dead stock security;*
- *Returning escaped stock;*
- *Preparation and transport of finished stock to abattoir and butchery;*
- *Preparation of butchered beef produce onsite;*
- *Health and safety monitoring;*
- *Continual update of farm books (livestock movements, medical records)*

7.28 The applicant's also state that the existing personal need includes a 60-mile round trip from home to farm; on-site is required as opposed to nearby where housing choice is limited and expensive; and travel time to schools for the applicants' children.

7.29 Consideration of an existing functional need is reinforced by the NPPG referred to earlier in respect of "Rural Housing – How can the need for isolated homes in the countryside for essential rural works be assessed?". This highlights that a

consideration to take into account could include “*evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)*”.

7.30 The report prepared by AG & P Jackson highlights that at the present time the functional need generated by the livestock that have recently been introduced to the land will be relatively small as they are of an age that do not require a great deal of attention, although by next spring the sheep will be lambing and there will be a high functional need for that enterprise over the lambing period. The 16 Galloway heifers will calve in the spring of 2023 for the first time and become suckler cows, so at that point the functional need will increase on that enterprise. It is stated that it will take time for livestock numbers to be built up and therefore increase the functional need of the livestock enterprise, but it is acknowledged that this is an improved situation, and therefore a material change, from the previous application when the livestock enterprise was only a proposal.

7.31 Consideration has been given as to whether the wedding and accommodation enterprises give rise to a functional need for a worker to live on site. This has also been considered by officers in the context of the PPG set out in paragraph 7.29 in terms of the need for a rural worker to be on site to ensure the effective operation of an agricultural or similar land-based rural enterprise and the need to be on site 24 hours a day.

7.32 The AG & P Jackson report acknowledges that it may be necessary to have a worker on site to deal with issues that may occur outside of normal working hours. This could include the arrival and departure of guests; delivery of supplies; attention to unexpected breakdown of accommodation equipment and facilities; and general security outside of normal working hours. However, it is noted that these elements of the business appear to have been operating satisfactorily without a permanent on-site presence. This was also noted by the Inspector when dismissing the appeal for extensions to the farmhouse (18/04028/FUL) who considered that although he could appreciate the benefits of the applicants living on the site, he gave this limited weight as the “*business appears to operate satisfactorily without a permanent on site presence*”.

7.33 The AG & P Jackson report concludes on this aspect that whilst it may not be essential, it is desirable to have a worker living on site for the wedding and accommodation enterprises, and that will be strengthened if the livestock enterprises increase livestock numbers. Whilst it may well be desirable for a worker to be living on site, the policy considerations in Policy H18 of the TLP and paragraph 80 of the NPPF refer to the essential need. In this case it is not felt that the wedding and accommodation elements require a permanent on-site presence to ensure the effective operation of the businesses, therefore it is not felt that there is an essential need for a worker to be permanently on site.

Labour requirements

7.34 The numbers of employees running the wedding enterprise and accommodation have been listed above. Letters of support have highlighted that the enterprise

employs local people and supports local businesses. However, there is no essential need for any of the existing employees to live on the site to carry out the existing functions.

7.35 The AG & P Jackson report calculates the labour requirement of the land holdings that make up Northside Farm of around 0.5 of a full-time worker based on the existing livestock numbers and cropping practices. The labour requirement will increase as livestock types and numbers are increased. However, it is noted that due to the limited area farmed, and livestock carrying capacity, there will not be a requirement for a full-time worker based on the farming enterprises alone.

7.36 The other enterprises at the site generate a need for other full and part-time employees, therefore on the whole there is a labour requirement in excess of one full-time worker. However, as referred to above it is not felt that there is an essential need for workers associated with these elements to live on the site to ensure the effective operation of the business.

Financial viability

7.37 The NPPG states that in assessing the provision of housing for rural workers, the viability of the enterprise for the foreseeable future is relevant. Whilst the NPPF requires an essential need to be demonstrated for a new rural worker's dwelling, it does not specifically require a financial test, although the advice in the PPG requires consideration of the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.

7.38 The enterprise at North Side farm has been established since 2010 and investment in the buildings, improving the facilities and adding glamping pods and timber lodges has taken place. The assessment by AG & P Jackson advises that the existing business has been established at Northside Farm since 2010 and has expanded its provision of services as a wedding venue since then, with the first wedding in 2016. There is evidence on site of substantial investment in the conversion of the traditional farm buildings and the holiday accommodation, however the livestock enterprises are activities that have only recently been established.

7.39 Accounts have not been provided with the current application, although information has been provided by the applicants in respect of the turnover of the wedding business and that the business continues to expand and invest on the holding. AG & P Jackson have considered the likely returns from the livestock enterprise and conclude that due to the limited area of land available and the numbers of cattle proposed, this enterprise is not going to provide sufficient income to support a full-time worker. However, it is noted this will contribute to the income of the wedding enterprise by providing a source of locally grown food for the catering element of the business. It is also acknowledged that the business as an entire unit, will remain viable for the foreseeable future.

Suitability and availability of existing dwellings on the holding

7.40 It is usually only really necessary for specialist workers to live on or immediately adjacent to rural holdings. This is to be available at most times in case animals or processes require essential care at short notice and to deal quickly with emergencies that would otherwise cause serious loss of crops or products. In this case this could

apply to potential loss of livestock, particularly in relation to the care of the cattle and sheep on the holding.

7.41 This is reflected in the PPG advice that makes specific reference to providing evidence of a need “*to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)*”. Although it may be desirable for someone to be on site outside of normal working hours in relation to the other elements of the business, this is not felt to be an essential requirement to ensure the effective operation of the overall business in this instance.

7.42 As referred to earlier there is an existing dwelling as part of the land holding, which has recently been converted without consent to office and meeting space in connection with the wider business. It is clear that the applicants have considered this as an option and felt it was potentially suitable given the applications that were submitted to extend and alter this. Application 18/04028/FUL was refused and dismissed on appeal due to the proposed scale of the extensions that would result in inappropriate development in the Green Belt and its design that would be harmful to the character of the property. However, the applicants have demonstrated that a scheme could potentially be undertaken under permitted development for a four-bedroom property, although the statement suggests that this did not provide a suitable type of accommodation.

7.43 In further correspondence with the applicants’ agent on this aspect it is suggested that due to the 2016 consent for the wedding venue use (16/02987/COU), this prevents the farmhouse being used other than in association with the business, whilst it is stated that this was deemed to be uninhabitable and therefore it is not available. Officers note that supporting information provided by the applicants for that application to address concerns raised by Public Protection over noise stated that the intention was for the family to live in the farmhouse to make it easier to run the businesses. The 2016 consent imposed condition 3, which states:

The wedding accommodation (Class D2 use) hereby approved shall not be brought into use unless the dwelling known as North Side Farmhouse is either vacant or occupied by members of staff who are directly employed by the wedding and function venue. If at any time the dwelling is occupied by persons not directly employed by the business or related to the applicant then use of the premises as a wedding and function venue shall cease.

Reason: To ensure the protection of the amenities of nearby residents in respect of noise and disturbance.

7.44 This condition does not prevent occupation by the applicants and family or other worker(s). In addition, this did not prevent consideration being given to the 2018 and 2019 applications for extensions and alterations to the dwelling, and it is felt that this can be refurbished and brought up to the necessary standard. On this basis officers do not consider that it is reasonable to say that it is not available for any residential use for a rural worker. Also, given that there does not appear to be any consent for a change of use from residential use to office as undertaken, officers have not given any weight to the view that this is not available due to being converted to office space. It is

therefore considered that the farmhouse cannot be fully discounted as being suitable and available for residential use for a rural worker that may be required to live on site.

7.45 Northside Farm is in the open countryside and the proposal would result in a new dwelling in an isolated location, however it is not felt to be in an entirely remote location. The site is only some 8 miles from the western edge of Newcastle, with Horsley (1 mile), Ovingham (2 miles), Wylam (2 miles) and Prudhoe (2.2 miles) a short distance to the south, with other villages in the vicinity.

7.46 The enterprise has now been established for some ten years and supporters state that the applicants are key members of the local community, and the children attend local schools. The location of the site means that there are a range of options for housing in the area, not only limiting it to living on the site or living at a distance of some 25 miles away. The current enterprise is also partly seasonal, and so it is possible that over the winter months there may not need to be a presence on the site on a daily basis. Officers therefore consider that there is limited information and evidence of consideration being given to any alternative accommodation in the local area that may be able to satisfy the desire to be closer to the site and operations.

Other matters: security

7.47 Matters of security are often cited in the need to live permanently on a site and issues of security have been put forward by the applicant as part of the overall justification for a new dwelling in this application. Planning appeals (for example ref: APP/P2935/W/16/3158790) consider issues of security in assessing the need for a dwelling for a rural worker, but although mindful of the problem, it is acknowledged that this does not provide justification for allowing a new dwelling in this instance.

Summary of principle of development

7.48 The overall enterprise at Northside Farm is a well-established, financially viable business that has operated successfully to date with no one living on the site. It is acknowledged that there is a material change from the application that was previously considered and withdrawn by the applicant, with some livestock having been recently introduced to the farm.

7.49 The dwelling on the site has recently been converted to office and storage accommodation for the wider business, although officers give no weight to the loss of this given that there has been no application to change the use of the property, and this cannot be fully discounted as a suitable alternative. Limited consideration has been given to any alternative properties in the surrounding area that may be suitable and available.

7.50 In relation to the farming operations, it is noted that the livestock enterprises have only recently been introduced (i.e. January this year). The livestock numbers are currently relatively low, particularly the cattle numbers. Therefore, the functional need is currently limited, and the farming enterprises are not generating enough work to require a full-time worker and therefore not generating enough income to support a full-time worker. It is considered that the applicants may find it difficult to meet the requirements for a worker to be on site in relation to the agricultural enterprise as the land holdings at Northside are not considered to be large enough to support enough livestock. However, when the other enterprises are added in, it is acknowledged that

the entire business requires more than a full-time worker and generates sufficient income.

7.51 Whilst that may be the case, the relevant policy test is whether there is an essential need for a rural worker to live at or near their place of work. Having assessed the proposals with submitted justification and having regard to the review of the application by AG & P Jackson, it is not currently essential for a full-time worker to be resident on the site based solely on the agricultural enterprises. Taking into account the need to support rural enterprises it could possibly be said to be 'desirable' as that worker, in addition to dealing with the limited functional need of the farming enterprises, could deal with any out of normal working hours issues that may arise on the other enterprises.

7.52 In terms of the other parts of the overall business, it is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. Having regard to the nature of the other uses, whilst it may well be desirable to live on site in relation to the management of these elements, it is not felt that there is an essential need that would justify the construction of a new dwelling. Furthermore, it is noted that these elements of the business appear to have been operating satisfactorily without a permanent on-site presence.

7.53 Reference is made in the planning statement to personal circumstances, which have been given consideration. The NPPF and PPG make no specific provision for personal circumstances in relation to rural worker's dwellings. The cancelled Planning Policy Statement 7: Sustainable Development In Rural Area, advised that it is the needs of an enterprise that is important to the justification of an agricultural dwelling and not the personal preferences or circumstances of any of the individuals concerned. Therefore, whilst these are acknowledged, it is not felt that they would result in the justification of essential need for a new dwelling.

7.54 Therefore in light of all of the above, there is not considered to be a demonstrated essential need for a dwelling for a rural worker in this isolated location, and so the application does not meet the requirements of Policy H18 of the TLP and paragraph 80 of the NPPF. Consequently the 'very special circumstances' required to outweigh the harm to the Green Belt by reason of inappropriateness do not exist. The application would therefore conflict with Policies GD1, H1 and H3 of the TCS, Policies NE7, NE8 and H18 of the TLP and paragraphs 80 and 147-149 of the NPPF.

Siting, Design and Impact on the Landscape

7.55 Policy H18 of the TLP may permit a dwelling in the open countryside in special circumstances, as discussed above, subject to a number of criteria including: the building would have no adverse effect on the environment; the site would be well related to any existing built development in the countryside; and the proposal would be of a scale and design which is sympathetic with the surroundings.

7.56 The dwelling would be located to the east of the existing buildings on the holding and would be well related to these buildings. The house would be constructed of stone, with stone detailing and a slate roof. The building would be relatively large, resulting in an internal floor area of around 242 sq. metres and having some five bedrooms and it would have an adequate amount of amenity space around the dwelling.

7.57 Whilst it has been cancelled since the publication of the NPPF, Planning Policy Statement 7 Annex A: Agricultural, Forestry and Other Occupational Dwellings provided advice in relation to assessing whether there is an essential need for a new dwelling. With regard to the size of a dwelling this set out that *"agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the longterm, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding"*.

7.58 Notwithstanding the fundamental policy conflict in terms of the principle of development and inappropriate development in the Green Belt, the layout, scale and design of the dwelling in itself would be acceptable in the context of its location adjacent to existing development and would not have a detrimental impact on the character and quality of the wider landscape. It would accord with TCS Policies BE1 and NE1 and TLP Policy GD2 and parts (c), (d) and (e) only of TLP Policy H18, plus emerging NLP Policies QOP1 and QOP2.

Impact on Residential Amenity

7.59 Given the location of the site as part of the existing group of buildings and isolated from other dwellings, it is acknowledged that a dwelling could be built on the site that would not have a detrimental impact on the amenity of adjoining land and properties. The proposal would therefore accord with Policies GD2 and H32 of the TLP in this respect.

Access and Parking

7.60 Access to the site would be taken from the routes that already serve the existing buildings and business and parking for the dwelling would be to the front of the property. Highways Development Management (HDM) have assessed the application and consider that there is adequate space within the site for both vehicular and cycle parking. Subject to conditions in relation to a construction method statement, car and cycle parking and refuse, HDM raise no objection to the application. It would therefore accord with Policy GD4 of the TCS, Policies GD4 and GD6 of the TLP and the NPPF.

Impact on Archaeology

7.61 The site is located within the Hadrian's Wall World Heritage Site buffer zone being 350 metres south of the scheduled monument of Hadrian's Wall and vallum. It is also located c.80 metres south of a series of Iron Age/Romano-British enclosures and may be close to a Roman field system.

7.62 The County Archaeologist has assessed the application and given its location advises that it should be assessed for its potential indirect impact on the setting of the scheduled monuments of Hadrian's Wall and the universal value of the World Heritage Site, it should also be considered for its potential direct (physical) impact on potential below ground archaeological remains.

7.63 Their assessment has concluded that the development will not impact on the setting of the scheduled monuments in this area or the World Heritage Site. The development would not interrupt views along Hadrian's Wall or impact the

understanding of the World Heritage Site, with the dwelling being viewed in the context of existing buildings on the site. Furthermore, it is concluded that the proposed development should not impact on surviving significant archaeological remains, therefore no objections are raised to the application and no further archaeological work is required. The proposal would therefore be in accordance with Policies NE17 and BE26 of the TLP, Policy BE1 of the TCS and the NPPF.

Public Right of Way

7.64 Parish of Horsley Public Footpath No. 5 passes adjacent to the west of the proposed site. The Countryside/Rights of Way team have been consulted on the application and has no objection subject to the footpath being protected throughout. In this respect the application would accord with Tynedale Local Plan Policies LR19 and TP27.

Ecological Impact

7.65 The application has not included an ecological assessment but has provided a landscaping plan which would introduce some tree planting, native hedging and meadow grass seed to the site. The Council's Ecologists have assessed the application and raise no objection subject to securing appropriate landscaping, mitigation and enhancement measures through conditions. On this basis the proposal would accord with Policy NE1 of the TCS, Policies NE27 and NE37 of the TLP and the NPPF.

Drainage and Sewerage

7.66 The application form states that the proposal would connect to the existing system, although no further details are offered. Northumbrian Water has been consulted although no response has been received, whilst no comments were offered on the previous application. In the event that permission was granted a condition could secure further details of drainage measures in order to accord with Policy GD5 of the TCS and Policy CS27 of the TLP.

Contaminated Land

7.67 Policy CS23 of the TLP requires an appropriate assessment of the potential risk for development on land known to be contaminated or where there are reasonable grounds for believing that it occurs. This is consistent with the requirements of paragraphs 183 and 184 of the NPPF.

7.68 Following an initial objection from Public Health Protection (PHP) due to insufficient information regarding potential for contamination of the site, the applicant has recently provided a screening assessment to cover this aspect. Officers have consulted PHP on the additional information, who have since advised that the objection can be removed and matters of contaminated land and ground gas can be conditioned should permission be granted. The proposal would therefore be in accordance with Policy CS23 of the TLP and the NPPF in this respect.

Planning Obligations

7.69 Policies LR11 and LR15 of the TLP require the provision of land for sport and play when considering proposals for residential development or redevelopment, the

amount of which is to be proportionate to the scale of the development. Policy GD6 of the TCS sets out that planning obligations will be sought where necessary to prescribe the nature of development; or secure compensation from the developer for loss or damage caused by the development; or mitigate the impact of a development.

7.70 Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

7.71 The Council's Open Space, Sport and Recreation Strategy, adopted March 2005, identifies shortfalls in the provision of sport and recreation facilities in Tynedale. The Council has therefore adopted a Supplementary Planning Document – New Housing: Planning obligations for sport and play facilities, in March 2006.

7.72 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 Policies LR11 and LR15 of the TLP. 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 the proposal seeks to create a five-bedroomed dwelling, the contribution to play/informal space would be £2,776 and the contribution to sport would be £1,576, totalling £4,352.

7.73 The applicant has indicated that they would be willing to accept the requirement for this contribution, although given the main issues that have been identified in respect of development on the site, a Section 106 agreement has not been progressed for the application. 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 Policy GD6 of the Tynedale LDF Core Strategy and Policies LR11 and LR15 of the Tynedale District Local Plan in this respect. The lack of a completed Section 106 agreement forms a reason for refusal at this stage, although it is acknowledged that this could be addressed if Members resolved to grant permission or at the appeal stage if refused and the applicants lodge an appeal, through completion of an agreement to secure the obligation.

Other Matters

Equality Duty

7.74 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

7.76 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.77 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.78 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 Officers fully acknowledge that Northside Farm is a well-established, financially viable wedding business with holiday accommodation that contributes to the rural economy in the area, and which appears to have successfully operated to date with no one living on the site. Furthermore, it is accepted that there has been a material change in the farming enterprise since the previous application was being assessed, with livestock now being brought onto the land holding.

8.2 Following assessment of the application and the existing situation it is considered that there is a limited functional need in relation to the livestock enterprise, whilst there is not a requirement for a full-time worker based on the farming enterprise alone. The established wedding and holiday accommodation elements of the business contribute to an overall functional need. However, although it may be desirable to have a presence on site in relation to operation of these elements of the business, it is not deemed that there is an essential need for a rural worker to live on site, which is the requirement of the development plan and the NPPF.

8.3 The existing dwelling on the site has recently been converted to office, meeting and storage accommodation for the wedding business, although this does not appear to have the benefit of any planning permission, and so should not be given any weight

in terms of not being available on this basis. It is not felt that the application has demonstrated that there is no suitable and available alternative, either through the existing farmhouse or other accommodation in the local area.

8.4 On this basis the application has not demonstrated that there is an essential need for a new dwelling for a rural worker to live on the site in this isolated location, therefore the application does not meet the requirements of Policy H18 of the TLP and paragraph 80 of the NPPF. Consequently the 'very special circumstances' required to outweigh the harm to the Green Belt by reason of inappropriateness do not exist, contrary to Policies NE7 and NE8 of the TLP and the NPPF.

9. Recommendation

That this application be REFUSED permission for the following reasons:

01. There is no demonstrated essential need for a new dwelling for a rural worker at Northside Farm, and so the application does not meet the requirements of Policy H18 of the Tynedale Local Plan and paragraph 80 of the National Planning Policy Framework. Consequently the 'very special circumstances' required to outweigh the harm to the Green Belt by reason of inappropriateness do not exist. The application would therefore conflict with Policies GD1, H1 and H3 of the Tynedale Core Strategy, Policies NE7, NE8 and H18 of the Tynedale Local Plan and the National Planning Policy Framework.

02. There is a deficiency in the amount of outdoor sports facilities across the former District of Tynedale. The applicant has not completed a 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', and the proposal is therefore contrary to the provisions of Policy GD6 of the Tynedale LDF Core Strategy and Policy LR11 of the Tynedale District Local Plan.

03. There is a deficiency in the amount of children's play provision across the former District of Tynedale. The applicant has not completed a 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', and the proposal is therefore contrary to the provisions of Policy GD6 of the Tynedale LDF Core Strategy and Policy LR15 of the Tynedale District Local Plan.

Background Papers: Planning application file(s) 21/00826/FUL

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Northumberland County Council

Appeal Update Report

Date: August 2021

Planning Appeals

Report of the Director of Planning

Cabinet Member: Councillor CW Horncastle

Purpose of report

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

Recommendations

To note the contents of the report in respect of the progress of planning appeals that have been submitted to and determined by the Planning Inspectorate.

Link to Corporate Plan

This report is relevant to all of the priorities included in the NCC Corporate Plan 2018-2021 where identified within individual planning applications and appeals.

Key issues

Each planning application and associated appeal has its own particular set of individual issues and considerations that have been taken into account in their determination, which are set out within the individual application reports and appeal decisions.



Recent Planning Appeal Decisions

Planning Appeals Allowed (permission granted)

Reference No	Proposal and main planning considerations	Award of costs?
20/02920/FUL	<p>Extensions to roof including hip to gable extension and full width flat roofed dormer – 5 Dilston Avenue, Hexham</p> <p>Main issues: proposals would not be in keeping with the character of the building or the surrounding area and would be detrimental to the visual amenity of the area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
20/02872/FUL	<p>Retrospective application for detached granny annex (amended description 17/11/20) - Moresby, Main Road, Stocksfield</p> <p>Main issues: the use of render results in harm to the character and appearance of the property, the surrounding area and the setting of a listed building.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused

Planning Appeals Split Decision

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
19/04938/FUL	<p>Resubmission of approved planning application 17/02932/FUL Erection of new building comprising of 12 self-contained 1 bedroom apartments (use class C3) for specialised independent supported living with associated external works and car parking – land between 86-90, Front Street East, Bedlington</p> <p>Main issues: appeal against non-determination due</p>	No

	to invalid application (no fee paid). Appeal against non-determination	
20/03046/FUL	Flat roof dormer to rear of property – 41 George Street, Amble Main issues: the proposal would significantly detract from the character and appearance of the dwelling and the conservation area. Delegated Decision - Officer Recommendation: Refuse	No
20/01649/FUL	Constuction of 1no. 4 bed dwelling to be used as primary residence. Unit to be 1.5 storey in height – land north west of The Granary, Tughall Steads, Chathill Main issues: layout results in a harmful impact on the character and rural setting of Tughall, and new track and access would create an urbanising effect to the rural setting. Delegated Decision - Officer Recommendation: Refuse	No – claim refused
20/01045/FUL	Barn conversion for holiday accommodation including three new build elements, a long lean-to to the long barn to the North of the site for corridor access, a middle single storey link between the north and south of the site, and the replacement of the hay barn for a sports hall facility (amended description) - land west of Townhead Farm, Tow House Main issues: design and impact on the non-designated heritage asset; insufficient information relating to drainage; and insufficient information relating to ground gas protection and water supply. Appeal against non-determination	No – claim refused
18/03435/VARYCO	Variation of condition 27 (noise) pursuant to planning permission 16/04622/FUL for amendments to boundary treatment plan – land at former Bates Colliery site, Cowpen, Blyth Main issues: applicant has been unable to provide a long-term management and maintenance plan for the required acoustic fencing to specific plots and protection from noise to occupiers cannot be secured. Delegated Decision - Officer Recommendation: Refuse	No

Planning Casework Unit Referrals

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date and decision level
18/02239/FUL	<p>Redevelopment of the former Marley Tiles Factory to provide a residential development of 105 houses (Use Class C3) with associated access, parking, landscaping and infrastructure (AMENDED description and site layout) - Marley Tile Factory, Lead Lane, Newlands</p> <p>Main issues: isolated development in the open countryside; inappropriate development in the Green Belt by virtue of causing substantial harm to the openness of the Green Belt and very special circumstances have not been demonstrated to outweigh harm; and the design of the development would be out of keeping with the character and appearance of the locality and does not deliver an appropriate form of sustainable design or development for the site.</p>	<p>27 January 2021</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/01794/VARYCO	<p>Retrospective: Variation of condition 2 (Approved Plans) pursuant to planning permission 17/00229/FUL to allow amendments made during construction – land north and east of Horsley Banks Farm, Horsley</p> <p>Main issues: inappropriate development in the Green Belt and very special circumstances do not exist to outweigh harm to the Green Belt as well as harm to the character of the area and amenity of residents.</p>	<p>23 April 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

20/02548/FUL	<p>Construction of dwelling – land and building east of Ovington House, Ovington</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; harm to the setting of a non-designated heritage asset and the Ovington Conservation Area; and a Section 106 agreement has not been completed in respect of a contribution to sport and play.</p>	<p>19 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/03861/VARYCO	<p>Variation of condition 2 (approved plans) pursuant to planning permission 20/00297/FUL in order to allow new wall to be moved closer to boundary wall to underpin and give support. Also French doors have 3/4 height windows on either side and single window in extension will be replaced using existing 2no. sash windows and mullions – Ashleigh, 26 Cade Hill Road, Stocksfield</p> <p>Main issues: extension would be out of scale and character with the existing property and would have a harmful impact on the character and appearance of the site and surrounding area; and detrimental impact upon the residential amenity of the neighbouring property.</p>	<p>26 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02479/FUL	<p>Retrospective: Change of use from agricultural and construction of wooden shed - land north-west of 2 Linnels Cottages, Hexham</p> <p>Main issues: inappropriate development in the Green Belt; visually intrusive and harmful impact upon the rural and open character of the site and surrounding area; and harmful impacts upon the amenity of neighbouring residents.</p>	<p>26 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04883/FUL	<p>Proposed demolition of existing garage to be replaced with two-storey dwellinghouse - 2 Sandridge, Newbiggin-by-the-Sea</p> <p>Main issues: harm to non-designated and designated heritage assets and the identified harm would not be outweighed by public benefits.</p>	<p>27 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/00574/ADE	<p>Retrospective: Advertisement consent for installation of 3no. signs that have been in place for over 2 years - ADS Caravan Storage, Remscheid Way, Jubilee Industrial Estate, Ashington</p> <p>Main issues: Sign 1 has an unacceptable</p>	<p>1 June 2021</p> <p>Delegated Decision - Officer Recommendation: Split Decision</p>

	impact on the visual amenity of the site and surrounding area due to its siting and scale.	
20/04234/FUL	<p>Proposed two storey side extension and demolition of existing garage – 23 Ladbroke Street, Amble</p> <p>Main issues: adverse impact on the street scene and the character and appearance of the conservation area due to scale, height and mass forward of the building line.</p>	<p>1 June 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/04134/FUL	<p>New sunroom – Outwood, Riding Mill</p> <p>Main issues: alongside existing extensions the proposal would result in a disproportionate addition over and above the scale of the original building and would be inappropriate development in the Green Belt.</p>	<p>1 June 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/00923/FUL	<p>Erection of four no. dwellinghouses (C3 use) - land south of The Paddock, Longframlington</p> <p>Main issues: proposal fails to protect and enhance the distinctive character of Longframlington; incursion into the open countryside; and insufficient information regarding surface water drainage and flood risk.</p>	<p>4 June 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/00069/CLEXIS	<p>Certificate of Lawful Development of an Existing Use of land as residential - land south of 4 Station Cottages, Longhirst</p> <p>Main issues: insufficient evidence to conclude that the land has been used as stated for a period in excess of 10 years.</p>	<p>16 June 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/00925/FUL	<p>Outline permission for the construction of up to 9no dwellings including access, appearance, layout and scale – land north-west of Blue House Farm, Blue House Farm Road, Netherton Colliery</p> <p>Main issues: harm to setting of a designated heritage asset; insufficient information in respect of potential risk from ground gas; and a section 106 agreement has not been completed in respect of a contribution to the ecology coastal mitigation scheme or off-site sport and play provision.</p>	<p>30 June 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/00928/FUL	<p>Part first floor extension to existing bungalow - 16 Lynwood Close, Darras Hall, Ponteland</p> <p>Main issues: proportion, form, massing, siting, height, size, scale and design fails to be subordinate and respectful of the character and appearance of the property</p>	<p>7 July 2021</p> <p>Delegated Decision - Officer Recommendation:</p>

	and its surroundings.	Refuse
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Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
18/01344/ENDEVT	Bridgend Caravan Park, Wooler Main issues: one Enforcement Notice appealed by three parties in respect of operational development to provide extra bases for residential static caravans with associated services	No
18/00489/ENDEVT	Land at Moor Farm Estate, Station Road, Stannington Main issues: unauthorised waste reclamation yard and siting of multiple shipping containers	Yes

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		No

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
18/00223/ENDEVT	Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB Main issues: material change of use of the land from agricultural for the siting of 4 caravans	1 February 2021

18/00223/ENDEVT	<p>Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB</p> <p>Main issues: material change of use of the land for the siting of one caravan and the erection of fencing in excess of 2 metres in height</p>	1 February 2021
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Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
19/00247/FUL	<p>Construction of a publicly accessible landmark, commissioned to commemorate Queen Elizabeth II and the Commonwealth - land at Cold Law, Kirkwhelpington</p> <p>Main issues: development in the open countryside which fails to recognise the intrinsic character and nature of the countryside.</p>	<p>Inquiry date: 9 March 2021</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/02247/FUL	<p>Erection of a rural worker's dwelling – land south of Middle Coldcoats Equestrian Centre, Milbourne</p> <p>Main issues: fails to demonstrate the need for a rural worker's dwelling in the open countryside; inappropriate development in the Green Belt and there are no very special circumstances to outweigh harm; and fails to address pollution concerns with potential to affect protected species and failure to demonstrate ecological enhancement.</p>	<p>Virtual hearing date: 28 July 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

Implications

Policy	Decisions on appeals may affect future interpretation of policy and influence policy reviews
Finance and value for money	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
Legal	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
Procurement	None
Human resources	None
Property	None
Equalities (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Planning applications and appeals are considered having regard to the Equality Act 2010
Risk assessment	None
Crime and disorder	As set out in individual reports and decisions
Customer consideration	None
Carbon reduction	Each application/appeal may have an impact on the local environment and have been assessed accordingly
Wards	All where relevant to application site relating to the appeal

Background papers

Planning applications and appeal decisions as identified within the report.

Report author and contact details

Elizabeth Sinnamon
Development Service Manager
01670 625542
Elizabeth.Sinnamon@northumberland.gov.uk

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