



Northumberland

County Council

Your ref:

Our ref:

Enquiries to: Nichola Turnbull

Email: nichola.turnbull@northumberland.gov.uk

Tel direct: 01670 622617

Date: Monday, 5 June 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **TYNEDALE LOCAL AREA COMMITTEE** to be held in **CEREMONY ROOM - HEXHAM HOUSE** on **TUESDAY, 13 JUNE 2023** at **4.00 PM**.

Yours faithfully

Dr Helen Paterson
Chief Executive

To Tynedale Local Area Committee members as follows:-

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



Dr Helen Paterson, Chief Executive
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AGENDA

PART I

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

1. MEMBERSHIP AND TERMS OF REFERENCE

The committee is asked to note the following membership and terms of reference for the Tynedale Local Area Committee which were agreed by Council on 17 May 2023.

The membership is made up of the county councillors who represent the 13 electoral divisions in the Tynedale area:

Chair: T Cessford

Vice-Chair: D Kennedy

Vice-Chair (Planning): SH Fairless-Aitken

Quorum – 4

Conservative	Labour	Independent Group	Liberal Democrat	Green Party	Ind Non-Grouped
T Cessford	A Scott	D Kennedy	SH Fairless-Aitken	N Morphet	HR Waddell
CW Horncastle		A Dale	A Sharp		
I Hutchinson					
N Oliver					
JR Riddle					
G Stewart					

Terms of reference

- (a) To enhance good governance in the area and ensure that the Council's policies take account of the needs and aspirations of local communities and do not discriminate unfairly between the different Areas.
- (b) To advise the Cabinet on budget priorities and expenditure within the Area.
- (c) To consider, develop and influence policy and strategy development of the Council, its arms-length organisations, and other relevant bodies, to ensure that they meet local requirements and facilitate efficient and transparent decision making.
- (d) To receive information, consider and comment on matters associated with service delivery, including those undertaken in partnership agencies, affecting the local area to ensure that they meet local requirements, including matters relating to community safety, anti-

- social behaviour and environmental crime.
- (e) To consider and refer to Cabinet any issues from a local community perspective with emerging Neighbourhood Plans within their area, and consider local planning applications as per the planning delegation scheme.
- (f) To consider and recommend adjustments to budget priorities in relation to Local Transport Plan issues within their area, and to make decisions in relation to devolved capital highway maintenance allocations.
- (g) To engage, through the appropriate networks, with all key stakeholders from the public, private, voluntary and community sectors to facilitate the delivery of area priorities. This will include undertaking regular liaison with parish and town councils.
- (h) To inform, consult and engage local communities in accordance with Council policy and guidance, through the appropriate networks.
- (i) To, as appropriate, respond or refer with recommendations to local petitions and Members calls for action.
- (j) To make certain appointments to outside bodies as agreed by Council.
- (k) To determine applications for grant aid from the Community Chest, either through Panels for individual Local Area Committee's, or through the Panel of Local Area Committee Chairs for countywide applications.
- (l) To refer and receive appropriate issues for consideration to or from other Council Committees, and as appropriate invite Portfolio Holders to attend a meeting if an item in their area of responsibility is to be discussed.

2. PROCEDURE TO BE FOLLOWED AT PLANNING MEETINGS

(Pages 1
- 2)

3. APOLOGIES FOR ABSENCE

4. MINUTES

(Pages 3
- 14)

Minutes of the meeting of the Tynedale Local Area Council, held on 9 May 2023, as circulated, to be confirmed as a true record, and signed by the Chair.

5. DISCLOSURE OF MEMBERS' INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a) Which **directly relates to** Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b) Which **directly relates to** the financial interest or well being of a Other

Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.

- c) Which **directly relates to** their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d) Which **affects** the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.
- e) Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

DEVELOPMENT CONTROL

- 6. DETERMINATION OF PLANNING APPLICATIONS** (Pages 15 - 18)
- 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>
- 7. 23/00727/FUL** (Pages 19 - 34)
- Retrospective: Amended scheme for retention of existing structure for ancillary pub space, community space and car port within car park Feathers Inn, Hedley, Stocksfield, Northumberland, NE43 7SW
- 8. 19/00068/VARYCO** (Pages 35 - 52)
- Variation of Condition 2 (Approved Plans) pursuant to planning permission 16/01241/VARYCO in order to alter Plots 1, 2 and 3 (amended description 05/05/2023).
Land North of White House, The Green, Acomb, Northumberland NE46

4PJ

9. PLANNING APPEALS UPDATE

(Pages
53 - 64)

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

10. DATE OF NEXT MEETING

The next meeting will be held on Tuesday, 11 July 2023.

11. 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 discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name:		Date of meeting:	
Meeting:			
Item to which your interest relates:			
Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details):			
Are you intending to withdraw from the meeting?		Yes - <input type="checkbox"/>	No - <input type="checkbox"/>

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body

	<p>where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - i. exercising functions of a public nature
 - ii. any body directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



Northumberland County Council

Appendix 1

PROCEDURE AT PLANNING COMMITTEE

A Welcome from the Chair

Welcome to also include reference to

- (i) All Mobile phones should be switched to silent and should not be used during the meeting.
- (ii) Members are asked to keep microphones on mute unless speaking (if being used).

B Record remote attendance 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)

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
- 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)

Agenda Item 4

NORTHUMBERLAND COUNTY COUNCIL

TYNEDALE LOCAL AREA COUNCIL

At a meeting of the **Tynedale Local Area Council** held at Hexham House, Gilesgate, Hexham, Northumberland, NE46 3NH on Tuesday, 9 May 2023 at 4.00 p.m.

PRESENT

Councillor T Cessford
(Chair, in the Chair)

MEMBERS

A Dale (136 - 144)	N Morphet
SH Fairless-Aitken (130-141)	N Oliver
C Horncastle (130-138)	JR Riddle (130-138)
I Hutchinson	A Sharp
D Kennedy	G Stewart

OFFICERS

K Blyth	Development Management Area Manager (West)
T Crowe	Solicitor
R Campbell	Senior Planning Officer
A Fisher	Construction Manager - Highways
D Hunt	Neighbourhood Services Area Manager
A Lambert	Learning and Development Coordinator
J Lewis	Planning Officer
N Turnbull	Democratic Services Officer
A Windle	Planning Office

ALSO PRESENT

12 members of the public and 1 member of the press.

130. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Scott and Waddell.

Ch.'s Initials.....

131. MINUTES

Minute No. 125b)

Petitions

Request to Impose a Speed Limit on a Section of the C234 Between Warden Bridge and Fourstones

It was confirmed that the 6th bullet point on page 7 of the papers should read:

“The policy for the introduction of a 30mph speed limit required a minimum of continuous frontage development of 600 metres of **20** or more houses, which was in line with national guidance issued by the Department of Transport. Implementation of a 40mph speed limit would be considered.”

RESOLVED that the minutes of the following meetings of the Tynedale Local Area Council, as circulated, be confirmed as a true record and signed by the Chair, subject to the above amendment:

- a) 14 March 2023
- b) 28 March 2023
- c) 11 April 2023

132. DISCLOSURE OF MEMBERS' INTERESTS

Councillor Stewart reported that as the local member on planning application 22/02902/FUL he had been sent emails by various parties however he intended to participate and had not predetermined the matter.

DEVELOPMENT CONTROL

133. PROCEDURE TO BE FOLLOWED AT MEETINGS

The Chair advised members of the procedure which would be followed at the meeting.

134. DETERMINATION OF PLANNING APPLICATIONS

The committee was requested to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications.

RESOLVED that the information be noted.

135. 22/02902/FUL

Retrospective: Use of riding arena for business use for individual training, riding and boarding of horses and erection of timber store (as amended)

Land to South West of The Old Stables, Durham Riding, Prudhoe, Northumberland, NE42 5NX

There were no questions arising from the site visit videos which had been circulated prior to the meeting.

The Development Management Area Manager (West) reported that an email regarding compliance with previous planning application conditions had been received shortly before the meeting had commenced. The officers were satisfied that the issues raised did not prevent determination of the current application and would be investigated following the meeting.

The Planning Officer introduced the application with the aid of a powerpoint presentation.

In response to questions from Members of the Committee the following information was provided:-

- Highways had confirmed that any issues regarding ownership and maintenance of the access track were a civil matter and not a material planning consideration.
- The Local Planning Authority could not include any conditions regarding maintenance of the access track due to it being in private ownership.
- The use of the facilities was not expected to impact on the safety of the highway network and therefore Highways Development Management had not objected to the planning application. There was sufficient parking for the number of vehicles expected to use the facilities and a condition had been requested to ensure that the area was retained for this purpose.
- The applicant had supplied the information about the number of anticipated vehicles visiting each week which would mainly be for individual training sessions. It was not anticipated that there would be a significant number of vehicles visiting the site at any one time.

Councillor Hutchinson proposed proposed acceptance of the of the officer's recommendation to approve the application which was seconded by Councillor Oliver.

Upon being put to the vote, the motion was unanimously agreed.

RESOLVED that the application be **GRANTED** permission for the reasons and with the conditions as outlined in the report.

136. 23/00645/FUL

Change of use of dwellinghouse (Use Class C3) to a residential institution (Use Class C2)

Oakwood Bank Cottage, Oakwood Bank, Oakwood, Hexham, Northumberland, NE46 4LA

There were no questions arising from the site visit videos which had been circulated prior to the meeting.

The Planning Officer introduced the application with the aid of a powerpoint presentation and confirmed that there were no updates.

Simon Barton, Associate Director of Operations for A Wilderness Way, the applicant, spoke in support of the application. He explained that:

- A Wilderness Way, had been formed nearly 16 years previously. The focus of the company was to better the lives of children, many of whom were considered to be amongst the most vulnerable children in the UK. Many of them had suffered adverse childhood experiences and exposed to abuse, neglect and exploitation.
- They provided clinically informed therapeutic care and support for a relatively short period of time with the intention for the child to return to family or a suitable alternative at the earliest opportunity.
- The natural and peaceful surroundings provided an opportunity to help children feel safe, loved and nurtured, the first time for many.
- They believed passionately about what they did using the transformative power of outdoor adventure. They utilised the countryside locations of their homes to provide children with outdoor activities and experiences which were life changing.
- They had 42 properties in the Northwest of England and Southwest Scotland. All except 3 of the properties provided accommodation to one child at a time. Given the nature of the work that was undertaken and intensity of support available, placements generally ran for between 17-22 weeks. This allowed the children to be at the centre of everything that was done, reducing external distractions and potential for 'sibling type' rivalry and conflict that was sometimes experienced in more standard residential settings. Oakwood Bank would be a single occupancy home.
- Different communities responded in different ways to their homes. In the majority of cases, they fit into the community with people recognising the significant social benefits that were provided. If this was not the case at the beginning, once people knew who they were and the unique way they operated, they were able to establish good communication links with the wider community. This enabled them to co-exist and in most cases become active participants in community life.
- They had held a meeting with interested parties on 26 April 2023 in response to the local objections to address and responded to many of the concerns raised. It was hoped that having provide greater context around their work and having shown neighbours around the property, they had made progress.

Daniel Addis, planning consultant for the applicant, also spoke in support of the application. He highlighted the following:

- The application sought to change the use of the property to allow it to be used as a home for a child in care. Having read the objections, they appeared to be based on a 'fear of the unknown' rather than the facts of the proposal. It was hoped that the previous speaker had provided a bit more depth regarding the company and how it functioned.
- The application was purely for the change of use of the building with no internal or external alterations proposed. Whilst the use class was different, Class C3 to Class C2, the nature of the use was very similar.
- Movements to and from the house during the day would be similar to any home, including parking and turning. There may be a child playing in the garden on some days, but for most of the time everyone would be indoors.
- The impact of the change of use would almost be unnoticeable. The benefits of the change of use would be immediate and far-reaching, particularly for a child living in the house.
- There was clear in-principle support for the proposal through the adopted development plan, as set out in the report. All site specific issues had been assessed and either found to be acceptable or acceptable subject to conditions.
- It was hoped that members of the committee could support the application in accordance with the officer's recommendation to approve subject to conditions.

In response to questions from Members of the Committee, the following information was provided:-

- A certificate of Lawfulness application had been refused as officers had concluded that planning permission was required for the change of use. Although the changes would be imperceptible from the outside, officers had considered the logistics of the operations at the premises with staff arriving and departing.
- It was necessary to consider whether it would be reasonable to add a condition regarding children being accompanied on external trips and whether it could be enforced. The latter was probably not achievable. From the information given by the speakers, it was expected that the children would be accompanied.
- Condition no. 3 addressed retention of the 6 car parking spaces for the lifetime of the development, although they were not required to be formally laid out.
- An informative could be included that the access lane between the house and the adjacent garage and parking areas was not obstructed as it was also used by nearby properties.
- The application had been brought to committee following consideration by the Director of Planning and Chair and Vice-Chair under the Scheme of Delegation given the objections and contentious nature of the application.

- The application had not specified a specific age group for children in care, it was expected that any of child under 18 years old would reside at the property.
- The information submitted with the application envisaged that a child would reside at the property for up to 12 months. The speakers had suggested the average length of stay was between 17-22 weeks.
- Up to 3 members of staff would be on site at anyone time including 2 carers and a manager with additional visits from social workers, family members of the child and educational tutors.

Councillor Kennedy proposed acceptance of the officer's recommendation to approve the application which was seconded by Councillor Fairless-Aitken.

Councillor Oliver suggested that an informative be included that the access be kept clear. Councillors Kennedy and Fairless-Aitken agreed to an informative being included.

Members expressed their support for the application which would provide an essential service for vulnerable children. It was noted that Northumbria Police had no objection to this application unlike a similar application which had been for multiple children where the police had objected due to concerns. It was hoped that the change of use would have little or no impact on the neighbouring community and would be accepted by residents within a short period.

Upon being put to the vote, the motion was unanimously agreed.

RESOLVED that the application be **GRANTED** permission for the reasons and with the conditions as outlined in the report and the addition of an informative to the applicant that the access road be kept clear.

**137. Tree Preservation Order
Tree Preservation Order – No. 02 of 2023
Land at Wardrew Manor House, Gisland**

The Planning Officer introduced the report with the aid of a powerpoint presentation. He explained the background for the request which had been objected to by a neighbouring landowner. A Land Tribunal case to consider an Adverse Possession Order to determine the rightful owner was scheduled to be held on 16 May 2023.

In response to questions from Members the following information was provided:-

- An adjacent footpath was considered to be sufficiently far away from the woodland area and therefore little risk to members of the public using the path, although this could not absolutely be guaranteed. A Consultant had assessed the trees and recommended the Tree Preservation Order (TPO). The TPO would not have been suggested if the trees were damaged or in

a dangerous condition. The land that the woodland was situated was in private ownership and due to its location, was unlikely to have anyone walking through it regularly.

- The trees had been assessed as having a 100+ years retention span and visually looked healthy.
- The land which belonged to the objector had been sold and therefore officers were unsure if the woodland would be used by livestock for shelter. They had been unable to contact the objector.
- Ownership of the land was in dispute and with there being a perceived threat to the future of the trees, this had led to the TPO request and assessment. The conclusion was that both areas of woodland 'definitely merited a TPO'.
- TPOs could be applied to individual trees or a larger area. In this case the impact of this whole woodland belt was considered to be important given the visual amenity value of the trees and therefore required protection.
- An application for work or revocation for individual trees or the whole area could be made at any time under the 5-day notice process which did not incur a fee.

Councillor Cessford moved the recommendation to confirm provisional order Land at Wardew Manor House, Gilsland 2023 (No. 02 of 2023). This was seconded by Councillor Stewart.

Some members were reluctant to apply a TPO across the whole woodland area. There was reference to nearby felling operations and some species of trees self-seeded and were quite prolific and only certain trees merited the TPO. There was also concern regarding the cost if work was required.

The Development Management Area Manager (West) stated that a TPO in such an isolated location was unusual. However, due to the perceived threat, the trees had been assessed against the TPO criteria which included health, age, perceived risk and visual amenity to determine a score.

Upon being put to the vote the results were as follows: -

FOR: 6; AGAINST: 5; ABSTENTION: 0.

RESOLVED that the Northumberland County Council (Land at Wardew Manor House, Gilsland) Tree Preservation Order 2022 (No. 02 of 2022), be confirmed without modification.

138. PLANNING APPEALS UPDATE

The report provided information on the progress of planning appeals.

RESOLVED that the information be noted.

Councillors Horncastle and Riddle left the meeting.

The meeting adjourned at 4.55 p.m. until 5.05 p.m.

LOCAL AREA COUNCIL BUSINESS

139. PUBLIC QUESTION TIME

There were no public questions.

140. PETITIONS

This item was to:

a) Receive any new petitions:

There were none to consider.

b) Consider reports on petitions previously received:

There were none to consider.

c) To consider updates on petitions previously considered:

An update was requested on Peth Head, Hexham.

141. LOCAL SERVICES UPDATE

Members received the following updates from the Area Managers from Neighbourhood Services and Technical Services:

Neighbourhood Services:

- Residual and Recycling waste collection services were performing well as was new the garden waste routes. Previously some garden waste collections had been missed due to the volume needing to be collected. Additional slots were being added for the bulky waste collection service to keep waiting times and performance within the target of 8 working days.
- Seasonal staff for grass cutting had been appointed and were in post as the service had commenced late March / early April. The weather had not been ideal at times although they were now on the second cut. There had also been delays due to the theft of 4 vehicles and grass cutting equipment from the Low Prudhoe depot. Equipment had been borrowed from other depots, purchased or hired, as necessary.
- Weed spraying was in progress for the next 6-8 weeks. Any areas of concern were to be reported and would be prioritised when the schedule permitted.
- The Hexham Hoedown, where residents in some streets removed weeds without spraying glyphosate, was in its third year. The work had varying levels of success.

- Verge Cutting was expected to be carried out in June and July with sight lines and previous priority areas undertaken before the main programme commenced. There was 6.8 million metres² of verge to be cut county wide with the assistance of contractors.

In answer to question, it was confirmed that:

- They would be meeting with the Traveler Liaison Officer and other colleagues in Public Protection before the traveler migration began in June to ensure the monitoring of facilities in areas such as Tyne Green and Park Well layby.
- A person had been arrested in possession of keys for the stolen vehicles which been identified as belonging to the Council. The locks had been changed on vehicles which had not been stolen.
- Dye would be used to indicate areas where glyphosate had been sprayed.
- The programme of road sweeping was similar to previous years which saw areas cleansed 4 times each year subject to there being no parked cars preventing access, severe weather events or vehicle downtime. The programme had been the same for the last 10 years.
- The Council supported community litter picks with the provision of equipment and the collection of litter. Individuals were encouraged to report locations where refuse bags needed to be picked up to prevent access by wildlife.

Technical Services:

- The winter services season had now been completed with 148 gritting runs carried out in 2022/23. All of the staff who had participated were thanked for working long and unsociable hours. The end of season winter restock of salt was taking place with 14,000 tonnes of salt having being ordered to replenish stock.
- Highways inspections were up to date in the Tynedale area with 6,436 actionable defects recorded over the last 3 months. 90% had been repaired in line with the policy. Extra resources had been brought in to address the deterioration of the network after the winter period.
- The sweeper and gully tanker were currently working in Bellingham after flash flooding on Saturday.
- Surface dressing preparation had been due to start earlier in the day but had been delayed. There were 7 schemes in the Tynedale area covering 128, 719m² with a total of 436,084m² for the whole county.
- An update was provided on a number of LTP safety schemes and drainage works which were scheduled, in progress, or had been completed.

Several Councillors expressed their appreciation for issues that had been promptly resolved following the reporting of incidents. Details would be checked for the scheduling of work in areas that had been highlighted at the meeting. Councillors were invited to contact officers by email to report issues which required attention.

The appearance of the recently installed raised crossing points on Allendale Road were commended and their use recommended in other locations.

RESOLVED that the updates be noted.

142. DOMESTIC ABUSE

Anne Lambert, Learning and Development Coordinator, was in attendance to give an overview and answer questions on Northumberland's implementation of the Domestic Abuse Act 2021. (A copy of a powerpoint presentation is enclosed with the signed minutes).

She explained that for the first time, the Act created a statutory definition of domestic abuse which included any incident of threatening behaviour, violence or abuse (psychological, physical, emotional, economic, financial, sexual, financial, controlling or coercive behaviour) between persons aged over 16 who were personally connected, whether they had been intimate partners or family members. Children who experienced domestic abuse were also now recognised as victims in their own right.

The presentation included:

- An overview of the Domestic Abuse Act and duties.
- Information on additional protection measures.
- Introduction of Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order Orders (DAPO) to tackle offenders.
- Duties placed on local authorities in England to support victims/survivors and their children in safe accommodation.
- Governance and accountability via a Domestic Abuse Commissioner and national and local multi-agency Partnership Boards.
- An update on progress to date in Northumberland.
- The availability of multi or single agency training.
- Services available in Northumberland which included the Domestic Abuse Support Service Northumberland, NDAS, Cygnus, Harbour, Acorns.

Members were asked to consider the above when contacted by residents with concerns on other matters which did not initially present as domestic abuse, examples of possible complaints could include noise and damage etc.

The following information was provided in response to questions from members:

- Under Clare's Law, an individual could apply for information about a current or ex-partner if they were worried the partner might have a history of abuse and were a risk to the individual. Professionals working with clients could not apply on their client's behalf. A decision would be made by the police as to whether the threshold was met for information to be released.

- Additional information would need to be sought from Housing regarding the process to obtain accommodation.
- It was often difficult for others to understand the behaviour of victims to keep themselves safe, for example: escalation of issues if they tried to leave the perpetrator or make a complaint to the police, being nice to the perpetrator so they were less likely to be hurt.
- A culture shift was needed to address issues with perpetrators, so the problem was not moved elsewhere.
- Operation Encompass aimed to ensure that children experiencing domestic abuse received support in school.
- There had been a significant increase of domestic abuse incidents during the Covid pandemic.

The Chair and members thanked the officer for the informative presentation.

RESOLVED that the presentation be received.

143. LOCAL AREA COUNCIL WORK PROGRAMME

A list of agreed items for future Local Area Council meetings was circulated. (A copy is enclosed with the minutes.)

Members were invited to email any requests to the Chair and / or Democratic Services Officer between meetings.

RESOLVED that the work programme be noted.

144. DATE OF NEXT MEETING

The date of the next meeting would be confirmed after the Annual Meeting of Council on 17 May 2023.

CHAIR _____

DATE _____

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Northumberland County Council

TYNEDALE LOCAL AREA COMMITTEE

13 JUNE 2023

DETERMINATION OF PLANNING APPLICATIONS

Report of the Director of Housing and Planning

Cabinet Member: Councillor CW Horncastle

Purpose of report

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

Recommendations

The Local Area Committee 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 Committee 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 Committee 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 Committees.

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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
Report of the Director of Housing and 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 6 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.

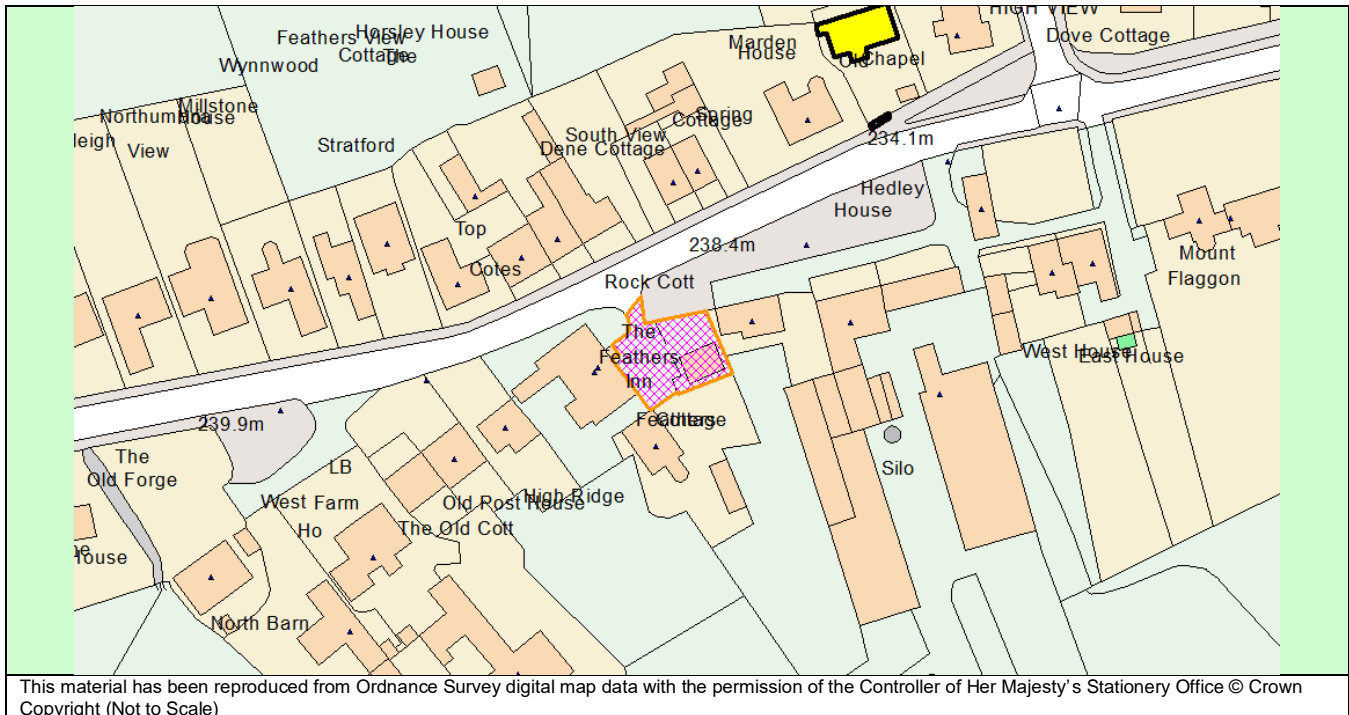


Northumberland
County Council

Tynedale Local Area Council Planning Committee
13 June 2023

Application No:	23/00727/FUL		
Proposal:	Retrospective: Amended scheme for retention of existing structure for ancillary pub space, community space and car port within car park		
Site Address	Feathers Inn, Hedley, Stocksfield, Northumberland, NE43 7SW		
Applicant:	Ms Helen Greer Feathers Inn, Hedley, Stocksfield, Northumberland NE43 7SW	Agent:	Jenny Ludman, Ludman Planning Ltd, Samespace, 4 Hencotes, Hexham, NE46 2EJ
Ward	South Tynedale	Parish	Hedley
Valid Date:	8 March 2023	Expiry Date:	16 June 2023
Case Officer Details:	Name: Mr Neil Armstrong Job Title: Principal Planning Officer Tel No: 07966330648 Email: neil.armstrong@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



1. Introduction

1.1 The application has been referred to the Director of Planning and Chair and Vice-Chair of the Tynedale Local Area Council under the Council's delegation scheme due to the significant level of support that has been received. It has subsequently been agreed that the application should be determined by Committee.

2. Description of the Proposals

2.1 Full planning permission is sought for the retention of an existing structure that has been constructed on land associated with The Feathers Inn, Hedley-on-the-Hill that is used for ancillary pub space, community space and car port within the existing car park.

2.2 The site is located in the centre of the village of Hedley-on-the-Hill, which is washed over by and fully within the Green Belt. The shelter / car port structure sits to the rear of an existing high stone wall adjoining an area of green open space, behind which is the car park of The Feathers Inn. The car park is located to the east of The Feathers Inn and separated from this by an existing access road that serves the pub and Feathers Cottage to the south.

2.3 The Feathers Inn is an attractive period stone building with a slate roof within the centre of the village. Alongside other properties within the immediate vicinity this creates an attractive rural village setting in terms of their appearance and built form, and buildings are predominantly of traditional form and design, constructed of stone and slate.

2.4 The structure consists of 2.2 metre high timber uprights to the north adjacent to the wall with larger ones 2.8 metre high to the southern side within the car park. A clear polycarbonate sheet measuring 4 metres in depth and 9.1 metres in length has been fixed on a timber frame sloping upwards from north (2.2 metres in height) to south (3 metres). The submitted plans show six car parking spaces and the application seeks to retain the three parking spaces in the southern area, with the northern area underneath the shelter capable of mixed use having either three car parking spaces or areas for seating.

2.5 A previous application (ref: 21/02377/FUL) sought retrospective permission for the "*construction of carport in existing car park to provide cover for three car parking spaces and provide shelter for diners during COVID*". The application was determined under delegated powers and refused for the following reasons:

1. *The site and proposed development is located in the Green Belt and would have limited but some impact on the openness of the Green Belt, and therefore represents inappropriate development, which is by definition harmful to the Green Belt. The very special circumstances necessary to outweigh the harm have not been demonstrated contrary to chapter 13 of the National Planning Policy Framework.*

2. *It is considered that the wooden car port represents an alien and incongruous addition in this location, combined with the polycarbonate roof that represents poor quality design using inferior and non-traditional materials, which adversely impact on the local character of the village. It is considered that the design is not appropriate to*

the character of the site and its surroundings in terms of its scale, position and appearance and would not accord with Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policy GD2 and chapter 12 of the National Planning Policy Framework.

3. *The construction of the car port within the allocated car parking for the public house is not appropriate or required and would result in customers parking on the highway, contrary to Tynedale Local Plan Policies GD4 and GD6 and the National Planning Policy Framework.*

2.6 The applicant appealed the decision to refuse the application and this was dismissed (refused permission) by the Planning Inspectorate. The Council and the Inspector agreed that the first reason for refusal was no longer relevant as it was accepted that the structure would not result in inappropriate development in the Green Belt.

2.7 However, the Inspector commented that *“Slate roofs are extensively used on buildings in the village and notwithstanding the open and natural appearance of the timber structure, the polycarbonate roof is not a traditional material in the village setting and is an inappropriate material within the local vernacular. While the roof is a lightweight structure, due to its northern orientation and front to back pitch, its clear finish and transparency do not reduce its visual prominence. Similarly, the elevated and setback position of the roof and the screening provided by the front wall, surrounding buildings and central tree do not reduce the corrugated material’s appearance from the road and footpath”.*

2.8 In addition, the Inspector stated that *“Overall, the polycarbonate roof is not an attractive or high-quality material that respects the general village setting”.* They also went on to say *“In conclusion, the development adversely affects the character and appearance of the area. It does not comply with Policies QOP1 and QOP2 of the Local Plan which seek, amongst other matters, to ensure development positively contributes to local character and distinctiveness. The development also does not comply with paragraph 126 and 130 of the Framework which seek for proposals to be visually attractive and be sympathetic to the local character of the surrounding built environment and landscape setting”.*

2.9 The current application looks to retain the existing structure and the polycarbonate roof. However, it is now proposed to include a 750mm strip of ‘green roof’ to the lowest part adjacent to the northern boundary in an attempt to mitigate the visual impact. The applicant’s supporting statement also looks to set out the benefits associated with the retention of the structure to the pub and the community.

2.10 At the time of a recent site visit it was also noted that the applicant has erected an additional structure on the southern part of the existing car park area. This comprises a frame of wooden poles that support a green coloured canvas sheet across its top. This is not part of the current application and has been raised with the applicant’s agent.

3. Planning History

Reference Number: 21/02377/FUL

Description: Retrospective: Construction of carport in existing car park to provide cover for three car parking spaces and provide shelter for diners during COVID

Status: Refused and dismissed on appeal

Reference Number: T/85/E/281

Description: Proposed construction of dwellinghouse on site of disused barn.

Status: Withdrawn

Reference Number: T/86/E/661

Description: Construction of single storey dwelling house on agricultural land, (as amended by letter dated 9.10.86 and attached plan).

Status: Refused

Reference Number: T/85/E/389

Description: Construction of dwelling house on site of disused barn and part of pub car park west of The Feathers and construction of public house car park.

Status: Permitted

Reference Number: T/84/E/583

Description: Retention of stone chimney on beer store.

Status: Permitted

Reference Number: T/83/E/264

Description: Erection of beer store.

Status: Permitted

Reference Number: T/82/E/164

Description: Construction of new roof and extension to provide crate store.

Status: Permitted

Reference Number: T/77/E/393

Description: Erection of front and rear porches and dormer windows.

Status: Permitted

Reference Number: T/76/E/538

Description: Change of use and conversion of barn to dwelling house.

Status: Permitted

Reference Number: T/75/E/725

Description: Proposed new porch and windows.

Status: Permitted

Reference Number: T/960157

Description: Proposed extension to existing dormer window and entrance lobby to flat above

Status: Permitted

4. Consultee Responses

Hedley on the Hill Parish Council	The Parish Council strongly supports the retrospective planning application for the retention of the existing structure for ancillary pub space, community space and car port within the Feathers Inn car park.
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	<p>Hedley is a small community with no amenities available for people to gather or organise communal activities. Owners at the Feathers Inn have very generously allowed the Parish Council to use its space at no cost at multiple occasions over the past two years, and will continue to do so in 2023. At present, the council intends to host a village party to mark the coronation of the new King, organise a Christmas Carol night, and other activities that could not take place without this community space being available to us, making the shelter an essential amenity for our local community.</p> <p>The owners at the Feathers Inn also host various events and activities aimed at supporting the local community (in addition to those organised by the Parish Council), and the pub also functions as a social hub for many residents, making the Feathers Inn an essential amenity in the Hedley Parish. It is essential for the Feathers Inn to retain the existing structure to be able to continue to operate.</p> <p>Finally, the Parish Council deems the existing structure in keeping with the local surroundings, particularly with the addition of the proposed green roof. This is further supported by strong support from local residents, as evidenced by the many comments in support of the planning application. To date, the Parish Council is not aware of any local objection to the plans.</p>
Highways	No objections.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	6
Number of Objections	0
Number of Support	106
Number of General Comments	0

Notices

General site notice: 22 March 2023
No press notice required.

Summary of Responses:

106 representations have been received in support of the proposal from people and businesses within the village, the surrounding area and also further afield. These primarily include comments with regard to:

- the scale, design and materials are acceptable and sympathetic to the area and the clear roof provides an open appearance

- the structure provides much needed cover / shelter and an attractive outside space to serve the pub
- it supports and contributes to the viability of the pub, which is an important asset and hub for the village and wider community
- the green roof is in keeping with its surroundings
- a solid roof would result in a darker and less attractive space
- there is significant local support and the structure should be retained
- provides an accessible space for the pub and has been used for community events
- it was a significant benefit to the pub and community that was used during the Covid pandemic

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=RQR0RPQSFSB00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

STP 1 - Spatial strategy (Strategic Policy)
 STP 2 - Presumption in favour of sustainable development (Strategic Policy)
 STP 3 - Principles of sustainable development (Strategic Policy)
 STP 4 - Climate change mitigation and adaptation (Strategic Policy)
 STP 5 - Health and wellbeing (Strategic Policy)
 STP 7 - Strategic approach to the Green Belt (Strategic Policy)
 STP 8 - Development in the Green Belt (Strategic Policy)
 ECN 1 - Planning strategy for the economy (Strategic Policy)
 ECN 12 - A strategy for rural economic growth (Strategic Policy)
 ECN 13 - Meeting rural employment needs (Strategic Policy)
 ECN 15 - Tourism and visitor development
 ECN 16 – Green Belt and tourism and visitor economy
 QOP 1 - Design principles (Strategic Policy)
 QOP 2 - Good design and amenity
 QOP 3 - Public realm design principles
 QOP 5 - Sustainable design and construction
 QOP 6 - Delivering well-designed places
 TRA 2 - The effects of development on the transport network
 TRA 4 - Parking provision in new development
 ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
 INF 2 - Community services and facilities

6.2 National Planning Policy

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

6.3 Neighbourhood Planning Policy

N/A

6.4 Other Documents/Strategies

NDG - National Design Guide (2019)

NMDC - National Model Design Code (2021)

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 plan comprises policies in the Northumberland Local Plan (NLP - March 2022). The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Following assessment of the proposals, the main issues that are considered to be relevant in the determination of the application are as follows:

- principle of development
 - spatial strategy
 - Green Belt
- design and visual impact
- residential amenity
- highway safety
- overall planning balance

Principle of Development

Spatial Strategy

7.3 The site is located within the centre of Hedley-on-the-Hill, which is identified as a Small Village within the NLP. Part 1 d. of Policy STP 1 of the NLP states that “*in order to support the social and economic vitality of rural areas, and recognising that development in one village can support services and facilities in other nearby villages, Small Villages listed in Appendix A will support a proportionate level of development subject to Green Belt policy considerations where relevant*”.

7.4 Part 1 e. of the policy also goes on to state that sustainable development will be supported within Small Villages without defined Green Belt inset boundaries or settlement boundaries, subject to Green Belt policy considerations where relevant, if it is:

- i. Commensurate with the size of the settlement; and*
- ii. Reflects the role and function of the settlement; and*
- iii. Does not adversely impact upon the character and appearance of the settlement; and*
- iv. Does not adversely impact upon the setting of the settlement or the surrounding countryside.*

7.5 Policy ECN 12 of the NLP sets out a strategy for rural economic growth, which will be encouraged by within constraints, facilitating the growth and up-scaling of businesses in rural locations and safeguarding the rural environment, rural communities and traditional rural businesses upon which the rural economy depends. Policy ECN 13 also relates to meeting rural employment needs and through this support will be given to proportionate well related development, necessary for the continued operation in situ of an existing rural business.

7.6 It is acknowledged that The Feathers Inn is a well-established, award winning and important asset of the village and that serves the wider area. This is also evidenced through the representations in support of the proposals. Policy INF 2 of the NLP refers to community services and facilities. This states that:

“Improvement in the quantity, quality, accessibility and range of community services and facilities, and the provision of new services and facilities where these will meet an identified need will be supported, subject to conformity with policies elsewhere in the Local Plan, and any made neighbourhood plans, which seek to ensure any significant adverse effects on the environment, habitats, heritage assets and local amenity can be avoided through good design and siting of development or that those effects can be suitably compensated for or mitigated.”

7.7 Paragraph 81 of the NPPF states that *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt”*. Paragraph 84 of the NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas through conversion of existing buildings and well-designed new buildings. They should also enable sustainable rural tourism and leisure developments that respect the character of the countryside and the retention and development of accessible local services and community facilities, including public houses.

7.8 Furthermore, paragraph 93 of the NPPF looks to provide the social, recreational and cultural facilities and services the community needs by planning positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

7.9 Having regard to the above policy context of the NLP and the NPPF, there is support in principle for the proposed development as something that would support an established business and community facility. However, this would be subject to achieving a satisfactory form of development that would be appropriate to the character and appearance of the site, the settlement and the wider area.

Green Belt

7.10 Policy STP 8 states that in assessing development proposals within the Green Belt, 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. The Policy also supports development that is not inappropriate in the Green Belt, as defined in national policy.

7.11 National Green Belt policy is set out within Chapter 13 of the NPPF, and paragraph 137 states that *“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”*. The five purposes that the Green Belt serves are set out at paragraph 138, which are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

7.12 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”*.

7.13 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although exceptions to this are identified, which includes limited infilling in villages at part e).

7.14 Part 2 of Policy STP 8 of the NLP also states that *“in villages in the Green Belt, limited infilling of a small gap in an otherwise built up frontage will be supported. Development which fills a small gap between buildings within a village in the Green Belt will be recognised as limited infilling in villages, in accordance with the NPPF, and will be supported, providing it would not constitute the following:*

- a. Development between loose-knit groups of buildings;*
- b. Development between the built edge of a village and other buildings which are not physically and visually linked to the settlement;*
- c. Development of a scale or form that would result in the loss of significant gaps between buildings or diminish the open character of the village”*.

7.15 During the appeal for the previous application it was accepted that the structure would result in limited infill within a village given the nature of the development and the location of the site. On that basis the structure would satisfy an exception to inappropriate development in the Green Belt and would therefore be in accordance with Policy STP 8 of the NLP and paragraph 149 of the NPPF. The proposals would also be in accordance with Policy ECN 16 of the NLP in respect of Green Belt, tourism and the visitor economy.

Design and Visual Impacts

7.16 Policies QOP 1 - QOP 6 of the NLP are relevant in relation to achieving high quality, sustainable design and construction, and well-designed places in accordance with the NPPF.

7.17 Policy QOP 1 sets out general design principles against which development will be assessed. These include that proposals should make a positive contribution to local character and distinctiveness; create or contribute to a strong sense of place and integrate the built form with the site and wider local area; be visually attractive and incorporate high quality materials and detailing; respect and enhance the natural, developed and historic environment; ensure buildings and spaces are functional and adaptable for future uses; facilitate an inclusive, comfortable, user-friendly and legible environment; support health and wellbeing and enhance quality of life; support positive social interaction and a safe and secure environment; not cause unacceptable harm to the amenity of existing and future occupiers of the site and surroundings; incorporate green infrastructure and opportunities to support wildlife; make provision for efficient use of resources; respond to the climatic conditions of the location; mitigate climate change and be adaptable; ensure the longevity of buildings and spaces.

7.18 The NPPF at paragraph 126 states that *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”* and recognises that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.

7.19 Paragraph 130 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate landscaping; are sympathetic to local character and history, including the surrounding built environment; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

7.20 Paragraph 134 of the NPPF states that *“development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design”*. Conversely, significant weight should be given to design that reflects local design policies and government guidance on design and/or outstanding or innovative designs that promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.21 As referred to earlier, an application to retain the structure with its polycarbonate roof has previously been refused on design grounds and an appeal was subsequently dismissed. The Planning Inspector commented that:

“Slate roofs are extensively used on buildings in the village and notwithstanding the open and natural appearance of the timber structure, the polycarbonate roof is not a traditional material in the village setting and is an inappropriate material within the local vernacular. While the roof is a lightweight structure, due to its northern orientation and front to back pitch, its clear finish and transparency do not reduce its visual prominence. Similarly, the elevated and setback position of the roof and the screening provided by the front wall, surrounding buildings and central tree do not reduce the corrugated material’s appearance from the road and footpath”.

7.22 In addition, the Inspector stated that:

“While there are some examples of a similar corrugated roof material used on the nearby farm buildings these are limited to localised buildings which are not as highly

visible as the development. The appellant indicates that the use of a slate or tiled roof on the carport would not have been appropriate as it would not withstand falling branches or extreme wind. However, no substantive evidence has been provided to support this view. Overall, the polycarbonate roof is not an attractive or high-quality material that respects the general village setting.”

7.23 They also went on to say:

“In conclusion, the development adversely affects the character and appearance of the area. It does not comply with Policies QOP1 and QOP2 of the Local Plan which seek, amongst other matters, to ensure development positively contributes to local character and distinctiveness. The development also does not comply with paragraph 126 and 130 of the Framework which seek for proposals to be visually attractive and be sympathetic to the local character of the surrounding built environment and landscape setting”.

7.24 The appeal decision and the above assessment are considered to be a material consideration that should be given significant weight in the assessment of development on the site in terms of its design and visual appearance. It is also acknowledged that the matter of design can be subjective with the Parish Council and many of the representations in support expressing the view that the polycarbonate roof is appropriate and not out of character with the site and surrounding area, whilst highlighting the lighter space this creates for users.

7.25 In addition, officers have also given weight to the amended proposals as submitted with this application that include the applicant's supporting planning statement. This sets out further information in respect of the justification for retaining the structure and its amended green roof design; stated community and economic benefits and evidence of ongoing use as part of the pub; policies that have not previously been considered; and a potential fallback position for alternative development. These matters will be considered later in this report as part of the overall assessment and weighing up of the planning balance.

7.26 The applicant's supporting statement states they have tried to consider ways of improving the appearance of the structure. A slate roof was considered, but due to its weight (and cost), it is stated this would not be a viable option. Another alternative was a galvanised steel roofing material instead of the polycarbonate 'clear' roof that is on the shelter at present. The statement outlines that this approach would significantly reduce the amount of light coming into the shelter and would make it a much less open and airy space.

7.27 The application suggests that the introduction of a partial green roof would mean that, when viewed from within the village, only the green roof would be visible, due to the angle of the pitch of the roof, giving the impression that the whole roof is grassed. It is stated that to cover the whole roof would result in a much darker space inside the shelter and could also cause problems associated with weight. In further correspondence it is stated that this will be a mix of hardy grass plants and therefore will require very little maintenance, apart from some watering in the summer if it is very dry. It is suggested that the grass species will mean that the rest of the roof will not be readily visible from the street scene.

7.28 Whilst it is acknowledged that this may mitigate the visual impact of the roof material to some degree, on balance, it is not considered that this would fully overcome

the harm arising from the use of polycarbonate as a material in this location. This would cover a relatively small area and although it may have some improvement when looking directly opposite the site, it is not considered that this would sufficiently screen or reduce the impact of the polycarbonate roof material in this location as whole.

7.29 Given that the main area of concern from the previous application and appeal decision is the roof material, officers have again queried the use of alternatives, including natural slate. This would enable the structure to be retained and used alongside the pub but address the design concerns of the polycarbonate roof. The applicant's agent has advised in further correspondence that the purpose of the roof is to get as much light and heat into the area as possible, whilst a slate roof would make it dark and quite oppressive. In addition to this, it is stated that the cost of a slate roof would be significant, and it is not the intention of the applicant to have this structure here permanently, therefore this investment cannot be justified cost wise for the ongoing running of the business.

7.30 It is not felt that the reasons given in terms of light and proximity to trees should prevent the use of slate as a much more suitable material or outweigh the benefits in terms of the overall visual appearance. It is acknowledged that the use of slate would result in a further expense, although no information has been provided to demonstrate this would adversely affect the viability of the business.

7.31 Having regard to the previous assessment and the appeal decision it is officer opinion that there is no significant change in terms of design and the application still looks to retain the polycarbonate roof, which the appeal decision highlights is an inappropriate material that adversely affects the character and appearance of the area. The proposed green roof element is not considered to overcome or outweigh the level of harm to the character and appearance of the area.

7.32 On that basis, it is officer opinion that the proposal would not comply with Policies QOP 1 and QOP 2 of the NLP, which seek to ensure development positively contributes to local character and distinctiveness. The development also does not comply with paragraphs 126 and 130 of the NPPF, which seek for proposals to be visually attractive and be sympathetic to the local character of the surrounding built environment and landscape setting

7.33 Notwithstanding these concerns, the final section of this report will weigh potential benefits and other relevant material considerations against this harm as part of the overall planning balance.

Residential Amenity

7.34 The proposal is located in an existing car park, and prior to the increase in the seating within this area, it is understood that there was informal seating on the grass verges within the site. The site is part of the curtilage of an established public house where such space could be used for external use. Adjoining residents could therefore expect a certain amount of noise and activity resulting from customers entering and leaving the site and using the external areas.

7.35 Although the structure is located close to Rock Cottage, to the east, it is considered that alongside the associated use of the area, this does not have a significant or detrimental impact on the residential amenity of this or other neighbours within the vicinity of the site. No objections have been received to the application,

whilst potential matters of noise and disturbance could also be considered outside of the planning process through nuisance and licensing legislation.

7.36 In this respect the proposals is considered to be in accordance with Policies QOP 2 and POL 2 of the NLP and the NPPF.

Highway Safety

7.37 Policies TRA 2 and TRA 4 of the NLP are relevant to the development in terms of considering effects on the transport network and parking provision. Appendix E of the NLP sets out relevant parking standards for new development.

7.38 One of the reasons for refusal of the previous application was in respect of the effects on the existing parking area, loss of spaces and resultant parking on the highway.

7.39 The application sets out that given the shelter will remain largely in parking use when there are not village events (which most people in the village will walk to), or when additional seating space is required outside (more likely in the summer months), it is considered that it is highly unlikely that the development would result in severe impacts on the road network. Furthermore, the supporting statement references permitted development rights available for a moveable structure of equivalent size in the car park, without the need for planning permission, which would permanently displace car parking availability as it would be difficult to have such a structure as capable of being moved and acting as a shelter for car parking.

7.40 Highways Development Management (HDM) have assessed the application in terms of whether the proposal would result in an adverse impact on the safety of all users of the highway, the highway network or highway assets. Upon assessment of the submitted details, the retrospective structure has been confirmed to be used by the local community during events and parties, and when not in use, it is used as a car parking area.

7.41 HDM have considered the proposal and note that it has been in place since 2021 and no highway related complaints have been received due to it being in place. The internal area and the bays are longer and wider than what is required for a standard bay, whilst there is sufficient reversing space that will enable forward egress from the site. HDM conclude that the proposed structure has not had an impact on the highway network and is unlikely to lead to having an impact on the highway in the future. No objections are raised and the application would therefore be in accordance with Policies TRA 2 and TRA 4 of the NLP and the NPPF in this respect.

Overall Planning Balance

7.42 Members will note that the application has attracted a considerable level of support from users of the pub, the local community and from further afield. The Parish Council also strongly supports the application as set out in their comments at Section 4 of the report above. These are material considerations that need to be weighed as part of the overall planning balance and in the context of any harm as a result of the appearance and use of materials as set out earlier.

7.43 Within the appeal decision for the previous application the Inspector recognised that the covered area offered an outdoor seating area at a time of need, particularly

during the Covid pandemic and the associated restrictions on social gatherings. However, based on the information that was provided at that time the Inspector commented that if the area was to be used only for parking, then many of the benefits would be less significant. The applicant's statement makes the position at the present time and the proposed use of the area clearer in terms of this being for car parking, but also for community use, and pub use (outdoor meals/drinks under cover).

7.44 With regard to the weight to be given to community benefits the application refers to an appeal decision from another authority in relation to the erection of three buildings, fixed seating and tables; the erection of an extension; and the erection of a brick built structure in the Green Belt. That states: *"It is plainly evident from representations received that the public house is very popular and regarded as an important community facility... Paragraph 92 of the Framework is therefore relevant. It states that planning decisions should plan positively for the provision and use of community facilities (such as public houses) to enhance the sustainability of communities and residential environments and to ensure that such facilities are able to development and modernise and are retained for the benefit of the community"*.

7.45 That appeal decision refers to details of income and jobs generated. It also acknowledges that whilst there had not been clear evidence that an outside bottle bar was critical to attracting customers, it was likely that the pandemic will have changed that. The Inspector acknowledged that the possibility of visiting the pub and not having to go inside at all will be an attractive proposition to some customers, particularly to those most vulnerable. This could also be seen as an attraction and operational benefit remaining for some time after social distancing and other restrictions have been lifted.

7.46 In allowing the appeal and accepting there were very special circumstances overall to justify the development, the Inspector afforded significant weight to demonstrated business needs; greater than modest weight to the contribution and success of the pub as a community asset; moderate weight to community benefits; and moderate weight to operational and financial benefits.

7.47 The applicant's submission does not provide any detailed evidence or assessment of the impact of the structure on the viability of the business or the impact if this was not in place. It is clear from the representations in support that the use of the external area for eating and drinking contributes to the success of the business, and it is accepted that the structure will play some part in that. However, there is no evidence to suggest that this could not operate in a similar way with the same benefits to the business with a more appropriate design and material finish.

7.48 The application also refers to a potential fallback position for moveable structures for pubs, restaurants etc. set out at Schedule 2, Part 2, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). This permits the provision of one moveable structure within the curtilage of the pub, subject to restrictions, including that it must not be within 2 metres of the curtilage of any adjacent land used for residential use; it must not be higher than 3 metres; and must not exceed the lesser of 50% of the footprint of the building or 50 square metres.

7.49 The application highlights that the pub needs to retain a shelter of some kind in order to be able to continue to operate at the capacity it is currently. It is suggested there is a very real possibility that if this application is not approved, the applicant will

have no option but to install a moveable structure in the car park which could potentially have a greater visual impact.

7.50 The supporting planning statement suggests that the applicant has done everything possible to reduce the visual impact of the scheme, therefore they state it seems reasonable to conclude, whilst considering the fallback position, that there is no greater visual harm as a result of retaining the shelter (with the additional grass roof to further reduce visual impact) than there would be if a new structure were erected under permitted development.

7.51 Appropriate weight can be given to the possibility of a genuine fallback position as a material consideration in determining a planning application. However, in this instance the application has not demonstrated that there would likely be any greater harm with an alternative proposal that could be undertaken through the GPDO as suggested. Furthermore, any alternative would need to consider the proximity to the adjacent residential property, and it is not clear what scale and form any alternative structure would take. Although this could be a material consideration, it is not given significant weight in this instance to justify the proposed development.

7.52 In summary, the amended design is acknowledged and the introduction of an element of green roof could mitigate the visual impact of the polycarbonate roof to some degree. However, the design is still not considered to be appropriate for the reasons set out earlier in this report. Officers have also taken into account all of the supporting information provided by the applicant and fully appreciate the level of support to the proposals.

7.53 Taking all of the above into consideration, as well as the conclusions on design in the appeal decision for the previous application, on balance, officers are not able to support the application. The design and appearance of the structure has a harmful impact on the character of the area, and it is not felt that there are sufficient material considerations that would outweigh the harm in this instance.

Other Matters

Equality Duty

7.54 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

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

Human Rights Act Implications

7.56 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.

7.57 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.

7.58 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 design and use of materials result in harm to the character and appearance of the site and surrounding area, contrary to Policies QOP 1 and QOP 2 of the NLP and the NPPF. Whilst the significant level of support is fully acknowledged and officers note the benefits to the business and wider community, the application does not demonstrate that there are material considerations that would justify and outweigh the identified harm in this instance.

9. Recommendation

That this application be REFUSED permission for the following reason:

01. By virtue of the predominant use of polycarbonate to the roof, the proposal results in poor quality design that adversely impacts on the character and appearance of the site and the surrounding area and does not result in development that is visually attractive or sympathetic to the local character of the surrounding built environment. There are not considered to be any material considerations that would justify the proposals and outweigh the harm to the character and appearance of the area. The proposal is therefore contrary to Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the National Planning Policy Framework.

Background Papers: Planning application file(s) 23/00727/FUL and 21/02377/FUL

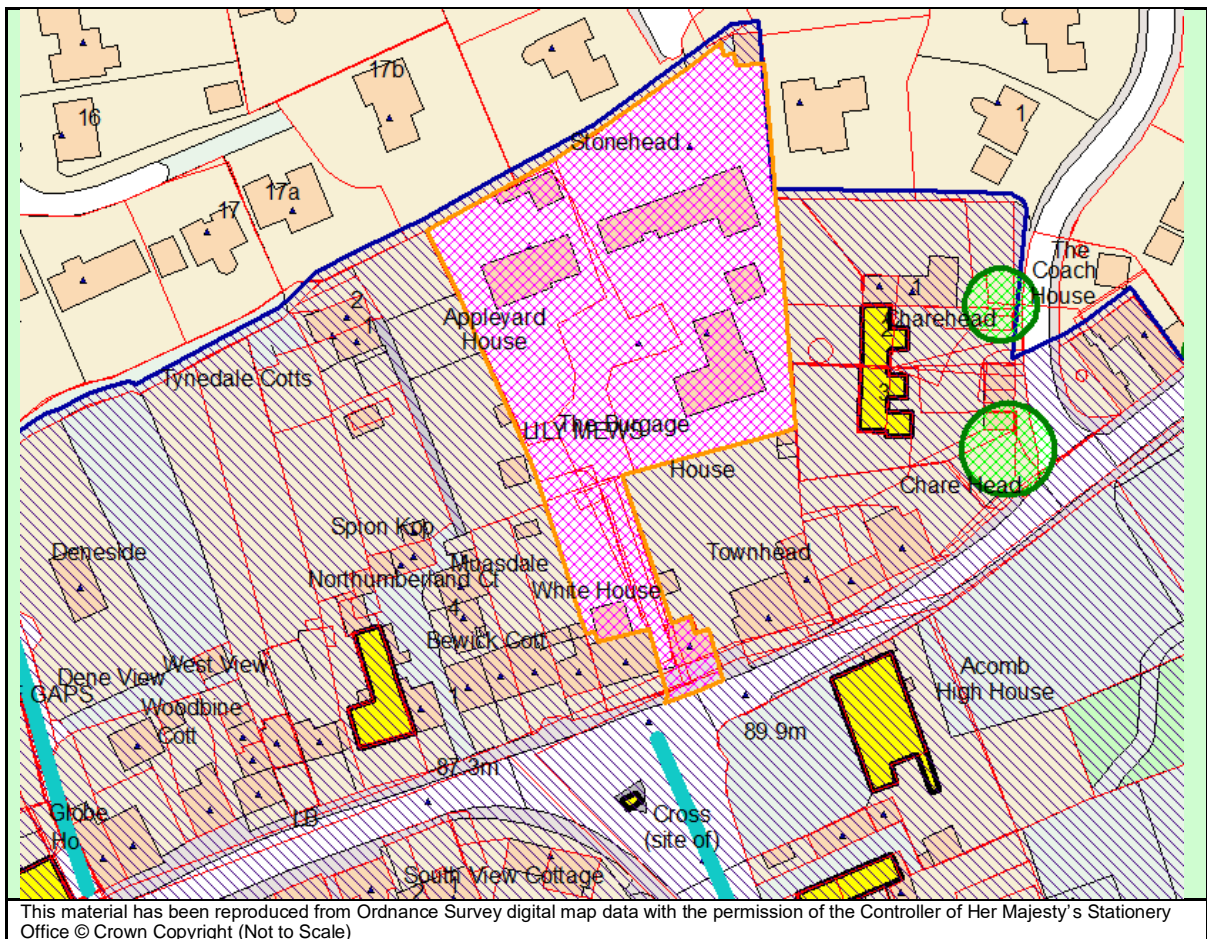


Northumberland County Council

Tynedale Local Area Council Planning Committee 13th June 2023

Application No:	19/00068/VARYCO		
Proposal:	Variation of Condition 2 (Approved Plans) pursuant to planning permission 16/01241/VARYCO in order to alter Plots 1, 2 and 3 (amended description 05/05/2023).		
Site Address	Land North Of White House, The Green, Acomb, Northumberland NE46 4PJ		
Applicant/ Agent	Mr Darryl Bingham 19 Burswell Avenue, Hexham NE46 3JL		
Ward	Hexham Central With Acomb	Parish	Acomb
Valid Date	8 January 2019	Expiry Date	24 January 2020
Case Officer Details	Name: Mr Callum Harvey Job Title: Senior Planning Officer Tel No: 07966 325 979 Email: Callum.Harvey@northumberland.gov.uk		

Recommendation: That Planning Permission be GRANTED for the proposed development



1. Introduction

1.1 This application is subject to objections from the Parish Council and the Built Heritage and Design officer. Following referral to the Director of Planning and the Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Chair Referral Scheme, it was agreed that this application be determined by Members of the Tynedale LAC Planning Committee.

2. Description of the Proposals

2.1 The application site, known as Lily Mews, is a recently constructed development of 3no. detached dwellings located to the rear of White House, which is located on The Green in Acomb.

2.2 Planning permission was granted 14th May 2015, reference 14/02291/FUL, for the following development at this site:

“Demolition of one disused, corrugated steel shed and smaller garden structures, and erection of 3 no. dwellings including one house and two bungalows each with a double garage and large garden areas.”

2.3 This consent was subsequently varied in October 2016, reference 16/01241/VARYCO. That decision amended the landscaping, heritage and

archaeological elements of the approved development. The application form received under that application stated that development had not started at the point of submission, April 2016.

- 2.4 The current application has been merged with application 20/01315/VARYCO so that the current application covers all three plots. Application 20/01315/VARYCO was subsequently withdrawn 12th May 2023.
- 2.5 The current application seeks retrospective permission for the as-built development at Plots 1, 2 and 3. This application was received January 2019; the application form states that the development at Plots 2 and 3 commenced in May 2018 though had not been completed at the point of submission of the application. For clarity, it is considered by officers that the planning permission 14/02291/FUL was lawfully implemented within the three year time limit and therefore remains extant.
- 2.6 The current application seeks approval for amended drawings (Condition 2) to reflect the as-built development at Plots 1, 2 and 3.

The as-built changes to Plot 1 are as follows:

- New rooflights to front and rear elevations of the property;
- 2no. flues on rear elevation of the property;
- New Air Source Heat Pump adjacent to western side elevation;
- Use of natural slate roof tiles which are not Welsh slate roof tiles;
- Use of upvc rainwater goods painted black;
- 2no. white upvc bi-fold doors on rear elevation; and
- 3no. further white upvc doorways on rear elevation.

The as-built changes to Plot 2 are as follows:

- Increase in roof ridge height from 4.6m as approved to 5.7m as-built;
- New window on northern elevation and on southern elevation;
- 2no. new rooflights to the eastern side elevation;
- Use of natural slate roof tiles which are not Welsh slate roof tiles; and
- Use of upvc rainwater goods painted black.

The as-built changes to Plot 3 are as follows:

- Increase in roof ridge height from 5m as approved to 6.3m as-built
- 2no. new rooflights and a new flue to the northern side elevation;
- Use of natural slate roof tiles which are not Welsh slate roof tiles; and
- Use of upvc rainwater goods painted black.

- 2.7 The development has also been constructed in different locations within the site, as follows:
- The as-built eastern elevation of Plot 2 is closer to the eastern site boundary than as previously approved; the original consent approved a 3.7m separation distance however this has been reduced to 3.2m;

- The as-built southern elevation of Plot 2 is closer to the northern side elevation of the detached garage for Plot 3 than as previously approved; the original consent approved a 7.2m separation distance however this has been reduced to 6m;
- The as-built eastern elevation of the detached garage at Plot 3 is closer to the eastern site boundary than as previously approved; the original consent approved a 4.9m separation distance however this has been reduced to 2.9m.
- The as-built southern elevation of Plot 1 is further from the southern site boundary than as previously approved; the original consent approved a 4.2m separation distance however this has been increased to 7.1m.

2.8 At the time of writing this report, Plots 1, 2 and 3 are built and occupied. The remaining works yet to be completed comprise:

- Implementation of soft landscaping in accordance with the submitted drawings;
- Implementation of final repair works to the hayshed located to the rear of Plot 2; and
- Implementation of ecological mitigation measures.

2.9 The building previously known as 'The Milking Parlour', located at the southern end of the site facing The Green, was recently granted planning permission by Members to be used as a one-bedroom holiday let, reference 22/00414/FUL.

2.10 As the principle of the development has already been established under the previous granting of consent, the amendments listed above are the only elements of the development that will be considered under this application.

3. Planning History

Reference Number: 14/02291/FUL

Description: Demolition of one disused, corrugated steel shed and smaller garden structures, and erection of 3 no. dwellings including one house and two bungalows each with a double garage and large garden areas.

Renovation of dairy building at site entrance into an office.

Status: Permitted

Reference Number: 16/01242/DISCON

Description: Discharge of conditions 12 (method statement) and 13 (details of repairs) of application 14/02291/FUL (amended description)

Status: Permitted

Reference Number: 16/01241/VARYCO

Description: Variation of conditions 10 (landscaping), 11 (conservation strategy), 15 (method statement), and 24a (archaeological), Remove condition 17 (method statement - duplicate) of approved planning application 14/02291/FUL

Status: Permitted

Reference Number: 19/00546/DISCON

Description: Discharge of conditions 3 and 8 (Materials), 10 (Hard/soft landscaping), 11 (External wall works), 14 and 15 (Hayshed repair works), and 22 (Archaeological report) relating to approved planning application 16/01241/VARYCO.

Status: Withdrawn

Reference Number: 20/01315/VARYCO

Description: Variation of conditions 2 (approved plans) and discharge of conditions 3 (materials), 8 (rainwater goods) and 10 (landscaping) of application 16/01241/VARYCO - changes to plot 1, increase roof pitch, introduce rooflights and other minor elevation changes (amended description)

Status: Withdrawn

4. Consultee Responses

Acomb Parish Council	<p>Acomb Parish Council wish to comment/object as follows.</p> <ol style="list-style-type: none"> 1. Plot 2 now overlooks an adjoining property 2. Additional bedrooms will increase the number of cars in respect of access and parking (Main Street will be used). 3. It is not clear from the plans if the height of the building has been increased. 4. It is not clear if the orientation[?] of houses has been changed. 5. The Byre change of use will result in cars being parked on Main Street. <p>The Hay Barn should have been repaired before building work started, this has not happened.</p>
Built Heritage and Design	<p><u>Summary:</u></p> <p>Objection.</p> <p>Concerns regarding:</p> <ul style="list-style-type: none"> - The use of non-indigenous roof slates instead of the previously approved Welsh slates; - The use of upvc openings for bi-fold doors rather than timber; - The use of upvc rainwater goods rather than cast iron; - The use of additional and larger openings; - The increase in scale and massing of the dwellings. <p>The above deviations from the previously approved drawings lead to a development of poor quality design which fails to respond to the quality and local distinctiveness of the Acomb Conservation Area. The proposal is therefore not supported.</p>
County Archaeologist	No objection
Highways	No objection, updated condition recommended

County Ecologist	No objection subject to amended condition. The summer 2021 bat report concludes the hay barn no longer supports roosting bats, and therefore that a Natural England European Protected Species Development Licence is not required (condition 20i). The report does however recommend that previously agreed avoidance and mitigation measures are followed.
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	20
Number of Objections	2
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting Character and Appearance of Conservation Area: Displayed
16th April 2019

Press Notice - Hexham Courant: Advertised 24th January 2019

Summary of Responses:

Two letters of objection have been received from neighbouring properties, raising the following concerns:

- The plots have been constructed in the wrong positions and closer to the site boundaries, leading to an impact on the amenity of neighbouring residents;
- The addition of bedrooms will result in more people living in the houses which will increase the number of cars;
- Installation of bedrooms in the roof space will increase the height of the properties which is not clear from the drawings. This will reduce sunlight for adjacent houses. Changes to windows should be checked to ensure compliance in regard to the privacy of neighbouring houses;
- Change of use of the byre (milking parlour) from an office to a dwelling will also increase the need for parking. The objector's understanding is that statutory requirements specify that at least one dedicated parking space should be provided for the proposed dwelling;
- The hay barn in the north east corner of the site should have been repaired/restored before building work started. The condition of the roof is dangerous; and
- Proposals for planting trees close to boundaries should be checked in regard to the impact on boundary walls, drains and adjacent houses.

The above is a summary of the comments received, the comments can be read in full here:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PL2AHEQS0K500>

Officer's comments on concerns raised:

- The recommending officer notes that these comments were received in February 2019.
- Following receipt of those comments, amended plans have been received showing Plots 2 and 3 would remain single storey dwellings, with no first floor accommodation.
- The received plans do show amended positioning of the buildings at Plots 2 and 3, as summarised in Paragraph 2.6 of this report.
- The number of bedrooms does accord with current parking standards as set out within the Northumberland Local Plan.
- The proposal no longer seeks to convert the byre/milking parlour building at the entrance to the site to form an independent dwelling. This building now benefits permission for a holiday let unit, reference 22/00414/FUL.

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (March 2022)

Policy HOU 9 Residential development management
Policy QOP 1 Design principles
Policy QOP 2 Good design and amenity
Policy QOP 4 Landscaping and trees
Policy QOP 5 Sustainable design and construction
Policy QOP 6 Delivering well-designed places
Policy TRA 1 Promoting sustainable connections
Policy TRA 2 The effects of development on the transport network
Policy TRA 4 Parking provision in new development
Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment
Policy ENV 2 Biodiversity and geodiversity
Policy ENV 7 Historic environment and heritage assets
Policy ENV 9 Conservation Areas
Policy WAT 3 Flooding
Policy POL 1 Unstable and Contaminated Land
Policy POL 2 Pollution and air, soil and water quality

Acomb Neighbourhood Plan (2019)

Policy 4 Flooding
Policy 6 New Housing
Policy 8 Acomb Conservation Area
Policy 9 Non-designated Heritage Assets
Policy 10 Design in New Development

6.2 National Planning Policy

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

6.3 Other documents

Planning (Listed Buildings and Conservation Areas) Act (1990)

Historic England's 'Conservation Principles, Policies and Guidance' (2008)

Historic England's Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets (2015)

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 plan comprises policies in the Northumberland Local Plan and the Acomb Neighbourhood Plan. The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

Section 73 of the Town and Country Planning Act 1990 ("the Act") allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The Local Planning Authority can grant such permission unconditionally, subject to different conditions or refuse the application if it is determined that the original condition(s) should continue.

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

Heritage and Design
Residential amenity
Highway safety
Ecology
Surface water drainage
Contaminated land
Internet connectivity

Heritage and Design

7.3 The application site lies within the Acomb Conservation Area, a designated heritage asset. To the east of the site lies a Grade II listed barn which has been converted into dwellings.

7.4 When determining this application, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Members, as the decision maker, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

- 7.5 Policy ENV1 of the Local Plan states that the character and/or significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by giving great weight to the conservation of designated heritage assets.
- 7.6 Policy ENV7 of the Local Plan states that proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings. The Policy goes on to state that decisions affecting a heritage asset will be based on a sound understanding of the significance of that asset and the impact of any proposal upon that significance. The Policy also states that where development proposals would cause less than substantial harm to the significance of designated heritage asset, this will be weighed against the public benefits of the proposal, including securing the optimum use that is viable and justifiable.
- 7.7 Policy ENV9 of the Local Plan states that within a conservation area, it will be ensured that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance. The Policy goes on to state that development must respect existing architectural and historic character and cultural associations, by having regard to:
- i. Historic plot boundaries, layouts, densities and patterns of development; and
 - ii. The design, positioning, grouping, form, massing, scale, features, detailing and the use of materials in existing buildings and structures; and
 - iii. The contribution made by the public realm, private spaces and other open areas, including hard and soft landscape features, trees, hedges, walls, fences, watercourses and surfacing.
- 7.8 Similar to Policies ENV1, ENV7 and ENV9 of the Local Plan, Policy 8 of the Acomb Neighbourhood Plan requires any proposal within the Acomb Conservation Area to demonstrate how it will preserve or enhance the character or appearance of the Acomb Conservation Area, as defined in the Acomb Conservation Area Character Appraisal. Policy 8 goes on to state that proposals in the Conservation Area and its setting should have regard to: The aim of making a positive contribution to local character and distinctiveness by reflecting the vernacular scale, massing, layout, means of enclosure, detailed design and materials characteristic of the Acomb Conservation Area through:
- i) the use of appropriate materials for Acomb including natural sandstone and natural slate roofing materials;
 - ii) The maintenance of 'plain' rooflines, avoiding the addition of dormer windows which would detract from the special character of Acomb Conservation Area;
 - iii) The incorporation of timber sliding sash windows;
 - iv) The use of locally distinctive detailing of masonry, doorways, rooflines, chimneys and chimney-pots, windows and rainwater goods;
 - v) The provision of appropriate boundary treatment including sandstone walls and/or hedgerows; and
 - vi) The retention of existing boundary walls.
- 7.9 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more

important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.10 Paragraph 200 of the NPPF then states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.11 Paragraph 202 of the NPPF then states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.12 The adjacent White House to the south of the site is considered by officers to be a non-designated heritage asset. White House is in a prominent location atop the crest of the hill on Main Street in the centre of Acomb, located at The Green. White House's southern principal elevation is prominent from public vantage points at The Green and along Main Street, and the Conservation Area's Character Appraisal notes that the buildings along this stretch of Main Street are of interest. Paragraph 6.1.7 of the Character Appraisal notes the eighteenth century White House, with its reverse stepped gable coping, and an adjoining terrace of four neighbouring stone houses. Whilst White House is currently in need of some external refurbishment, as is the picket fence to the front, in the opinion of officers it is undoubtably of architectural merit within the historic core of Acomb, and the southern principal elevation makes a notable contribution to the character of the Conservation Area.
- 7.13 Policy ENV7 of the Local Plan states that proposals that affect the significance of non-designated heritage assets shall require a balanced judgement, taking into account the scale of any harm or loss and the significance of the heritage asset. This is in line with Policy 9 of the Neighbourhood Plan, and Paragraph 203 of the NPPF.
- 7.14 Policies QOP1, QOP2 and HOU9 of the Local Plan and Policy 10 of Neighbourhood Plan require proposals to be of a high quality design in keeping their surroundings, making a positive contribution to local character and distinctiveness. The requirements of these Policies tie in to the requirements of other Policies set out above.
- 7.15 In respect of landscaping, Policy QOP4 of the Local Plan states that where relevant, new development will be expected to incorporate well-designed landscaping, whilst proposals should ensure that landscaping design is of a high quality, in accordance with the principles set out in Policy QOP 1. Policy QOP4 also requires any hard or soft landscaping to be appropriate, functional and well-integrated into the design of the development.
- 7.16 The Built Heritage and Design officer has objected to the proposal, and their comments are set out in Section 4 of this report. The recommending officer has given these comments significant weight when considering this application.
- 7.17 Turning first to the external materials used when constructing the development, it is noted that these deviate from the previously approved materials, and whilst

they may be preferable, on balance they are not considered to lead to harm to the character or appearance of the Conservation Area. Members may recall approving similar materials for the rear extension at White House (reference 20/04195/FUL) and the conversion of The Parlour to form a holiday let unit (reference 22/00414/FUL), which are more visually prominent buildings within the Conservation Area than the development subject to this application.

- 7.18 Turning next to the scale and massing of the as-built development, during a visit to the site the recommending officer has compared the scale, massing and positioning of the buildings against the previously approved drawings, and on balance it is considered that the differences with the as-built development are acceptable and do not lead to harm to the character or appearance of the Conservation Area. The works also do not harm the setting of the Grade II listed building to the east of the site.
- 7.19 The as-built development has also been considered within the context of White House which is a non-designated heritage asset, and it is considered that the development does not harm the setting of White House.
- 7.20 It is noted that the previously approved landscaping details have not been fully implemented. A condition is recommended to secure its implementation in the interest of the character of the development.
- 7.21 The Archaeology officer has been consulted and they have no objection.
- 7.22 Subject to the use of a condition as described above, on balance it is considered that the as-built development is not of unacceptable design, and would not lead to harm to the character or appearance of the Conservation Area, would not harm the setting of the Grade II listed building to the east, and would not harm the setting of White House. The proposal therefore does not conflict with Policies HOU9, QOP1, QOP2, QOP4, ENV1, ENV7 and ENV9 of the Local Plan, or with Policies 6, 8, 9 and 10 of the Neighbourhood Plan, or with Paragraphs 202 and 203 of the NPPF.

Amenity of occupiers and neighbouring land uses

- 7.23 The as-built development would preserve the amenity of the occupiers of the development.
- 7.24 Concerns have been raised by the Parish Council and neighbouring residents regarding the increased scale and massing of the dwellings and their re-positioning within the site, particularly the dwelling at Plot 2 and the detached garage at Plot 3 being closer to the eastern site boundary as described earlier in this report. During a visit to the site the officers compared the scale, massing and positioning of the buildings against the previously approved drawings, and it is considered that the as-built development does not lead to an adverse impact on the amenity of neighbouring dwellings.
- 7.25 For the reasons set out above the proposal is considered acceptable in accordance with Policies HOU9, QOP1 and QOP2 of the Local Plan, Policies 6 and 10 of the Neighbourhood Plan, and the NPPF.

Highway safety

- 7.26 The Parish Council and neighbouring residents have objected on the ground of lack of sufficient car parking for the development. The Highways Development Management officer has been consulted and they note that the proposal seeks to provide sufficient car parking in accordance with Appendix E of the Northumberland Local Plan. Subject to a recommended compliance condition, they have no objection to the proposal.
- 7.27 No changes are proposed to the previously approved access arrangement to the site.
- 7.28 The proposal would not have an adverse impact on highway safety in accordance with Policies TRA2 and TRA4 of the Northumberland Local Plan and the NPPF.

Ecology

- 7.29 The Council's Ecologist has been consulted and they have no objection subject to an updated condition. The recommending officer also recommends a further condition ensuring the implementation of the previously approved biodiversity mitigation measures within a prescribed time frame, to assist with the monitoring of the site. The proposal would not have an adverse impact on biodiversity in accordance with Policies ENV1 and ENV2 of the Local Plan and with the NPPF.

Surface water flooding

- 7.30 The as-built development does not lead to an increased surface water flood risk over and above the previously approved development, in accordance with Policy WAT3 of the Northumberland Local Plan, Policies 4 and 6 of the Acomb Neighbourhood Plan, and the NPPF.

Contaminated land

- 7.31 This application seeks retrospective consent for building works which have already been completed. Notwithstanding this, the works would not have likely led to risk of uncovering contaminated land, in accordance with Policies POL1 and POL2 of the Northumberland Local Plan and the NPPF.

Internet Connectivity

- 7.32 The proposal seeks approval for amendments to a development which gained planning permission prior to the adoption of the Local Plan. It is therefore not reasonable for officers to require details of broadband connections under this application. The proposal would not conflict with Policy ICT2 of the Local Plan or with Paragraph 114 of the NPPF.

Other considerations

Equality Duty

- 7.33 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

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

Human Rights Act Implications

7.35 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.

7.36 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.

7.37 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 Subject to updated recommended conditions, on balance, the proposal is an acceptable form of development as discussed in the above report. Officers therefore recommend that planning permission be granted.

9. Recommendation

That this application be GRANTED planning permission subject to the following:

Conditions

1) The development hereby permitted shall be retained in complete accordance with the approved plans. The approved plans for this development are:

20-01-04 – Floor and Roof Plans and Proposed (Plot 1)
20-01-05 Revision A – Elevations as Proposed (Plot 1)

20-01-10 – Site Location Plan
20-01-11 – Site Block Plan as Proposed
20-01-12 – Floor Plans as built as Proposed (Plot 2)
20-01-13 Revision A – Elevations as Proposed (Plot 2)
20-01-14 – Floor Plans as built as Proposed (Plot 3)
20-01-15 Revision A – Elevations as Proposed (Plot 3)
20-01-16 Revision A – Garage as built (Plot 3)
20-01-17 – Landscaping as Proposed
20-01 HAY01 – Hayshed Doors

18011-8 – Window Detail
18011-9 – Bi-fold Doors Detail
18011-10 – Roller Shutter Door Detail

Updated Hayshed Repair Works Method Statement – Dated 09.03.2023, by Darryl Bingham Architectural Services

A009-111 Revision A - The Hay barn – Proposed building - received 23.10.2014

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

2) The development shall be retained in accordance with the hereby approved external materials.

Reason: In the interest of the satisfactory appearance of the development, and in the interest of the character and appearance of the Acomb Conservation Area, in accordance with Policies HOU9, QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan, and the National Planning Policy Framework.

3) The hereby approved hard and soft landscaping scheme shall be completed to the satisfaction of the Local Planning Authority during the first full planting season (November to March inclusive) following the date of this decision. The hedgerows shall be planted and subsequently maintained in accordance with good practice to ensure rapid establishment, including watering in dry weather and replacement of any failed plants and damaged stakes and ties.

Reason: In the interest of the satisfactory appearance of the development, and in the interest of the character and appearance of the Acomb Conservation Area, in accordance with Policies HOU9, QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan, and the National Planning Policy Framework.

4) Within three months of the date of this decision, the measures set out in Section 10 of the Updated Hayshed Repair Works Method Statement (dated 09.03.2023) shall be implemented. The details shall then be retained thereafter. Those measures are as follows:

- i.) Provision of painted timber doors in accordance with drawing 20-01-HAY01 Hayshed Doors;
- ii.) Installation of cast iron and aluminium rainwater goods, each to be prepared and painted black; and
- iii) Repairs to existing concrete floor.

Reason: In the interest of the satisfactory appearance of the development upon completion, and in the interest of the character and appearance of the Acomb Conservation Area, in accordance with Policies QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan, and the National Planning Policy Framework.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or the Town and Country Planning (General Permitted Development) (Amendment) (no 2) (England) Order 2008 as applicable (or any Order revoking or re-enacting those Orders), the following works shall not be carried out to the dwellings hereby approved without the prior permission of the Local Planning Authority:

- (a) The construction of any extension;
- (b) The construction of any addition to the roof;
- (c) Re-roofing of any of the buildings in a different material to that existing;
- (d) The construction of any building or enclosure, swimming or other pool for a purpose incidental to the enjoyment of the dwellinghouse; or

Reason: In the interest of the satisfactory appearance of the development, in the interest of the character and appearance of the Acomb Conservation Area, and in the interest of the amenity of neighbouring properties, in accordance with Policies HOU9, QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan, and the National Planning Policy Framework.

6) The hayshed building shall be used as an ancillary domestic building in association with the dwelling hereby approved at Plot 2 and for no other purpose without the written consent of the Local Planning Authority.

Reason: In the interest of the amenity of occupiers of the development, the amenity of neighbouring properties, and in the interest of highway safety, in accordance with Policies HOU9, QOP1, QOP2, TRA2 and TRA4 of the Northumberland Local Plan and the National Planning Policy Framework.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or the Town and Country Planning (General Permitted Development) (Amendment) (no 2) (England) Order 2008 as applicable (or any Order revoking or re-enacting those Orders), any works to convert the garages to living accommodation shall not be carried out without the prior permission of the Local Planning Authority.

Reason: In the interest of the amenity of occupiers of the development, the amenity of neighbouring properties, and in the interest of highway safety, in accordance with Policies HOU9, QOP1, QOP2, TRA2 and TRA4 of the Northumberland Local Plan and the National Planning Policy Framework.

8) Notwithstanding the hereby approved plans, within three months of the date of this decision, the following ecological mitigation measures as detailed within the

ecological reports ('Ecology Survey, Acomb Sites' Penn Associates, June 2009 and 'White House, Acomb Ecology: Bat Survey' Penn Associates, July 2014), and as updated by the bat survey 'White House, Acomb Development – Summer 2021, by Ruth Haddon, shall be implemented:

- i.) 2No. bat access panels or bat tubes elevations (as specified in the aforementioned ecological reports) to be incorporated into each of the new build houses with two facing south, two facing west and two facing north;
- ii.) all known bat access points to the hay barn to be retained;
- iii.) creation of bat access routes through the ridge and at wall top height to the interior of the hay barn on each of the elevations;
- iv.) areas of masonry under eaves to be left unpointed to create weatherproof routes into the walls of the hay barn;
- v.) non-essential pointing of the hay barn to be avoided;
- vi.) interior walls will not be entirely rendered leaving bat access routes into the walls;
- vii.) adherence to timing restrictions;
- viii.) adherence to precautionary working methods and Method Statement; and
- ix.) adherence to external lighting recommendations with reference to the Institution of Lighting Professionals Guidance Note 8: Bats and artificial lighting (08/18); and
- x.) use of insecticides and timber treatments will be restricted to those published on the Government's website, approved by Natural England as safe for use near bats

Reason: To maintain the favourable conservation status of protected species, in accordance with Policies ENV1 and ENV2 of the Northumberland Local Plan and the National Planning Policy Framework.

9) Within three months of the date of this decision, full details of the installation of ecological measures as described in Condition 8 Part i) of this consent shall be submitted to the Local Planning Authority for written approval.

Reason: To maintain the favourable conservation status of protected species, in accordance with Policies ENV1 and ENV2 of the Northumberland Local Plan and the National Planning Policy Framework.

10) The hereby approved 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 Policies TRA2 and TRA4 of the Northumberland Local Plan and the National Planning Policy Framework.

Informatives

1. Protected Species

The risk of encountering bats, nesting birds or other protected species in connection with the execution of this planning consent is low, providing the conditions are strictly adhered to, but there is a small risk that individual animals may be encountered during works.

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Similarly, all wild birds and their nests are

protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

In the unlikely event of protected species such as bats or nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away. Applicants and contractors can obtain advice and a list of appropriately qualified consultants by telephoning Natural England's bat advice line on 0845 1300 228.

Further information about protected species and the law can be found on the Natural England website at www.naturalengland.org.uk

Date of Report: 23.05.2023

Background Papers: Planning application file(s) 19/00068/VARYCO; 16/01241/VARYCO; 14/02291/FUL.

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Northumberland County Council

Appeal Update Report

Date: June 2023

Planning Appeals

Report of the Director of Housing and 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 Planning Committees 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?
22/03313/AGTRES	<p>Prior notification for change of use and conversion of agricultural building to single dwelling – The March Barn, Welton</p> <p>Main issues: the proposal involves significant building operations that go beyond what is reasonably necessary to convert the building and therefore it is not permitted development.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/00394/FUL	<p>Retrospective: Construction of pergola and decking within existing beer garden – The Dyvels Hotel, Station Road, Corbridge</p> <p>Main issues: inappropriate development in the Green Belt with no demonstrated very special circumstances to outweigh the harm; and harm to the character and appearance of the building and the surrounding area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	Partial award

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?
19/04687/OUT	<p>Outline permission for development for up to 43 residential dwellings (Use Class C3), demolition, infrastructure, access, open space and landscaping (All matters reserved except for access) - land north of Eilansgate, Hexham</p> <p>Main issues: inappropriate development in the Green</p>	No

	<p>Belt; lack of information in relation to ecological impacts; loss of woodland and larger trees would impact the setting of the Conservation Area; lack of information in relation to drainage and flood risk; and the application does not secure necessary planning obligations in respect of affordable housing, healthcare and education.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
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Planning Appeals Withdrawn

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

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
21/03396/FUL	<p>Construction of 3no. residential cottages with associated garages, access, car parking and landscaping and demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s) and internal alterations - 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals are not commensurate with the size of the settlement and encroach into the open countryside, adversely impacting on the setting and appearance of the settlement and</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	<p>surrounding countryside; proposals result in harm to the heritage assets and their setting without clear and convincing justification of this harm or public benefits to outweigh the harm; layout, scale and design as well as pattern of development would be detrimental to local vernacular and character; lack of information on car parking, access arrangements, refuse, drainage and opportunities to promote walking, cycling and public transport; and proposals result in biodiversity net loss.</p>	
21/03397/LBC	<p>Listed Building Consent for demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s), internal alterations and alterations to boundary walls – 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals result in harm to the heritage assets without clear and convincing justification of this harm or public benefits to outweigh the harm.</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/02696/S106A	<p>Variation of S106 Agreement relating to planning permission A/2004/0323 dated 3rd February 2005 – Hawkshaw, Old Swarland, Swarland</p> <p>Main issues: the S106 continues to serve a useful purpose and insufficient information has been submitted to demonstrate that there is no longer a requirement for discount market value accommodation for a local person(s) in the area.</p>	<p>7 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00913/FUL	<p>Resubmission of approval 18/03632/REM for the construction of two detached dwellings and associated works – land to north west of Blue House Farm Cottages, Blue House Farm Road, Netherton Colliery</p> <p>Main issues: isolated residential development in the open countryside; and no planning obligation secured in respect of a contribution to the Coastal Mitigation Service or other alternative mitigation.</p>	<p>7 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04208/FUL	<p>Proposal to erect a single self-build dwelling house – land south west of Hazeldene Cottage, Sinderhope</p> <p>Main issues: isolated development in the open countryside in an unsustainable location; fails to conserve and enhance the natural beauty and scenic qualities of the North Pennines AONB; visibility splays from</p>	<p>7 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	the access are inadequate; insufficient information to assess ecological impacts; and insufficient information regarding foul water drainage.	
21/01833/FUL	<p>Development of 60 no. Pitches for holiday accommodation comprising touring caravan/campervan pitches and tents – land at Elwick Farm, Belford</p> <p>Main issues: unsustainable major tourism in the open countryside; lack of information in relation to impacts on wildlife; lack of information in respect of a nutrient calculation relating to the Lindisfarne SPA; and lack of information relating to surface water drainage and highways.</p>	<p>10 January 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01812/FUL	<p>Proposed detached single storey garage and store with associated formation of driveway – Eland Close, Eland Land, Ponteland</p> <p>Main issues: inappropriate development in the Green Belt and the open countryside.</p>	<p>24 January 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/02287/FUL	<p>Convert and extend redundant cow byre to residential use (C3) for holiday let – Waterside Cottage, Acklington</p> <p>Main issues: development in an unsustainable location within the open countryside; insufficient information to justify non-mains foul drainage; insufficient information to demonstrate the proposal would not sterilise and identified sand and gravel resource; absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC; and loss of ancient woodland with no exceptional circumstances or suitable compensation strategy.</p>	<p>25 January 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/03609/AGTRES	<p>Notification of Prior Approval to convert an existing but now redundant agricultural building on the Guyzance Estate for permanent residential use – land south of Waterside Cottage, Acklington</p> <p>Main issues: impacts on adjacent ancient semi-natural woodland and River Coquet and Coquet Valley Woodland SSSI; and absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site</p>	<p>25 January 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	and the North Northumberland Dunes SAC.	
22/03324/FUL	Erect a feed barn for storage of animal feed – Eastside, Partnership Field, Springwell, Ovington Main issues: inappropriate development in the Green Belt.	13 February 2023 Delegated Decision - Officer Recommendation: Refuse
22/04634/FUL	Demolition of detached garage and construction of side extension – Middlesteads Farm, Longhirst Main issues: design does not respect the character of the existing dwelling or its locality, would fail to remain subordinate and would result in unacceptable adverse impact on the character of the dwelling and its setting.	16 February 2023 Delegated Decision - Officer Recommendation: Refuse
22/01297/FUL	Development of 4 no. residential dwellings including associated access, landscaping and all other ancillary works – land north of junction of Station Road, South End, Longhoughton Main issues: would fail to preserve the setting of the Grade I listed Church of St Peter and St Paul; harmful impact on the character and appearance of the area; and absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC.	21 February 2023 Delegated Decision - Officer Recommendation: Refuse
22/02704/CLEXIS	Certificate of Lawful Development – Existing use for the siting of a caravan for residential purposes – land north of east of South Linden House, Longhorsley Main issues: it is not possible to conclude that the building has been used for a continuous period of 4 years as a dwelling.	27 February 2023 Delegated Decision - Officer Recommendation: Refuse
22/02969/FUL	Proposed new rear/side fence. (Retrospective) - 4 Admington Court, Sherbourne Park, Stakeford, Choppington Main issues: scale and design of the development are out of character in the street scene with detrimental visual appearance; and situated on adopted highway verge with insufficient evidence to demonstrate it will not harm the current and future maintenance of utilities and other associated works.	20 March 2023 Delegated Decision - Officer Recommendation: Refuse

22/03417/OUT	<p>Outline application with some matters reserved for development of one residential dwelling (Self Build); all matters reserved other than access – land north of Hill Top Cottage, Morpeth</p> <p>Main issues: development within the open countryside; inappropriate development in the open countryside; fails to promote the use of sustainable travel; fails to demonstrate that safe access can be achieved; and fails to demonstrate potential impacts on protected species and how these can be mitigated.</p>	<p>21 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04124/FUL	<p>Erection of stables, tackroom and associated horse paddock – land east of Oakfield Lodge, Eachwick</p> <p>Main issues: inappropriate development in the Green Belt; and visually intrusive and harmful impact on the character and appearance of the site and surrounding landscape.</p>	<p>21 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01121/FUL	<p>Proposed new dwelling house and outbuilding with associated works to building plots 1 and 2 – Plots 1 and 2, land south west of Castle Hills Farm Cottages, Castle Hills, Berwick-upon-Tweed</p> <p>Main issues: development in the open countryside; and absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC</p>	<p>22 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/03696/FUL	<p>Retrospective application for works carried out to add pillars with metal railings between at front boundary wall; stone face side wall between front and rear garden and construction of raised timber deck – Woodstock, Mill Lane, Haltwhistle</p> <p>Main issues: harm to the character and appearance of the Conservation Area; and harmful impact on residential amenity.</p>	<p>22 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04592/FUL	<p>Demolition of 2 no. youth hostel cabins and erection of 8 no. caravan pitches and children's play area (as amended) - Hareshaw Linn Caravan Park, Bellingham</p> <p>Main issues: harmful visual impacts on the character and appearance of the site and surrounding area; and harmful impacts on residential amenity.</p>	<p>23 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

22/04246/FUL	<p>Proposed single storey garage extension including a study and a shower room – 57 Church Street, Amble</p> <p>Main issues: scale and design results in adverse impact on the character and appearance of the existing dwelling and the surrounding area.</p>	<p>23 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04507/FUL	<p>Demolition of existing ground floor rear extension and replacement with two storey rear extension – The Coach House, Fenwicks Close Farm, Earsdon</p> <p>Main issues: inappropriate development in the Green Belt; and disproportionate addition that would be incongruous with the character of the area.</p>	<p>3 April 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00637/FUL	<p>Alterations and extension – 2 West Hedgeley, Powburn</p> <p>Main issues: design would be out of scale and character with the existing property and surrounding area, and would harm the setting of Grade II listed buildings.</p>	<p>4 April 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04665/FUL	<p>Proposed first floor extension over existing sun room and installation of a fixed window to the southern gable wall at high level – 63 Merley Gate, Loansdean, Morpeth</p> <p>Main issues: the extension would constitute an incongruous addition that would be out of character with the dwelling and built context; and harmful impact upon residential amenity.</p>	<p>12 April 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00437/FUL	<p>Change of use of land from equestrian grazing use to campsite use – land north east of Bolam Lake Boat House Wood Car Park, Belsay</p> <p>Main issues: inappropriate development in the Green Belt.</p>	<p>13 April 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/03911/FUL	<p>Proposal for a new family 1.5 storey dwelling with a garage, external parking and associated services - (Self Build) - 7 Springfield Meadows, Alnwick</p> <p>Main issues: design and visual appearance; and fails to secure a contribution towards coastal mitigation measures.</p>	<p>24 April 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04369/FUL	<p>Proposed replacement windows – 6 Albert Place, Berwick-upon-Tweed</p> <p>Main issues: fails to conserve and enhance the significance of the Conservation Area; and results in harm to the Conservation Area</p>	<p>25 April 2023</p> <p>Delegated Decision - Officer Recommendation:</p>

	that is not outweighed by public benefits.	Refuse
22/03876/FUL	A storage shed and polytunnel to support existing woodland maintenance – land at south east of Pit Allotment Wood, Corbridge Main issues: inappropriate development in the Green Belt.	16 May 2023 Delegated Decision - Officer Recommendation: Refuse
22/01012/FUL	Conversion of agricultural buildings to create one dwelling including a link extension and detached garage – development site at Barley Hill House Barn, Kiln Pit Hill, Consett Main issues: design fails to reflect the character or appearance of the listed farm building and results in harm to the character and appearance of the listed building.	17 May 2023 Delegated Decision - Officer Recommendation: Refuse

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
18/01525/ENDEVT	Change of use of the land for the stationing of 2 caravans including a linking structure for residential purposes - School House Farm, Kiln Pit Hill, Consett	No
18/01525/ENDEVT	Erection of a building used to house parrots and other animals; the erection of a corrugated steel barn; the erection of 2 timber structures to accommodate birds; and the construction of a hardstanding area - School House Farm, Kiln Pit Hill, Consett	No
22/00571/ENDEVT	Unauthorised siting of a caravan – land south-west of Hartburn Bridge, Morpeth	No

	(enforcement notice upheld with some variations)	
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Enforcement Appeals Withdrawn

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
22/00022/NOTICE	Unauthorised dwelling – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
22/00023/NOTICE	Unauthorised stable buildings – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
20/00481/ENDEVT	Change of use of a forestry building for use as residential - English/Wheelings Wood, Corbridge	2 March 2023
21/00865/BRCOND	Construction of retaining wall – Woodlands Rise, Corbridge Road, Hexham	23 March 2023

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
18/03394/REM	Reserved Matters Application relating to 16/00078/OUT - Development of Phase 1 of proposals which include Trunk Road Service Area, Hotel and Innovation Centre plus associated access, parking, landscaping and	Hearing - 27 June 2023 Committee Decision - Officer

	<p>other associated infrastructure – land west of Lancaster Park, Pinewood Drive, Lancaster Park, Morpeth</p> <p>Main issues: the design fails to preserve or make a positive contribution to local character and distinctiveness, and the site's surroundings, and fails to create or contribute to a strong sense of place. The development does not demonstrate high quality sustainable design, is not visually attractive, does not incorporate high quality materials and detailing, and is substantially altered from the approved outline planning application.</p>	<p>Recommendation: Approve</p>
21/02077/FUL	<p>Proposed construction of 13no dwellings (including 2no affordable dwellings), creation of new access, car parking and soakaways (amended description) - land south east of The Manor House, Riding Mill</p> <p>Main issues: harm to the character and appearance of the site and surrounding area and curtilage listed boundary wall; harm to residential amenity; does not make sufficient provision for affordable housing on the site; insufficient information to fully assess the impacts of the proposed development on ecology and biodiversity and net gain for biodiversity; does not secure necessary planning obligations in respect of affordable housing, open space and education.</p>	<p>Hearing date to be confirmed</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03915/LBC	<p>Listed Building Consent for demolition of a section of existing curtilage listed boundary wall to create access for residential development – land south east of The Manor House, Riding Mill</p> <p>Main issues: loss of historic fabric and unacceptable alteration of the historic curtilage listed boundary wall.</p>	<p>Hearing date to be confirmed</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

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