



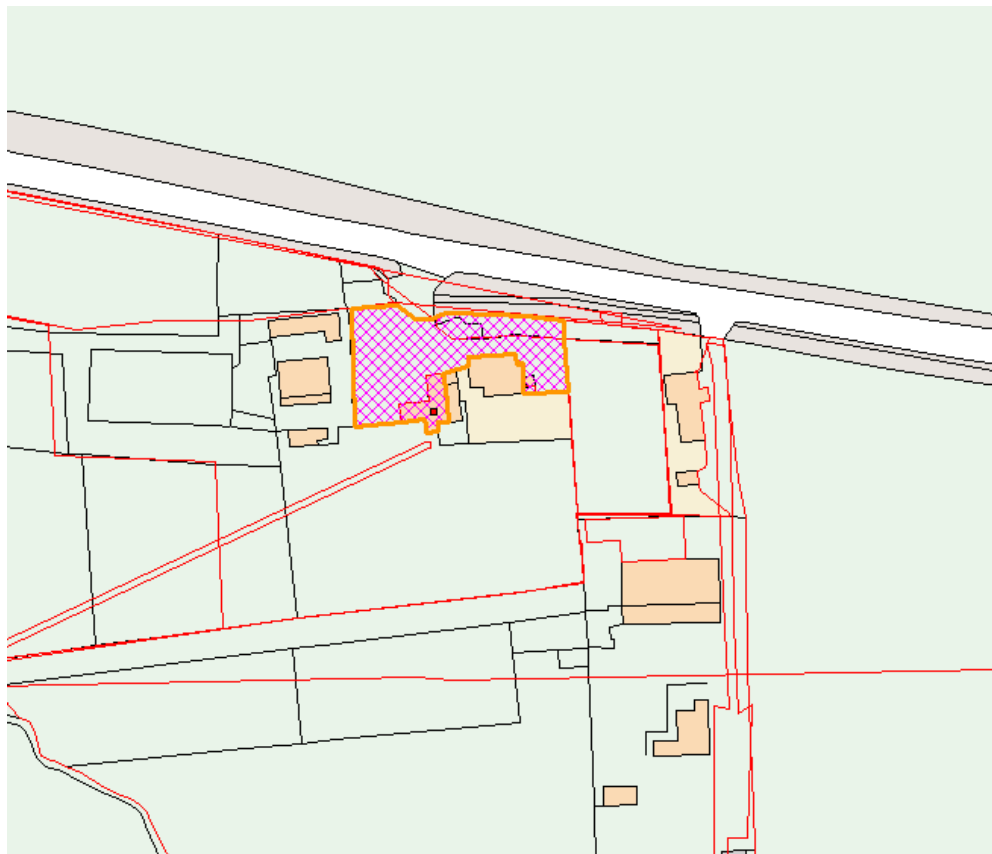
Northumberland County Council

Castle Morpeth Local Area Council Committee Meeting 14th November 2022

Application No:	21/03841/FUL		
Proposal:	Erection of covered terrace to provide additional seating area and associated car parking updates		
Site Address	Land West Of Paddock Hall North Choppington Northumberland		
Applicant/ Agent	Mr Joe Nugent M54 Space Centre, Halesfield 8, Telford, TF7 4QN		
Ward	Choppington	Parish	Choppington
Valid Date	11 th November 2021	Expiry Date	November 2022
Case Officer Details	Name: Mr Adam Ali Job Title: Planning Officer Email: adam.ali@northumberland.gov.uk		

Recommendation: That Members REFUSE planning permission for the proposed development.

1.



Introduction

1.1 Following referral to the Director of Planning, it was agreed that this application raises sufficient interest within the wider community to be considered by Members of Committee.

2. Description of the Proposals

2.1 The application site is located in the Green Belt and Open Countryside.

2.2 The proposal seeks an extension to an existing business that is operating at the site. The proposal would provide additional seating for the business described by the applicant as a café.

2.3 The applicant proposes that the additional seating provided by the covered terrace would provide additional seating for the café operating at the site. The proposal also includes additional car parking at the site and alterations to the access to the site.

2.4 The site contains a mix of uses. The site has long been known to be operating as an Equestrian Centre. In 2017 a prior approval application was approved for a change of use of an A1 shop at the Equestrian Centre to be converted to a Café (formerly an A3 use, now a Class E use). As was highlighted in the application form in the 2017 application, the café sought to “form additional catering services to their customer base.” The café was therefore intended to supplement the operation of the Equestrian Centre. It is now proposed for the Café to be extended through this

application. However, it appears that the Café has moved away from being an ancillary offer to the Equestrian Centre and has partially become a destination in its own right. There are also concerns regarding the use(s) operating at the site. It is not disputed that the site operates as an Equestrian Centre or that there is a café operating at the site under the name of “Tea in the Paddock”. However, there are concerns regarding other uses at the site. Notably what appears to be the mixed uses that appear to be operating at “Tea in the Paddock.” The agent/applicant has been made aware of these concerns regarding the mix of uses operating at the site and how planning permission would be required for the change of use from a Class E and F2 Use to a Sui Generis Use.

2.5 Extensive discussions have taken place between the Planning Officers and the applicant’s agent in trying to establish the extent of the operations at the site. The site is widely advertised as a Bistro/Wine Bar and it holds a licence to sell alcohol. It is noted that the site can operate into the evenings/night and offers entertainment. The applicant/agent has not definitively confirmed this and has offered that this is merely an extension to the existing food/cafe culture of the establishment. It is important that the exact functions of the venue are fully established, however, to allow the Planning Department to accurately assess if these are lawful and in line with existing permissions in place to ensure the right outcome of the current planning application is reached.

3. Relevant Planning History

Reference Number: 84/F/10

Description: Erection of a detached garage

Status: Approved

Reference Number: 17/00991/PA

Description: Change of use of part of existing shop (class A1) to cafe (class A3)

Status: Approved

4. Planning Policy

4.1 Development Plan Policy

Northumberland Local Plan (Adopted March 2022):

STP 1 Spatial Strategy

STP 2 Presumption in favour of sustainable development

STP 3 Principles of sustainable development

STP 4 Climate change mitigation and adaptation

STP 5 Health and wellbeing

STP 7 Strategic approach to the Green Belt

STP 8 Development in the Green Belt

ECN 1 Planning Strategy for the economy

ECN 12 A strategy for rural economic growth

ECN 13 Meeting rural employment needs

ECN 14 Farm/rural diversification

ECN 15 Tourism and Visitor development

ECN 16 Green Belt and tourism and visitor economy
 TCS 4 Proposals outside centres
 TCS 6 Hot food takeaways
 QOP 1 Design principles
 QOP 2 Good design and amenity
 QOP 5 Sustainable design and construction
 TRA 1 promoting sustainable connections
 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
 ENV 2 Biodiversity and geodiversity
 ENV 3 Landscape

4.2 National Planning Policy

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

5. Consultee Responses

Choppington Parish Council	No comments received.
Public Protection	No objection following the submission of requested further information. Informatives recommended in event application is approved.
Highways Development Management	No objection, subject to the inclusion of conditions should permission be granted, following the submission of requested further information. Highways Development Management also listed some informatives in the event permission is granted.
Coal Authority	No objection but recommended an informative be included in the event permission is granted.

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

<https://publicaccess.northumberland.gov.uk/online-applications/search.do?action=simple#>

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	1
Number of Support	185
Number of General Comments	0

Notices

No Site or Press Notice Required.

Summary of Responses:

One objection received (summarised below):

- Inappropriate development in the Green Belt
- A town centre use as such should be directed to town centres
- Impact on residential amenity with particular concerns on noise.
- Highway safety concerns with concerns the intensification of the site will make matters worse.
- The proposal is contrary to the Development Plan and would represent inappropriate development in the Green Belt.

Response to objection:

- The proposal will be assessed against both National and Local Planning Policies in the appraisal below.

185 letters of support (at time of writing) (summarised below):

- I've been to this café/restaurant several times, it's in a great location and great for kids
- Good for local community
- A positive well-run operation
- Friendly place with amazing food, fantastic atmosphere and employs local people
- Enjoyed a family day out here
- Great space for the community
- Provides ongoing employment
- A community hub in the area
- An asset to the community...providing food drink and entertainment
- Would be shame to lose this business
- Has enabled me to dine out during Covid
- A vital community spirited organisation which is far more than just a café
- Does a lot of charity events, free horse riding for children
- a lovely place to have something to eat , and has some good events on to support the local community
- I use the venue for a mental health book club.
- They listen to suggestions from customers, which are suitable and varied, from Children's parties, Clairvoyant evenings, also Seasonal events etc.
- They cater for specialist groups
- We've enjoyed breakfasts, lunches and evening service, including the take away meals
- Covered seating area makes the place more attractive
- Offers free horse riding with Children's meals
- Council should support local businesses
- The cafe/bar has been a lifeline to me during and after the pandemic as it is outdoors and therefore much safer than indoor equivalents.

- Tea in the Paddock is an original concept in an area with no other cafe/bar facilities
- Great place to meet friends
- This is great day out for people with family's always has something you can do with your children or with friends
- The structure fits in with the other buildings and so does not look out of place at all.
- Tea in the Paddock is a unique, quirky, friendly family run local business employing local people
- They do many Community events
- fully support Una's efforts to provide further covered seating for her restaurant and bar.
- You can go for breakfast, brunch, lunch, coffee and cake or evening meal.
- I think this is fantastic place to eat and drink. It isn't overlooked so no Neighbours would be disturbed by entertainment and customers noise. The camping idea is brilliant.

Response to objections:

- The determination of a planning application does not seek to close down businesses and proposals are assessed against National and Local Planning Policies.

*Comments from the public have been summarised above. All comments from the public can be viewed in full online at:

<https://publicaccess.northumberland.gov.uk/online-applications/search.do?action=simple#>

7. Appraisal

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

Principle of the development (Green Belt and Open Countryside)
 Design and visual impact
 Impact on amenity
 Coal legacy/public protection
 Highway Safety

Principle of the development:

Open Countryside:

7.2 The application site is located outside any recognised settlement boundary and is therefore designated as being part of the Open Countryside.

7.3 In an open countryside location, development requiring planning permission must meet exceptions set out in part 1(g) of Local Plan Policy STP1, while also applying the key safeguards in part 1(i).

7.4 Under these criteria, development could potentially be acceptable if it supports:

- the sustainable growth and expansion of existing business or the formation of new businesses in accordance with Policy ECN 13; or
- the development and diversification of agricultural and other land-based rural businesses in accordance with Policy ECN 14; or
- sustainable rural tourism and leisure developments in accordance with Policy ECN 15

...so long as it is sensitive to its surroundings, does not have an unacceptable impact upon the local road network, and uses previously developed land where opportunities exist.

7.5 The proposal would represent the expansion of an existing business in a rural area. For such development to be acceptable development in the Open Countryside, compliance with policies ECN 13, 14 or 15 is required. Policy ECN 13 of the Northumberland Local Plan states development that will generate employment opportunities, proportionate to the rural location, will be supported where the following apply:

- a) “existing buildings are reused or, where this is not possible, extensions or new buildings contribute positively to the local landscape character and where applicable, local building traditions”.

7.6 It is considered that the proposal would not be proportionate to the rural location and that the proposal as a whole, the extension with the car parking and use of the site would not positively contribute to the local landscape character contrary to policy ECN 13.

7.7 Policy ECN 14 supports rural diversification but it must be stressed the expansion of such a café, which originally was established to supplement the main rural based activity operating at the site, appears to have moved beyond that therefore the proposal is more than just diversification. Diversification under policy ECN 14 can allow for leisure activities but these should be types of activity that would require an open countryside location. The café business does not require an open countryside location. The proposal would therefore fail to comply with policy ECN 14 of the Local Plan.

7.8 Policy ECN 15 supports development that supports sustainable tourism. Notwithstanding that, the café does not serve a visitor attraction or is along a tourist route and as such the proposal would not comply with policy ECN 15 of the Local Plan.

7.9 The proposal fails to comply with policies ECN 13, ECN 14 and ECN 15. A case can be made that the proposal supports a rural business but as stipulated in Policy STP 1 part 1(i) such development supporting rural business needs to be sensitive to

its surroundings. It is the impact on the surroundings where the appraisal now turns to.

Green Belt:

7.10 The site is located within the Green Belt. Policy STP 7 of the Local Plan sets out the purposes of the Green Belt in the Northumberland context. This particular area of Green Belt can be characterised as meeting a number of these – most notably (1e) preventing Morpeth merging with neighbouring settlements, but also 1(b) safeguarding the countryside from encroachment, 1(f) preventing the merger of rural settlements, and (1g) assisting in the regeneration of settlements in South East Northumberland beyond the Green Belt.

7.11 Policy STP 8 of the Local Plan sets out the approach to be taken for development proposals in the Green Belt. In referring to the NPPF it sets out what development can be considered to be appropriate in the Green Belt with all other forms of development considered to be inappropriate and unacceptable unless very special circumstances outweigh the harm to the Green Belt.

7.12 Paragraph 149 of the NPPF states:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

7.13 It could be said that the extension in the form of the covered terraced area could amount to the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. That is the only exception in the above list which could apply in this case. However, it is clear

that the building which would be extended has already been extended in the past. While the proposal may amount to a disproportionate addition over and above the size of the original building, there is merit in that the extension effectively infills the L shaped building. It is then a question of whether the proposal as a whole with the parking arrangements etc and the use(s) of the site compound to adversely impact on the openness of the site and the purposes of the site being included in the Green Belt.

7.14 Paragraph 150 of the NPPF states;

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”

7.15 While the canopy seating area could be considered to be reasonably contained within the existing but not original grouping, there is a large amount of parking involving the surfacing of currently green verge areas and cumulatively the parking area with the extension and the uses at the site collectively can be regarded as reducing the openness. It is considered that the increased urbanising effect of the additional activity would result in a more ‘cluttered’ feel within the grouping, hence reducing openness.

7.16 It is concluded that the proposal amounts to inappropriate development in the Green Belt that would harm the openness of the site with no very special circumstances having been put forward to outweigh the harm. This is in direct conflict with Paragraph 150 of the NPPF.

Landscape:

7.17 The issue of openness should be considered in the context of the surrounding landscape character. Policy ENV 3 part 1(e) seeks to ensure that sufficient regard is had to the guiding principles and other relevant guidelines set out in the Northumberland Landscape Character Assessment. The documentation places the site within character area 39c ‘Stannington’ – a “significantly modified” landscape “influenced by adjoining urban areas and their associated infrastructure”.

7.18 The guiding principle for the landscape type recognises the advantages to be gained by a degree of planning to improve the quality of this landscape given that “the most significant changes to this landscape have already occurred, in the form of

extensive mining activity and urbanisation”. However, it goes on to say that “where key qualities remain intact, their long-term viability should be secured.”

7.19 Notwithstanding these assessments, the area around the site does not show too many signs of past industry and is essentially ‘rural’ in appearance – a ‘breathing space’ between the urban areas of Morpeth, Guide Post and Bedlington. It is therefore considered that the increased urbanising of the grouping will have a disproportionate effect on the rurality of this corridor of countryside and hence on openness.

Town Centre considerations:

7.20 As mentioned earlier, it is noted that the site operates in a manner that is more than a café which was initially intended to support the Equestrian Centre operating at the site. For example, the ‘café’ is open until evening/night, with a drinks license for the serving of alcohol into the night and the offer of live music and entertainment. The Council are also aware of a play park for children at the site and regular themed events such as karaoke and bingo nights.

7.21 The Local Plan (in a similar vein to the NPPF), defines a set of ‘Main Town Centre Uses’ that include “recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls)”.

7.22 The uses on the site have evolved to include one or more of those elements that the extension would help accommodate.

7.24 Policy TCS 4 of the Local Plan Policy TCS 4 states that, “where proposals for main town centre uses come forward on sites outside defined town centre boundaries, and they are of a scale that would be inappropriate in a less accessible location, they will be subject ... to proportionate and appropriate sequential testing.”

7.25 It is considered that the proposal would result in more than a small rural stop-off fundamentally supporting the main use of the site and which is more befitting of its rural location, and rather represents more of an additional use as can be highlighted with supporting comments from visitors who have frequented the site from neighbouring towns and towns from further afield in the North East. It is considered that the scale of the use of the site is inappropriate in this location whilst also being in a less accessible location.

Principle of development conclusion:

7.26 To conclude, the proposal fails to accord with Policy STP 1 of the Local Plan and neither complies with either of policies ECN 13, ECN 14 and ECN 15 when referring to development in the Open Countryside. Furthermore, the proposal when taken as a whole in terms of the extension, parking and use of the site is considered to be inappropriate development in the Green Belt due to the increasing urbanising effect from increased activity causing a reduction in the openness of the site. The proposal would therefore fail to protect the openness of the site and its surroundings. The site being located between Morpeth and Guide Post is a site where such

increased urbanising should be avoided so as to protect this stretch of Green Belt and the purposes for its inclusion in the Green Belt. No very special circumstances have been identified so as to outweigh the harm to the openness of the Green Belt. The principle of development is therefore considered to be unacceptable.

Design and visual impact:

7.27 In terms of design, a proposal to support an existing rural business would need to be proportionate to the rural location while extensions would need to contribute positively to the local landscape character as per the stipulations of policy ECN 13 of the Local Plan. This design requirement is echoed by policies QOP 2 and ENV 3 of the Local Plan. In isolation, the design may be acceptable, however, when taken in context of these policies and its siting within the Green Belt and open Countryside, as has already been discussed above, the proposal would be to the detriment of the local landscape character and context and as such the design and visual impact of the proposal is considered to be unacceptable contrary to local planning policy.

Impact on amenity:

7.28 Policy QOP 2 of the Local Plan expects development to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area.

7.29 There was one objection from a neighbour which cited concerns about their residential amenity being impacted particularly by noise. The applicant had since provided a noise impact assessment which was requested by the Council's Public Protection Team and in their comments Public Protection stated that they had no objection to the proposal following the submission of the requested information which was found to be acceptable. It is therefore considered that the proposal would not result in an adverse impact on the residential amenity of neighbours.

Coal Legacy and Public Protection

7.30 Both the Coal Authority and the Council's Public Protection Team were consulted on the proposal and they both stated they had no objection to the proposal. The proposal is therefore considered to be acceptable on coal legacy grounds in accordance with the Northumberland Local Plan and the NPPF on such matters. Informatives were recommended and they would have been included in the event permission was granted.

Highway safety:

7.31 The Council's Highways Development Management Team was consulted on the proposal. Following the submission of requested further information, Highways Development Management removed their objection and proposed conditions and informatives be attached in the event planning permission was approved. The proposal is therefore considered to be acceptable on highway safety grounds in accordance with policies TRA 2 and TRA 4 of the Local Plan and the NPPF.

7.32 It should be noted that the Highways Development Management comments provided on the proposal were provided on the basis of the additional seating and the parking implications that would arise from the additional seating. They stated in their comments that the other business operating at the site is not a highways development management related matter.

Other Matters

Equality Duty:

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

Crime and Disorder Act Implications:

The proposal has no implications in relation to crime and disorder.

Human Rights Act Implications:

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

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

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for

planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above stating a failure to comply with relevant Development Plan Policy. The application has also been considered against the relevant sections within the NPPF and the proposal also fails to comply with the NPPF. The proposal is therefore recommended for refusal.

9. Recommendation

That members REFUSE planning permission subject to the following:

Reasons

01. The proposed development in the open countryside while supporting the growth/expansion of existing business does not do so in a manner that is sensitive to its surroundings and as such the proposal represents unacceptable development in the open countryside due to a failure to comply with policy STP 1 of the Local Plan.

02. The proposed development would lead to an urbanising effect with increased activity which would adversely impact the openness of this Green Belt site and its surroundings with no 'very special circumstances' identified to outweigh this harm. The proposal therefore represents inappropriate development in the Green Belt and is contrary to Green Belt policies of the National Planning Policy Framework and STP 7 and STP 8 of the Northumberland Local Plan.

Date of Report: 26th October 2022

Background Papers: Planning application file(s) 21/03841/FUL