



Northumberland

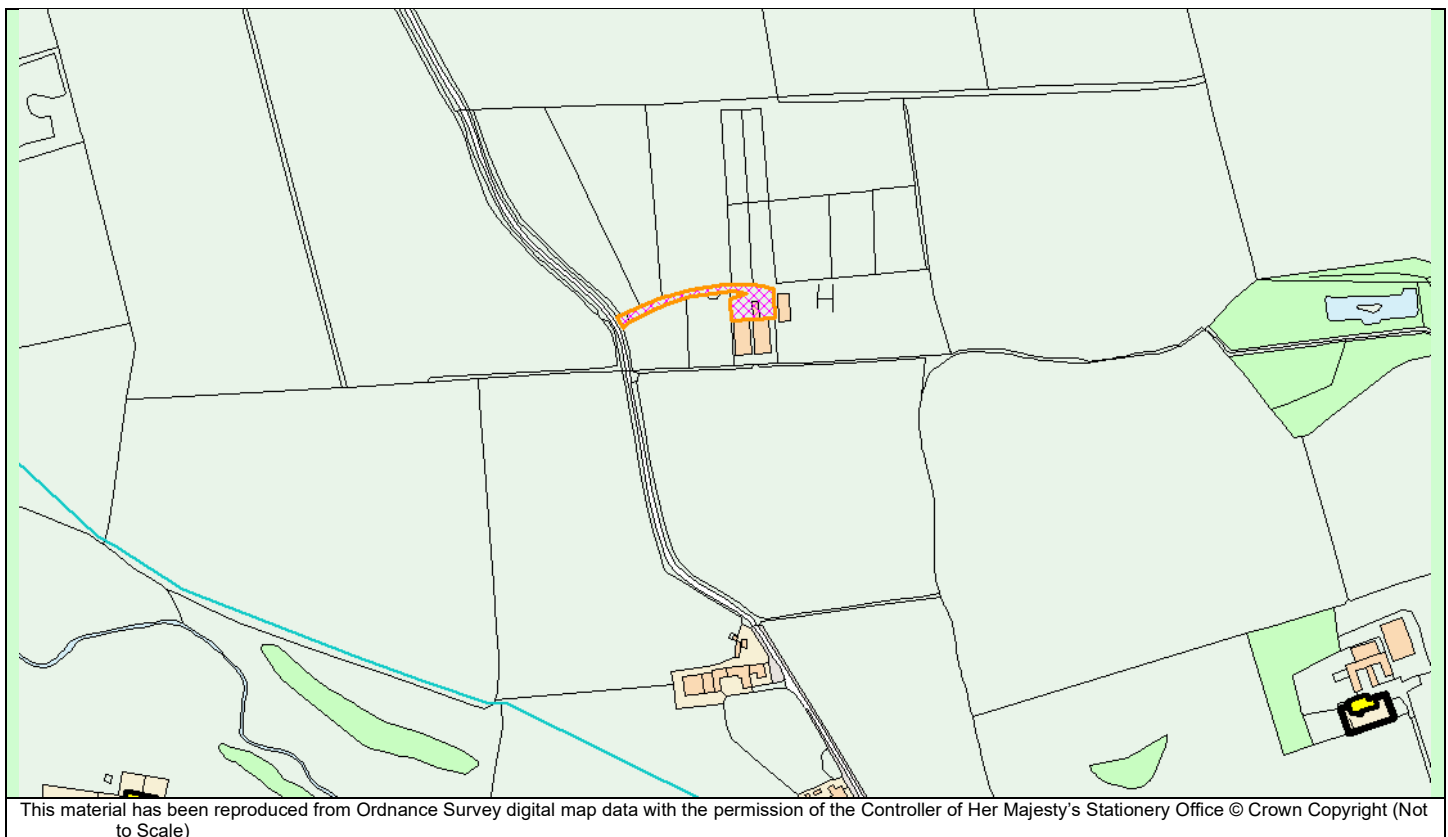
County Council

Castle Morpeth Local Area Council Committee

14 November 2022

Application No:	22/02904/FUL		
Proposal:	Installation of concrete hardstandings and pathways to accommodate a horse walker		
Site Address	La Luna Farm, Mill Lane, Heugh, Northumberland, NE18 0PS		
Applicant:	Miss Deborah Wilkinson La Luna Farm, Mill Lane, Heugh, Northumberland NE18 0PS	Agent:	None
Ward	Ponteland West	Parish	Stamfordham
Valid Date:	6 September 2022	Expiry Date:	15 November 2022
Case Officer Details:	Name: Mr Ryan Soulsby JobTitle: Planning Officer Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1 Following the receipt of 6no objections from neighbours and members of the public, the application was referred to the director of planning and the chairs of the local area council committee. The chair referral response confirmed that the application shall be determined at local area council committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the installation of concrete hardstanding and a horse walker structure at La Luna Farm, Mill Lane, Heugh.
- 2.2 The provision of concrete hardstanding throughout the site would allow access to the existing barns and horse walker, replacing the existing gravelled tracks. The hardstanding would be located to the front of the 2no barns with the horse walker also located in front of the structures, south of the existing internal access road.
- 2.3 The proposed horse walker would have a width of 11.6 metres with an overall height of 1.86 metres. The structure has a metal frame.
- 2.4 The site currently comprises of a residential chalet, 2no barns and an outdoor riding/ménage arena. Temporary permission was granted for the residential chalet on site in November 2020 however, permanent planning permissions are in place for the 2no barns and outdoor arena at the site.

3. Planning History

Reference Number: 19/00509/FUL

Description: Proposed siting of a temporary dwelling house / chalet

Status: Withdrawn

Reference Number: 19/01301/ROAD

Description: Prior notification for access road to agricultural barns

Status: Prior approval not required

Reference Number: 19/04829/FUL

Description: Resubmission: Proposed siting of 1no. chalet and part change of use of 1no. barn.

Status: Non-determination

Reference Number: 20/01784/FUL

Description: Part Change of Use of 1No Barn and Retrospective Planning Permission for Septic Tank

Status: Refused

Reference Number: 21/02140/NONMAT

Description: Non-material amendment (Repositioning of Windows) on approved application 19/04829/FUL

Status: Permitted

Reference Number: 18/03553/AGRGDO

Description: Prior notification for a new agricultural buildings to provide covered area

for livestock and storage for hay and machinery.

Status: Withdrawn

Reference Number: 18/04271/FUL

Description: Proposed construction of 2no. barns

Status: Permitted

Reference Number: 20/02422/MISC

Description: Install 2x 10m wooden pole (8.2m above ground) and 6x 9m wooden pole (7.3m above ground).

Status: Permitted development

Reference Number: 21/00154/FUL

Description: Proposed menage and retrospective planning permission for septic tank

Status: Permitted

Appeals

Reference Number: 20/00027/NONDET

Description: Resubmission: Proposed siting of 1no. chalet and part change of use of 1no. barn.

Status: Allowed

4. Consultee Responses

Stamfordham Parish Council	No objection.
Highways	No objection.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	6
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

6no objections were received against the application from neighbouring residents and members of the public. Concerns were raised regarding:

- Inappropriate development in the Green Belt;
- 'Creeping' development at the site;
- Potential retrospective nature of the scheme;
- Highways safety;
- Temporary permission for the residential chalet;
- Impact on countryside and wildlife;

- Overall use of the site.

Material planning considerations will be assessed within the below appraisal.

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

<http://publicaccess.northumberland.gov.uk/onlineapplications//applicationDetails.do?activeTab=summary&keyVal=RGHQ5JQSITD00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036 (Adopted March 2022) (NLP)

Policy STP 1 - Spatial strategy (strategic policy)

Policy STP 2 - Presumption in favour of sustainable development (strategic policy)

Policy STP 3 - Sustainable development (strategic policy)

Policy STP 4 - Climate change mitigation and adaptation (strategic policy)

Policy STP 5 - Health and wellbeing (strategic policy)

Policy STP 7 – Strategic approach to Green Belt (strategic policy)

Policy STP 8 – Development in the Green Belt (strategic policy)

Policy QOP 1 - Design principles (strategic policy)

Policy QOP 2 - Good design and amenity

Policy QOP 4 - Landscaping and trees

Policy QOP 6 - Delivering well designed places

Policy TRA 2 - The effects of development on the transport network

Policy ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (strategic policy)

Policy ENV 2 - Biodiversity and geodiversity

Policy WAT 3 - Flooding

6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2022) (NPPG)

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 of the Northumberland Local Plan (NLP). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development (open countryside and Green Belt);
- Design and visual character;
- Residential amenity;
- Highway safety;
- Ecological impacts.

Principle of development

(open countryside)

7.2 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres and service villages across the county where sustainable development can be located. The application site is not located within a recognised settlement and is therefore identified as being located within open countryside. Policy STP 1, part g) outlines supports for development within the open countryside providing accordance with other relevant policies within the NLP. Part i) states development will be supported where it can be demonstrated the development “*Supports the sustainable growth and expansion of existing business or the formation of new businesses in accordance with Policy ECN 13*”.

7.3 Policy ECN 13 recognises the role of rural locations in providing employment opportunities. An existing equestrian enterprise is currently located at the application site with various structures and facilities located within the site curtilage. The proposed horse walker is proportionate to existing development upon the site and would provide increased facilities for the benefit of horses located at La Luna Farm. The hardstanding is also recognised as subordinate to the level of structures on site and would not represent a significant change from the existing gravelled tracks currently located at site.

7.4 Paragraph 84 of the NPPF is also relevant within this assessment and states that “*Planning policies and decisions should enable:*

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”. The LPA recognise the importance of a horse walker within an equestrian environment and the benefits to the physical condition of the horse or recovery from an injury. The development would ultimately result in the growth and expansion of the existing enterprise.

7.5 The principle of development in the open countryside is therefore acceptable in accordance with policies STP 1 and ECN 13 of the NLP and the NPPF.

(Green Belt)

7.6 Policy STP 7 of the NLP, read in conjunction with the Policies Map, identifies green belt boundaries throughout the county of Northumberland. The application site is located within designated Green Belt land therefore the provisions of policy STP 8 apply with this assessment.

7.7 Policy STP 8 of the NLP directs the decision maker to the NPPF when determining if a development would be recognised as inappropriate within the green belt. Paragraph 149 of the NPPF states that ‘*a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt*’ before recognising certain exceptions to this. Paragraph 149 b) states an exception as being “*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”.

7.8 The proposed horse walker would be located to the north of the existing barns on site, with the existing outdoor riding/ménage arena located to the west. The scale and massing of the structure ensures it would be viewed as subordinate to the existing barns and temporary residential chalet located at La Luna Farm and would therefore have limited impact upon the openness of the Green Belt, both on visual and physical grounds. Due to the topography of the site and surrounding land, the proposed horse walker and hardstanding would not be readily visible from neighbouring sites or pathways.

7.9 The proposed development represents an acceptable form of development in the Green Belt which would not cause harm to the openness of the Green Belt, nor conflict with the 5no Green Belt purposes as set out within paragraph 138 of the NPPF. The principle of development within the Green Belt is therefore acceptable in accordance with policies STP 7 and STP 8 of the NLP and the NPPF.

Design and visual character

7.10 Policy QOP 1 of the NLP states developments must *'make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography'*. The NPPF at paragraph 126 recognises good design as a key aspect of sustainable development with paragraph 130 noting developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

7.11 The proposed development would not cause harm to the visual character of the application site or wider area. The proposed horse walker structure is a common feature within equestrian enterprises and the scale and massing of the proposal is subordinate to existing buildings located upon site. As previously outlined, the site is not readily visible within the public domain due to existing boundary treatments and land topography. The proposal represents good design in accordance with policy QOP 1 of the NLP and the NPPF.

Residential amenity

7.12 Policy QOP 2 of the NLP states that *'development will be required 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'*. Paragraph 130, part f) of the NPPF states that planning decisions should ensure that developments *'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'*.

7.13 The nearest residential property outside of the site curtilage is located approximately 230 metres to the south. The proposals as set out within the submitted details would not impact upon the amenity of neighbouring residents.

Highway safety

7.14 Policy TRA 2 of the NLP states that developments will be expected *'provide effective and safe access and egress to the existing transport network'* and *'include*

appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or highway safety'. Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

7.15 Consultation was undertaken with highways development management who raised no objection to the application proposals. There is to be no alterations to the existing access arrangements at the site, nor is it expected the proposed development would represent a significant intensification of use at the site which may impact upon highway safety. The proposal therefore accords with policy TRA 2 of the NLP and the NPPF.

Ecological impacts

7.16 Policy ENV 2 of the NLP states that developments should minimise their impact upon biodiversity and geodiversity and where possible, secure net gains. These provisions are mirrored within paragraph 174, part d) of the NPPF.

7.17 The proposed horse walker and concrete paths would be sited upon an existing gravelled area which serves no ecological value. The proposed development would therefore not impact upon protected species or their habitats, in accordance with policy ENV 2 of the NLP and the NPPF.

Equality Duty

7.18 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

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

Human Rights Act Implications

7.20 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.

7.21 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.

7.22 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. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

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

02. The development hereby permitted shall be carried out in complete accordance with the approved plans. The approved plans for this development are:-

- 1) Location plan (received 12th August 2022)
- 2) Proposed elevations (received 16th September 2022)
- 3) Proposed site plan (received 6th September 2022)

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

03. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any other re-enacting or revoking Order with or without modification), the development hereby approved shall only be used for the private use of La Luna Farm, Mill Lane, Haugh and for no other purpose.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework

Date of Report: 25th October 2022

Background Papers: Planning application file(s) 22/02904/FUL