



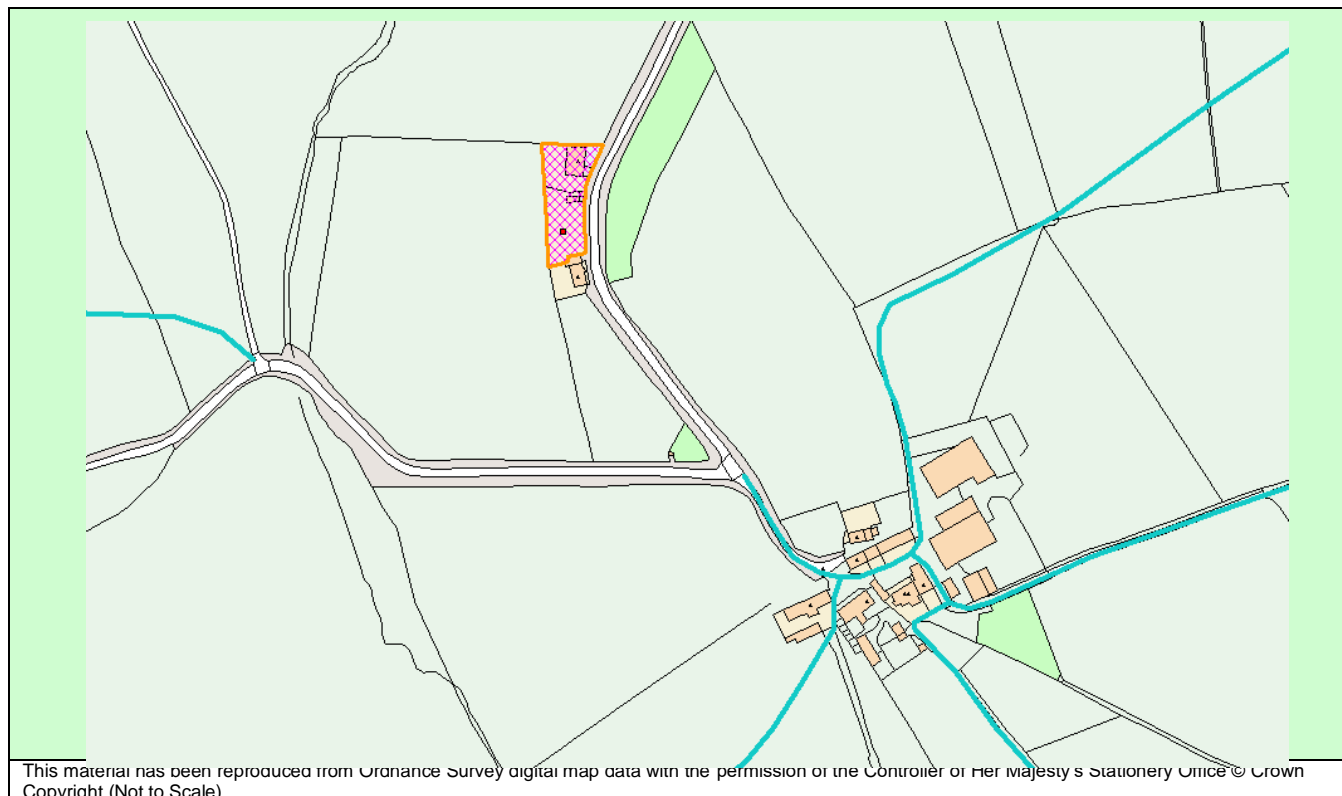
# Northumberland

## County Council

### Tynedale Local Area Council Planning Committee 15 November 2022

<b>Application No:</b>	21/03984/FUL		
<b>Proposal:</b>	Siting of glamping pod		
<b>Site Address</b>	Land South of Hill Top, Lambley, Northumberland		
<b>Applicant:</b>	Mr Chris Chisholm Hill Top, Kellah, Northumberland, NE49 0JL	<b>Agent:</b>	None
<b>Ward</b>	Haltwhistle	<b>Parish</b>	Featherstone
<b>Valid Date:</b>	3 November 2021	<b>Expiry Date:</b>	18 November 2022
<b>Case Officer Details:</b>	Name: Ms Rachel Campbell Job Title: Senior Planning Officer Tel No: 07966332006 Email: Rachel.Campbell02@northumberland.gov.uk		

**Recommendation:** That this application be REFUSED permission



## 1. Introduction

1.1 Featherstone Parish Council support the application, which would be contrary to the officer recommendation of refusal. Therefore, under the provisions of the Council's current Scheme of Delegation, the application has been referred to the Director of Planning and the Chair and Vice Chair of the Tynedale Local Area Council Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application should be referred to the Committee for determination.

## 2. Description of the Proposals

2.1 Planning permission is sought for the siting of one glamping pod for holiday accommodation purposes on land to the south of Hill Top, Lambley.

2.2 The proposed glamping pod would be located on a small parcel of land between the residential properties of Hill Top, which is occupied by the applicant, and Four Wynds, which is under separate ownership. The proposed glamping pod would measure 3.5 metres by 7.7 metres with a height of 2.6 metres to the flat roof. The proposed glamping pod would have a triangular feature framing the entrance doorway which would measure 3.2 metres in height. The proposed glamping pod would be constructed of timber with artificial grass to the flat roof.

2.3 The proposal would utilise the existing access from the U7023 road, which is within the north eastern corner of the application site. Car parking would be created to the north of the glamping pod, adjacent to the existing access. An outdoor gravelled seating area, BBQ area and fire pit area would be created within the parcel of land to the west of the proposed glamping pod and would provide amenity space for visitors. The application site would remain predominantly grassed with vegetation, both existing and proposed new planting, to the west and southern boundaries.

2.4 Amended plans and additional information have been submitted during the course of this application to address the initial concerns raised by the Council's Highway Development Management team and the Council's Ecology team.

2.5 The application site is located within the open countryside to the north west of Lambley and to the south west of Haltwhistle. The application site is within an Area of High Landscape Value, is within a low-risk coal advice area and is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI).

## 3. Planning History

**Reference Number:** T/76/E/52

**Description:** Extension to form sun room and erection of a garage.

**Status:** Permitted

## 4. Consultee Responses

Featherstone Parish Council	Support the application.
Highways	No objection subject to conditions and informatives.
County Ecologist	No objection subject to conditions and informatives.

Tourism, Leisure & Culture	No response received.
Public Protection	No comment to make on this application.
West Tree and Woodland Officer	No response received.

## 5. Public Responses

### Neighbour Notification

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

### Notices

General site notice – Displayed on 24th November 2021  
No press notice required.

### Summary of Responses:

None received.

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=R0NCUGQSJSJ00>

## 6. Planning Policy

### 6.1 Development Plan Policy

#### *Northumberland Local Plan (2022)*

Policy STP 1 – Spatial Strategy (Strategic Policy)  
 Policy STP 2 – Presumption in Favour of Sustainable Development (Strategic Policy)  
 Policy STP 3 – Principles of Sustainable Development (Strategic Policy)  
 Policy ECN 1 – Planning Strategy for the Economy (Strategic Policy)  
 Policy ECN 12 – A Strategy for Rural Economic Growth (Strategic Policy)  
 Policy ECN 15 – Tourism and Visitor Development  
 Policy QOP 1 – Design Principles (Strategic Policy)  
 Policy QOP 2 – Good Design and Amenity  
 Policy QOP 4 – Landscaping and Trees  
 Policy QOP 5 – Sustainable Design and Construction  
 Policy TRA 1 – Promoting Sustainable Connections (Strategic Policy)  
 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 (Strategic Policy)  
 Policy ENV 2 – Biodiversity and Geodiversity  
 Policy ENV 3 – Landscape  
 Policy WAT 2 – Water Supply and Sewerage

## 6.2 National Planning Policy

*National Planning Policy Framework (NPPF) (2021)*  
*National Planning Practice Guidance (NPPG) (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, and following its recent adoption by the Council, the development plan comprises policies in the Northumberland Local Plan.

7.2 The main considerations in the determination of this application are:

- Principle of the development.
- Design.
- Impact upon residential amenity.
- Highway safety.
- Ecological impacts.
- Drainage and sewerage.

### Principle of the Development

7.3 The application site is located within the open countryside to the north west of Lambley and to the south west of Haltwhistle. As a starting point, Part 1 (g) of Policy STP 1 of the Northumberland Local Plan is supportive of development in the open countryside if it can be demonstrated that it meets one of several criteria. Criterion (iii.) of Part 1(g) of Policy STP 1 allows for the provision of sustainable rural tourism and leisure developments in accordance with Policy ECN 15. Part 1 (i) of Policy STP 1 follows on to state that “*development in the open countryside should be sensitive to its surroundings, not have an unacceptable impact upon the local road network, and use previously developed land where opportunities exist*”.

7.4 Policy ECN 1 of the Northumberland Local Plan sets out the spatial strategy for economic development and regeneration and is generally supportive of development proposals that support and promote tourism and the visitor economy.

7.5 Policy ECN 12 of the Northumberland Local Plan sets out a strategy for rural economic growth and is generally supportive of rural main towns and service centres as the most accessible and suitable hubs for rural economic growth.

7.6 Policy ECN 15 of the Northumberland Local Plan relates specifically to tourism and visitor development. Part 2 (f) of Policy ECN 15 is supportive of new or extensions to existing sites for camping, caravans, and/or chalets in accessible locations outside the two AONBs and the World Heritage Site and its buffer zone, provided the development is adequately screened, taking into account short and long range views, by existing topography or vegetation or new good quality landscaping compatible with the surrounding landscape.

- 7.7 Paragraph 84 of the NPPF advises planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 7.8 The application proposes to site one glamping pod for holiday accommodation purposes on land between two existing residential dwellings. As aforementioned, the application site is located within the open countryside and is to the north west of Lambley and to the south west of Haltwhistle. The application site is located approximately 2.9 kilometres (as the crow flies) from the small village of Lambley, which is the closest village to the application site which has services/facilities, such as a church and village hall. The main town of Haltwhistle, is located approximately 4.5 kilometres (as the crow flies) from the application site. There are also no public transport facilities within the immediate area surrounding, and within walking distance of, the application site. It is therefore recognised that visitors to the site would be heavily reliant upon private transport. Whilst the application site is located between two existing residential dwellings, it occupies an isolated position within the open countryside and is at a considerable distance from an existing settlement and from public transport facilities. Therefore, the application site is not considered to be in an accessible location and tourism development in this location would be unsustainable as a result. The proposed development is therefore considered to be unacceptable as a matter of principle and would be contrary to Policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan and the principles of the NPPF.
- 7.9 The proposed tourism development would be partially visible from long-range views from the west and would be viewed in the context of the immediate built form (the two residential dwellings to the north and south) and against the backdrop of the stretch of woodland to the east. It is also acknowledged that there are trees and vegetation to the western boundary of the site, with additional planting proposed to help screen the proposals and to blend it in with its surroundings. Whilst it is recognised that the proposed tourism development would be adequately screened from long and short range views, it would be located within an inaccessible location, which is contrary to Part 2 (f) of Policy ECN 15 which seeks to locate this type of tourism development in accessible locations, where they are adequately screened. Therefore, the principle of the development is unacceptable for the reasons outlined above.

### Design

- 7.10 The application site is located within the open countryside. The proposed siting of one glamping pod with associated infrastructure, landscaping and car parking would be contained within the small parcel of land between the residential properties of Hill Top and Four Wynds. The land surrounding the proposed glamping pod and within the small parcel of land would provide amenity space for visitors to the glamping pod. The proposed glamping pod would be constructed of timber with an artificial grass roof. Although the materials of the proposed glamping pod would not match the materials of Hill Top and Four Wynds, which predominantly comprise of stone and/or render with slate tiled roofs, the timber and artificial grass materials are considered to be acceptable in this instance and would have a natural appearance, helping it to blend in with its surroundings. The proposed development would be viewed from long range views to the west in the context of the immediate built form (the two residential dwellings to the north and south) and against the backdrop of the stretch of woodland to the east. It is acknowledged that there are existing trees within the site, predominantly to the western boundary, and additional planting is proposed

within the site, to the western and southern boundaries. It is considered that the design and materials of the proposed development would respect the site and the surrounding open countryside. The proposed development would accord with Policies ENV 3, QOP 1, QOP 2, STP 2 and STP 3 of the Northumberland Local Plan and the principles of the NPPF in this respect.

### Impact upon Residential Amenity

7.11 The proposed glamping pod would be located within a small parcel of land between two existing residential properties, Hill Top to the north and Four Wynds to the south. Beyond these residential properties, to the north and south, is open agricultural land. To the west of the application site is open agricultural land and to the east of the application site is the U7023 road with a dense, narrow stretch of woodland beyond. Therefore, Hill Top and Four Wynds are the only residential dwellings within the nearby vicinity of the proposed development. Hill Top is within the ownership of the applicant; however, Four Wynds is under separate ownership. The separation distance between the proposed glamping pod and Hill Top is approximately 23 metres. The separation distance between the proposed glamping pod and the garage at Four Wynds is approximately 10 metres and the separation distance between the proposed glamping pod and the main dwelling at Four Wynds is approximately 15 metres. The majority of the openings to the proposed glamping pod would be to the east and west elevations, which do not overlook the neighbouring properties. It is noted that one window opening is proposed to the south elevation, which faces towards Four Wynds, however, this would be a small, high-level window and it is noted that there are no openings on the northern gable elevation of the property at Four Wynds. Therefore, the proposal would not overlook either of the neighbouring properties.

7.12 There are existing trees within the site, at the western and southern boundaries and the proposal includes additional landscaping and planting to the western and southern boundaries and additional boundary treatments to ensure privacy for the visitors to the glamping pod and for the existing residents of Four Wynds, which is the closest neighbour, and Hill Top. The separation distances, as set out above, are considered to be acceptable.

7.13 Overall, the proposed development would not adversely affect these neighbouring properties with regard to loss of privacy, outlook or from an overbearing appearance. The application is considered to be acceptable in respect of the impact of the development upon residential amenity in accordance with Policy QOP 2 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

### Highway Safety

7.14 The Council's Highway Development Management (HDM) team has been consulted on this application, and having reviewed the additional information and revised plans, consider technical matters such as access and parking, are acceptable. During the course of the application, the applicant has provided additional information with regard to car parking, the means of access and refuse collection. The Council's HDM team raise no objection subject to conditions and informatives. The recommended conditions relate to the implementation of the car parking area, details of cycle parking, the means of vehicular access and the submission of a construction method statement.

7.15 Subject to accordance with the recommended conditions, the proposed development is considered to be acceptable in accordance with Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan and the principles of the NPPF in relation to highway safety and parking provision.

#### Ecological Impacts

7.16 A Preliminary Ecological Appraisal and a landscaping plan have been submitted to accompany this application. The Council's Ecology team has been consulted on this application, and having reviewed the revised plans, considers the proposed development would not impact on protected or notable species, designated nature conservation sites or priority habitat. During the course of the application, the applicant has confirmed that the Ash tree within the north eastern corner of the application site, adjacent to the access, would be retained and the plans have been revised accordingly to reflect this. The Council's Ecology team raise no objection subject to conditions and informatives. The recommended conditions relate to biodiversity enhancement and landscaping.

7.17 Subject to accordance with the recommended conditions, the proposed development is considered to be acceptable in accordance with Policies ENV 1, ENV 2 and QOP 4 of the Northumberland Local Plan and the principles of the NPPF in relation to ecological impacts.

#### Drainage and Sewerage

7.18 The application form indicates that foul sewerage would be disposed of by septic tank and that the proposal would connect to the existing septic tank, which currently serves the residential property of Hill Top. A Foul Drainage Assessment Form has therefore been submitted to accompany the application. Northumbrian Water has not been consulted on this application, because no connections to the public sewerage network are proposed. The application is considered acceptable in this respect in accordance with Policy WAT 2 of the Northumberland Local Plan and the principles of the NPPF.

#### Equality Duty

7.19 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

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

#### Human Rights Act Implications

7.21 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.

7.22 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.

7.23 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 National and local planning policies have been taken into consideration when assessing this application. The principle of the development is considered to be unacceptable because the proposed tourism development would be located within an inaccessible and unsustainable location and thus would be contrary to Policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan and the principles of the NPPF.

8.2 Whilst the application would be acceptable in all other respects, including technical matters, it would be unacceptable as a matter of principle, and it is therefore recommended that the application be refused.

## **9. Recommendation**

That this application be REFUSED permission subject to the following:

### Conditions/Reason

1. The application site is located within the open countryside, at a distance from the small village of Langley and from the main town of Haltwhistle. The application site is not a sustainable or accessible location and as such the provision of tourist accommodation in this location would be contrary to Policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

**Date of Report: 21.10.2022**

**Background Papers:** Planning application file(s) 21/03984/FUL



