

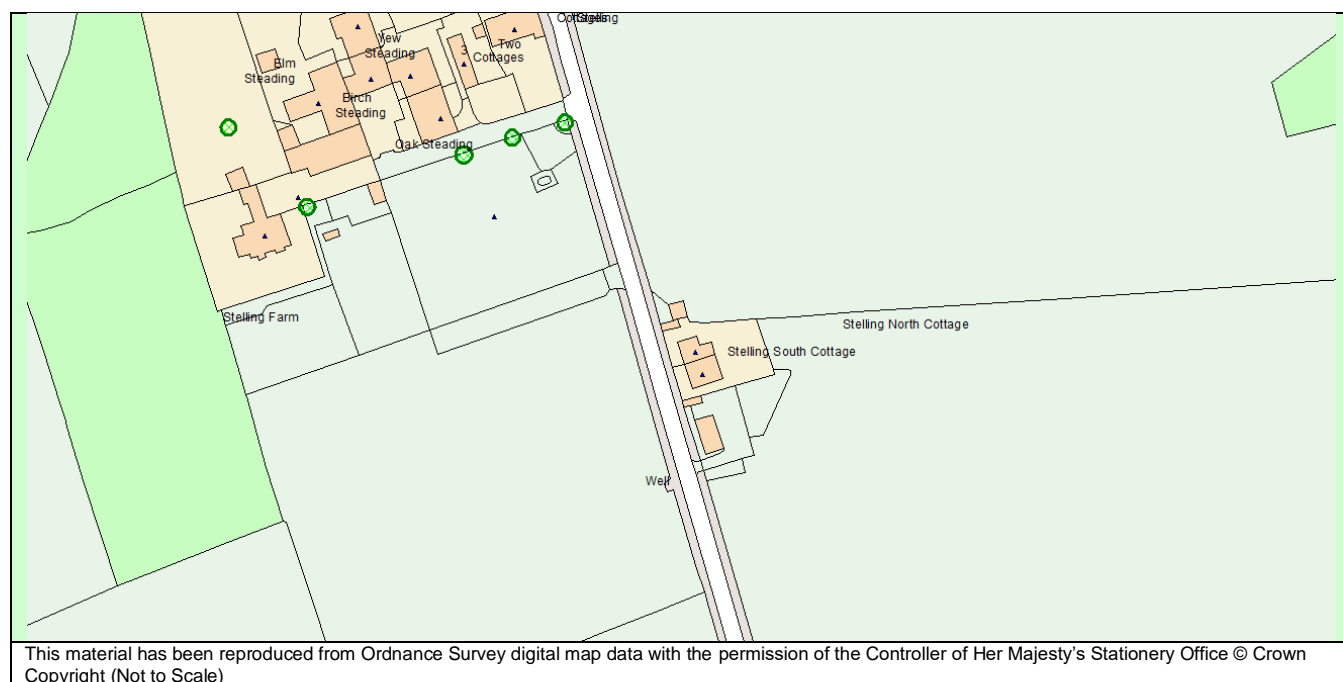


Northumberland County Council

Tynedale Local Area Council Planning Committee Tuesday 28th March 2023

Application No:	22/00937/FUL		
Proposal:	Change of use and conversion of an existing agricultural storage building to provide ancillary accommodation for the main dwellinghouse and change of use of land to form residential curtilage (as amended)		
Site Address	Stelling South Cottage , B6309 Mowden Hall Cross Roads To Welton, Stocksfield, Northumberland, NE43 7UU		
Applicant:	Mr & Mrs Taylor Stelling South Cottage, Northumberland, Stocksfield, NE43 7UU	Agent:	Miss Joanne Wood 1 Hood Street, Newcastle upon Tyne, NE1 6JQ, undefined
Ward	Bywell	Parish	Bywell
Valid Date:	29 March 2022	Expiry Date:	31 March 2023
Case Officer Details:	Name: Miss Amber Windle Job Title: Planning Officer Tel No: 07966324582 Email: Amber.Windle@northumberland.gov.uk		

Recommendation: That this application be GRANTED 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 Planning Committee under the Council's delegation scheme due to an objection from Bywell Parish Council. It was agreed that the application raises issues of wider community or significant County Council interest, and so should be considered by the Committee.

2. Description of the Proposals

2.1 Planning permission is sought for the change of use and conversion of an existing agricultural storage building to provide ancillary accommodation for the main dwellinghouse and for the change of use of land to form residential curtilage at Stelling South Cottage, Stocksfield.

2.2 The application site is located in the open countryside north of the A69 and the settlement of Stocksfield. The site is also situated within the designated Green Belt.

2.3 The proposal being assessed as part of this application is a revised version of the originally submitted proposal, which has been submitted in an attempt to address concerns that the local planning authority have raised during the course of the application in terms of the proposed extension of the agricultural building. The proposed extensions to the building have been removed and the ancillary accommodation would be facilitated within the existing footprint of the buildings, with the exception of a small porch. The description of the application has also been amended to include the change of use of the land on which the agricultural building is located, to allow this to be used as residential curtilage.

2.4 The subject agricultural building was previously granted planning permission under approved application T/20010550.

3. Planning History

Reference Number: T/20010550

Description: Construction of agricultural building.

Status: PERMITTED

4. Consultee Responses

Bywell Parish Council	Bywell Parish Council object to the above application on two main grounds: The development is in green belt and although the conversion of a farm building may be permitted, it appears from the application that the development will be significantly larger than the existing barn, including being taller than the main residence. Additionally, the style and materials to be used make the development highly visible from the road and surrounding area and it is not in keeping with all the other developments in the Stelling area.
Highways	HDM object to the development as the development will be located within an unsustainable location, however, if the Planning Authority are minded approving this application, planning conditions can be requested on receipt of this request.

Public Protection	The Environmental Protection Team have no objection to this application subject to recommend conditions, in order to protect public health and prevent loss of amenity.
County Ecologist	No objection.

5. Public Responses

Neighbour Notification

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

Notices

General site notice - 11th April 2022

No Press Notice Required.

Summary of Responses:

None received.

6. Planning Policy

6.1 Development Plan Policy

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

- STP 1 - Spatial strategy
- STP 2 - Presumption in favour of sustainable development
- STP 3 - Sustainable development
- STP 7 - Strategic approach to the Green Belt (Strategic Policy)
- STP 8 - Development in the Green Belt (Strategic Policy)
- HOU1 - Making the best use of existing buildings (Strategic Policy)
- HOU 9 - Residential development management
- QOP 1 - Design principles
- QOP 2 - Good design and amenity
- ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
- ENV 2 - Biodiversity and geodiversity
- ENV 3 - Landscape
- ENV 4 - Tranquillity, dark skies and a sense of rurality
- TRA 1 - Promoting sustainable Connections (Strategic Policy)
- TRA 2 - The effects of development on the transport network
- TRA 4 - Parking provision in new development
- POL 1 - Unstable and contaminated land
- POL 2 - Pollution and air, soil and water quality
- WAT 2 - Water supply and sewerage

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021, as updated)

National Planning Practice Guidance (NPPG) (2021, as updated)

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 and Green Belt
- Design and visual impact
- Impact upon amenity
- Highway safety
- Ecology
- Land Contamination
- Drainage and Sewerage

Principle of the Development and Green Belt

7.3 The application site is located within the open countryside north of the A69 and the settlement of Stocksfield. Policy STP 1 of the Northumberland Local Plan states 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 The site is also located within the open countryside and within the Green Belt. The NPPF attaches great importance to Green Belts. Paragraph 138 of the NPPF sets out the five purposes of the Green Belt, these 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.*

7.5 Paragraph 147 maintains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states 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.

7.6 Similarly, Policy STP 8 of the emerging Northumberland Local Plan (Publication Draft Plan) relates to development in the Green Belt. Policy STP 8 states “development which is appropriate in the Green Belt, as defined in national planning policy, will be supported” and “development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal”.

7.7 In the above context, Paragraph 149 of the NPPF states that the LPA should regard the construction of new buildings as inappropriate in the Green Belt, however follows on with a list of exceptions to this, which 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);*
- 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.*

7.8 In addition, Paragraph 150 of the NPPF sets out what 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:

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

7.9 The application building is an existing agricultural storage building situated on a small parcel of land adjacent to the host dwelling, Stelling South Cottage. The parcel of land and the existing vehicular access to the south of the agricultural building is used for access and parking by the host dwelling. This application proposes the change of use and extension of the existing agricultural building to create an annex and the change of use of the parcel of land into residential curtilage, both to be used ancillary to the host dwelling. Taking each element in turn, the acceptability of the development will be assessed below with regard to the above policy context.

Change of use of land

7.10 Paragraph 150 of the NPPF states that other forms of development are also not inappropriate in the Green Belt provided they preserve its openness. This includes the material changes in the use of land. The proposed land that is proposed to be converted to residential garden where the agricultural building is situated is adjacent to the existing host property, Stelling South Cottage. The parcel of land is adjacent to the existing residential curtilage of Stelling South Cottage and is within the ownership on the applicant. The parcel of land is bound on all elevations by existing boundary treatment and mature hedging. The parcel of land shares the same vehicular access as the host dwelling and is used as a parking area for Stelling South Cottage. Although it is acknowledged that there would be some encroachment into the surrounding countryside, the parcel of land has been enclosed and visually separated from the surrounding agricultural land since the building was constructed following the granting of planning permission under application T/20010550.

7.11 In this instance, the proposed change of use would not result in a significant encroachment of residential curtilage into the Green Belt, nor would it have an adverse impact upon the openness of the Green Belt. A condition would be attached to any grant of permission removing permitted development rights from this area of land to ensure that no buildings could be constructed on the land without the approval of the Local Planning Authority. As such, it is considered that the proposed change of use of this area of former agricultural land to residential curtilage is acceptable in this instance. Therefore, it is considered that the proposed works would accord with Policies STP 7 and STP 8 of the Northumberland Local Plan and the principles of the NPPF.

Change of use of existing agricultural building

7.12 Paragraph 150 of the NPPF states that other forms of development are also not inappropriate in the Green Belt provided they preserve its openness. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. The change of use of this existing agricultural building in the Green Belt to an ancillary residential annex would in principle be acceptable and would preserve the openness of the Green Belt. The development would therefore accord with Policies STP 1, STP 7 and STP 8 of the Northumberland Local Plan and the principles of the NPPF.

Extensions to the existing agricultural building

7.13 The application proposes a small porch extension to the existing agricultural building on the northern elevation. The proposed works to the building would result in a volumetric increase of 3.94% over and above the size of the original building. It is considered that this part of the proposal would consist of a limited extension that would

be subordinate to the original dwelling and would not substantially increase its size. The limited scale of the development means the proposal would not be inappropriate development within the Green Belt, nor would it result in disproportionate additions over and above the original building, and as such would not have a materially greater impact on the openness of the Green Belt than the existing building. The development is considered to not represent inappropriate development within the Green Belt and is acceptable in accordance with Policies STP 1, STP 7 and STP 8 of the Northumberland Local Plan and the principles set out within Chapter 13 of the NPPF.

Design and visual impact

7.14 Stelling South Cottage is a detached dwelling located in the open countryside. The site is bound by the B6309 public highway to the west and by open agricultural land to the north, east and south. The existing agricultural building and land on which it is situated is predominance screened from the public highway by mature hedging and is fully enclosed to all boundaries by existing boundary treatment.

7.15 The proposed conversion of the existing building would create a 1no. bedroom annex with a kitchen/living area and bathroom. The proposals would retain the existing footprint of the building, with the exception of a small porch to the northern elevation. The porch would project 1.45m from the north elevation, measure 3m in length and would have a maximum flat roof eaves height of 2.26m. Externally the building would be re-clad in natural larch timber with feature anthracite standing seam zinc cladding to the east elevation and re-roofed with anthracite coloured corrugated metal sheeting. New glazed openings would be installed to the west, east and south elevations and 2no. rooflights and flue would be installed to the roof. A small canopy would also be installed to the east elevation over a new external door. The modest and sympathetic alterations to the building would improve the visual appearance of the outbuilding and would not detract from the existing host property and as such are considered to be acceptable. The design and scale of the proposed conversion and extension would be acceptable when viewed in context of the scale of the host property and would repurpose the existing building and should remain ancillary to the existing property of Stelling South Cottage.

7.16 In regards to the other aspect of the proposals, it is considered that the proposal to extend the residential curtilage of this particular site would not be harmful to the character of the area or the wider landscape. Furthermore, due to the existing physical separation of the site from the wider landscape, created by the existing mature hedging and boundary treatment and the existing residential use of the site for access and parking, the development would have a limited impact on the character of the wider landscape. As previously mentioned, a condition would be attached to any grant of permission removing permitted development rights from this area of land to ensure that no buildings could be constructed on the land without the approval of the Local Planning Authority.

7.17 In this instance, it is considered that the imposition of conditions would be appropriate and would be sufficient to control further development which could result in harm to the character of the area or the openness of the Green Belt. The proposed development would therefore accord with Policies HOU 9, QOP 1, QOP 2, ENV 1 and ENV 3 of the Northumberland Local Plan and the NPPF, in relation to design and impact on the wider landscape.

Impact upon amenity

7.18 The application site is bound by highway to the west and open agricultural land to the north, east and south. The nearest residential property is located approximately 107 metres to the northwest of the site. The proposed development would be fully screened from the public highways and from any nearby residential property. Given the above, it is considered that there would be no significant adverse impact upon the amenity of any nearby properties, in terms of loss of outlook, overshadowing, loss of light, overbearing or loss of privacy as a result of the proposed works. It is, therefore, considered that the proposals are in accordance with Policies HOU9 and QOP 2 of the emerging Northumberland Local Plan and the provisions of the NPPF.

Highway safety

7.19 The site is located within the open countryside. It is acknowledged that the Councils Highways Development Management Team have objected to the proposed development due to concerns that the site is located within an unsustainable location in terms of its connectivity. Notwithstanding this, due to the principle of the application being supported by both local and national planning policies, HDM have assessed the proposals from a technical point of view at the request of officers. HDM have recommended conditions and informative to be added to any granting of planning permission to ensure the development would not adversely impact upon highways safety. Subject to these conditions, the proposed development is considered to be in accordance with Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan and the aims of the NPPF in relation to highway safety.

Ecology

7.20 Due to the location and nature of the application, the County Ecologist has been consulted on the application. The County Ecologist has confirmed that due to the age and construction of the existing building, there are no objections to the proposed development and in this instance no planning conditions are considered necessary. As such, the application accords with Northumberland local Plan Policy ENV 2 and the NPPF.

Land Contamination

7.21 As the site lies within the Coal Authority's Coal Mining Reporting Area, NCC require the provision of ground gas protection measures for all development within this area. Following initial comments from the Environmental Protection Team, the applicant submitted additional information as part of the application. It is noted by the EP Officer that the information submitted does not constitute a full strategy, including a verification plan, which will need to be provided prior to commencement of the development. It therefore is recommended that conditions are attached to any granting of planning permission to secure this detail. Subject to the aforementioned conditions, the development would accord with Policies POL 1 and POL 2 of the Northumberland Local Plan.

Drainage and Sewerage

7.22 The application form states that surface water drainage and foul sewerage would be disposed of by the mains sewer. However, it has been clarified as part of this application that the site is served by a package treatment plant and soak away, which is located to the north of the property on land owned by the applicant. The proposed

development would connect to the existing infrastructure at the site for drainage and sewerage purposes. The development would therefore be in accordance with Policy WAT 2 of the Northumberland Local Plan.

Equality Duty

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

Crime and Disorder Act Implications

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

Human Rights Act Implications

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

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

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

8. Conclusion

8.1 National and local planning policies have been taken into consideration when assessing this application. The proposed development is also considered to have a limited impact on the openness of the Green Belt and can be considered an appropriate form of development within the Green Belt. Therefore, the proposed

development is supported as a matter of principle for the reasons set out within this report in accordance with the Northumberland Local Plan and the NPPF.

8.2 The application would also be acceptable in all other respects, including technical matters, and it is therefore recommended that the application be approved.

9. Recommendation

That this application be GRANTED 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 not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:

- Site Location Plan, Drawing no. 20008_0000 Rev 3, Dated 07.02.23
- Proposed Site Plan, Drawing no. 20008_1000 Rev 04, Dated 07.02.23
- Proposed Ground Floor Plan, Drawing no. 20008_1001 Rev 2, Dated 18.07.22
- Proposed Roof Plan, Drawing no. 20008_1003 Rev 2, Dated 18.07.22
- Proposed West Elevation, Drawing no. 20008_2003 Rev 2, Dated 18.07.22
- Proposed West Elevation – Context, Drawing no. 20008_2004 Rev 2, Dated 18.07.22
- Proposed West Elevation – Street Context, Drawing no. 20008_2005 Rev 2, Dated 18.07.22
- Proposed South Elevation, Drawing no. 20008_2002 Rev 2, Dated 18.07.22
- Proposed North Elevation, Drawing no. 20008_2000 Rev 2, Dated 18.07.22
- Proposed East Elevation, Drawing no. 20008_2001 Rev 2, Dated 18.07.22
- Proposed Section BB, Drawing no. 20008_3001 Rev 2, Dated 18.07.22
- Proposed Section AA, Drawing no. 20008_3000 Rev 2, Dated 18.07.22

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

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with the details contained within the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with Policies HOU 9 and QOU 1 of the Northumberland Local Plan.

04. The residential annex hereby approved shall not be used other than for residential purposes ancillary to the existing dwellinghouse, Stelling South Cottage, and shall not be occupied, sold or let as a separate dwellinghouse, and shall be maintained within the same planning unit as the dwellinghouse, Stelling South Cottage.

Reason: To protect the amenities of nearby residents and to consider the impacts of any alternative residential use on the amenity of residents, the character of the area and highways safety, in accordance with Policies HOU 9, QOP 1, QOP 2, TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other subsequent order, no outbuildings shall be constructed within the hereby permitted additional curtilage without the prior granting of planning permission from the local planning authority.

Reason: In the interests of preserving the openness of the Green Belt and to ensure the character of the development is maintained in the interests of amenity, in accordance with Policies STP 7, STP 8, QOP 1 and QOP 2 of the Northumberland Local Plan.

06. The development shall not be occupied until the car parking area indicated on the approved plans, has been implemented in accordance with the approved plans. Thereafter, the car parking area 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 the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

07. No development shall be commenced until a report detailing the proposed protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standard required in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), or to a minimum of Characteristic Situation 2 level of protection, has been submitted to and approved in writing by the Local Planning Authority. The report shall specify to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may be prejudicial to the health & amenity, in accordance with Policies QOP 2, POL 1 and POL 2 of the Northumberland Local Plan.

08. No building shall be brought into use or occupied until a verification report to

the approved methodology in Condition 7 of this permission has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may be prejudicial to the health & amenity, in accordance with Policies QOP 2, POL 1 and POL 2 of the Northumberland Local Plan.

09. Prior to the occupation of hereby approved annex a statement with evidence of how the service ducts were sealed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective building, in accordance with Policies QOP 2, POL 1 and POL 2 of the Northumberland Local Plan.

Informatives

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
3. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Background Papers: Planning application file(s) 22/00937/FUL