

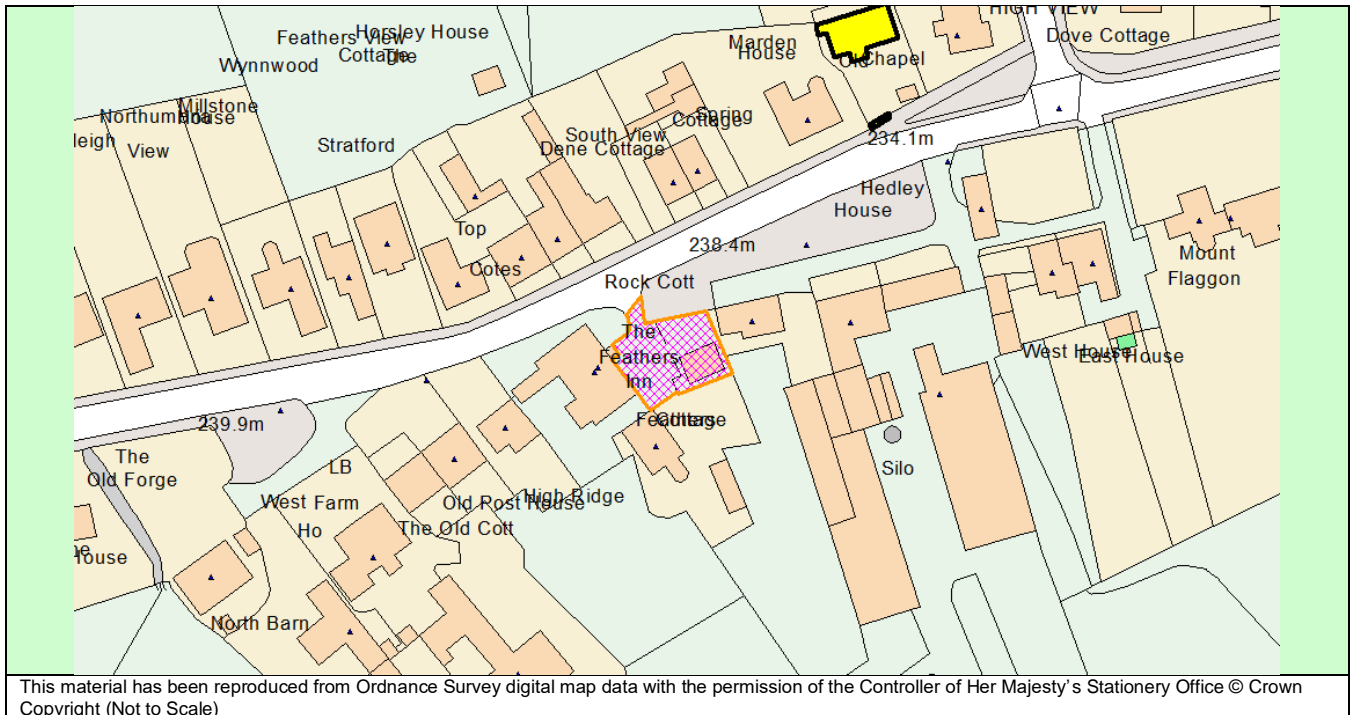


Northumberland County Council

Tynedale Local Area Council Planning Committee 13 June 2023

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

Recommendation: That this application be REFUSED permission



1. Introduction

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

2. Description of the Proposals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Planning History

Reference Number: 21/02377/FUL

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

Status: Refused and dismissed on appeal

Reference Number: T/85/E/281

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

Status: Withdrawn

Reference Number: T/86/E/661

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

Status: Refused

Reference Number: T/85/E/389

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

Status: Permitted

Reference Number: T/84/E/583

Description: Retention of stone chimney on beer store.

Status: Permitted

Reference Number: T/83/E/264

Description: Erection of beer store.

Status: Permitted

Reference Number: T/82/E/164

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

Status: Permitted

Reference Number: T/77/E/393

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

Status: Permitted

Reference Number: T/76/E/538

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

Status: Permitted

Reference Number: T/75/E/725

Description: Proposed new porch and windows.

Status: Permitted

Reference Number: T/960157

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

Status: Permitted

4. Consultee Responses

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

5. Public Responses

Neighbour Notification

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

Notices

General site notice: 22 March 2023

No press notice required.

Summary of Responses:

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

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

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

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

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=RQR0RPQSFSB00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

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

6.2 National Planning Policy

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

6.3 Neighbourhood Planning Policy

N/A

6.4 Other Documents/Strategies

NDG - National Design Guide (2019)

NMDC - National Model Design Code (2021)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises policies in the Northumberland Local Plan (NLP - March 2022). The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

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

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

Principle of Development

Spatial Strategy

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

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

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

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

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

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

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

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

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

Green Belt

7.10 Policy STP 8 states that in assessing development proposals within the Green Belt, development that is inappropriate in the Green Belt in accordance with national planning policy will not be supported, except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt and any other harm resulting from the proposal. The Policy also supports development that is not inappropriate in the Green Belt, as defined in national policy.

7.11 National Green Belt policy is set out within Chapter 13 of the NPPF, and paragraph 137 states that *“the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. The five purposes that the Green Belt serves are set out at paragraph 138, which are:

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

7.12 Paragraph 147 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 goes on to state that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.

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

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

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

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

Design and Visual Impacts

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

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

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

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

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

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

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

7.22 In addition, the Inspector stated that:

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

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

7.23 They also went on to say:

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

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

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

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

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

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

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

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

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

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

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

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

Residential Amenity

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

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

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

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

Highway Safety

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

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

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

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

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

Overall Planning Balance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Matters

Equality Duty

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

Crime and Disorder Act Implications

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

Human Rights Act Implications

7.56 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8

of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

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

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

8. Conclusion

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

9. Recommendation

That this application be REFUSED permission for the following reason:

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

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