

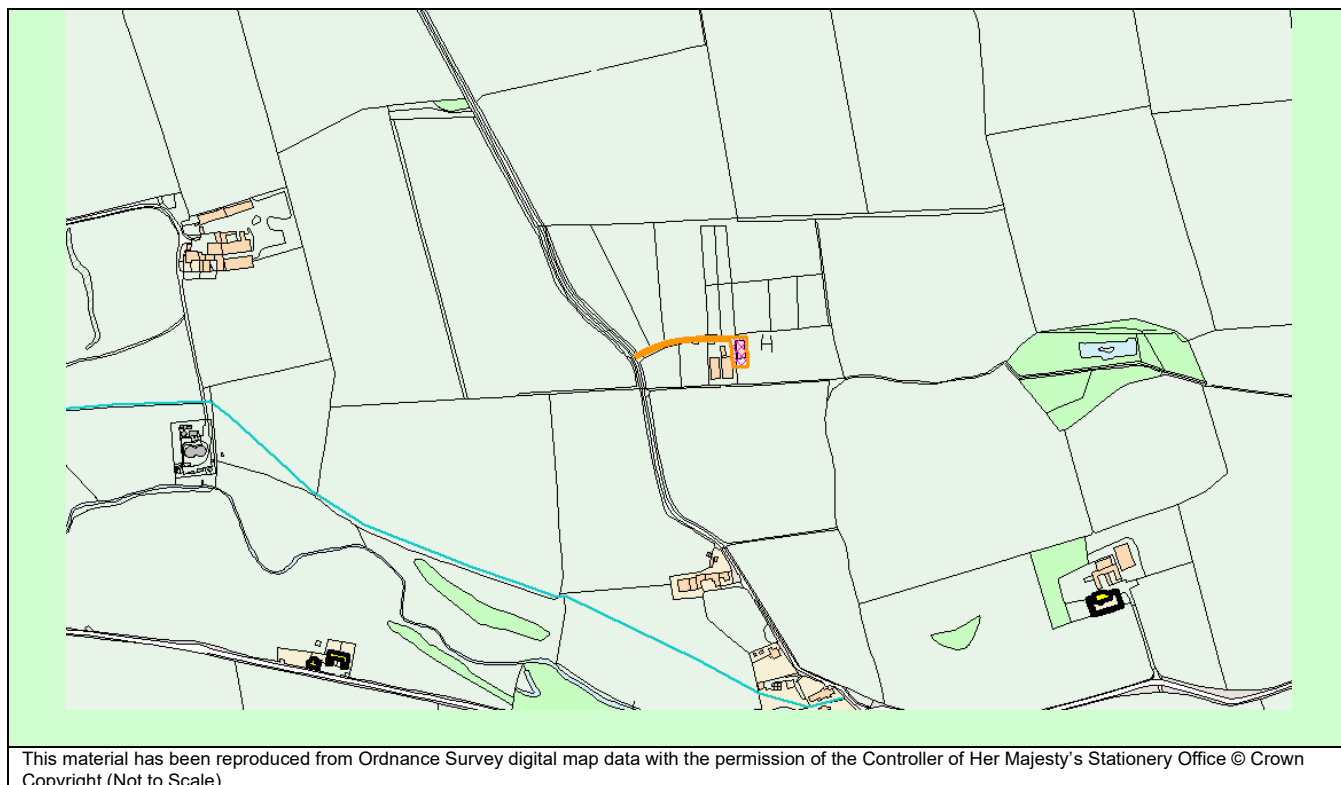


Northumberland County Council

Castle Morpeth Local Area Planning Committee 9th October 2023

Application No:	23/02839/FUL		
Proposal:	Proposed rural workers dwelling, consisting of retention and extension to dwelling located on site		
Site Address	Land At East Of La Luna Farm, Mill Lane, Heugh, Northumberland		
Applicant:	Ms D Wilkinson La Luna Farm, Mill Lane, Heugh, Newcastle Upon Tyne, Northumberland NE18 0PS	Agent:	Miss Hannah Wafer Dean Street Arch, 22 Dean Street, Newcastle, NE1 1PG
Ward	Ponteland West	Parish	Stamfordham
Valid Date:	4 August 2023	Expiry Date:	10 October 2023
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Senior Planning Officer Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

- 1.1 Following the receipt of an objection from Stamfordham Parish Council and objections from residents, the file was referred to the director of planning and the chairs of the Local Area Planning Committee. It was confirmed within their response that the application should be determined at Local Area Planning Committee by members.

2. Description of the Proposals

- 2.1 Planning permission is sought for the siting of a permanent rural workers dwelling, consisting of the retention and extension to an existing dwelling located at La Luna Farm, Mill Lane, Heugh.
- 2.2 A temporary planning permission was granted for the provision of a rural workers dwelling on site in November 2020 under appeal ref no. APP/P2935/W/20/3247129 (LPA ref no. 19/04829/FUL). The temporary consent was granted for a period of 3 years from the date of decision meaning the consent is due to expire in November 2023.
- 2.3 The existing dwelling located at the application site measures 17.5 metres in length by 6.7 metres in width, incorporating a lean to roof which measures 3.8 metres to the highest point. The proposals would incorporate a 5 metre extension upon the rear elevation ensuring a depth of 11.7 metres with the length remaining as 17.5 metres. A 2.1m x 1.1m porch is also proposed to the front elevation.
- 2.4 The existing cedar cladding upon the dwelling would be retained with stone cladding incorporated upon part of the existing elevations and the proposed addition. A fibre cement board roof would be incorporated upon the flat roof extension.
- 2.5 The wider site currently consists of two barns with internal stables, a timber framed structure and an outdoor horse menage area. An extant consent exists upon the site for a horse walker. The principal business activity at La Luna Farm is associated with equine enterprises.
- 2.6 The application site is located within open countryside land and designated Green Belt.

3. Planning History

Reference Number: 19/00509/FUL

Description: Proposed siting of a temporary dwelling house / chalet

Status: Withdrawn

Reference Number: 19/01301/ROAD

Description: Prior notification for access road to agricultural barns

Status: Prior approval not required

Reference Number: 19/04178/FUL

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

Status: Withdrawn

Reference Number: 19/04829/FUL

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

Status: Non determination

Reference Number: 20/01784/FUL

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

Status: Refused

Reference Number: 21/02140/NONMAT

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

Status: Permitted

Reference Number: 22/02904/FUL

Description: Installation of concrete hardstandings and pathways to accommodate a horse walker

Status: Permitted

Reference Number: 18/03553/AGRGDO

Description: Prior notification for a new agricultural buildings to provide covered area for livestock and storage for hay and machinery.

Status: Withdrawn

Reference Number: 18/04271/FUL

Description: Proposed construction of 2no. barns

Status: Permitted

Reference Number: 21/00154/FUL

Description: Proposed menage and retrospective planning permission for septic tank

Status: Permitted

Reference Number: 22/02904/FUL

Description: Installation of concrete hardstandings and pathways to accommodate a horse walker

Status: Permitted

Appeals

Reference Number: 20/00027/NONDET

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

Status: Allowed

4. Consultee Responses

Stamfordham Parish Council

Stamfordham Parish Council wish to object to the planning application.

We understand the building was temporary in order to ensure that the decision to permit construction was matched by the financial viability of the business in requiring worker accommodation. The cumulative impact should be taken into account, particularly in respect of its location in the greenbelt.

We cannot see how it is possible to argue that essential worker accommodation needs to be larger than a three bedroom house. The existing structure meets the needs of the purpose for which the house exists. Thus extension, in the greenbelt, is not necessary under the criteria set out in the statement. As a single story single pitch building stone cladding is inappropriate. This does not make the building any more in keeping with local design. New buildings should not try to look like old ones (with the possible exception of in the conservation area).

The term biodiversity net gain is inappropriately used. This refers to specific planning legislation, the application has been submitted before the legislation takes effect and is not being submitted using the BNG principles.

The existing site is visible from a public road and pedestrian right of way. The acreage of the holding is not to increase therefore limiting any livestock numbers to be sustained and cared for, either equine or other, in line with the agricultural tie on the land. Additional living space would, therefore, appear non essential to accommodate the required number of essential workers.

The current chalet provides perfectly adequate accommodation incorporating 3 bedrooms. Taking into consideration the amount of land already developed decreases the acreage necessary per head of livestock and fodder production therefore inhibiting the ability of business growth. Paragraph 6.3 (ii) specifies: "the functional need cannot be fulfilled by any existing dwelling on the landholding unit or any other existing accommodation in the immediate area which is suitable (including by means of refurbishment or appropriate extension), and potentially available for occupation by the workers concerned."

We don't perceive a significant requirement to develop the existing accommodation, it is specifically provided for the purpose of a worker on site to manage the needs of the livestock, the livestock number or purpose is not indicated as being changed (no more workers required, no additional responsibilities implied), therefore the needs of the worker's

	accommodation are unchanged, therefore there should be no need for it to be developed or residential restrictions lifted.
Highways	No objection.
County Ecologist	No objection subject to recommended condition.
Lead Local Flood Authority (LLFA)	No comment.
Public Protection	No objection.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	11
Number of Support	0
Number of General Comments	1

Notices

General site notice, 18th August 2023

No Press Notice Required.

Summary of Responses:

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

- Harmful impacts to openness of the Green Belt;
- Lack of essential need;
- Damage and number of vehicles travelling upon private track;
- Biodiversity and wildlife harm;
- Piecemeal development of the wider site;
- Poor design;
- No requirement for existing building to be extended.

One representation was received from a member of the public regarding impacts upon hedgerows throughout the site and general harm to the openness of the landscape.

Material planning considerations shall be assessed within the below appraisal.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=RYIHTOQSJHY00>

6. Planning Policy

6.1 Development Plan Policy

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

Policy STP 1 - Spatial strategy (strategic policy)

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

Policy STP 3 - Sustainable development (strategic policy)
Policy STP 4 - Climate change mitigation and adaption (strategic policy)
Policy STP 5 - Health and wellbeing (strategic policy)
Policy STP 7 – Strategic approach to Green Belt (strategic policy)
Policy STP 8 – Development in the Green Belt (strategic policy)
Policy HOU 2 - Provision of new residential development (strategic policy)
Policy HOU 8 – Isolated residential development in the open countryside
Policy HOU 9 - Residential development management
Policy QOP 1 - Design principles (strategic policy)
Policy QOP 2 - Good design and amenity
Policy QOP 4 - Landscaping and trees
Policy QOP 6 - Delivering well designed places
Policy TRA 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 WAT 3 - Flooding
Policy WAT 4 - Sustainable drainage systems
Policy POL 1 - Unstable and contaminated land
Policy POL 2 - Pollution and air, soil and water quality

6.2 National Planning Policy

National Planning Policy Framework (2023) (NPPF)
National Planning Practice Guidance (2022) (NPPG)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP). The National Planning Policy Framework (NPPF) (2023) and Planning Practice Guidance (NPPG) are material considerations in determining this application.

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

Principle of development

(open countryside)

7.2 Policy STP 1 of the NLP seeks for sustainable forms of development to be located within main towns, service centres and service villages throughout Northumberland. The application site is not located within any of these

designated areas and is therefore recognised as open countryside land. Policy STP 1, part g) does allow some forms of development in the open countryside providing accordance with other relevant policies within the Plan can be demonstrated.

7.3 Policy HOU 8 of the NLP outlines that *“the development of isolated homes in the open countryside will only be supported where:*

a. There is an essential and clearly established need for a full-time rural worker necessary to meet the operational needs of a rural business to live permanently at or near their place of work in the countryside, and where it can be demonstrated that:

i. The business is financially sound and viable with a clear prospect of remaining so, the activity and landholding units concerned having been established for at least three years and been profitable for at least one of those last three years; and

ii. The functional need could not be fulfilled by any existing dwelling on the landholding unit or any other existing accommodation in the immediate area, which is suitable (including by means of refurbishment or appropriate extension) and potentially available for occupation by the workers concerned;”

7.4 Paragraph 80 of the NPPF states *“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside”

7.5 In order to determine the acceptability of a dwelling for a rural worker within an isolated location, four aspects are to be considered by the LPA which are 1) to assess if there is a functional need for a worker/s to be resident on the holding, 2) to assess how many workers are needed to operate the holding and of those workers, how many need to be resident on the holding 3) to assess if the business is financially sound and has a clear prospect of remaining so and 4) to assess the suitability and availability of existing dwellings to house those workers that need to be resident on the holding. As part of this application assessment, the LPA instructed Mr Alan Jackson, an independent consultant, to review existing activities at the site. A report was prepared by Mr Jackson and submitted to the LPA for review.

The existing situation

7.6 The applicant occupies the following areas of land which are currently used as an equine business:

- Approximately 17.2ha (42.49 acres) of land, farm buildings and a temporary dwelling at La Luna Farm, Heugh.
- Support payments are claimed from DEFRA through the Basic Farm Payment and Stewardship Schemes.

Livestock

7.7 The following livestock are currently kept on these land holdings:

- 2 stallions;
- 6 brood mares. These horses will normally give birth each year. At the time of Alan Jackson's visit (August 2023), 3 of these mares had young colts with them;
- 3 young mares kept for future breeding;
- 1 female yearling, 2 male yearlings and 1 two year old colt;
- Small numbers of sheeps, pigs and hens;
- The horses kept on these land holdings are Hanoverian sports horses bred primarily for dressage purposes. As such, they are valuable animals and can command high sale values.

Cropping

7.8 The land is all in grass with several paddocks providing grazing for the horses. Approximately half the land holdings are mown for hay for feeding to the horses with any surplus being sold. Aftermath grazing of the hay fields is let out to neighbouring farmers.

Equine Buildings and facilities

7.9 At La Luna Farm there are 2 portal steel framed general purpose farm buildings. One of these buildings houses 9 purpose made stables with brick built and metal divisions. The other building has 3 purpose made stables currently in use with the residual area used for storing hay, shavings for bedding and for storing equipment. A further 3 stables are incorporated within a timber field shelter. The sand surfaced outdoor arena is located to the west of these structures.

7.10 The only horses kept on the holdings are those in the ownership of the applicant. No livery or training of horses belonging to others is undertaken.

Aspect one – Functional need

7.11 A functional need on a farm or equine property is the need for a worker to be on hand to deal with instances that need to be dealt with reasonably quickly, particularly those instances that occur outside of normal working hours. An example of high functional need is animals giving birth. Of the 18 horses currently kept on these land holdings a relatively small number (currently around 6) will give birth each year. Some of these births will occur outside of normal working hours and may require a worker/s to be present. Although this is a small number of births, the value of the offspring is significant, estimated to be around £8,000 to £15,000 each when sold after weaning, so it is vital to the profitability of the horse breeding enterprise that births are adequately monitored to avoid losses.

7.12 There is a need to regularly check the horses on the holding particularly those housed in stables which will be throughout the winter months and part of the day during summer months. Horses can suffer from a number of

ailments/problems, including colic, which require timely intervention and treatment. All the animals on the land holdings will require regular health checks and some may need treatment, possibly outside of normal working hours.

- 7.13 Due to the value of the horses kept, security has to be a serious consideration and the presence of a worker on site outside of normal working hours will have benefits in relation to the security of the livestock on the holding. The independent assessment therefore concludes that there is clearly an established existing functional need on these land holdings with the intensity of the need being in relation to periods when animals are giving birth and throughout the year for the remainder of the livestock.

Aspect two – Full time worker

- 7.14 The labour requirements for the land holdings at La Luna Farm have been calculated in accordance with labour requirement figures provided by Agro Business Consultants in their Equine Business Guide (8th Edition November 2022). The labour requirement for La Luna Farm has been calculated in excess of 1 full time worker which is currently met by the applicant with help from her daughter and the use of contractors/neighbours for field work.

Aspect three – Financial viability

- 7.15 The existing business has been established at La Luna Farm for approximately 3 years. Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. Previously, Alan Jackson and the LPA have required that a net farm income after all expenses such as feed, fertiliser and property maintenance, be at least equivalent to an average agricultural workers minimum wage. However, in October 2013 The Agricultural Wages Board was disbanded and therefore minimum wages are no longer set for the industry. As an alternative source of evidence, figures are produced giving the current gross earnings of agricultural workers at around £25,000 per annum. [Source – Annual Survey of Hours and Earnings (ASHE) published online by the Office for National Statistics November 2022].
- 7.16 The NPPF requires an essential need to be demonstrated but does not specifically require a financial test. A previous judicial review between Northumberland County Council and Embleton Parish Council considered this aspect with the decision stating that the NPPF is less onerous than the former PPS7 and a financial test is no longer relevant. Nevertheless, the LPA must give regard to the financial position to establish if it is a sustainable business that will likely continue in the future.
- 7.17 As part of the application submission, financial accounts were provided for the last 3 years. These show a small loss of £2,264 in the 2020 year. In the 2021 year a profit of £18,167 was generated. In the 2022 year the profit was £47,698. The average profit over those 3 years was therefore £21,200 per year. There is clear evidence of investment in the 2 new general purpose farm buildings and in the fitting out of these buildings for stabling horses. An exercise/menage area has been provided and plans have recently been approved for a horse walker on site.

- 7.18 Although the horse breeding enterprise is in its early stages, there is evidence that it is now making a reasonable profit, that investment in buildings and facilities has been implemented and further investment is planned. It is therefore likely that this business will remain viable for the foreseeable future.

Aspect four – Suitability and availability of existing dwellings on the holding

- 7.19 Today it is only necessary for specialist workers to live on or immediately adjacent to rural holdings. This is to be available at most times, in case animals or processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or products, or in this case losses of livestock, particularly in relation to the care of horses on the holding. As previously recognised, in the interests of wellbeing of livestock, the efficient running of the holding and for overall security at the land holdings, it is essential that 1 full time work, actively involved in the management of this equine unit, should be resident on La Luna Farm.
- 7.20 At present, the existing dwelling on site can accommodate this worker however, this was granted under a temporary consent until November 2023. The provision of an extension to this existing structure can also increase the suitability of the dwelling by providing appropriate levels of internal floor space however, further consideration would need to be given to any impacts to the Green Belt as well as design and visual character.

Conclusion

- 7.21 At the present time, there is clearly an established existing functional need in relation to the landholdings that are based on La Luna Farm. The labour requirements have been calculated at excess of 1 full time worker whilst there is confidence that the business will remain financially viable for the foreseeable future. It is essential for 1 full time worker actively involved in the management of the unit to be resident on this holding to meet the existing functional need.
- 7.22 The principle of development within the open countryside is therefore recognised as acceptable in accordance with policies STP 1 and HOU 8 of the NLP and the NPPF.

(Green Belt)

- 7.23 The application site is located within designated Green Belt land as defined by the NLP Policies Map. Policy STP 8 of the NLP states that *“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”*. These provisions are mirrored within paragraph 147 of the NPPF.
- 7.24 Paragraph 149 of the NPPF notes *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
- a) buildings for agriculture and forestry;*

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

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

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

- 7.25 The proposal for a new residential dwelling therefore represents an inappropriate form of development in the Green Belt. The local planning authority recognise that an essential need has been demonstrated upon site which constitutes a very special circumstance however, the LPA must be satisfied that this VSC outweighs the harm caused by the siting of a permanent residential dwelling within this location.
- 7.26 As part of the application assessment, long range views of the site were taken into consideration as well as views from the adjacent private track located to the west of the site. Whilst this is used a walking route for residents and members of the public as noted within some of the objection comments, it is not formally recognised as a public right of way. Nevertheless, any impacts still need to be taken into consideration.
- 7.27 Glimpse views of the proposed dwelling can be achieved from the southerly point of Mill Lane with screening provided by existing soft landscaping and the larger farm structures located at La Luna Farm. When standing to the west of the application site, more clear views can be achieved, however, the topography of the land coupled with existing structures and development negates the harm caused to openness, specifically on visual grounds. Whilst the application proposals demonstrate an extension to the existing dwelling, this would be situated upon the east facing rear elevation which is not readily visible whilst the retention of the single storey nature prevents any significant physical impacts upon the openness of the Green Belt.
- 7.28 The LPA are therefore satisfied that the proposed development demonstrates very special circumstances within the Green Belt which outweighs the harm caused by the proposals. The development therefore accords with the provisions of policy STP 8 of the NLP and the NPPF.

Design and visual character

- 7.29 Policy HOU 9 of the NLP states that residential developments will be supported where they *“contribute to a sense of place”* and *“are constructed to a high quality of design”*. Policy QOP 1 outlines that developments should *“Make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography”*. Policy Des1 of the MNP outlines that *“development proposals will be supported where they make a positive contribution to their surroundings. Developments should ensure that the design and layout achieves a sense of place whilst respecting and enhancing the character of the site and its surroundings”*.
- 7.30 Paragraph 126 of the NPPF recognises good design as a key aspect of sustainable development. Paragraph 130 goes on to note that planning decisions should *“function well and add to the overall quality of the area”* whilst being *“visually attractive as a result of good architecture”*.
- 7.31 As previously noted, a site visit was undertaken by the planning officer to assess the application site and the surrounding area. The existing building is a single storey, cedar clad structure with a lean to roof and large sections of glazing. The application proposals seek to incorporate a single storey flat roofed extension to the dwelling as well as a modest porch to the building’s frontage. Stone cladding would be incorporated upon existing elements as well as the proposed addition.
- 7.32 The proposals promote good design that respects the rural character of the application site and the wider area. Whilst concerns have been raised regarding the external material palette of the proposed dwelling in comparison with existing properties within Heugh and specifically upon Mill Lane, the isolated nature of the application property ensures it is not viewed within the context of these existing properties and it is therefore not essential for the property to incorporate matching materials or design cues from these existing properties. Furthermore, it is recognised that the scale and massing of such dwellings are considerably larger than the application property and promoting a larger dwelling upon the application site would give rise to greater visual character impacts.
- 7.33 The LPA do consider it appropriate to include a condition upon the granting of a permission that requires the submission of material samples prior to the implementation of additional materials upon the existing dwelling to ensure the colour and detailing of the stone cladding is acceptable. Subject to this condition, the LPA are satisfied that the proposed development represents good design in accordance with policies HOU 9 and QOP 1 of the NLP and the NPPF.

Residential amenity

- 7.34 Policy QOP 2 of the NLP states that *“Development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area”*. Policy 130, part f) of the NPPF mirrors these provisions outlining that planning decisions should *“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”.

- 7.35 The nearest residential dwellings to the application site are located approximately 240 metres south, therefore there would be no adverse impacts upon the amenity of neighbouring residents by way of overlooking, privacy or overbearing.
- 7.36 The submitted plans, including the extension to the existing temporary dwelling, indicate that future occupiers would benefit from appropriate levels of internal floor space that would provide 3 bedrooms as well as various living space. A floor space of approximately 205sqm is in keeping with the usual requirements for rural workers dwellings (between 150sqm and 250sqm). The LPA are therefore satisfied that the proposed development accords with policy QOP 2 as well as the NPPF in relation to residential amenity.

Highway safety

- 7.37 Policy TRA 2 of the NLP states that all developments affecting the transport network will be required to *“provide effective and safe access and egress to the existing transport network”* and *“include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity”*. Policy TRA 4 is also relevant within this assessment, outlining that *“an appropriate amount of off-street vehicle parking sufficient to serve new development shall be made available in safe, accessible and convenient locations prior to the development being brought into use”*.
- 7.38 Consultation was undertaken with highways development management who raised no objection to the application proposals. The existing car parking and access arrangements shall be retained, as will the existing refuse storage and collection. There is adequate space within the curtilage of the site to appropriately accommodate cycle parking therefore, a condition is not required for this aspect.

Ecological impacts

- 7.39 Policy ENV 2 of the NLP cites that *“development proposals affecting biodiversity and geodiversity....will....minimise their impact, avoiding significant harm through location and/or design”*. Part b) of this policy seeks for proposals to *“secure a net gain for biodiversity as calculated, to reflect latest Government policy and advice”*. These provisions are mirrored within policy 174 of the NPPF.
- 7.40 Consultation was undertaken with the local authority’s ecologist who raised no objection to the application proposals, subject to a recommended condition. The application site itself does not hold any ecological records with no trees or hedgerows currently located within the curtilage of this application site (although hedgerows are evident upon the shared boundaries or the wider La Luna Farm). The site is not within any SSSI impact risk zone and carries no statutory or non-statutory ecological designation.

- 7.41 Given the low ecological value of the site, no ecological surveys were required as part of this application submission. The supporting documents demonstrate that the applicant proposes to establish native planting within the curtilage of the application site which can be secured via an appropriately worded condition. This would demonstrate biodiversity net gain in accordance with the provisions of policy ENV 2 and the NPPF.

Ground stability and land contamination

- 7.42 Policy POL 1 of the NLP states that *“Development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts”*. Policy POL 2 of the NLP is also relevant within this assessment, outlining that *“Development proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported”*.
- 7.43 The application site is located within an area subject to historic coal mining activity however, it is not located within a high-risk area. Consultation was undertaken with the local authority’s environmental protection team who raised no objection to the application proposals with no conditions recommended in the event of a positive decision upon the file.

Drainage

- 7.44 The application form states that foul sewage will be disposed of via an existing package treatment plant, whilst surface water will be disposed of via soakaway. The LPA has no objection to these drainage arrangements which currently exist on site.

Equality Duty

- 7.45 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

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

Human Rights Act Implications

- 7.47 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.

- 7.48 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.
- 7.49 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 application has been appropriately assessed by the local planning authority, including independent examination from an external consultant, and it has been identified that an essential need exists on site for the provision of 1 rural worker. A permanent residential dwelling upon the application site can accommodate this essential need.
- 8.2 Matters in relation to Green Belt, design, amenity, highway safety, ecological impacts, land contamination and stability and drainage have been assessed in the above appraisal whilst weight has also been given to objections and representations received by members of the public.
- 8.3 The application is recommended for approval, subject to the below conditions.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

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

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

- 1) Location plan drawing no. 10 A
- 2) Proposed floor plan drawing no. LUNA-100-04
- 3) Proposed roof plan drawing no. LUNA-100-04
- 4) Proposed site plan
- 5) FDA1 Plan drawing no. 10
- 6) Proposed elevations LUNA-100-04

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

03. Notwithstanding any description of the materials in the application, prior to the implementation of any new external materials on site, precise details shall be submitted to, and approved in writing by, the Local Planning Authority. The use of new materials must not be undertaken until approval from the Local Planning Authority has been provided in writing. All roofing and / or external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development from the outset in the interests of amenity and in accordance with the provisions of in accordance with the provisions of policy QOP 1 of the Northumberland Local Plan and the National Planning Policy Framework.

04. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed, within the equine business located at La Luna Farm, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site is in the open countryside and the Green Belt where unrestricted residential development would be inappropriate, and permission has therefore only been granted on account of the demonstrated rural worker needs, in accordance with Policies STP 1, STP 8 and HOU 8 of the Northumberland Local Plan and the National Planning Policy Framework.

05. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, additional porches, dormer windows or free-standing buildings or structures shall be added to or constructed within the curtilage of the dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: To allow the local planning authority to appropriately assess the impact upon the openness of the Green Belt caused by any additional built form, in accordance with policy STP 8 of the Northumberland Local Plan and the National Planning Policy Framework.

06. The car parking area located to the north-west of the dwelling hereby approved shall be retained for the parking of vehicles for the lifetime of the development.

Reason: To ensure appropriate parking provision exists on site in accordance with policy TRA 4 of the Northumberland Local Plan and the National Planning Policy Framework.

07. Prior to the commencement of the extension works hereby approved, a native planting plan (including long-term management), comprising of species native to Northumberland, must be submitted to and agreed in writing with the local planning authority. Following approval, the planting shall be implemented as approved within the first full planting season (November – March inclusive) and appropriately maintained for a minimum period of five years following implementation.

Reason: To enhance the biodiversity of the site in accordance policy ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

Date of Report: 19th September 2023

Background Papers: Planning application file(s) 23/02839/FUL