

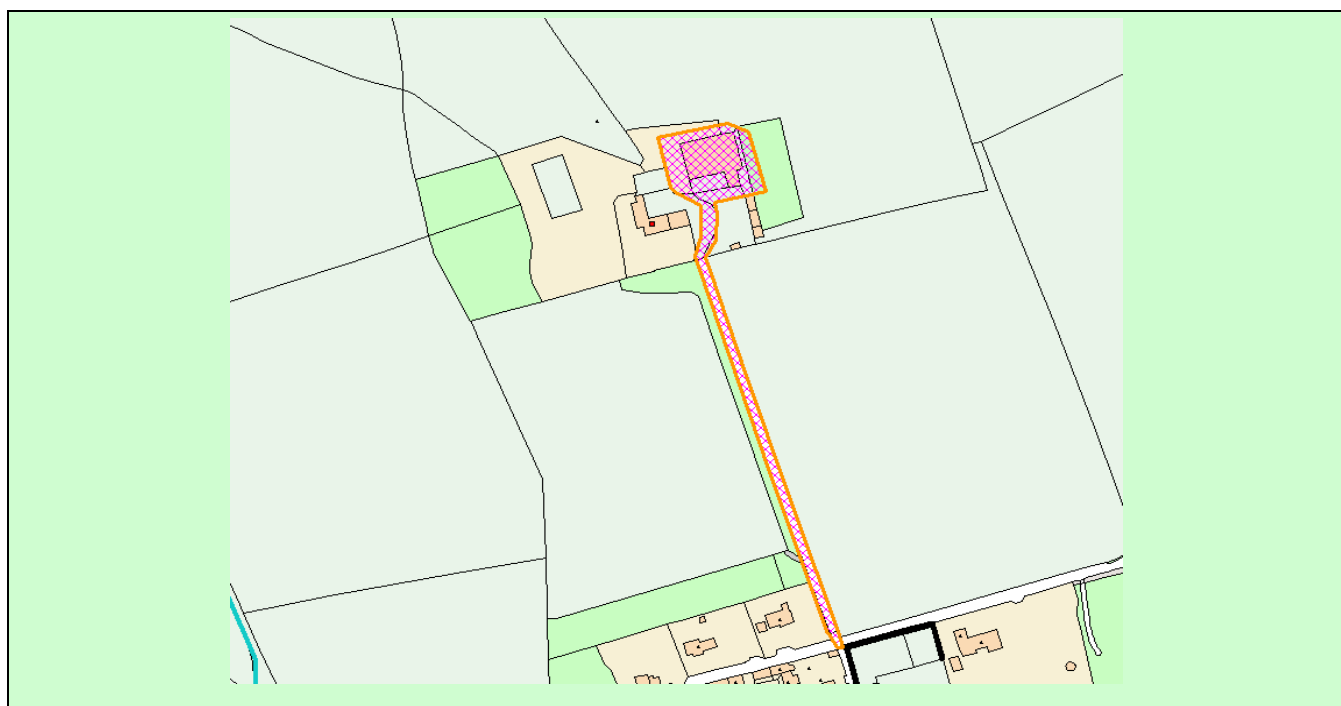


Northumberland County Council

Tynedale Local Area Council Planning Committee 12 March 2024

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| Application No: | 23/04596/FUL | | |
| Proposal: | Proposed demolition of existing portal framed cattle building and replacement with new build self-catering/bed and breakfast wheelchair accessible holiday accommodation (Resubmission of Application 22/01374/FUL) | | |
| Site Address | Leazes Head, Humshaugh, Northumberland, NE46 4BE | | |
| Applicant: | Patrick and Fiona Lee Millais Leazes Head, Lincoln Hill, Humshaugh, Northumberland, NE46 4BE | Agent: | Mr Robin Wood 1 Meadowfield Court, Meadowfield Ind. Est., Ponteland, Newcastle upon Tyne, NE20 9SD |
| Ward | Humshaugh | Parish | Humshaugh |
| Valid Date: | 20 December 2023 | Expiry Date: | 14 February 2024 |
| Case Officer Details: | Name: Ms Rachel Campbell Job Title: Senior Planning Officer Tel No: 07966332006 Email: Rachel.Campbell02@northumberland.gov.uk | | |

Recommendation: That this application be REFUSED permission



1. Introduction

1.1 The application has been called in by a Local Member outside of the first 21 days of the application being registered. Therefore, under the provisions of the Council's current Scheme of Delegation, the application has been referred to the Director of Planning and Housing and the Chair and Vice Chair of the Tynedale Local Area Council Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application should be referred to the Committee for determination.

2. Description of the Proposals

2.1 Planning permission is sought for the demolition of an existing agricultural building and for the construction of a permanent building for holiday accommodation purposes at Leazes Head, near Humshaugh.

2.2 The proposed holiday let cottage would be located on land to the northeast of the residential property of Leazes Head and would occupy some of the footprint of the existing agricultural building which is proposed to be demolished. The proposed holiday let cottage would measure 7.8 metres by 21.4 metres and would measure 3.7 metres to the eaves and 7 metres to the ridge of the pitched roof. The property would have accommodation set over two levels, with the first floor being incorporated within the roof space. The proposal would comprise a kitchen/living/dining area, function space, WC, boot room and one en-suite bedroom at ground floor level and two en-suite bedrooms at first floor level. The proposed holiday let cottage would be constructed of vertical timber cladding with a slate tiled roof and aluminium clad timber composite windows and doors. There would also be two zinc standing seam clad box dormer windows to the north elevation of the proposed property.

2.3 The proposal would utilise the existing access and existing private road from the U8144, to the south of the application site, which currently serves Leazes Head. Car parking would be created to the west of the holiday let cottage. A patio area would be created to the north of the proposed holiday let cottage and would provide amenity space for visitors.

2.4 During the course of the application, revised drainage information has been submitted to address the initial concerns of the Council's Ecology team, who have been re-consulted.

2.5 The application site is located within the open countryside, to the west of Humshaugh. The application site is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI) and is within a high-risk coal working referral area. The application site is also within the buffer zone for Hadrian's Wall World Heritage Site.

2.6 In December 2022, planning permission was refused under application reference: 22/01374/FUL for an identical application as that currently under consideration. There was one reason for refusal, which is set out below:

1. *The application site is located within the open countryside, at a distance from the village of Humshaugh. It has not been demonstrated that the application site is a sustainable location and it has not been demonstrated that the provision of new, permanent holiday accommodation in this location would diversify Northumberland's tourist offer, would provide necessary accommodation along an established tourist route and would be located as close as is practicable to existing development, and that it therefore satisfies criterion i. and ii. of Part 2(d) of Policy ECN 15 of the Northumberland Local Plan. The proposed development would therefore be contrary to Policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.*

2.7 This current planning application contains additional supporting information within the submitted planning statement and within its appendices and states that the proposals could accord with Part 2(d) of Policy ECN 15 of the Northumberland Local Plan which relates to tourism and visitor development. The supporting information also indicates that the holiday let would be self-catered but with the option for breakfast to be provided (similar to a bed and breakfast arrangement) should visitors prefer this option.

3. Planning History

Reference Number: 21/00939/FUL

Description: Single storey orangery (as amended)

Status: Permitted

Reference Number: 22/00123/AGRGDO

Description: Prior notification for an agricultural castle boarded timber shed for the storage of farm machinery and equipment

Status: Prior Approval Not Required

Reference Number: 22/01374/FUL

Description: Demolition of steel portal framed farm building and construction of a one and a half storey, 3-bedroom dwelling for holiday accommodation purposes (amended description)

Status: Refused

Reference Number: 22/01523/FUL

Description: Proposed timber orangery

Status: Permitted

Reference Number: T/990788

Description: Construction of conservatory and bay window

Status: Permitted

Reference Number: T/960384

Description: Proposed construction of tennis court

Status: Permitted

4. Consultee Responses

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| Humshaugh Parish Council | No response received. |
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| Highways | No objection subject to conditions and informatives. |
| The Coal Authority | No objection. |
| Public Protection | No objection subject to conditions and informatives. |
| County Archaeologist | No objection from an archaeological perspective and no archaeological work will be required in this instance. |
| Historic England | No comment to make on this application. |
| County Ecologist | No objection subject to conditions and informatives. |

5. Public Responses

Neighbour Notification

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

Notices

General site notice – displayed on 12th January 2024
No press notice required.

Summary of Responses:

One representation of support has been received from The Northumberland and Newcastle Society (N&N) and their comments are set out below:

- The Society notes this resubmission of a previously refused scheme reflects the applicant's work with the planning authority and other representatives to address their concerns over local policy non-compliance. These centred around the sustainability of the location, and the lack of demonstrable need for accommodation of this type in this area, therefore contravening policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan.
- It is evident the required additional information is now included, particularly in relation to the tourist market it is aimed at and the provision of existing facilities in the area, thus appearing to meet exceptions. We therefore fully support what we believe is an exceptionally high quality renovation, to deliver laudably low energy PassivHaus scheme, that will site sympathetically in the landscape to the benefit of both tourists and the local community.

One general/neutral representation has been received from Cllr Morphet highlighting that Policy 9 of the draft Humshaugh Neighbourhood Plan will need to be considered when determining this application and indicating that the Humshaugh Neighbourhood Plan is currently at pre-submission draft stage.

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=S5I70GQSMPW00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

Policy STP 1 – Spatial Strategy (Strategic Policy)
Policy STP 2 – Presumption in Favour of Sustainable Development (Strategic Policy)
Policy STP 3 – Principles of Sustainable Development (Strategic Policy)
Policy STP 4 – Climate change mitigation and adaptation (Strategic Policy)
Policy ECN 1 – Planning Strategy for the Economy (Strategic Policy)
Policy ECN 12 – A Strategy for Rural Economic Growth (Strategic Policy)
Policy ECN 15 – Tourism and Visitor Development
Policy QOP 1 – Design Principles (Strategic Policy)
Policy QOP 2 – Good Design and Amenity
Policy QOP 4 – Landscaping and Trees
Policy QOP 5 – Sustainable Design and Construction
Policy 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 ENV 3 – Landscape
Policy ENV 7 – Historic Environment and Heritage Assets
Policy ENV 8 – Frontiers of the Roman Empire – Hadrian’s Wall World Heritage Site
Policy WAT 2 – Water Supply and Sewerage
Policy POL 1 – Unstable and Contaminated Land

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2023)
National Planning Practice Guidance (NPPG) (2021)
National Design Guide (2021)

6.3 Neighbourhood Planning Policy

Humshaugh Neighbourhood Plan (Pre-Submission Draft) (2023)

Policy 5 – Local Distinctiveness
Policy 6 – Design Codes
Policy 9 – Tourism

Humshaugh Parish is a designated Neighbourhood Area. A Neighbourhood Plan has been prepared and has been consulted on in accordance with statutory requirements. The draft Neighbourhood Plan is therefore a material consideration in the determination of this planning application, although it may be afforded little weight at this stage.

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. The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are material considerations in the determination of planning applications.

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

- Principle of the development.
- Design and landscape impact.
- Impact upon residential amenity.
- Archaeological impact.
- Highway safety.
- Ecological impacts.
- Contamination and ground gas.
- Drainage and sewerage.
- Other matters.

Principle of the Development

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

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

7.5 Policy ECN 12 of the Northumberland Local Plan sets out a strategy for rural economic growth and is generally supportive of rural main towns and service centres as the most accessible and suitable hubs for rural economic growth and is generally supportive of the formation, growth and up-scaling of businesses in rural locations, within constraints.

7.6 Policy ECN 15 of the Northumberland Local Plan relates specifically to tourism and visitor development. Part 2 (d) of Policy ECN 15 is applicable to this application and states that *“in the open countryside, visitor accommodation should, wherever possible, be limited to the reuse of buildings that are structurally sound, or to chalets and caravans in accordance with part (f) below. New permanent buildings for visitor accommodation will only be supported where they would:*

- i. *Demonstrably improve and diversify the County's tourist offer and/or clearly provide necessary accommodation along an established tourist route; and*
- ii. *Be located as close as is practicable to existing development".*

Therefore, for new permanent buildings for visitor accommodation to be considered acceptable, they would need to meet both exceptions of Part 2 (d) i. and ii.

7.7 The proposed development is for the demolition of an existing agricultural building and for the construction of a new, permanent building for holiday accommodation. As aforementioned, the application site is located within the open countryside to the west of the village of Humshaugh and is to the north of the B6318 (Military Road), which runs parallel to Hadrian's Wall. It is acknowledged that the proposed holiday let cottage would occupy some of the footprint of the existing agricultural building proposed to be demolished.

7.8 It is considered that the emphasis in Part 2 (d) of Policy ECN 15 is on the re-use of existing buildings, rather than the construction of new buildings, for visitor accommodation in open countryside locations, such as this one. However, it is acknowledged that Part 2 (d) of Policy ECN 15 follows on to state that new permanent buildings for visitor accommodation will only be supported where they would meet the two tests set out above.

7.9 With regard to the first test i., an application would need to demonstrate that a proposal for permanent holiday accommodation would either improve and diversify Northumberland's tourist offer or would provide necessary accommodation along an established tourist route (such as long-distance walking or cycling routes). With regard to the first part of the first test, in order to be considered to improve and diversify Northumberland's tourist offer, proposals would need to be a type of accommodation that was demonstrably in short supply or different to what is currently on offer, such as bunkhouse accommodation close to a key attraction where there is nothing like it in the vicinity.

7.10 This current application contains additional information above that which was provided as part of the previously refused application. The additional information indicates that the proposed holiday accommodation includes a wheelchair accessible bedroom at ground floor level and that the self-catered holiday accommodation would include the option for breakfast to be provided (similar to a bed and breakfast arrangement) should visitors prefer this option. The additional information also indicates that the applicant has gathered opinions on local accommodation needs from three separate holiday agents who operate within the area, all of which indicate a shortfall, with a preference for additional bed and breakfast accommodation in the Humshaugh area.

7.11 Following discussions with the Council's Planning Policy team, it is considered that the construction of a permanent cottage for holiday let purposes in an open countryside location, such as that proposed within this current application, would not diversify the offer, given the multitude of such cottages and houses for holiday rental in towns and villages and as conversions in more rural areas. Whether the provision of what largely appears to be a proposed self-contained, self-catered holiday let cottage (with the option of bed and breakfast provisions)

could be considered to demonstrably improve and diversify the County's tourist offer or clearly provide necessary accommodation is debatable. Also, whilst it is noted that it is the applicant's intention to promote the accommodation to walkers and cyclists of the Hadrian Wall routes, there is nothing specific about this accommodation that would deter non-walker or non-cyclist visitors from using the accommodation (and on a self-catered basis) thereby some visitors would be reliant on the use of a private car to travel to access local services and facilities within nearby towns and villages and to access other local tourism attractions etc. which are not within walking distance of the application site and are within the wider area.

7.12 With regard to the second part of the first test, the holiday accommodation would need to be located on an established long-distance walking or cycling route and would need to be considered to provide necessary accommodation. Following discussions with the Council's Planning Policy team, whilst it is recognised that the application site is within relatively close proximity to Hadrian's Wall Path National Trail (an established tourist route), which attracts walking related tourism, it is not considered that the application site is located along this established tourist route due to being set further north (by approximately 0.7 kilometres as the crow flies) of this established walking route. The application site is also located at a distance of approximately 2.2 kilometres from Hadrian's Cycleway (an established cycling route) which runs further south of the Hadrian's Wall Path National Trail. However, it is acknowledged that the application site is within close proximity to The National Byway, a cycling network, which passes by the entrance to the application site at a distance of approximately 290 metres from the proposed holiday accommodation. The Council's Planning Policy team advise that proposed accommodation should be located alongside the tourist route or within a short walking/cycling distance of it to be considered acceptable in this regard, albeit consideration would also need to be given to other potential effects of development on the heritage asset.

7.13 Also, the proposal would need to be considered as necessary accommodation along such a route and it is expected that the accommodation would need to be fully suited to the overnight type of accommodation that is typically required along long-distance routes. It is considered that the construction of permanent holiday let cottages, which typically lend themselves to longer-term holiday letting, would not meet this type of need. Overall, it is concluded that whilst the application site is not situated along Hadrian's Wall Path National Trail or Hadrian's Cycleway; it is within close proximity to The National Byway; however, it has not been robustly demonstrated as part of this application that the proposal would provide necessary accommodation along such an established tourist route. Therefore, the proposed development fails to meet the first test of Part 2(d) for the reasons set out above and it is not considered that the additional information is sufficient enough to conclude that the accommodation is in the right location considering what is being proposed.

7.14 With regard to the second test of Part 2 (d), whilst it is recognised that the proposed development would be located within close proximity to, and well related to, the existing buildings at Leazes Head, the farm steading is some 250 metres from a small group of dwellings, known as Lincoln Hill, and is within the open countryside, with the closest settlement being the village of Humshaugh located approximately 1 mile away (as the crow flies) to the west. The proposed development is not well-related, or within close proximity, to an existing

settlement, and is not well-related, or in close proximity, to public transport connections. It is acknowledged that there are services and facilities within the wider local area, such as The Crown Inn, Humshaugh and The Riverside Kitchen, Chollerford. However, these are at some distance from the appeal site, being over 20 minutes walking distance with no pedestrian footpaths for some of the route. The application site is not considered to be an accessible or sustainable location for the proposed development. Overall, it is considered that the proposal would be in an unsustainable location as guests visiting the proposed accommodation would be heavily reliant on the use of a private car. The proposal would therefore fail to meet the second test of Part 2 (d). As aforementioned, for new permanent buildings for visitor accommodation to be considered acceptable, they would need to meet both of the exceptions of Part 2 (d) i. and ii. of Policy ECN 15 and it is concluded that neither are met by the proposed development.

7.15 It is also worth noting that Part 1 (g) (iii) of Policy STP 1, as set out above, is supportive of “sustainable” rural tourism and leisure developments in open countryside locations in accordance with Policy ECN 15. There is an emphasis within Policy STP 1 on the need for rural tourism and leisure developments to be sustainable in open countryside locations, and in this particular case the proposed rural tourism development is not considered to be in a sustainable location for the reasons discussed above.

7.16 With regard to neighbourhood planning policy, Humshaugh Neighbourhood Plan is currently at the pre-submission draft stage and whilst it is a material consideration in the determination of this planning application, it can only be afforded little weight at this stage. Policy 9 of the draft Humshaugh Neighbourhood Plan relates to tourism and sets out very similar tests for development to meet as Part 2 (d) i. and ii. of Policy ECN 15 of the Northumberland Local Plan which is discussed in the above sections of this report. Policy 9 states *“in the open countryside, tourism facilities and accommodation development should, wherever possible, be limited to the re-use of buildings that are structurally sound. New permanent buildings for tourism facilities and visitor accommodation will be supported where it can be demonstrated that they would:*

- a) improve and diversify the tourist offer and/or clearly provide necessary accommodation along an established tourist route, including for walkers using Hadrian’s Wall Path National Trail and cyclists using Hadrian’s Cycleway; and*
- b) be located as close as practicable to existing development”.*

Therefore, given the tests set out within Policy 9 are very similar to the tests set out in Part 2 (d) i. and ii. of Policy ECN 15, the above assessment is considered to be applicable when considering the proposals against this neighbourhood plan policy and the same conclusion is drawn that the proposals do not meet the two tests set out in Policy 9 of the draft Humshaugh Neighbourhood Plan.

7.17 The proposed development is therefore considered to be unacceptable as a matter of principle for the reasons set out above and would therefore be contrary to Policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan, Policy 9 of the draft Humshaugh Neighbourhood Plan and the principles of the NPPF.

7.18 The additional information contained within the submitted planning statement and within its appendices relating to the tests under Part 2 (d) of Policy ECN 15 of the Northumberland Local Plan have been fully reviewed and have been taken into consideration when assessing the principle of the development in the policy context of the Local Plan and the NPPF.

Design and Landscape Impact

7.19 The application site is located within the open countryside. The proposed holiday let cottage would occupy some of the footprint of the existing agricultural building at Leazes Head which is proposed to be demolished. A patio area would be created to the north of the building and would provide amenity space for visitors. The proposal would be constructed of vertical timber cladding with a natural slate roof and two zinc standing seam box dormer windows would be installed to the north elevation. Although the materials of the development would not completely match the materials of the other buildings and residential dwelling at Leazes Head, which predominantly comprises of stone with slate tiled roofs, the proposed materials, such as timber, are considered to be acceptable in this instance and would have a natural appearance, helping the proposal to blend in with the surrounding landscape. It is also recognised that timber cladding features on the existing agricultural building which is proposed to be demolished. The proposed development would be viewed from long- and short-range views in the context of the immediate built form at Leazes Head. It is considered that the contemporary design and materials of the proposed development would respect the site and the surrounding open countryside. The proposed development would accord with Policies ENV 3, QOP 1, QOP 2, STP 2 and STP 3 of the Northumberland Local Plan and the principles of the NPPF in this respect.

Impact upon Residential Amenity

7.20 The proposed holiday let cottage would occupy some of the footprint of the existing agricultural building which is proposed to be demolished and would be located to the northeast of the existing residential dwelling at Leazes Head, which is the only residential dwelling within the nearby vicinity of the proposed development. Leazes Head is within the ownership of the applicant. The separation distance between the proposal and Leazes Head is approximately 23 metres. Due to the positioning of the proposed holiday let cottage, it would not directly face towards the neighbouring property of Leazes Head. The majority of the openings to the proposed holiday let cottage would be to the north and south elevations, which do not overlook the neighbouring property.

7.21 A patio area is proposed to the north of the building, which would provide private amenity space for visitors. The proposed outdoor amenity space, due to its location, would be screened from Leazes Head by the proposed building and therefore would protect the privacy of visitors and the existing residents of Leazes Head.

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

Archaeological Impacts

7.23 The application site is located over 1 kilometre north of the scheduled line of Hadrian's Wall World Heritage Site and is within the northern extent of the Hadrian's Wall Military buffer zone. The application site is also located at some distance from known archaeological remains that would be likely to extend into the application site. The Council's Archaeologist has been consulted on this application and has concluded that the proposed development would not impact the setting of the scheduled monument of Hadrian's Wall and the universal value of the World Heritage Site and has concluded that the proposed development is unlikely to impact on significant archaeological remains. The Council's Archaeologist therefore raises no objection and indicates that no archaeological work is required in this instance. The application is acceptable in this respect in accordance with Policies ENV 1, ENV 7 and ENV 8 of the Northumberland Local Plan and the principles of the NPPF.

Highway Safety

7.24 The Council's Highway Development Management (HDM) team has been consulted on this application and raises no objection subject to conditions and informatives. The recommended conditions relate to the implementation of the car parking area, the implementation of electric vehicle charging points, cycle parking details and refuse storage. Subject to accordance with the recommended conditions, the proposed development is considered to be acceptable in accordance with Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan and the principles of the NPPF in relation to highway safety and parking provision.

Ecological Impacts

7.25 A Bat Survey has been submitted to accompany this application. The Council's Ecologist has been consulted on this application and raises no objection subject to one condition, to ensure the recommendations set out within the submitted bat survey are adhered to throughout the development, and informatives. Subject to accordance with the recommended condition, the proposed development is considered to be acceptable in accordance with Policies ENV 1 and ENV 2 of the Northumberland Local Plan and the principles of the NPPF in relation to ecological impacts.

Contamination and Ground Gas

7.26 A Phase 1 Report has been submitted to accompany this application which identified several potential contamination risks at the site and recommends that further intrusive investigations be carried out so that an appropriate risk assessment can be made. The Council's Environmental Protection (EP) team has been consulted on this application and raises no objection on this matter subject to conditions relating to contamination.

7.27 The application site lies within the Coal Authority's Coal Mining Reporting Area. The Council's EP team have been consulted and note that the Phase 1 Report indicates that the risks from ground gas are negligible; therefore, no conditions are recommended regarding this matter. The Coal Authority have also been

consulted on this application and raise no objection. The application is therefore acceptable in respect of contamination, ground gas and coal mining risks and is in accordance with Policy POL 1 of the Northumberland Local Plan and the principles of the NPPF.

Drainage and Sewerage

7.28 During the course of the application, revised drainage information has been submitted to address the initial concerns of the Council's Ecology team. Foul sewerage would be disposed of by package treatment plant and surface water would be disposed of by a soakaway. The applicant is proposing to install a new package treatment plant which will replace the existing septic tank. Both the proposed development and the existing residential property at Leazes Head would be served by the proposed package treatment plant. The Council's Ecologist raises no objection to the revised method of disposal of foul sewerage and recommends a condition to ensure the specified package treatment plant is installed and maintained throughout the lifetime of the development according to the manufacturer's instructions. The revised drainage information is considered to be acceptable; therefore, the proposal is acceptable in this respect in accordance with Policy WAT 2 of the Northumberland Local Plan and the principles of the NPPF.

Other Matters

Equality Duty

7.29 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

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

Human Rights Act Implications

7.31 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.

7.32 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.

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

8. Conclusion

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

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

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

1. The application site is located within the open countryside, at a distance from the village of Humshaugh. It has not been demonstrated that the application site is a sustainable location and it has not been demonstrated that the provision of new, permanent holiday accommodation in this location would improve and diversify Northumberland's tourist offer, would provide necessary accommodation along an established tourist route and would be located as close as is practicable to existing development, and that it therefore satisfies criterion i. and ii. of Part 2(d) of Policy ECN 15 of the Northumberland Local Plan. The proposed development would therefore be contrary to Policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

Date of Report: 23.02.2024

Background Papers: Planning application file(s) 23/04596/FUL

