

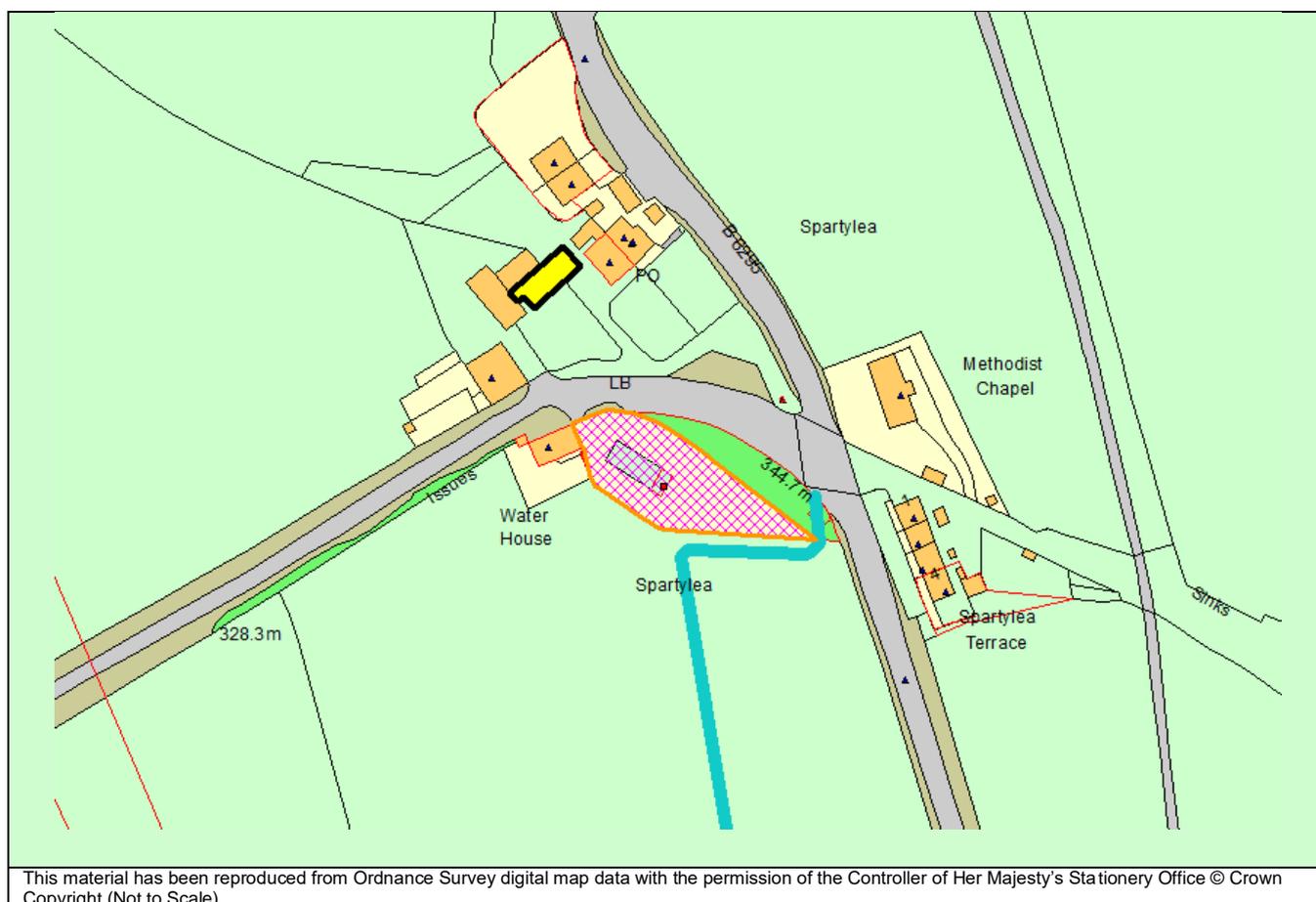


Northumberland County Council

Virtual Tynedale Local Area Committee : 9 February 2021

Application No:	20/00242/FUL		
Proposal:	Proposed development of 1no. dwelling house		
Site Address	Development At The Barn Sparty Lea, Allenheads, Hexham, Northumberland		
Applicant:	Mr & Mrs Fyfe and Robson C/O George F White (Miss Hannah Wafer), 4-6 Market Street, Alnwick, NE66 1TL	Agent:	Miss Hannah Wafer 4-6 Market Street, Alnwick, NE66 1TL
Ward	South Tynedale	Parish	Allendale
Valid Date:	24 February 2020	Expiry Date:	20 April 2020
Case Officer Details:	Name: Ms Melanie Francis Job Title: Senior Planning Officer Tel No: 01670 625549 Email: melanie.francis@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



1. Introduction

1.1 Under the Virtual delegation scheme, the application was referred to the Director of Planning and Chair and Vice of the Tynedale Local Area Council Planning Committee as a result of the Ward Member asking for it to be considered by committee. It was agreed that the application raises wider community issues and so should be considered by Members of the Virtual Tynedale Local Area Council Planning Committee.

2. Description of the Proposals

2.1 Planning permission is sought for the construction of one dwelling on the site of an original byre at The Barn, Sparty Lea, Allenheads. The building would be L-shaped with an integral open-fronted garage and would be one and a half storeys, some 6.7 metres in height with three bedrooms in the roofspace. The slate roof would have two timber clad dormer windows and five rooflights. The building, which would be 14.9 metres in length and a maximum of 11 metres in depth, would be constructed of stone and timber clad to the apex of the roof on the southern elevation. The site would be accessed from the existing access adjacent to Water House with a parking area to the front and adjoining amenity space.

2.2 The plot originally sited a stone built barn, which in 2006 had a corrugated iron roof. This building had a number of permissions, as set out in the planning history, for conversion to residential but none of these permissions were implemented and the building eventually collapsed. Planning permission was then granted in 2016 (16/03799/FUL) for a replacement dwelling. This has never been constructed and the site has now been purchased by the adjoining property, Water House. This proposal seeks to locate the dwelling to the south-east and further from Water House than the 2016 permission.

2.3 The site has an existing stable on it and has a stone wall below the adjoining bank, in front of which reinforced concrete panels have been constructed. The stone wall separates the site from the adjoining farmland to the south. The site is fringed on the eastern and southern edge by trees and planting growing on the banks and slope of the site. Stone from the original building has been piled up on the site with hardcore laid for part of the access road.

2.4 The site is located to the east of Water House in the hamlet of Sparty Lea which is located between Allendale and Allenheads. The site is at the corner of the junction of the B6295 road with the U8004 and is set below the road. It is within the North Pennines AONB and within the Allendale Neighbourhood Planning Area.

2.5 Submitted with the application were the following:
Planning Statement (George F White)
Foul Drainage Assessment Form (FDA)

3. Planning History

Reference Number: 16/03799/FUL

Description: Construction of one dwelling on site of original byre and construction of detached garage (amended description)

Status: Permitted

Reference Number: T/20060817

Description: Amendments to planning permission 20030954 - Change of use, conversion and extension of redundant byre to one dwelling and construction of detached double garage and installation of package treatment plant

Status: Permitted

Reference Number: T/20060634

Description: Amendments to planning permission 20030954 - Change of use, conversion and extension of redundant byre to one dwelling and construction of detached double garage and installation of package treatment plant

Status: Withdrawn

Reference Number: T/20030954

Description: Conversion and extension of redundant byre to one dwelling and construction of detached garage and installation of package treatment plant

Status: Permitted

Reference Number: T/20020377

Description: Conversion and extension of redundant byre to one dwelling and construction of detached garage

Status: Refused

Reference Number: T/990218

Description: Conversion and extension of existing byre to dwelling including detached garage and septic tank

Status: Permitted

Reference Number: T/90/E/279

Description: Conversion, change of use and extension of agricultural building to provide dwelling house.

Status: Refused

Reference Number: T/88/E/904

Description: Change of Use, conversion and extension of agricultural building to provide dwelling.

Status: Permitted

4. Consultee Responses

County Ecologist	No objection subject to conditions
Highways	No objection subject to conditions
Public Protection	No objection subject to conditions
Natural England	No objection
Countryside/ Rights Of Way	No objection as long as Public Footpath No. 90 is protected throughout.
Lead Local Flood Authority (LLFA)	No comment as not major development and no increase in hardstanding. Recommend an informative.
Allendale Parish Council	No objection, changed to support
Northumbrian Water	No comments to make

Ltd	
North Pennines AONB	No response received.

5. Public Responses

Neighbour Notification

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

Notices

Site notice: expired 1 April 2020

Press notice: expired 19 March 2020

6. Planning Policy

6.1 Development Plan Policy

Allendale Neighbourhood Development Plan (1 July 2015)

ANDP 1 General Development Principles

ANDP2 Scale of Housing Development

ANDP 8 Demolition and reconstruction of derelict buildings

Tynedale LDF Core Strategy (October 2007)

GD1 Locational policy setting out settlement hierarchy

GD2 Prioritising sites for development

GD5 Flood risk

BE1 Principles for the built environment

NE1 Principles for the natural environment

H1 Principles for housing

H3 The location of new housing

Tynedale Local Plan (April 2000)

GD2 Design Criteria for development, including extensions and alterations

GD4 Range of transport provision for all development

GD6 Car parking standards outside the built-up areas

NE27 Protection of Protected Species

NE37 Landscaping in developments

H32 Residential design criteria

LR11 Outdoor sports facilities for new residential development

LR15 Play areas in new residential developments

CS27 Sewerage

TP27 Development affecting Public Right of Way

LR19 Safeguard existing and promotion of new public rights of way

6.2 National Planning Policy

National Planning Policy Framework (2019)
National Planning Practice Guidance (2018, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (including Proposed Minor Modifications) (Regulation 19) (submitted on 29th May 2019)

STP1 Spatial strategy
HOU8 Residential development in the open countryside
QOP1 Design principles (strategic policy)
QOP2 Good design and amenity
QOP4 Landscaping and trees
TRA4 Parking provision in new development
ENV2 Biodiversity and geodiversity
ENV3 Landscape
ENV4 Tranquillity, dark skies and a sense of rurality
WAT2 Water supply and sewerage
WAT4 Sustainable drainage systems
INF6 Planning obligations

7. Appraisal

7.1 The main issues in the determination of this application are:

Principle of development
Housing land supply
Scale and design
Impact on residential amenity
Ecological impact
Highway safety
Impact on the Public Right of Way
Impact on the North Pennines AONB
Foul and surface water drainage
Coal Mining Risk Area
Sports and play

Principle of development

7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration. The Allendale Neighbourhood Plan, the Tynedale Core Strategy and the Tynedale Local Plan remain the development plan and as outlined in paragraph 12 of the NPPF is the starting point for decision making. Paragraph 213 of the NPPF does, however, advise that the weight given to Local Plan policies depends on their degree of consistency with the NPPF.

7.3 The Draft Northumberland Local Plan has been published. In line with paragraph 48 of the NPPF, the amount of weight that can be given to the emerging Local Plan depends upon the stage of the plan, the level of unresolved objections and its consistency with the NPPF. The emerging Northumberland Local Plan was submitted for Examination on the 29 May 2019 and the inquiry is taking place. This is referred to as the '*Northumberland Local Plan - Publication Draft Plan (Regulation*

19) and proposed minor modifications, submitted on 29 May 2019'. At this stage some weight can be given to the emerging Local Plan policies.

7.3 Planning permission was granted in 1988 (T/88/E/904), 1999 (T/990218), 2003 (T/20030954) and 2006 (T/20060817) for the conversion of the original building on the site to a dwelling house. Planning permission was then lost for the site as the building collapsed, the permission had not been implemented and the site became overgrown. Subsequently, in March 2017 (16/03799/FUL) planning permission was granted for the construction of a new dwelling which again has not been built. The agents in their Planning Statement consider that this remains an extant planning permission, although evidence to satisfy the Local Planning Authority that this is the case has not been presented. The application as submitted is a new application, not a variation of the previous planning permission. It is acknowledged that the principle of a new dwelling has been accepted on this site previously, which is a material planning consideration, but as a new application the principle will be assessed in line with the existing policy, plus the Emerging Local Plan.

7.4 The site is located in the small hamlet of Sparty Lea and sits within a group of dwellings. Sparty Lea is not considered to be a sustainable location and does not have a range of services, only a chapel with a very small congregation and a limited bus service. Sparty Lea is not listed as a smaller village within the Tynedale Core Strategy and so in relation to Tynedale Core Strategy Policy GD1 development would be limited to the re-use of existing buildings only. The construction of a new house in this location would also not accord with the housing policies in the Tynedale Core Strategy, policies H1 and H3. However, the criteria used in Policies H1 and H3 is not entirely consistent with the NPPF which in paragraph 78 promotes housing where it will enhance or maintain the vitality of rural communities. This is also mirrored in Emerging Local Plan Policy STP 1.

7.5 Allendale Neighbourhood Plan (Policy ANDP 1) supports development, including new homes, where it can be shown that the development would support and maintain the sustainability and viability of communities, whilst ANDP 8 which the previous permission was assessed against, allows for the demolition and reconstruction of existing buildings which were originally permanent structures and of substantial construction subject to a number of criteria which will be discussed further below.

7.6 The Local Planning Authority considers that Policy ANDP 8 remains relevant as the site had a former building on it which collapsed and was granted permission in 2016 for a new dwelling on that basis. That dwelling has never been constructed, therefore the criteria of Policy ANDP 8 remain relevant. Policy ANDP 2 states that a new dwelling must be '*of a nature and scale that reflects and respects the character and appearance of the area in which it is situated*', whilst Policy ANDP 8 says that the design shall '*reflect and respect the scale, form, mass and appearance of the original building*'. This is within the context of the General Development Principles (ANDP 1) for the Allendale Neighbourhood Plan which states that '*all development shall be designed and located having regard to the principles and advice set in the North Pennines AONB Building Design Guide (2011)*'. It goes on to say that it shall be located to ensure that it does not significantly and adversely affect the character and appearance of the settlement or area in which it is located; and it does not significantly and adversely affect the landscape character, appearance, tranquillity and dark skies of the North Pennines AONB.

7.7 In summary, it is considered that a new house in this location is acceptable in principle but the proposal must respect the scale, form, mass and appearance of the original building. Issues of design and character will be discussed further below.

Housing land supply

7.8 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirement. As identified in the Northumberland Strategic Housing Land Availability Assessment (September 2019), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites against the County's minimum Local Housing Need figure. Using the 2014-based household projections for the 2020-2030 period, together with the then latest updated 2019 affordability ratio, now gives a minimum Local Housing Need of 651 dwellings per annum (Figure 3). Allowing for the 5% buffer therefore means that the forecast updated 'deliverable' 5-year supply for 2020-2025 would equate to a 10.9 years housing land supply. Therefore, in the context of Footnote 7 of the NPPF, part d of the presumption in favour of sustainable development does not apply.

Scale and design and impact on neighbouring residential amenity

7.9 Allendale Neighbourhood Plan policies have a strong emphasis on good design which must reflect the nature and scale of the development and respect the character and appearance of the area. The NPPF in chapter 12 *Achieving well-designed places* states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting; and that development should establish or maintain a strong sense of place.

7.10 As discussed in paragraphs 7.8 and 7.9 above, the design and form of the dwelling is not redolent of either the original building on the site or the approval in 2016. This was for a traditional building form, constructed of stone and slate with a catslide roof and chimneys. The inclusion of a car port, large timber clad dormer windows and areas of timber cladding do not represent traditional forms of development within this area. In fact the AONB Design Guide states that timber is rarely used as an external cladding material within the AONB and stone is the key building material that has been used within the area. Sparty Lea represents a small hamlet of traditional buildings and the introduction of this building is more akin to a bungalow within a housing development, not a new traditional dwelling located in a visible location adjacent to traditional housing, a building of similar form to that which once stood at the site. Although there have been some amendments to the design of the house during the course of the application, which have largely been the removal of further areas of timber cladding, these have not been to the extent that the Local Planning Authority consider would satisfy policy and guidance in the form of the North Pennines AONB Design Guide. Consequently, it is considered that the design is not reflective of buildings within the North Pennines AONB and the settlement of Sparty Lea and does not respect the character and appearance of the area contrary to Policies ANDP 1, Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policies GD2 and H32, Emerging Local Plan Policy QOP1 and the NPPF.

7.11 Limited but suitable amenity space would be provided on the site in accordance with Tynedale Local Plan Policies GD2 and H32 and Emerging Local Plan Policy QOP2.

Impact on residential amenity

7.12 It is considered that the construction of a new dwelling would not have a detrimental impact on adjoining residential amenity in terms of privacy or outlook. Public Protection has been consulted on the application and has recommended a condition in relation to construction activity to avoid noise generation impacting on adjoining residents at noise sensitive times when any construction is taking place. The application would in this respect accord with Allendale Policy ANDP 1, Tynedale Local Plan Policies GD2 and H32 and the NPPF.

Ecological impact

7.13 The site consists of some hard standing, building foundations and rough grassland, and just outside the red line boundary is a group of trees adjacent to the B6295. The trees are to be retained and the County Ecologist has recommended a condition to ensure protection during construction. Outside the site the County Ecologist has stated that there is a large area of habitat recorded on the Natural England National Inventory and has recommended an advisory note in relation to great crested newts. In line with the NPPF ecological enhancement is recommended through the provision of bird and bat boxes which would be subject to a condition.

7.14 The site is also located c. 200 metres west of Hexhamshire Moors Site of Special Scientific Interest (SSSI) which is part of the North Pennine Moors Special Protection Area (SPA) and c580m from the North Pennine Moors Special Area of Conservation (SAC) but it is not considered likely that the proposed development would have any impact on these sites. The application was considered under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) by Northumberland County Council and it was eliminated from further assessment as it could not have any conceivable effect on a European site. Natural England has been consulted and has no objection as they consider that the proposed development would not have significant adverse impact on statutorily protected nature conservation sites. The application would accord with Allendale Neighbourhood Plan Policy ANDP1, Tynedale Local Plan Policy NE27 and chapter 15 of the NPPF.

Highway safety

7.15 The existing access to the site would be utilised. The car parking shown is acceptable and there is space within the site to accommodate cycle storage. Details of refuse storage have not been provided but it is considered that there is adequate space within the site to accommodate this. The Highway Authority has assessed the application and has no objection subject to relevant conditions in terms of the car parking area and the construction method statement. The application would accord with Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

Impact on the public right of way

7.16 Parish of Allendale footpath no. 90 passes to the east of the site. The Countryside/Rights of Way team has been consulted on the application and has no objection subject to the footpath being protected throughout. The application would accord with Tynedale Local Plan Policies LR19 and TP27.

Impact on the landscape of the North Pennines AONB

7.17 The site is located within the North Pennines AONB. Although the design of the building is not considered to be appropriate in this location, as outlined in policies ANDP 1 and Tynedale Local Plan Policy NE15, the harm would not be to the extent

that it 'significantly and adversely affects the landscape character' and appearance of the North Pennines AONB. In terms of the impact of the development on dark skies, a condition in regards to external lighting has been recommended by Public Protection to protect the darkness of the surrounding landscape. It is considered that the application would in this respect accord with Policy ANDP 1, Tynedale Local Plan Policy NE15 and the NPPF.

Water supply

7.18 Initially Public Protection raised an objection in relation to the proposed water supply as there is a private water supply in this location. However, following an assessment of the water by Environmental Health, this objection has been removed and the application would accord with paragraph 180 of the NPPF in this respect.

Flooding

7.19 The site is not in a flood risk zone. The LLFA who were consulted on the application have commented that as there is no increase in hardstanding and the application is classed as minor development, the application has not been reviewed and there are no comments. The application would accord with Tynedale Core Strategy Policy GD5.

Foul drainage

7.20 A Foul drainage assessment form has been submitted with the application which states that an existing non-mains foul drainage system would be used for the dwelling which would be through the use of a septic tank. It would accord with Tynedale Local Plan Policy CS27.

Coal risk and contamination

7.22 Public Protection have noted that historic Ordnance Survey mapping has shown the presence of historic shafts within the local area which are part of the North East Coal Field and so have commented that gas protection measures would be required within the building which would be subject to a condition. Public Protection have also recommended a condition if contamination is identified during redevelopment. Subject to these conditions, the application would accord with Tynedale Local Plan Policy CS23.

Sports and Play

7.23 At present there is a deficiency in the amount of children's play provision and outdoor sports facilities in Tynedale. The former Tynedale Council adopted its policies on 7 March 2006 which seeks financial contributions for sport and play facilities, and provision of outdoor sport from all new housing development in line with Tynedale Local Plan Policies LR11 and LR15. As this application was validated prior to 1 April 2020, a date at which financial contributions were once again requested for new housing development, no contribution for sports and play is required in this instance.

Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the

information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

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

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

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

8. Conclusion

8.1 The design of the dwelling, including the style, massing and use of materials is not of an appropriate form appropriate to this location and the wider North Pennines AONB. All other issues discussed within the report are considered acceptable and in accordance with the development plan and the NPPF.

9. Recommendation

That this application be REFUSED permission subject to the following:

Reason

1. The design including the form and style of the dwelling with a car port, over sized timber clad dormer windows and timber cladding is not traditional or redolent of the character of buildings within the AONB and would be contrary to the AONB Design Guide and Allendale Neighbourhood Plan Policies

ANDP 1, ANDP 2, ANDP 8, Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policies GD2 and the NPPF.

Background Papers: Planning application file(s) 20/00242/FUL