

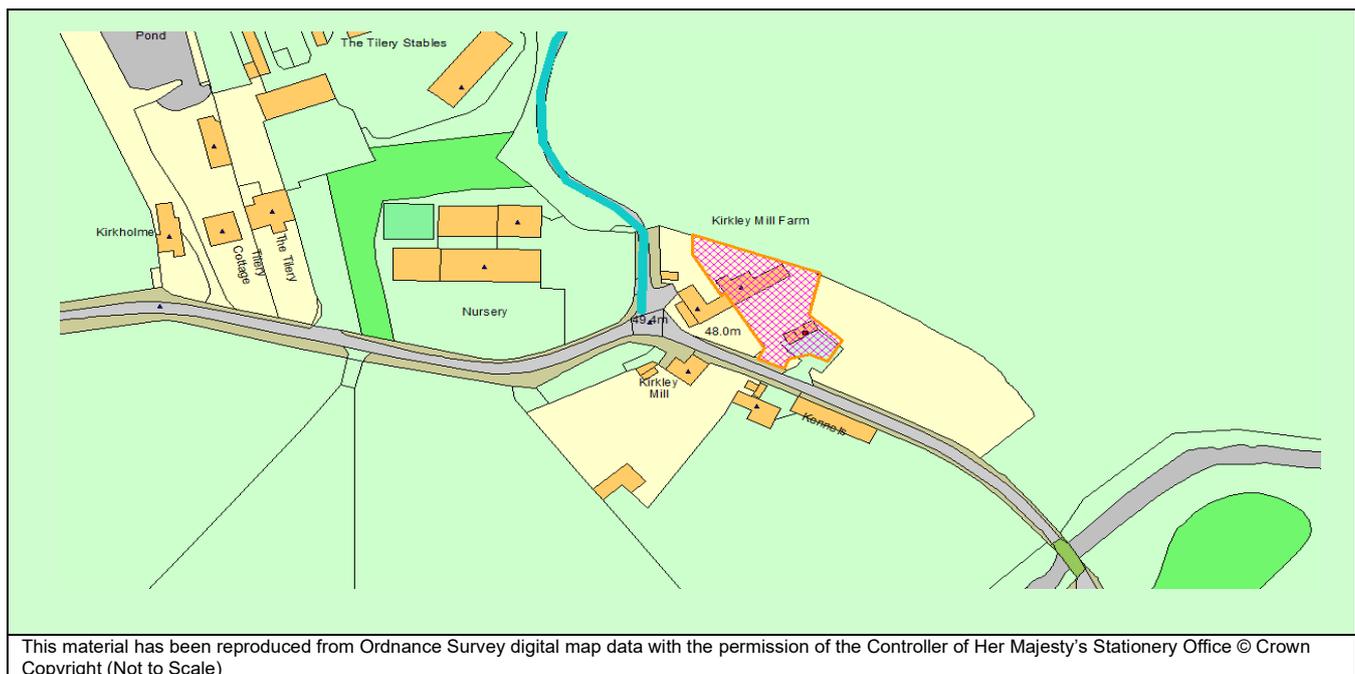


Northumberland County Council

Castle Morpeth Local Area Committee 9 August 2021

Application No:	20/04264/FUL		
Proposal:	Part-Retrospective: Change of use of detached garage and pre-school nursery to Granny Annexe (amended description)		
Site Address	Former Garage South East of Kirkley Mill Farm House, Kirkley Mill, Kirkley, Northumberland		
Applicant:	Mr Paul Elwell Kirkley Mill Farm House, Kirkley Mill, Kirkley, Newcastle Upon Tyne, Northumberland, NE20 0BQ	Agent:	Mr Peter Fletcher Ashlea, Prestwick Road, Dinnington, Newcastle Upon Tyne, NE13 7AG
Ward	Ponteland East and Stannington	Parish	Ponteland
Valid Date:	18 March 2021	Expiry Date:	13 August 2021
Case Officer Details:	Name: Ms Rachel Campbell Job Title: Senior Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to conditions.



1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, the application has been referred to the Director of Planning and the Chair and Vice Chair of the Castle Morpeth 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 Part-retrospective planning permission is sought for the conversion and extension of the ground floor level of a detached garage and former pre-school nursery building into living accommodation which is to be ancillary to the main dwelling of Kirkley Mill Farmhouse, Kirkley Mill, Kirkley.

2.2 The application form indicates that the proposed works associated with the change of use started in August 2020 and have not yet been completed; therefore, this application is part-retrospective. The description of the application has been amended accordingly to reflect this. A site visit was undertaken by the case officer on 8th April 2021; at which time some alteration works to the detached garage and former pre-school nursery building had already been undertaken and the porch extension to the north east elevation had been constructed.

2.3 The application proposes to convert the ground floor of the existing stone and slate detached garage and former pre-school nursery building to provide an annex to the main dwelling of Kirkley Mill Farmhouse. The part-retrospective development also includes the construction of a porch entrance to the north east elevation of the building. The porch projects 2.4 metres from the north east elevation and measures 3.3 metres in width. The height of the porch measures 2.6 metres to the eaves and 3.6 metres to the ridge of the pitched roof. The porch is constructed of brick with slate roofing tiles. The additional living space created by the proposed conversion would consist of a living/dining/kitchen area, WC, one bedroom and one bathroom. The supporting information indicates that the annex would provide accommodation for the applicant's elderly relative.

2.4 The application site is located within the open countryside and is within the Green Belt. The application site is also within an Area of High Landscape Value and is within an Impact Risk Zone for a nearby Site of Special Scientific Interest. The southern corner of the application site is located within Flood Zone 2, however, the building subject to this application is out with this.

2.5 An amended location plan has been submitted during the course of this application which has amended the red line boundary from being drawn solely around the building which is subject to this application to also include the residential dwelling and curtilage of Kirkley Mill Farmhouse. This was requested by the case officer because the application proposes to create an annex ancillary to the main dwelling, and is not creating a new, separate unit. Following the receipt of this amended location plan, full re-consultation was undertaken.

3. Planning History

Reference Number: 17/03563/FUL

Description: Construction of agricultural shed

Status: Permitted

Reference Number: 16/03211/FUL

Description: Retrospective change of use of garage to children's day nursery and proposed extension to garage, and retrospective change of use of land to parking and external play area to serve day nursery business

Status: Permitted

Reference Number: 15/03155/FUL

Description: Proposed two storey dormer extension of garage and conversion of part garage to playroom.

Status: Withdrawn

Reference Number: 12/00417/FUL

Description: Construction of extension to rear.

Status: Permitted

Reference Number: CM/20080526

Description: Proposed conservatory to front

Status: Permitted

Reference Number: CM/04/D/644

Description: Alteration/extension of existing outbuilding to form lounge/bedrooms over and new garage

Status: Permitted

Reference Number: CM/99/D/608

Description: Alterations and extension to provide granny flat

Status: Permitted

Reference Number: CM/93/D/484

Description: Conversion of agricultural building to form dwelling

Status: Permitted

4. Consultee Responses

Ponteland Town Council	<p>Following re-consultation, Ponteland Town Council made the following comments:</p> <p>The Planning Committee would like to see this application refused and object as there seems to be some planning enforcement issues that need addressing. If this application is approved the Planning Committee request that a condition is put in place where the proposal remain an annex in perpetuity and no further development can take place on this site.</p> <p>Further comments were then made by Ponteland Town Council on 07/07/2021 which sought to amend their initial objection to:</p>
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	The Planning Committee request that a condition is put in place where the proposal remains an annex in perpetuity and no further development can take place on this site.
Highways	No objection subject to informatives.
Environment Agency	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	1
Number of Support	0
Number of General Comments	1

Notices

General site notice – Displayed on 8th April 2021
No press notice required.

Summary of Responses:

One representation of objection has been received in relation to this application and has been summarised below:

- The applicant has previously made complaints regarding noise etc. from the nearby cattery/kennels business and has previously claimed that it is unsuitable for the cattery/kennels business to be near to residential properties. The ancillary building, which the applicant proposes to convert into a residential annex, would be located closer to the cattery/kennel business than the main dwelling. This may result in further complaints being raised against the cattery/kennels business.
- The conversion should include sound proofing.
- The applicant is in breach of planning application reference: 1703563/FUL, which permitted the construction of an agricultural shed. No further permissions should be granted until this issue has been resolved.

One neutral representation has been received in relation to this application which indicates that they have no objection to the application but wish to raise several matters. The matters raised within this representation are summarised below:

- The proposed development appears to be creating an additional, separate dwelling and it is misleading to refer to it as a “granny annex”.
- Dispute the reasons provided within the application for why the pre-school nursery business closed.
- Alterations and extensions, such as the installation of roof light windows and the construction of a porch, have already been undertaken to the detached garage/former pre-school nursery building, without the benefit of planning permission.

- This will be the second “granny annex” at this site, with the first one being within the extension to the main dwelling.
- The agricultural shed permitted under application reference: 17/03563/FUL has not been constructed in accordance with the approved plans.
- No site notice has been displayed at the time of this representation.

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=QLBNREQSKS300>

6. Planning Policy

6.1 Development Plan Policy

Ponteland Neighbourhood Plan (2017)

Policy PNP 1 – Sustainable Development Principles

Policy PNP 2 – High Quality and Inclusive Design

Castle Morpeth District Local Plan (adopted in 2003, saved policies in 2007)

Policy C1 – Settlement Boundaries

Policy C16 & C17 – Green Belt

Policy H14 – Improvements to Existing Housing

Policy H22 – Guidance for Alteration and Extension to Dwellings in the Open Countryside

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) (2018, as updated)

6.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

Policy HOU 8 – Residential Development in the Open Countryside

Policy QOP 1 – Design Principles (Strategic Policy)

Policy QOP 2 – Good Design and Amenity

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 7 – Strategic Approach to the Green Belt (Strategic Policy)

Policy STP 8 – Development in the Green Belt (Strategic Policy)

Policy TRA 1 – Promoting Sustainable Connections (Strategic Policy)

Policy TRA 2 – The Effects of Development on the Transport Network

Policy TRA 4 – Car Parking Provision in New Development

Policy WAT 2 – Water Supply and Sewerage

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 from the Ponteland Neighbourhood Plan and the Castle Morpeth District Local Plan, as identified above. The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations in determining this application.

7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29th May 2019, and is currently going through the examination process.

7.3 On 9th June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The emerging Northumberland Local Plan is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

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

- Principle of the development and Green Belt.
- Design and impact upon the landscape.
- Impact upon amenity.
- Highway safety.
- Drainage and sewerage.
- Other matters.

Principle of the Development and Green Belt

7.5 The application site lies outside of any settlement boundary identified under Policy C1 of the Castle Morpeth District Local Plan and is therefore considered to be located within the open countryside. Policy C1 states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as essential to the needs of agriculture or forestry or it is covered by other policies in the Plan.

7.6 Policy H22 of the Castle Morpeth District Local Plan is supportive of alterations and extensions to existing dwellings within the open countryside subject to meeting several design criteria.

7.7 With regard to the emerging Northumberland Local Plan, Policy HOU 8 relates specifically to residential development in the open countryside. This policy is supportive of extensions and also other householder development within the curtilage of an existing property subject to the proposal being incidental and subordinate to the existing dwelling in size and massing, the use of appropriate materials and subject to the proposal not having an adverse impact on the open character of the area.

7.8 The part-retrospective conversion, extension and alteration of the ground floor level of the detached garage and former pre-school nursery building into ancillary living accommodation to the main dwelling of Kirkley Mill Farmhouse, is acceptable as a matter of principle, in relation to Policy H22 of the Castle Morpeth District Local Plan and Policy HOU 8 of the emerging Northumberland Local Plan.

7.9 The application site is also located within the Green Belt, as defined under Policy C16 of the Castle Morpeth District Local Plan. Development within the Green Belt is strictly controlled. Policy C17 of the Castle Morpeth District Local Plan sets out that planning permission will only be granted for a limited number of purposes within the Green Belt, one of which accounts for the limited extension, alteration or replacement of existing dwellings.

7.10 Paragraph 134 of the NPPF states that *“Green Belt serves five purposes:*

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

7.11 The proposal would not conflict with these purposes because the proposal would result in the limited extension and alteration of the existing garage and former pre-school nursery building which is contained within the curtilage of an existing residential property. Notwithstanding this, Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and lists a number of exceptions to this. One exception to this, as stated within Paragraph 145, is *“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”*. Given the stance of Paragraph 145 of the NPPF, appropriate weight can be afforded to Policy C17 of the Castle Morpeth District Local Plan, as a result of its consistency with the aims of the NPPF.

7.12 Policy STP 8 of the emerging Northumberland Local Plan relates to development in the Green Belt. Policy STP 8 states *“development which is appropriate in the Green Belt, as defined in national planning policy, will be supported”* and *“development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal”*. This emerging policy is consistent with the aims of the NPPF in relation to its approach to development in the Green Belt.

7.13 The proposal includes the part-retrospective conversion, extension and alteration of the ground floor level of the detached garage and former pre-school nursery building into additional living accommodation for the main dwelling of Kirkley Mill Farmhouse. The proposed development would not result in a disproportionate addition over and above the size of the original building and would ultimately result in a limited extension, through the provision of a front porch, and would involve limited alterations. It is acknowledged that the proposal would be contained within the curtilage of the existing dwelling, Kirkley Mill Farmhouse. It is therefore considered the proposal would not have a materially greater impact on the openness of the Green Belt than the existing building.

7.14 It is considered that as a whole, the proposed development would remain subordinate to the existing building and would not amount to inappropriate development within the Green Belt and would accord with Paragraph 145 of the NPPF in this respect, and would be acceptable in accordance with Policies C16 and C17 of the Castle Morpeth District Local Plan and Policies STP 7 and STP 8 of the emerging Northumberland Local Plan.

Design and Impact upon the Landscape

7.15 Kirkley Mill Farmhouse is a traditional stone and slate property which occupies an elevated position and is located within the northern part of the application site and faces south east, looking onto its front garden. The existing detached garage and former pre-school nursery building is also constructed of stone and slate and is located to the south east of the property and is located on lower ground than the main dwelling. There is a stone wall and a high hedgerow at the southern boundary of the site which aligns the road (Berwick Hill). There is a patch of vegetation at the south western boundary shared with Kirkley Mill Farm Cottage. The alterations and porch extension to the garage and former pre-school nursery building are partially visible from vantage points along the road to the south; however, they are viewed against the backdrop of the existing dwelling and also in the wider context of the group of buildings within this open countryside location.

7.16 It is acknowledged that the brick material used for the porch extension does not match the materials of the existing building or the main dwelling. However, despite this, the development would respect the character of the site and its surroundings. It is therefore considered that the part-retrospective works would accord with Policy PNP 2 of the Ponteland Neighbourhood Plan, Policies H14 and H22 of the Castle Morpeth District Local Plan, Policies HOU 8, QOP 1, QOP 2, STP 2 and STP 3 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the NPPF.

Impact upon Amenity

7.17 Kirkley Mill Farmhouse is located within a small group of buildings within the open countryside to the north of the town of Ponteland and to the south east of Kirkley Hall. The application site is located on the eastern edge of this small group of buildings and is surrounded by open agricultural land to the north and east. The Old Mill Kennels (a boarding kennel and grooming business) and The Old Mill (a residential dwelling) are located to the south of the application site and on the opposite side of the road (Berwick Hill). Directly to the west of the

application site is Kirkley Mill Farm Cottage (a residential dwelling). The separation distances between the part-retrospective annex and the neighbouring dwellings and business range from 15 metres to 26 metres, with Kirkley Mill Farm Cottage being the closest.

7.18 It is acknowledged that in 2016, under planning application reference: 16/03211/FUL, planning permission was granted, albeit retrospectively, for the change of use and extension of the garage building (which is the subject of this current application) to a children's day nursery facility. It is also acknowledged that this change of use was considered to be acceptable in relation to impact upon amenity of the neighbouring properties and business. This current proposal seeks part-retrospective permission to convert, extend and alter the ground floor level of the detached garage and former pre-school nursery building into living accommodation which is to be ancillary to the main dwelling of Kirkley Mill Farmhouse. The applicant has confirmed that the childminding business no longer operates from this premise and has relocated. Given the proposed use of the building under this current application, which would be ancillary to the main dwelling, it is considered that the proposal would likely have less of an impact on the amenity of neighbouring properties and the kennels business than the previous use, and thus is considered to be acceptable. It is also considered necessary to impose a condition to ensure that the annex is used solely for purposes ancillary to the main dwelling and to ensure that it does not create a separate dwelling. It is noted that this condition has also been requested by Ponteland Town Council within their most recent comments.

7.19 The application is considered to be acceptable in accordance with Policies PNP 1 and PNP 2 of the Ponteland Neighbourhood Plan, Policy H14 of the Castle Morpeth District Local Plan, Policies QOP 2 of the emerging Northumberland Local Plan and the aims of the NPPF in this respect.

Highway Safety

7.20 The Council's Highway Development Management (HDM) team have been consulted on this application and have no objection, subject to informatives. The Council's HDM team conclude that the part-retrospective development would not have a severe impact on highway safety and the traffic expected to be generated from the development is considered to be less than its previous use as a childminding facility. The annex would utilise the existing vehicular access which serves the property, Kirkley Mill Farmhouse, with no changes proposed to this access. Also, the existing car parking area within the site, and as shown on the proposed site plan, would remain as existing, and the Council's HDM team considered this to be an acceptable arrangement. Therefore, the application is considered to be in accordance with Policy PNP 2 of the Ponteland Neighbourhood Plan, Policy H14 of the Castle Morpeth District Local Plan, Policies TRA 1, TRA 2 and TRA 4 of the emerging Northumberland Local Plan and the aims of Paragraph 109 of the NPPF in relation to highway safety.

Drainage and Sewerage

7.21 The application form indicates that surface water would be disposed of by a soakaway and that foul sewage would be disposed of by a septic tank. The applicant, during the course of the application, has confirmed that the detached garage and former pre-school nursery building is currently connected to the

existing septic tank which serves the main dwelling, Kirkley Mill Farmhouse, and that this connection would remain as part of this current proposal. The applicant has also confirmed that services such as electric and water supply would be extended from the main dwelling to serve the annex, as per the existing arrangement. It is typically anticipated that an annex would share the services, such as water and electric, of the main dwelling which it is to be ancillary to. The proposed development would be in accordance with Policy WAT 2 of the emerging Northumberland Local Plan in respect of drainage, sewerage and other vital services.

Other Matters

- 7.22 One representation of objection has been received in relation to this application and has been summarised above (Section 5). This representation states the applicant has previously made complaints, regarding matters such as noise, from the adjacent kennels business and the objector is concerned that the conversion of the garage/former nursery building to additional living accommodation could result in further complaints being raised against this adjacent business. The issue of impact of the proposal upon amenity has been assessed in the above sections of this report, however, this specific issue raised regarding noise complaints is not a planning consideration.
- 7.23 One neutral representation has been received in relation to this application and has been summarised above (Section 5). This neutral representation states that this will be the second “granny annex” at this site, with the first one being within the extension to the main dwelling. In 2000, planning permission was granted (under planning application reference: CM/99/D/608) for an extension to provide an annex. Further clarification has been sought from the applicant, who has confirmed that there is no existing annex at Kirkley Mill Farmhouse. Also, there have been more recent planning permissions at this site since 2000, which do not appear to show an annex on the submitted plans. The neutral representation also highlights that some of the work proposed within this application has already been undertaken. This was noted by the case officer, who amended the description of the application to reflect the fact the application seeks part-retrospective permission. The neutral representation also indicates that at the time of writing the representation, a site notice had not been displayed. The case officer visited the site on 8th April 2021 and displayed a site notice of the gate at the entrance to Kirkley Mill Farmhouse, which was after this representation was received.
- 7.24 Both the neutral representation and the representation of objection raise that the agricultural shed, permitted under planning application reference: 17/03563/FUL, has not been constructed in accordance with the approved plans. These concerns have been raised with the Council’s Planning Enforcement team and will be investigated separately to this current planning application.
- 7.25 Ponteland Town Council have requested that a condition be imposed to stop further development from taking place on this site. Paragraph 55 of the NPPF states *“planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”*. The condition requested from Ponteland Town Council to prevent further development at the site is not considered to meet the tests set out within the

NPPF and would be considered unreasonable. Any future planning application would be assessed on its own merits, having consideration for national and local planning policy, the planning history of the site and any other relevant material planning considerations.

Equality Duty

7.26 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

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

Human Rights Act Implications

7.28 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.

7.29 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.

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

1. Land Registry Location Plan (Received on 18/03/2021)
2. Proposed Site & Roof Plan 20.63.01
3. Proposed Plan 20.63.03
4. Application Design & Access Statement

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

03. The additional living accommodation hereby approved shall not be used other than for residential purposes ancillary to the existing dwellinghouse, Kirkley Mill Farmhouse, and shall not be occupied, sold or let as a separate dwelling.

Reason: To avoid the creation of a separate residential dwelling and in the interests of amenity, in accordance with Policy H22 of the Castle Morpeth District Local Plan.

Informatives

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

Date of Report: 07.07.2021

Background Papers: Planning application file(s) 20/04264/FUL