



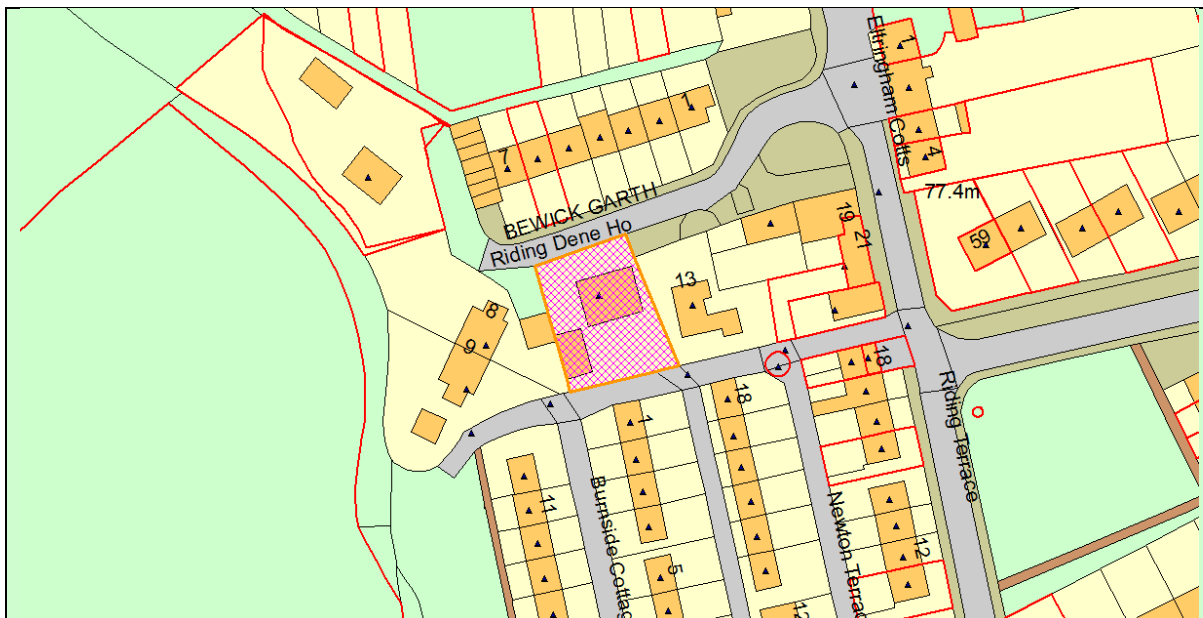
# Northumberland

## County Council

### Tynedale Local Area Council Planning Committee 14 September 2021

<b>Application No:</b>	21/01206/FUL		
<b>Proposal:</b>	Proposed garage conversion to holiday let with 1 bedroom, bathroom, living area and kitchen.		
<b>Site Address</b>	Riding Dene House, Riding Dene, Mickley, Stocksfield, Northumberland, NE43 7BL		
<b>Applicant/ Agent</b>	Mrs Julie Fleckenstein, Riding Dene House, Riding Dene, Mickley, Stocksfield, Northumberland NE43 7BL		
<b>Ward</b>	Stocksfield And Broomhaugh	<b>Parish</b>	Prudhoe
<b>Valid Date</b>	19 April 2021	<b>Expiry Date</b>	15 September 2021
<b>Case Officer Details</b>	Name: Mr Callum Harvey Job Title: Planning Officer Tel No: 01670 623625 Email: Callum.Harvey@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



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## **1. Introduction**

1.1 As a result of the number of objections received from local residents the application has been referred to the Director of Planning and Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Virtual Delegation Scheme. It was subsequently agreed that this application raises sufficient interest within the wider community to be considered by the Planning Committee.

## **2. Description of the Proposals**

2.1 The proposal seeks to convert an existing residential outbuilding into a one-bedroom holiday let unit. The outbuilding is currently used as a garage and domestic gym, and is located within the curtilage of a relatively large residential property known as Riding Dene House, within the built-up area of Mickley. The site is surrounded by residential properties, with a narrow lane bounding the site to the south which provides access to neighbouring properties to the south. The southern boundary of the site is a 1.8m high hedgerow and the site benefits from a pedestrian access onto the lane to the south via a gate.

2.2 The existing outbuilding measures 6.2m x 9.8m in footprint with a flat roof measuring 2.7m in height and is located on the western boundary of the curtilage of Riding Dene House. The application site is set at a higher ground level than the level of the neighbouring property to the west, No.8 Bewick Garth, therefore the outbuilding measures 3.8m in height along the western elevation. The garage is constructed of facing brick and pebble dash render elevations, with white uPVC openings.

2.3 The outbuilding features two existing obscurely glazed openings on the western elevation, which face into the rear garden and toward the rear openings of the property at 8 Bewick Garth. The submitted existing floor plan indicates that one of these openings serves the existing garage, and the other opening serves the existing gym.

2.4 The proposal seeks to convert the outbuilding into a one-bedroom holiday let unit with a bathroom and a kitchen/diner area. A small area of private amenity space would be provided to the south of the building, whilst a 1.8m high timber fence would be erected to the east of the building. A new pedestrian access would be created through the hedgerow on the southern site boundary onto the adjacent lane. As part of the proposals, 4no. car parking bays would be provided in total within the overall site for both the proposed one-bedroom holiday let unit and the main four-bedroom dwelling. Both the holiday let unit and the main dwelling would share the same vehicular access onto Bewick Garth from the north.

2.5 The settlement of Mickley is washed over by Green Belt within the adopted Tynedale Local Plan and Core Strategy. Whilst it is proposed to remove Mickley from the Green Belt within the emerging Northumberland Local Plan, the impact on the openness of the Green Belt is a material consideration at the present time. The site is also within a Higher Risk Coal Advice Area as identified by the Coal Authority.

### 3. Planning History

None

### 4. Consultee Responses

Prudhoe Town Council	No comment
Highways	No objection following receipt of amended details. Conditions and informatives recommended.
Northumbrian Water Ltd	No response received.

### 5. Public Responses

#### Neighbour Notification

Number of Neighbours Notified	12
Number of Objections	33
Number of Support	3
Number of General Comments	0

#### Notices

General site notice – displayed: 28th April 2021

No press notice required.

#### Summary of Responses:

33 letters of objection have been received from 11 properties, raising the following material planning considerations:

- Insufficient car parking within the site, leading to car parking on Bewick Garth;
- Increase in traffic on local road network;
- Impact on the amenity of occupiers of neighbouring properties.

3 letters in support have been received from 3 properties, raising the following material planning considerations:

- Economic benefits of providing holiday accommodation in Mickley;
- Lack of existing car parking issues on Bewick Garth.

The above is a summary of the comments received, the comments can be read in full using the following webpage link:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QQF2FUQS0MD00>

### 6. Planning Policy

## 6.1 Development Plan Policy

### *Tynedale Core Strategy 2007*

Policy GD1 – Locational policy setting out settlement hierarchy  
Policy GD3 – Settlements with boundaries within the Green Belt  
Policy GD4 – Principles for transport and accessibility  
Policy GD5 – Flood risk  
Policy NE1 – Principles for the natural environment  
Policy BE1 – Principles for the built environment  
Policy EDT1 – Principles for economic development and tourism  
Policy CS1 – Community Facilities  
Policy EN1 – Principles for energy

### *Tynedale District Local Plan 2000 (Saved Policies 2007)*

Policy GD2 – Design Criteria for development  
Policy GD3 – Accessibility of buildings open to the public  
Policy GD4 – Highway safety criteria  
Policy GD6 – Car parking provision outside of the main towns of Tynedale  
Policy NE14 – Change of use, conversion or extension of existing buildings in the Green Belt  
Policy NE26 – Habitats of special importance to wildlife  
Policy NE27 – Protected species  
Policy NE33 - Hedgerow  
Policy BE2 – Design of pedestrian environments for those with impaired mobility  
Policy H32 – Residential redevelopment, including conversions of existing buildings  
Policy TM7 – Visitor accommodation in towns and villages  
Policy TM15 – Self-catering tourist accommodation restriction  
Policy TM16 – Removal of occupancy restrictions which prevent permanent residential use  
Policy CS19 – Pollution control, including noise  
Policy CS22 – Noise pollution  
Policy CS27 – Foul drainage

## 6.2 National Planning Policy

National Planning Policy Framework (July 2021)  
National Planning Practice Guidance (2018, as updated)  
National Model Design Code (2021)  
National Design Guide (2019)

## 6.3 Emerging Planning Policy

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

Policy STP 1 – Settlement Boundaries  
Policy STP 3 - Principles of sustainable development (Strategic Policy)  
Policy STP 4 - Climate change mitigation and adaption (Strategic Policy)  
Policy STP 7 - Strategic approach to the Green Belt (Strategic Policy)

Policy STP 8 - Development in the Green Belt (Strategic Policy)  
Policy QOP 1 - Design principles  
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 ECN 1 - Planning strategy for the economy (Strategic Policy)  
Policy ECN 12 - Strategy for rural economic growth (Strategic Policy)  
Policy ECN 15 - Tourism and visitor development  
Policy TRA 1 – Promoting sustainable connections (Strategic Policy)  
Policy TRA 2 – The effects of development on the transport network  
Policy ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
Policy ENV 3 – Landscape  
Policy POL 2 – Pollution and air, soil and water quality  
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 within the Tynedale Core Strategy and saved policies within the Tynedale District Local Plan, as identified earlier in this report. The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are 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) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process. On 9 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 NLP – Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP 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.

7.3 The main issues for consideration in the determination of this application are:

- Principle of the development
- Design and visual impact
- Residential amenity
- Highway safety
- Hedgerow

- Surface water and Foul water drainage
- Coal mining legacy
- Energy efficiency

## Principle of the development

### *Location/sustainability*

7.4 The application site is within the settlement of Mickley/Mickley Square, which is identified as a Smaller Village in the Tynedale Core Strategy. Mickley has a modest range of services, however it is considered a suitable location that could support small scale development. It is therefore considered that Mickley is a sustainable location for development of this scale, in accordance with the Core Strategy, Policies STP1 and STP3 of the emerging Northumberland Local Plan, and the NPPF.

7.5 Policy GD1 of the Tynedale Core Strategy supports small-scale development in the smaller villages. The proposed development to convert an existing outbuilding into a holiday accommodation unit would therefore accord with Policy GD1 of the Tynedale Core Strategy.

### *Green Belt*

7.6 The village of Mickley Square features a settlement boundary in the Tynedale District Local Plan. The village is shown as being released from the Green Belt within the emerging Northumberland Local Plan.

7.7 Policy GD3 of the Tynedale Core Strategy states that limited infill development within the settlement boundary of Mickley Square can take place, along with boundaries identified for other settlements. Policy NE14 of the Tynedale District Local Plan supports proposals for the change of use, conversion or extension of existing buildings in the Green Belt where they are of permanent and substantial construction; where the proposed use and any associated use of land are in keeping with their surroundings; and where the proposal would not lead to a materially greater impact on the openness of the Green Belt on the purposes of including land within it.

7.8 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 of the NPPF states that the Green Belt serves the following 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.*

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

7.10 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include 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. Paragraph 150 of the NPPF also states that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. One of the exceptions listed under paragraph 150 is the re-use of buildings provided that the buildings are of permanent and substantial construction. The other exceptions listed under paragraphs 149 and 150 are not considered relevant in the assessment of this proposal.

7.11 The proposal seeks to convert an existing outbuilding into a holiday let unit. The outbuilding is of permanent and substantial construction, whilst the works do not seek to extend the outbuilding. The proposed works and increased use of the building are not considered to have a greater impact on the openness of the Green Belt in either a spatial or a visual sense, and would not affect the purpose of including land within the Green Belt. The acceptability of the proposed use within the site's surroundings is considered acceptable as discussed in detail later in this response. For these reasons, the proposal would accord with Policy GD3 of the Tynedale Core Strategy, Policy NE14 of the Tynedale District Local Plan, Policy STP8 of the emerging Northumberland Local Plan, and accord with the exceptions under Paragraph 149 c) and Paragraph 150 d) of the NPPF. The proposed development is not considered to be inappropriate development in the Green Belt.

#### *Tourist accommodation*

7.12 The proposal would create a one-bedroom holiday accommodation unit in a smaller village within a rural part of Northumberland. Mickley is located near to Cherryburn to the north, which is a tourist attraction operated by the National Trust. The village is also located on the A695 which provides links to the rest of the County. The site is considered to be a sustainable location for holidaymakers to use as base when travelling to nearby tourist attractions.

7.13 The importance of supporting the sector in the former Tynedale District and across the wider County is a key theme running through the adopted Development Plan and the emerging Northumberland Local Plan respectively. Policy EDT1 of the Tynedale Core Strategy supports a buoyant and diverse economy in the rural Tynedale District, and supports new tourist development where appropriate to increase the range, quality and type of facilities available to tourist. Policy TM7 of the Tynedale District Local Plan states that within the built-up areas of existing towns

and villages, new visitor accommodation will be permitted on land not already allocated for housing.

7.14 Paragraph 84 of the NPPF states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. This is reflected in the emerging Northumberland Local Plan, where Policy ECN1 seeks to support and promote tourism and the visitor economy. Policy ECN15 of the emerging Plan states that Northumberland will be promoted and developed as a destination for tourists and visitors, while recognising the need to sustain and conserve the environment and local communities. The Policy goes on to state that as far as possible, planning decisions will facilitate the potential for Northumberland to be a destination for:

- a. heritage and cultural visits;
- b. cycling and walking holidays;
- c. landscape and nature based tourism;
- d. themed events, activity holidays;
- e. dark sky visits;
- f. weddings;
- g. out of season offer; and
- h. food and drink.

and that this will be achieved through the development of new visitor attractions and facilities, accommodation and the expansion of existing tourism businesses. Criteria 2c) of the Policy goes on to state that the development of new build, permanent buildings for holiday accommodation of any sort in rural locations should be small scale and form part of a recognised village or hamlet.

7.15 With the above policies in mind, it is considered that the conversion of an existing building into small-scale tourist accommodation within the built-up area of a village would benefit the local rural economy, and expand upon the County's ability to accommodate overnight stays and longer tourist trips. The provision of accommodation in this location would not only benefit the local tourist attractions but would also lead to an increase in footfall for local businesses, which would lead to further economic and social benefits for local communities in this rural part of the County.

7.16 In light of the above considerations, the proposed holiday accommodation development would accord with Policy EDT1 of the Tynedale Core Strategy, Policy TM7 of the Tynedale District Local Plan, Policies ECN1, ECN12 and ECN15 of the emerging Northumberland Local Plan, and Paragraph 84 of the NPPF. Members are recommended to give the identified social and economic benefits of the development appropriate weight when considering the current proposal.

#### *Summary of the Principle of the Development*

7.17 The site is located within the village of Mickley, which is considered a sustainable location for development of this scale. It is considered that the village of Mickley is an acceptable location for the provision of holiday accommodation on this scale due to the proximity of tourist destinations, whilst increasing capacity for tourist accommodation in the local area would provide social and economic benefits to the



local community, local businesses and the local tourist attractions. The proposal is not considered to be inappropriate development in the Green Belt.

### Design and Visual impact

7.18 The application seeks to alter openings on the northern, eastern and southern elevations; erect a 1.8m high timber fence to the east of the outbuilding; and create a new pedestrian access through the hedgerow on the southern site boundary. It is considered that the appearance of the development would not have an adverse impact on the street scene or the character of the wider area, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and H33 of the Tynedale District Local Plan, and the NPPF.

### Residential amenity

7.19 The proposal seeks to convert an existing residential outbuilding into a holiday let unit. A relatively large number of objections and concerns have been raised by neighbouring residents in respect of the principle of locating a holiday let unit adjacent to residential properties, due to the level of activity that could be generated and potential noise issues. Whilst the proposed development would lead to a more intensive use of the site, officers consider that the proposed use as a small one-bedroom holiday let unit would not lead to any significant or unacceptable greater level of activity. A one-bedroom holiday let unit would also not necessarily lead to noise disturbance, as the scale of the development would not be capable of accommodating larger groups of guests. Therefore, officers do not consider that potential noise disturbance from the occupants of the development would be a reasonable reason to refuse the application in this location. Officers are also mindful that in the unlikely event that noise concerns were raised by neighbours, this could be dealt with by the County Council's Public Health Protection team under their statutory powers in relation to potential noise nuisance. Consequently, the principle of locating a one-bedroom holiday accommodation unit in a residential area could be supported subject to site-specific considerations.

7.20 Concerns have been raised by the neighbouring property to the west/north-west in respect of the proposed openings on the western elevation of the building. The proposal seeks to retain two existing windows on this elevation. Officers consider the existing window arrangement as unusual, as the windows are located on the site boundary and already face into the rear garden of and toward the rear elevation of the neighbouring property. However, the presence of the existing openings is a material consideration when assessing this particular proposal. Officers are mindful that the existing outbuilding is already in use for residential purposes with some associated activity. The neighbouring residents have highlighted that the proposed holiday accommodation use would be more intensive than the existing garage and gym, however subject to a requirement that these openings are obscurely glazed and fixed shut, officers do not consider that there would be an unacceptable degree of overlooking or noise from the occupiers of the development toward the occupiers of this neighbouring property. The proposal had initially sought to locate a fire escape window on this elevation, however following discussions with officers this has been relocated to the eastern elevation, to ensure that the openings on the western elevation are fixed shut. The proposed internal arrangement of the building has also been amended so that the window nearest the neighbouring

property to the west/north-west would serve a retained garage bay and not a bedroom, thereby further limiting potential effects on amenity.

7.21 Subject to the use of a condition which secures the provision of obscurely glazed and fixed shut openings on the western elevation of the building, the proposed development would not have an unacceptable adverse impact on the amenity of occupiers of neighbouring properties.

7.22 Sufficient private amenity space would be retained for the main dwelling, Riding Dene House. Sufficient private amenity space for a one-bedroom holiday let unit would also be provided, albeit officers acknowledge that this is limited. The erection of a timber fence to the east of the building as indicated on the submitted plans would ensure sufficient privacy for occupiers of both the holiday let unit and the main dwelling; it is therefore recommended that a condition be imposed which secures the erection of the fence prior to the occupation of the development.

#### *Restricted holiday accommodation use*

7.23 Policy TM15 of the Tynedale District Local Plan requires the restriction of proposed holiday let units, including conversions, to ensure that they are not used as a full-time residential property. Policy TM16 of the Tynedale District Local Plan states that such restrictions under Policy TM15 would only be removed where permanent residence is considered appropriate. It is considered that the proposed private amenity space for the subject holiday let unit is insufficient for a permanent residential dwelling, therefore it is considered necessary to impose a restriction on the use of this building for holiday accommodation in accordance with Policy TM15, in the interest of the amenity of future occupiers of the development and to allow further consideration of any alternative residential use. If the landowner later sought to remove this restriction and convert the building into an independent dwelling, a formal planning application would need to be submitted to the local planning authority which sought to remove this condition.

7.24 Further to the above, the use of a restrictive condition on the use of the development as holiday accommodation would also ensure the social and economic benefits to the local community, local businesses and the local tourist attractions from the development as set out earlier in this report would be realised.

7.25 Subject to the use of recommended conditions as set out above, it is considered that the proposed development would not have an unacceptable impact on the amenity of the occupiers of the development, on the amenity of the occupiers of the main dwelling known as Riding Dene House, or on the amenity of the occupiers of neighbouring properties; in accordance with Policies GD2, H32, TM15, CS19 and CS22 of the Tynedale District Local Plan and the NPPF.

#### Highway safety

7.26 The proposal seeks to provide 4 car parking bays within the application site. 1 car parking bay would serve the proposed one-bedroom holiday accommodation unit, whilst 3 parking bays would serve the four-bedroom dwelling at Riding Dene House. All 4 bays would use the existing vehicular access from the site onto Bewick

Garth to the north, which is an adopted highway. No works are proposed to the existing access.

7.27 Concerns have been raised by neighbouring residents in respect of insufficient car parking provision within the site, leading to an increase in car parking along Bewick Garth. Concerns have also been raised in respect of an increase in vehicle movements along Station Road and Bewick Garth as a result of the development.

7.28 The Highways Development Management team has been consulted and, following the receipt of amended details showing the provision of 4 parking bays of sufficient size and sufficient maneuvering room to allow vehicles to enter and exit the site in a forward gear, they have no objections subject to recommended conditions. It is considered that the car parking requirements of the development can be met within the site and that the development would not lead to an unacceptable increase in vehicle movements on the local highway network.

7.29 Officers are mindful that the proposed holiday let would use the same access arrangement as the main dwelling at Riding Dene House. In the interest of highway safety, it is recommended that a further condition be imposed which restricts the operation of the holiday let unit as ancillary to the occupation of Riding Dene House, to prevent the holiday let unit being operated independently of the dwelling.

7.30 Subject to recommended conditions the development would not have an adverse impact on highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD4 and GD6 of the Tynedale District Local Plan, and the NPPF.

#### Hedgerow

7.31 The proposal seeks to create a second pedestrian access at the southern site boundary, leading to the loss of a short section of hedgerow. This would not lead to unacceptable effects on biodiversity or visual impact, in accordance with Policy NE33 of the Tynedale District Local Plan and the NPPF. A standard condition regarding works during bird nesting season is recommended.

#### Surface water and Foul water drainage

7.32 The application site is located within Flood Zone 1 which is the area at least risk of flooding. It is considered that the proposed works would not lead to an increase in surface water flooding within the site or elsewhere, in accordance with Policy GD5 of the Tynedale Core Strategy and the NPPF.

7.33 The proposal seeks to connect to a mains sewer and this form of foul drainage is considered acceptable in this location, in accordance with Policy CS27 of the Tynedale District Local Plan and the NPPF.

#### Energy efficiency

7.34 Policy EN1 of the Tynedale Core Strategy sets out the principles for energy when assessing applications, which look to minimise the amount of energy used

through the location, layout and design of development, and look to promote the development of micro renewable energy generation.

7.35 In line with the provisions of the NPPF, Policy STP3 of the emerging Northumberland Local Plan looks to maximise energy efficiency and the use of renewable and low carbon energy sources, whilst emerging Policy QOP5 requires proposals to incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting. Policy QOP5 also requires proposals to demonstrate that opportunities to incorporate locally sourced, recycled and energy efficient building materials have been considered; and requires proposals to demonstrate that opportunities to include small-scale renewable and low carbon energy generation have been considered.

7.36 It is considered that the application site is in a sustainable location for development on this scale, with adequate services and amenities being located in Mickley and public transport links to the Main Town of Prudhoe. The occupiers of the proposed development would not be solely dependent on the use of private vehicles for their day-to-day needs.

7.37 The proposal seeks to convert an existing building within a settlement to provide a one-bedroom holiday let unit. Officers are mindful of the scale and nature of the development, and it is considered that a requirement to provide micro-renewable energy sources such as solar panels is not necessary in this instance.

7.38 For the above reasons, in this particular instance the proposal accords with Policy EN1 of the Tynedale Core Strategy, Policies STP3 and QOP5 of the emerging Northumberland Local Plan and the NPPF.

### Coal Mining Legacy

7.39 The site is located within the Higher Risk Coal Area as identified by the Coal Authority. The proposal does not seek to extend the existing building therefore the application does not need to be supported by a Coal Mining Risk Assessment. A standard informative in respect of encountering coal mine workings during the works is recommended. The proposal accords with Policies CS19 and CS23 of the Tynedale District Local Plan and the NPPF.

### Other Matters

#### *Right of Access*

7.40 Representations have been received from the neighbouring property to the west advising that they would deny access to the western elevation of the subject building during the works, such as if the existing windows were to be replaced or if the applicant intended to make the western elevation good following the works. Officers are mindful that this is a private matter between the two parties; and is not a material planning consideration when determining this application. An informative can also be attached in this respect.

#### *Equality Duty*

7.41 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*

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

#### *Human Rights Act Implications*

7.43 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.

7.44 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.

7.45 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

## **8. Conclusion**

8.1 The proposal seeks to convert an existing detached garage to a one-bedroom holiday let unit. The village of Mickley is considered a sustainable location for development of this scale; and an acceptable location for the provision of holiday accommodation due to the proximity of tourist destinations, whilst increasing capacity for tourist accommodation in the local area would provide social and economic benefits to the local community, local businesses and the local tourist

attractions. The proposal is not considered to be inappropriate development in the Green Belt. The principle of the proposal accords with the identified policies in the Development Plan and the NPPF.

8.2 Subject to the use of recommended conditions, the proposed development would not have an unacceptable impact on the appearance of the street scene and wider area, on the amenity of neighbouring properties, on highway safety, or on protected species. The proposal would also not increase flood risk within the site or elsewhere, would not lead to a land instability or contamination risk, and would be an energy efficient form of development, in accordance with the identified policies in the Development Plan and the NPPF in these respects.

8.3 It is therefore recommended that Members grant planning permission for the development, subject to the recommended conditions as set out below.

## **9. Recommendation**

That this application be GRANTED planning permission subject to the following:

### Conditions

1) 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).

2) 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:-

Location Plan – received 22.03.2021

Existing and Proposed Plans V4 – received 22.07.2021

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

3) The facing materials and finishes to be used in the construction of the development shall be in accordance with the details contained within the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE11 of the Tynedale Local Plan and the NPPF.

4) The development shall not be occupied until the car parking area indicated on the approved plans, has been consolidated, sealed and marked out in parking bays. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD4 and GD6 of the Tynedale District Local Plan, and the National Planning Policy Framework

5) The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity and sustainable development, in accordance with Policies GD4 and EN1 of the Tynedale Core Strategy, Policies GD2 and GD4 of the Tynedale District Local Plan, and the National Planning Policy Framework.

6) Notwithstanding the received plans, prior to the occupation of the development, the openings on the western elevation of the building shall be obscurely glazed in level 3 or above Pilkington obscure glazing or equivalent, and shall be fixed shut. These measures shall remain in place during the lifetime of the development.

Reason: In the interest of the amenity of occupiers of neighbouring properties to the west of the application site, in accordance with Policy GD2 of the Tynedale District Local Plan and the National Planning Policy Framework.

7) Notwithstanding the received plans, prior to the occupation of the development, a 1.8m high timber fence shall be constructed to the east of the subject building. The fence shall remain in place during the lifetime of the development.

Reason: In the interest of the amenity of occupiers of the development and the occupiers of the retained dwelling known as Riding Dene House, in accordance with Policy GD2 of the Tynedale District Local Plan and the National Planning Policy Framework.

8) No hedgerow clearance shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To protect nesting birds, all species of which are protected by law, in accordance with Policy NE1 of the Tynedale Core Strategy, Policies NE26, NE27 and NE33 of the Tynedale District Local Plan and the National Planning Policy Framework.

9) The occupation of the holiday unit identified in this application shall be undertaken in accordance with the following points:

- (i) The unit shall only be occupied for holiday purposes only
- (ii) The unit shall not be occupied as a person's sole or main place of residence
- (iii) The owners/operators of the unit shall maintain an up-to-date register of the name of all occupiers of the unit, and of their main home addresses, and shall make this information available upon request at all reasonable times to the local planning authority. The register shall be collected by the unit owner or his/her nominated person.

Reason: To encourage tourism by ensuring that the development is used for holiday accommodation only, and to prevent its use as full-time permanent residential use which would have insufficient private amenity space, in accordance with Tynedale Local Plan Policies GD2, H32 and TM15, and the National Planning Policy Framework.

10) The development hereby approved shall be occupied as set out in Condition 9 and ancillary to the occupation of the host dwelling currently known as Riding Dene House, and shall not be subdivided from Riding Dene House or brought into use as a separate planning unit.

Reason: To ensure the siting of the subject building is acceptable in principle, in the interest of the amenity of the occupiers of the host dwelling and in the interest of highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD2, GD4, GD6 and H32 of the Tynedale District Local Plan, and the National Planning Policy Framework.

### **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.

3) The development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal



mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

4) The applicant is reminded that this permission does not convey approval for works affecting third party rights which may exist on the land or any adjoining. The applicant is therefore advised to seek the approval of any parties having an interest in any land affected by this permission.

## **EIA**

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

**Background Papers:** Planning application file(s) 21/01206/FUL