# South Tyneside Council

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| **Reference:** | ST/0395/24/FUL |
| **Location:** | Lambing Shed<br>Laverick Hall Piggery<br>Land North of Newcastle Road<br>adjacent to Laverick Hall Farm<br>West Boldon<br>NE10 8YN |
| **Ward:** | Fellgate and Hedworth |
| **Description:** | External Lighting |
| **Recommendation:** | Grant Permission with Conditions |
| **Case Officer:** | Adam Williamson |
| **Case Officer Contact No.:** | 0191 4247434 or 07741120747 |

## Description of the Site and proposal

The application site comprises a recently consented agricultural business located within the South Tyneside Green Belt to the northeast of Laverick Hall, a converted Grade II listed former farmstead now within residential use with 8 dwellings.

The application site forms an 'L' shape and is approximately 1.5 hectares in area. The site is relatively flat with agricultural style low fencing delineating the boundaries. The site is currently used for a commercial pig farming enterprise, with 4 breeding Sows housed on the site.

Three detached dwellings (Laverick Farm Cottage, Nickbor, and Wardley House) lie to the south of the site. The site is bounded to the west, north and east by further open agricultural land. There are no public rights of way passing the application site. Long distance views of the site are possible from the A184 Newcastle Road which runs east/ west to the south of the site, direct views of the site are obscured by Laverick Farm Cottage and Wardley House. The site is also visible from the A194 Leam Lane which passes approximately 375 metres to the west, with agricultural land and Monkton Burn intervening.

Condition 4 of planning permission ST/0872/23/FUL (which granted permission for the Lambing building), and condition 6 of planning permission ST/0452/23/FUL (which granted permission for the storage building) states:

*No external lighting shall be attached to the building hereby approved unless an application for planning permission has first been submitted to and approved by the Local Planning Authority prior to its installation.*

*In the interests of the amenity of the area and to prevent a detrimental impact on residential amenity in accordance with DM1(A and B) of the South Tyneside Local Development Framework.*

This application seeks planning permission for the installation of 11 no. lighting fittings to the site - 2 to the front elevation of the lambing shed, 2 to either end elevation of the storage building, and 5 along the access point. The agent has confirmed that the light output from the lights would be 400 lumens.

**Relevant Planning History**

ST/0123/12/FUL Proposed change of use from agricultural/grazing land to land for the keeping of horses and erection of stable block to land north- east of Laverick Hall Farm. Appeal dismissed 26/11/2012

ST/0315/21/FUL Proposed change of use from agricultural/grazing land to land for the keeping, breeding, and recreational use of horses. The erection of 4no. stables and hay store/tack room. Appeal dismissed 10/10/2022

ST/0454/23/FUL New agricultural building. Approved 07/08/2023

ST/0872/23/FUL Erection of Lambing Shed. Approved 07/03/2024

**Summary of Consultation Responses**

None

**Summary of Representations**

None

**Relevant planning policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007, and the Development Management Policies Development Plan Document (DPD) 2011:

LDF CS ST2 - Sustainable Urban Living
LDF CS EA1 - Local Character and Distinctiveness
DM1 - Management of Development
DM6 - Heritage Assets and Archaeology

Although the Publication draft South Tyneside Local Plan is now at a more advanced stage of preparation having been subject to two statutory consultation periods, Borough Council decided on 5 September 2024 not to endorse submission of the Local Plan to the Secretary of State for Examination. As such only negligible weight can be afforded to relevant policies at this time and less weight than would have been afforded in the period between completion of the Regulation 19 consultation in March 2024 and prior to Borough Council's decision. For this reason, the report does not seek to identify specific policies from this Plan.

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

## Assessment

The main considerations in assessing this case are:

- The principle of development including the impact on the Green Belt
- The impact upon the visual amenity of the area
- The impact upon the residential amenity
- The impact upon designated Heritage Assets

### The principle of development including the impact on the Green Belt

Within the South Tyneside Local Development Framework Site Specific Allocations development plan document (and its proposals map), this application site forms a part of the designated Green Belt where local and national planning policies seek to protect the character and openness of such areas.

Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

NPPF paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, unless such buildings fall into at least one of the exception categories specified in that paragraph.

One of those exception categories (category a) is the erection of buildings for agriculture and forestry (on which the proposed lighting would form part).

Section 336 of the Town and Country Planning Act 1990 defines ‘agriculture’ as including horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" is construed accordingly.

The site occupies approximately 1.5ha of land and is within active agricultural use in line with the definition set out within S.336 of the Town and Country Planning Act 1990.

The NPPF aims to support economic growth in rural areas, taking a positive approach to new sustainable development to allow the expansion of agricultural businesses.

The development is considered reasonably necessary to allow the development of the agricultural enterprise and is thereby considered compliant with the principles of the NPPF in this respect. The impact upon the site and the wider rural landscape will be assessed in the detailed issues; however, in principle the development is generally considered complaint with the policies of the Local Plan and the aims of the NPPF.

### The impact on the visual amenity of the area

Development Management Policy DM1 (A) (Management of Development) supports Policy ST2 and requires developments to convey sensitive consideration of their surroundings, where possible enhance local setting and reinforce local identity.

These aims are consistent with the NPPF Sections 12 and 15.

The proposed lighting scheme would be small scale in nature with small LED up and down lighters with a 400 lumen output proposed. The lighting will be positioned on buildings that will be within agricultural use and to the boundary fence at the entrance to the site. There is already a variety of external lighting around the application site in the Laverick Hall Farm development, and as such the proposed lighting scheme would not appear unduly prominent.

The proposal will therefore not unduly impact upon the character and appearance of the site or the wider rural landscape in line with ST2 and EA1 of the South Tyneside LDF, as well as chapters 12 and 15 of the NPPF.

**Impact upon residential amenity**

LDF Policy DM1(B) of the South Tyneside LDF seeks to protect residential amenity of neighbours from harmful impacts from development. Paragraph 135(f) of the NPPF adds that proposals should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The proposed lighting would not cause any light spill into neighbouring dwellings given their small scale and positioning.

Accordingly, subject to conditions, it is considered that the proposed building will not have a significant adverse impact upon the residential amenity of the occupants of the surrounding neighbouring farm groups, in line with Policy DM1 of the South Tyneside LDF and paragraph 135(f) of the NPPF.

**The impact upon designated Heritage Assets**

The application site is situated in close proximity (approximately 48 metres away at the closest point) from Grade II Listed converted residential buildings at Laverick Hall Farm, in terms of the potential for the effects on the setting of this building.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Local Development Framework Policy DM6 supports development proposals that preserve or enhance the historic and architectural character of listed buildings.

Paragraph 200 of the NPPF stats that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The proposed lighting would be small in scale and overall, in the wider context of the setting of adjacent listed buildings and having regards to Section 66 of the Planning (Listed Buildings

and Conservation Areas) Act 1990, it is considered that the setting of the listed buildings will not be impacted upon. For these reasons, it is judged that the proposed works would preserve the special historic, cultural and architectural character of the listed buildings, and would accord with LDF Policies DM1 (A), DM6 and part 16 of the NPPF.

**Conclusion**

The proposed scheme has been identified against the policy documents identified above.

It is considered that the proposal conforms to these policies, as the proposed lighting scheme would not detract from the openness of the green belt, its wider rural setting, or unduly impact upon the residential amenity of occupiers of neighbouring properties, or upon the setting of designated heritage assets. For these reasons, the proposal is recommended for approval, there are no material considerations which indicate a decision should be otherwise. The proposal accords with policies ST2, EA1, DM1, and DM6 of the South Tyneside LDF and the NPPF.

**Recommendation**

Grant Permission with Conditions

**Conditions**

1. The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

   As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2. The development shall be carried out in accordance with the approved plan(s) as detailed below

   Existing and Proposed Plans Drg. No. A-3682-01B received 13/06/2024

   Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

   In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3. The lighting hereby approved (as shown on the drawing listed in condition 2 above) shall not exceed a maximum luminance level of 400 lumens per light fitting.

   In the interests of the amenity of the area and to prevent a detrimental impact on residential amenity in accordance with DM1(A and B) of the South Tyneside Local Development Framework.

**Informatives**

1 Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is

deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

**Case officer: Adam Williamson**
**Date**: 02/12/2024

**Authorised Signatory:** *G. Simmonette*
**Date**: 02/12/2024