

Reference No. 21NP0053

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

Agent :

Mr K Butler
Butler Haig Associates
2 South Acomb Cottage
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Stocksfield
Northumberland
NE43 7AQ

Applicant :

Mr & Mrs Forwood
C/O Galbraith

Under the above Act, Northumberland National Park Authority hereby grants planning permission for:

Installation of new vehicular access at Fell End Farm, Greenhead, Brampton, Northumberland, CA8 7HZ

as described in application reference **21NP0053** and in the plans and drawings attached to it, 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 ensure that the development is commenced within a reasonable period of time from the date of this permission, as required by Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Application form received 28 June 2021
- Existing Block Plan Dwg No. FE/09/EBP/02 received 28 June 2021
- Existing Site Plan Dwg No. FE/09/ESP/04 received 28 June 2021
- Existing Site Plan and Section Dwg No. FE/09/EAP/06 received 28 June 2021
- Heritage Statement received 28 June 2021
- Location Plan Dwg No. FE/09/LP/01 received 29 July 2021
- Proposed Site Plan and Sections Dwg No. FE/09/PAP/07 received 29 July 2021

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- Proposed Block Plan Dwg No. FE/09/PBP/03 received 29 July 2021
- Proposed Site Plan Dwg No. FE/09/PSP/05 received 29 July 2021

Reason: For the avoidance of doubt, to enable the local planning authority to adequately manage the development and to ensure the proposal accords with policies ST2, ST4, DM8, DM9, DM10, DM11, DM14 & DM15 of the Northumberland National Park Local Plan and the National Planning Policy Framework.

3. The development shall not be brought into use until the vehicular access has been constructed in full and in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with policies ST2 & DM9 of the Local Plan and the National Planning Policy Framework.

4. The new vehicular access hereby permitted shall be constructed to ensure the first 6 metres of the access will be hard surfaced.

Reason: In the interests of highway safety, in accordance with policies ST2 & DM9 of the Local Plan and the National Planning Policy Framework.

5. No trees shall be felled in the bird breeding season (March-August), unless a checking survey has first been undertaken by a suitably qualified ecologist and any birds that are found to be nesting being allowed to finish nesting before such work commences.

Reason: To ensure that ground nesting birds on the site are protected and for the development to be in accordance with Northumberland National Park Local Plan policies ST1, ST2, DM10 and Chapter 15 of the NPPF.

6. Should any external lighting be proposed, prior to the fixing of any external lighting required in association with the proposal, details of the external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Details should include:

- The specific location of all external lighting units;
- Design of all lighting units;
- Details of beam orientation and lux levels; and
- Any proposed measures such as motion sensors and timers that will be used on lighting units

The approved lighting scheme shall be installed in accordance with the approved details and shall be maintained as such thereafter, unless removed entirely.

Reason: In order to ensure that there is no harmful effect upon the tranquility and intrinsically dark character of the area, including the Northumberland Dark Sky Park through excessive light pollution, in accordance with paragraph 185 of the NPPF.

7. Prior to the proposed access being brought into first use, a scheme showing replacement trees (including locations, species and specifications) for those lost as part of this proposal, shall be submitted to and approved by the local planning authority. This scheme shall show replacement broadleaved planting that secures a biodiversity net gain and can be undertaken in an appropriate location elsewhere on the applicant's holding. The approved scheme shall be carried out in full accordance with the approved details in the first planting season following the commencement of development. Any trees which die, or are otherwise removed, within a period of five years of the completion of the development shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to provide an adequate level of compensation and net biodiversity and amenity gain for the loss of several trees as part of the proposal, in line with Local Plan Policies ST2 and DM12.

Informative Notes:

1. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, may constitute unauthorised development and may be liable to enforcement action.
 - b) You, your agent, or any other person responsible for implementing this permission should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.
2. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. Some conditions may require work to be carried out, or details to be approved prior to the commencement of the development.



Where pre-commencement conditions are not complied with, the whole of the development could be unauthorised, and you may be liable to enforcement action. In some circumstances, the only way to rectify the situation may be through the submission of a new application. If any other type of condition is breached then you may be liable to a breach of condition notice.

3. You should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at:
westernareahighways@northumberland.gov.uk
4. 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.
5. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
6. You are reminded to avoid areas protected as part of the Scheduled Ancient Monument when undertaking this excavation work.
7. During the construction phase, construction vehicles should avoid tracking over the Root Protection Zone of the mature trees in close proximity to the farmhouse.
8. During the construction phase, building materials or equipment shall not be stored over the Root Protection Zone of the mature trees in close proximity to the farmhouse.
9. Care should be taken to not obstruct access to Haltwhistle footpath 21 or any other public right of way, or in any way prevent or deter public use of the paths without the necessary legal diversion or closure order having been made.

Positive and Proactive Planning Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the relevant policies in the National Planning Policy Framework and the Northumberland National Park Local Plan. As a result, the Local Planning Authority has been able to grant permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Dated this: **9 August 2021**



National Park Officer

Please note that this is not approval of plans under the Building Regulations. Also, this Planning Permission does not convey any approvals required under any other legislation, or override property rights held by other parties. Your attention is drawn to the notes attached. Failure to discharge planning conditions may result in the development not being authorised and subject to legal challenge.

NOTES

- 1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice (subject to the additional provisions below).**
- 2. If this is a decision to refuse planning permission for a householder application or for a minor commercial application or to grant it subject to conditions, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice. This process does not apply to any decision in circumstances where an appeal against the refusal to grant listed building consent is submitted at the same time as an appeal against the refusal to grant planning permission.**
- 3. If this is a decision to refuse advertisement consent or to grant it subject to conditions, if you want to appeal against your Local Planning Authority's decision then you must do so within 8 weeks of the date of this notice.**
- 4. If this decision relates to the same or substantially the same land and development as is or subsequently becomes the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice whichever period expires sooner.**
- 5. Notice of Appeal may be submitted to the Planning Inspectorate electronically via <https://acp.planninginspectorate.gov.uk> or on the Planning Appeal Form which may be obtained from The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000)**
- 6. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not, however, required to entertain such an appeal if it appears to them that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.**



7. **Please note that only the applicant has the right to appeal. Third parties have no right to appeal against a planning decision.**
8. **If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he or she may serve on the Council within the boundaries of which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).**