

Appeal Decision

Site visit made on 30 August 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 October 2016

Appeal Ref: APP/H4505/W/16/3152790

Schoolhouse Lane, Byermoor, Whickham NE16 5DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sacha Dover against the decision of Gateshead Council.
 - The application Ref DC/16/00015/FUL, dated 7 January 2016, was refused by notice dated 4 March 2016.
 - The development proposed is demolition of a dilapidated school house and the construction of 1 dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the previous commercial use of the site on future occupiers of the dwelling;
 - If the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

3. The Framework establishes that new buildings within the Green Belt are inappropriate unless amongst other things it involves the partial or complete re-development of a previously developed site which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
 4. The proposal would involve the demolition of a former school house building and a number of loading bays and portable office building associated with the previous commercial use of the site. The existing warehouse buildings would
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- however be retained. It is therefore undisputed by the parties that the proposal would constitute the partial redevelopment of a previously used site. In terms of the scale of replacement, the appellant has submitted drawings to demonstrate that the proposed dwelling would be less than the buildings subject to demolition in terms of cumulative footprint, volume and height.
5. The Council, however, has continued to express concern through its statement about the lack of information regarding the comparative volume of the buildings. It also asserts that the maximum height of the proposed dwelling would be greater than that of the school house. However it has not specifically disputed the assessment and information provided by the appellant regarding the relative scale of the development in the aforementioned submitted drawings.
 6. Taking the above into account and from the evidence before me I consider that the relative scale and mass of the existing and proposed buildings means that the proposal would not result in harm to the openness of the Green Belt purely in spatial terms. However it is necessary to go further than this and to consider the development in visual terms as part of the assessment as to whether it would result in a greater impact on the openness of the Green Belt.
 7. At present the former school house adjoins and is clustered together with the warehouse buildings. Depending on the direction of view, and notwithstanding differences in scale, the school house and warehousing provide some mutual screening to one another. In addition, notwithstanding the presence of the relatively squat form of the loading bays and portable office building the eastern part of the site remains relatively open in visual terms.
 8. By contrast the proposed dwelling would occupy the south-eastern portion of the site and would be further to the east and south of the former school house. The effect of this change would be that prominent development would be seen to extend across a wider area of the site. It would interrupt open views that are currently available over the site including to the countryside beyond, when viewed from nearby footpaths to the north, east and south.
 9. I acknowledge that the removal of the school house would allow for a gain in openness however the visual effect of this would be limited by its close relationship to the retained warehousing. I conclude that the proposal in the context of the warehousing would appear as further encroachment into the countryside and would have a greater overall impact on the openness of the Green Belt in visual terms.
 10. The dwelling would therefore be inappropriate development which is, by definition, harmful to the Green Belt. In this regard it would be in conflict with the Framework and with Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2015 (CSUCP) which seek to safeguard the countryside from encroachment and resist development that would result in a greater impact on the openness of the Green Belt.

Commercial Use

11. It is undisputed by the parties that the site was previously used for commercial purposes, though beyond that there are few details. The appellant's application form does not state that a change of use of the site was being sought and the drawings show the existing warehousing retained, albeit that

one of the buildings is shown as a non-commercial stable block. Without further information regarding the lawful use of the site I am unable to conclude that if planning permission was granted some form of commercial use could not be resurrected there in conjunction with the proposed dwelling.

12. Taking the above into account and in the absence of a firm and comprehensive proposal for the warehouse buildings I share the concerns raised by the Council that a commercial operation could potentially be resurrected on the site. This in turn could result in noise and disturbance being experienced by future occupiers of the dwelling to the detriment of their living conditions as a result of on-site activity and various comings and goings.
13. I note that the Council considered whether its concerns in this regard could be overcome through the imposition of a planning condition requiring the removal of the warehouse buildings. I do not consider that such a condition would be reasonable in this respect as it would not necessarily overcome continued commercial use of part of the site.
14. The proposal would therefore conflict with Saved Policy DC2 of the Gateshead Unitary Development Plan 2007, Policy CS15 of the CSUCP and the Framework insofar as they seek to promote good design and secure a good standard of amenity for future occupants of land and buildings.

Other considerations

15. The appellant has made a number of points in support of the proposal, including that the development would provide employment for local tradesmen; would recycle materials used in the existing building and would lead to an improvement in the visual appearance of the site. Regarding the last of these points I note that the Council has not objected to the design of the proposed dwelling and also that it was evident from my visit that the former school house building was in a dilapidated state. Furthermore the Council has not disputed the appellant's assertions that the site is near to bus routes connecting to places with a range of shops and services. I attach moderate weight to these considerations.
16. The appellant has referred to what he considers to be a similar case where the Council granted planning permission for residential development in the Green Belt at High Spen. However I have been provided with limited information regarding this case and whilst it appears that there may be some similarities to the present appeal there is no indication that the relevant issues are directly comparable. Similarly I have little information regarding a development that appears to have been previously approved by the Council for coal extraction in the locality. However I note that in accordance with Paragraph 90 of the Framework this may not necessarily constitute inappropriate development in the Green Belt and I have no evidence that the relevant issues were directly comparable to the present appeal.
17. Whilst there have been no objections from local residents this should not be taken as a benefit in favour of the development.
18. With regard to the concerns about inconsistencies between the Council's final decision and pre-application advice given, this is a matter that would need to be taken up with the Council and is not for my deliberations in this appeal.

Green Belt balance

19. National planning policy attaches great importance to Green Belts. Therefore when considering any planning application substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by way of inappropriateness in terms of its openness. Added to this I have found harm in terms of the potential for the commercial use of the site to be resurrected. I have balanced this against the other considerations however for the reasons given, having also had regard to all other points raised by the appellant, they do not clearly outweigh the harm to the Green Belt and other harm identified.
20. The very special circumstances necessary to justify the development have not been demonstrated. Consequently the proposed development conflicts with the Green Belt protection aims of the Framework and development plan.

Conclusion

21. I therefore conclude that that the appeal should not succeed.

Roy Merrett

INSPECTOR