
Appeal Decision

Site visit made on 29 November 2016

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 6 February 2017

Appeal Ref: APP/P2935/W/16/3157547

Lauder Grange, Corbridge, Northumberland NE45 5RS

- 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 Peter Vassallo against the decision of Northumberland County Council.
 - The application Ref 16/02002/FUL, dated 8 June 2016, was refused by notice dated 3 August 2016.
 - The development proposed is construction of a new 1 1/2 storey (dormer roof) residential dwelling with garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are:
 - i) whether the proposal would be inappropriate development within the Green Belt, with particular reference to whether it would constitute "limited infilling in villages";
 - ii) if it is inappropriate development, the effect of the proposal on the openness of the Green Belt, and;
 - iii) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. Lauder Grange is a house set within expansive grounds which slope down from the dwelling to Ladycutters Lane. The appeal site occupies an area of garden largely enclosed by hedges within which the proposed dwelling would be set. It would be served by an access leading from an existing entry from Ladycutters Lane.
 4. The National Planning Policy Framework (the Framework) considers new buildings in the Green Belt to be inappropriate development except in certain circumstances including that of limited infilling in villages. Although it pre-dates it, Tynedale District Local Plan, 2007 (TDLP) saved Policy NE7 only permits new buildings in the form of limited infilling in existing villages,
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amongst other criteria, which is broadly in line with the Framework's approach. The site is not located within any of the settlements within the Green Belt which Tynedale Local Development Framework Core Strategy Policy GD3 identifies as having boundaries for limited infill development.

5. In any event, the site is not located within a village but rather in the very loose and dispersed range of buildings which are situated in spacious grounds and countryside to the south of Ladycutters Lane and which are separate and distinct from Corbridge and the other collections of buildings which lie between the two. Lauder Grange and its neighbours do not have the character or appearance of a settlement due mainly to their limited number and generous separation distances from one another. Rather, these are a series of independent buildings and grounds set in the open countryside, albeit situated within the general vicinity of one another.
6. Furthermore, I do not consider that the resulting configuration of development would constitute limited infilling. In reaching this conclusion I am conscious that there are buildings on an adjoining site to the west of the appeal site, but these would be some 40m (according to the appellant's figures) from the proposed house. Open fields face the site on the other side of Ladycutters Lane and, other than two modest garden structures to the east, the immediate surroundings of the proposed building would have little in the way of a built setting.
7. The incidental garden character, appearance and small size of those garden structures are dispersed within a large garden of which the appeal site currently forms a discrete part. They do not, therefore, create a substantial built form adjacent to which there is a gap which could be infilled. Similarly, a group of ancillary buildings located to the south west of the appeal site do not create a gap with other buildings within which the proposed dwelling could be considered to lie or fill in.
8. In light of my findings above the appeal site is clearly not situated within "...other coherent groupings of buildings..." in which emerging Policy 26 of Northumberland Local Plan Pre Submission Core Strategy, 2015 considers limited infilling within the Green Belt would be acceptable. Notwithstanding that I have not been presented with any information regarding whether there are unresolved objections to this policy, bearing in mind the Framework's approach at paragraph 216, this is an emerging policy to which I can only give very limited weight in light of the plan's stage of preparation. The proposal would nevertheless be contrary to this policy.
9. Consequently the proposal would be inappropriate development within the Green Belt as it would not fall into the circumstances the development plan, the emerging plan or the Framework consider as exceptions to such development.

Effect on openness

10. Other than low walls surrounding the hedge, retaining walls to the rear and a modest timber pergola the appeal site is undeveloped. As a result it has a high degree of openness which is one of the essential characteristics of Green Belts identified by the Framework. Compared to its current condition, the effect of introducing a substantial detached house with associated access and hard

landscaped areas would significantly and harmfully reduce the openness of the site and consequently that of the Green Belt.

11. The appellant has proposed in his Design and Access Statement that the group of existing ancillary buildings situated outside, but adjacent to, the site to the south west (albeit on land also in the appellant's control) would be removed as part of the scheme and that their combined footprint would exceed that of the proposed house. However, the precise mechanism by which this would be secured is not set out, and no details are provided of the potential future use and condition of the cleared land.
12. Their removal would have the potential to increase the openness of the site they occupy. While no comparison of building volumes has been provided, it appears to me that the removal of four modest single storey buildings would not adequately mitigate the adverse effect on openness the substantial dormer bungalow and associated hard standings would have.

Other considerations

13. In support of his appeal the appellant has drawn my attention to a series of other planning permissions and other consents granted in the area, including a dwelling on the adjoining site, as well as one further afield elsewhere in the County. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure they represent a direct parallel to the appeal proposal. Furthermore some of those cases appear to pre-date the TDLF and the Framework or relate to conversions or changes of use of premises which would be materially different to a new build dwelling such as the appeal proposal. On the evidence before me, none of these examples provides a compelling precedent for allowing the appeal proposal.
14. The site has the benefit of considerable screening in the form of established hedges and, from some aspects, fences and trees as well. These would have the effect of considerably reducing the visual effects of a new building on the site. However, the lack of harm to the character and appearance of the area does not amount to a positive consideration.
15. Whilst I have considerable sympathy for the appellant's desire to downsize and remain living on the property where he has lived for a considerable period and whose grounds he has spent so much time and effort landscaping, I cannot give such personal circumstances any weight.
16. As specific Green Belt policies in the Framework indicate that development should be restricted the proposal cannot be considered as sustainable development which the Framework may, in some circumstances, otherwise presume in favour of.
17. A consideration in favour of the proposed development is that of increasing the supply of housing, albeit limited in its contribution, in a location which the Council and appellant agree is an accessible one.

Green Belt balance

18. The Framework makes it clear that substantial weight must be given to any harm to the Green Belt and that very special circumstances will not exist unless such harm is clearly outweighed by other considerations. In this case I have found harm by reason of inappropriateness and to the openness of the Green

Belt. Other considerations include a very modest benefit to housing supply. However the harm would not be outweighed by these other considerations and consequently the very special circumstances necessary to justify the development do not exist.

Conclusion

19. For the reasons set out above, and having had regard to all other matters raised, the proposal would result in inappropriate and harmful development in the Green Belt, contrary to the development plan, emerging policy and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR