
Appeal Decision

Site visit made on 13 December 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 9 February 2017

Appeal Ref: APP/P2935/W/16/3158223

Land south of Rock Cricket Club, Rock, Alnwick NE66 3SE

- 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 Homes Rock Ltd against the decision of Northumberland County Council.
 - The application Ref 16/00925/FUL, dated 29 February 2016, was refused by notice dated 27 May 2016.
 - The development proposed is change of use to residential (C3 use) by erecting 5 no. dwellinghouses plus new access.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to residential (C3 use) by erecting 5 no. dwellinghouses plus new access at Land south of Rock Cricket Club, Rock, Alnwick NE66 3SE, in accordance with the terms of application Ref: 16/00925/FUL, dated 29 February 2016, and subject to the conditions set out in the schedule attached to this decision.

Application for costs

2. An application for costs was made by Homes Rock Ltd against Northumberland County Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - whether this would be a suitable location for housing, having regard to access to services, facilities and employment opportunities;
 - the effect of the proposed development on the character and appearance of the Rock Conservation Area; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers, with regard to privacy.

Reasons

Access to services, facilities and employment

4. Policy S1 of the Alnwick Core Strategy (ACS) identifies Rock as a local needs centre where there are limited services. The other nearby villages of Rennington and Christon Bank are also identified as local needs centres. Another nearby village, Embleton, is identified in Policy S1 as a sustainable village centre with public transport links and a strong service base with a range of facilities. Policy S3 of the
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ACS sets out the sustainability criteria for new development and goes on to state that, in exceptional circumstances, where economic social or environmental benefits clearly outweigh sustainability shortcomings, it may be necessary to allow development which does not meet one or more of the policy criteria. Policy 1 of the Northumberland Local Plan Core Strategy – Pre-Submission Draft 2015 (NCS) states that the Council will take a positive approach to development which reflects the presumption in favour of sustainable development and delivers economic, social and environmental benefits.

5. Whilst the proposal would meet most of the criteria of Policy S3, given the lack of services and facilities in Rock, it would be limited in its accessibility to jobs, shops, services and public transport. The bus service referred to by the appellant is limited to a single return journey on Thursday mornings which provides access to and from Alnwick and allows for an approximate two hour stay in the market town. Given this limited service, access to sustainable transport modes from the proposed development would be limited.
6. I appreciate that Rock has few, if any, services, facilities and employment opportunities and has limited access to public transport connections to nearby larger settlements. Therefore, it would be unrealistic to assume that future residents of the proposed development would not largely be reliant on the private car in terms of most of their transport need, in particular for shorter journeys.
7. Notwithstanding this, as identified in Policy S1 of the ACS, I note that there are existing services and facilities shared between the nearby villages of Rennington, Christon Bank and Embleton which include a school, a post office and a garage. Furthermore, the appeal site is only a short drive from these settlements. As such, I find that the proposed development in this case would have reasonable access to these services and facilities within these nearby settlements and would contribute to their vitality and viability.
8. Furthermore, I find that future residents' reliance on the private car for most of their shorter journeys would be significantly offset by the valuable role that the proposed development would have in sustaining the local services and facilities in the nearby villages. Therefore, whilst the proposal would not fully satisfy all of the sustainability criteria set out in Policy S3 of the ACS, in my view, it would provide social and economic benefits to the locality and would support existing services and facilities in the area. As a result, based on the evidence before me, I find that such benefits would outweigh the sustainability deficiencies of the proposal and this would constitute the exceptional circumstances referred to in Policy S3.
9. Moreover, in my view, the proposed development would reflect the approach set out in Paragraph 55 of the National Planning Policy Framework (the Framework) with regard to locating housing where it will enhance or maintain the vitality of rural communities, including locating development in one village to support services and facilities in villages nearby. It would also reflect the guidance in Paragraph 29 of the Framework which recognises that the opportunities to maximise sustainable transport solutions may be more limited in rural areas.
10. Consequently, in this case, I conclude that the proposal would be an acceptable form of development which would have access to and support local services and facilities. It would therefore comply with Policy S3 of the ACS and Policy 1 of the Northumberland Core Strategy Pre-Submission Draft (NCS). Amongst other matters, these policies seek to ensure that development, which may be considered contrary to some sustainability principles, may be considered favourably where it provides environmental, economic or social benefits and adequate mitigation measures.

Character and appearance

11. The appeal site is located within the settlement of Rock and is situated approximately 5.5 miles to the north of Alnwick. The site is on the northern edge of the settlement and comprises grazing land. It is situated in a gap between the Rock Farm housing development to the south east and Rock Cricket Club with its small pavilion to the north west. The site is adjacent to and accessed from the main route through the village which runs along its west boundary and it is within the Rock Conservation Area (CA).
12. The Council's reason for refusal refers to Policy S15 of the ACS. I do not have Policy S15 before me, however, I am given to understand that Policy 15 seeks to ensure that development relating to historic assets or their settings preserves, and where appropriate, enhances the asset for the future. Policy 33 of the NCS states that development proposals will be required to conserve and enhance the quality, integrity and setting of the historic environment and heritage assets. The policy also sets out criteria against which developments are to be assessed in this regard.
13. The position of the proposal in the gap between the Rock Farm development and the cricket club would result in an infill development within the settlement and therefore, in my view, the appeal scheme cannot be considered to be in the open countryside. Whilst the proposal would close an existing visual gap, it would result in the built form of the village being 'rounded off'. Although its layout, scale, form and design relate more to the Rock Farm development than the wider pattern of development in the village, features such as the terrace of dwellings are apparent within the wider settlement and contribute to and reflect its overall character and appearance. Furthermore, the appeal proposal would appear as part of the wider development at Rock Farm. As a result, I am satisfied that its visual impact would have no significant adverse effect on the character or appearance of the CA or the wider area.
14. The potential impact of the proposal on trees around the site has raised concern. I note that there are no works proposed to any trees within the appeal site. Furthermore, the nearby trees would not be substantially affected by the proposed development with the possible exception of the tree close to the proposed access point of the scheme. However, I note that this would be set sufficiently away from the proposal to have little or no adverse impact as a result of the scheme. Notwithstanding this, as the trees are located within the CA, they are afforded statutory protection. Therefore, should any future works to the trees be necessary as part of the proposed development, separate notification would be required.
15. As the appeal site is within the Rock CA, I have a duty under Section 72 of the Planning and Listed Buildings Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The Council argues that the proposal, in closing the gap between Rock Farm and the cricket club, would be harmful and result in the loss of a key element of this part of the CA's open character. From what I have seen and read, including the Rock Conservation Area Appraisal, I am satisfied that whilst the proposal would close a visual gap and alter the open nature of the CA, it would result in a very limited adverse impact on its character or appearance. Furthermore, I note that the design of the proposal would be acceptable to the Council and it would be similar to and complement the appearance of the buildings at Rock Farm.
16. Moreover, the advice received from the Council's Building Conservation section indicates that the harm to the character and appearance of that part of the CA resulting from the proposed development would be less than substantial. In the absence of any substantive evidence to suggest otherwise, I see no reason to

disagree with that assessment. As a result, I find that the benefits of the proposal, including the addition of five new dwellings, its complementary design and other social and economic benefits, would outweigh the very limited harm to the character and appearance of the CA. Therefore, in my view, the proposal would have a neutral effect on the special character and appearance of the CA and would therefore preserve them.

17. The proposal would be a logical extension of the settlement which would have the appearance of being a progression of the Rock Farm development. It would be within the built confines of the village between the cricket club pavilion and the Rock Farm development and would have limited adverse impact on the overall form of the village. Whilst the proposal would fill a visual gap within the settlement and there would be some change in the character and appearance of the area, including the CA, the limited harm caused would be outweighed by the benefits of proposal.
18. Consequently, I conclude that the proposed development would have a limited harmful effect on the character and appearance of the CA. However, this would be outweighed by the benefits of the proposal. Therefore, it would comply with Policy S15 of the ACS and Policy 33 of the NCS. Amongst other matters, these policies seek to ensure that development has no harmful effect on the significance of a heritage asset or on its character or appearance unless exceptionally where there is harm it is outweighed by the benefits of the development. Furthermore, development will be required to preserve or enhance the character or appearance of heritage assets, including conservation areas.

Living conditions: privacy

19. Concerns regarding the overlooking and loss of privacy of neighbouring occupiers were raised by interested parties. The proposed development would be located adjacent to the existing dwellings at the Rock Farm development. As a result, the gable end of the proposed dwelling at Plot 1 would face the rear elevation of 5 Rock Home Farm (No 5). In addition, the two-storey front elevation of No 5 would allow for an element of overlooking onto the rear garden space of the existing properties.
20. Notwithstanding this, I note that the front first floor windows of the dwelling at Plot 1 would serve a bathroom and a corridor. From the plans before me, the gable wall of the proposed dwelling would have no openings facing the existing properties. Furthermore, the openings on the front and rear elevations of the proposed dwelling at Plot 1 would be an acceptable distance away from the nearby existing dwellings. Therefore, given those circumstances, I am satisfied that any impact on the privacy of neighbouring occupiers would not be of such significance as to cause any material harm.
21. Consequently, I conclude that the proposed development would comply with Policy CD32 of the Alnwick Local Plan and Policy 2 of the NCS. Amongst other matters, these policies seek to ensure that development is of a high quality design which minimises any adverse effects on its future and neighbouring occupiers.

Other Matters

22. Concerns have been raised regarding a number of matters not dealt with under the substantive issues. These relate to the effect of further second homes and holiday homes, the loss of views and highway safety with regard to increased traffic and the accessibility of the settlement via narrow country lanes.

23. With regard to concerns relating to second homes and holiday homes, I note that the description of the proposed development relates to C3 dwellinghouse use. As such, I have assessed the scheme on this basis. In any event, I consider that the imposition of conditions to restrict the occupancy of the proposed dwellings would not be reasonable or necessary. In terms of the loss of views, whilst I appreciate the importance of this to those concerned, such matters have only limited weight as a material planning consideration.
24. I appreciate the concerns relating to highway safety. However, there is no evidence before me to indicate that the proposed development would have an adverse impact in that regard. Furthermore, the highway authority has raised no objection to the proposal subject to conditions which, when imposed, would overcome the concerns raised. Having considered these matters, I have found no reason to differ from the highway authority's view.

Conditions

25. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the PPG.
26. In addition to the standard implementation condition relating to time (1), I have imposed conditions relating to the approved plans (2) and external surface materials (3), which are necessary and reasonable in the interests of providing certainty and for reasons of character and appearance. Conditions relating to the details of the access construction (4) and a public footway (5) are necessary and reasonable for reasons of highway safety. I have imposed a condition relating to the management and maintenance of the proposed street (6) within the site which is necessary and reasonable in the interests of the living conditions of future occupiers.
27. In addition, I have imposed conditions relating to a Construction Method Statement (7) in the interests of the living conditions of neighbouring occupiers. Conditions concerning the implementation of the access road, footway, turning area for vehicles (8) and parking areas (9) are necessary and reasonable for reasons of highway safety. Furthermore, conditions regarding cycle parking and storage facilities (10) and refuse storage facilities (11) are required for similar reasons. Finally, a condition relating to the removal of permitted development rights (12) is necessary in the interests of character and appearance. Whilst the PPG indicates that such a condition should only be imposed in exceptional circumstances, I find there to be so in this case.
28. It is necessary that the requirements of Conditions 3, 4, 5, 6 and 7 are agreed prior to development commencing to ensure an acceptable development in respect of highway safety and the living conditions of future and neighbouring occupiers.

Conclusion

29. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew McCormack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, except where modified by conditions attached to this planning permission: Drawing No: 1322-01 – 'Site Location Plan'; Drawing No: 1322-02 – 'Existing and Proposed Site Plans'; Drawing No: 1322-03 – 'Proposed Site Plan'; Drawing No: 1322-31 – 'Proposed Floor Plans (Plots 1-4)'; Drawing No: 1322-32 – 'Proposed Elevations (Plots 1-4)'; and Drawing No: 1322-41 – 'Proposed Floor Plan and Elevations (Plot 5).'
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the access construction have been submitted to, and approved in writing by, the local planning authority. The design shall incorporate a minimum width of 5.5 metres for a minimum distance of 10 metres from the highway boundary. The access shall be implemented in accordance with the approved details and retained accordingly thereafter.
- 5) No development shall take place until details of the construction of a footway between the site access and the existing footway to the south east have been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented prior to the first occupation of any dwelling on the site and shall be retained accordingly thereafter.
- 6) No development shall take place until details of proposed arrangements for the future management and maintenance of the proposed street within the site have been submitted to, and approved in writing, by the local planning authority. Following occupation of the first dwelling on the site, the street shall be maintained in accordance with the approved management and maintenance details.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during the construction period;
 - v) vehicle cleaning facilities; and
 - vi) details of temporary traffic management measures, temporary access, routes and vehicles.
- 8) No dwelling shall be occupied until the access road, footway and vehicle turning facility have been implemented in accordance with the details shown on the approved plans. Thereafter, the facilities shall be retained accordingly free of any impediment to their designated use.
- 9) No dwelling shall be occupied until the associated car parking areas indicated on the approved plans have been hard surfaced. Thereafter, the facilities 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.

- 10) No dwelling shall be occupied until details of cycle parking have been submitted to, and approved in writing by, the local planning authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.
- 11) No dwelling shall be occupied until details of refuse storage facilities and a refuse storage strategy have been submitted to, and approved in writing by, the local planning authority. The approved refuse storage facilities shall be implemented before the development is occupied. Thereafter, the refuse storage facilities and refuse storage strategy shall operate in accordance with the approved details.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that Order with or without modification), no development under Schedule 2: Part 1 is permitted, other than those expressly authorised by this permission, unless an application for planning permission has been submitted to, and approved in writing by, the local planning authority.

END OF SCHEDULE