
Appeal Decision

Site visit made on 9 May 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 12 June 2017

Appeal Ref: APP/P2935/W/17/3168195

The Hemmel, Hallyards Farm, Stonybank Way, West Mickley NE43 7LR

- 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 & Mrs Tim Healy against the decision of Northumberland County Council.
 - The application Ref 16/02050/FUL, dated 13 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is erection of a dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;
 - The effect on the openness of the Green Belt and the purposes of including land within it;
 - Whether, having regard to the location of the appeal site in relation to services and facilities and in conjunction with local and national policy, the proposal would amount to a sustainable pattern of development;
 - The effect of the proposal on the character and appearance of the area; and
 - Would harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

3. The site is within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling of villages.
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4. Although the site is adjacent to a group of buildings consisting of the converted farmstead of Hallyards Farm, the Council state that the site does not lie within a village, being midway between Mickley Square and High Mickley. I note that the appellants do not disagree with this assessment. Based on the evidence before me and my observations on site, I agree with the main parties on this matter and conclude that the site is not located within a village. The proposal would not therefore represent limited infilling within a village and would not meet the relevant exception within paragraph 89 of the Framework or indeed any of the other exceptions.
5. In support of the appeal the appellants refer to Policy 26 of the emerging Northumberland Local Plan Core Strategy (NCS)¹ which establishes uses acceptable within the Green Belt. This policy refers to limited infilling within villages or 'other coherent groups of buildings' that are washed over by the Green Belt. Whilst the converted farmstead at Hallyards Farm may be a coherent group of buildings, I note that the Council states that the definition of 'infill' given in the NCS is "building on a relatively small site between existing buildings". Although the proposed dwelling would be bounded to the west by the Hemmel and other buildings of the farmstead, it would be seen within the wider context of the open garden area of the Hemmel, the churchyard to the north, and fields/trees to the east and south. The proposal would therefore be development extending beyond the edge a group of buildings rather than being limited infill within them.
6. Furthermore, although the Council is currently using Policy 26 for development management purposes, this is a policy of the NCS which is an emerging document which has not been subject to an Examination in Public. Mindful of paragraph 216 of the Framework, I have not been made aware of the extent of unresolved objections to this policy and its approach to development in the Green Belt. It is possible that the policy could be amended or deleted as a result of the examination into the overall soundness of the plan. As a consequence, I can afford Policy 26 only limited weight as a material consideration in this matter at this time.
7. I conclude that the proposal would not be limited infilling within a village and would amount to inappropriate development within the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. The proposal would conflict with Policy NE7 of the Tynedale District Local Plan 2000 (TLP) as it would not meet any of the purposes listed in that policy. For the reasons stated above, the proposal would not comply with Policy 26 of the NCS, although I have given this emerging policy limited weight. I attach substantial weight to the harm arising due to the inappropriate nature of the development.

Openness and Green Belt Purposes

8. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. The proposal would not constitute infilling within a village and would be within the countryside. The appellants contend, on the basis of Policy 26 of the NCS, that the impact of one house cannot in principle cause harm to openness. However, for the reasons stated above, I have concluded that the proposal would not

¹ Northumberland Local Plan Core Strategy – Pre-Submission Draft October 2015

represent infill under the terms of Policy 26 or of the Framework, and in any event I have given the emerging policy limited weight. The proposal would result in a large detached dwelling being introduced where there is presently no built development, which would impact on the openness of the Green Belt.

9. On the basis that I consider the proposal would not constitute infilling within a village or within a coherent group of buildings, it would lead to the encroachment of development into the landscape and would have a significant impact on the related Green Belt purpose. I conclude that the proposal would not preserve the openness of the Green Belt and would impact on the purpose of safeguarding the countryside from encroachment.

Sustainable Pattern of Development

10. The site is located within the open countryside as defined by Policy GD1 of the Tynedale Core Strategy 2007 (TCS), which also states that development in the countryside should be limited to the re-use of buildings unless specifically covered by other policies. Policies H1 and H3 of the TCS limit new build housing development to main towns, local centres and smaller villages with adequate services. The appeal site is not within one of the settlement types specified in those policies.
11. Paragraph 55 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that isolated homes in the countryside should be avoided unless there are special circumstances including the need to provide rural worker accommodation, the re-use of redundant buildings etc. I consider that the appeal proposal would not fall into the special circumstances listed in paragraph 55 and it should therefore be assessed on the basis of whether it would represent isolated development.
12. I saw that, with the exception of a nearby church and a public house some distance to the west, there are no services or facilities in the immediate area and no evidence has been provided to me to the contrary. I consider that the appeal site is therefore isolated from local services which would foster reliance on the private vehicle.
13. The appellants contend that the proposal should also be assessed under Policy 26 of the NCS which allows limited infilling in a coherent group of buildings. However, as stated above, I consider that the proposal does not represent infilling and in any event I have given this emerging policy limited weight.
14. I conclude that the dwellings would not be located where future occupiers would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car. The proposal would not meet the provisions of Policies GD1, H1 and H3 of the TCS. The proposal would also not represent infill development under Policy 26 of the NCS, although I have given this policy limited weight. It has not been demonstrated that the special circumstances listed in paragraph 55 of the Framework apply in this instance, and as an isolated home in the countryside the proposal would therefore be contrary to the provisions of the Framework.

Character and Appearance

15. The appeal site is located within the garden of the Hemmel, which is an established barn conversion to the east of Hallyards Farm. The group of

buildings at the farmstead consists of a number of dwellings, many of which are former agricultural buildings converted to residential use. Due to the sympathetic nature of these conversions, the group has retained an agricultural character and appearance.

16. The proposal would be of a contemporary design making use of modern materials such as zinc as well as traditional materials including stone and slate. I acknowledge that innovative design may be appropriate in a traditional setting. However, the design of the proposal would be a discordant element at odds with the understated agricultural character of Hallyards Farm. The south elevation would be prominent in views from the public highway and would be dominated by the use of zinc for the walls and roof of the main building. I saw that the dwelling would also be readily visible from a public footpath to the east. The bulk and massing of the proposed dwelling and its location in a prominent position to the side of the farmstead would appear as an obtrusive development at odds with nearby buildings and which would erode this rural setting.
17. I conclude that the proposal would harm the character and appearance of the area due to its scale, massing, design and location. I do not consider that the proposal would accord with policy GD2 of the TLP as the proposal would not be appropriate to the character of the site, its surroundings, existing buildings and their setting in terms of scale, massing, design and use of materials. Neither would the development accord with policy BE1 of the TCS because it would not maintain or enhance the built environment or the distinctive local character of the countryside. The proposal would also not comply with the provisions of the Framework in respect of requiring good design and seeking to promote or reinforce local distinctiveness.

Other Matters

18. The appellants refer to examples of housing development approved by the Council which they contend present similar considerations in relation to infill, openness and access to services. However, the characteristics of each site and settlement are different. Some of the proposals, such as Blue Bell Cottage² and Dilston West Yard³, were considered to be within 'smaller villages' where Policy GD1 of the TCS indicates that small scale development is acceptable and which were regarded as being closer to services. The proposal at Burgham Park⁴ was located between housing and holiday homes under construction and was also assessed to be, amongst other things, enabling development for a wider scheme. In relation to Tranwell Woods⁵, this proposal was considered to be within a dispersed settlement in established wooded plantations, although I note that this decision has since been quashed. Some of these proposals also raised other issues at the time of consideration, such as housing land supply or the redevelopment of previously developed land. The circumstances that applied to these cases are therefore not directly comparable to the case before me. In any event, I have determined this appeal on its own merits.
19. Objectors to the proposal have queried its effect on the setting of the Grade II Listed Building of The Church of St George. They have provided images which

² Application No: 15/03775/FUL

³ Application No: 14/01157/FUL

⁴ Application No: 14/02477/FUL

⁵ Application No: 14/01898/OUT

indicate that the dwelling would be visible from the entrance to the church. I have also been provided with an extract from the statutory list which defines the importance of the church as a designated heritage asset. I note from the Questionnaire that the Council considers that the proposal does not affect the setting of a listed building and has not publicised the proposal under Regulation 5 of the Planning (Listed Buildings and Conservation Area) Regulations 1990. Notwithstanding this, had I been minded to allow this appeal, this is an issue I would have examined in more detail.

20. I am also mindful of the personal circumstances cited by the appellants, particularly in relation to the reduced accommodation requirements for their family. I also note that this would be a self-build scheme which would benefit from a PassivHus design, although the PassivHus standard is well established and I consider that the proposal would not be an innovative or truly outstanding design. These matters do not outweigh the harm I have identified above.
21. I have also had regard to comments raised locally on matters such as access over private roads and planning decisions in the area. However, consideration of these matters has not led me to a different conclusion on this appeal.

Overall Balance and Conclusion

22. I note that the appellants state that the proposal is for limited infilling and should therefore be seen as an exception site. However, for the reasons stated previously, I consider that the proposal does not fall within the definition of infilling under the policies of the NCS or the provisions of the Framework and is therefore inappropriate development.
23. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I consider that the proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it and that very special circumstances to justify the proposal do not exist. I also consider that the proposal would be harmful to the character and appearance of the area and that the site is not sustainable in relation to access to services. The proposal would therefore conflict with the policies of the development plan as a whole and the Framework.
24. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal is dismissed.

David Cross

INSPECTOR