
Appeal Decision

Site visit made on 15 May 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/P2935/W/17/3168844

To land opposite applicants current dwelling and stable yard, Meadow View, Doxford New Houses, Chathill, Northumberland NE67 5EA

- 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 David Derrick against the decision of Northumberland County Council.
 - The application Ref 16/03500/FUL, dated 16 September 2016, was refused by notice dated 30 November 2016.
 - The development proposed is described on the application form as "Erection of 3 no. semi-detached holiday cottages to existing land owned by the applicant. The cottages will comprise of 2 bedroom, one bathroom & open plan kitchen/diner/living space, with rear garden and parking for 1 no. car per property to the building frontage. A new accessway will be constructed for the properties".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the location of the proposal would represent sustainable rural tourism or leisure development; and
 - The effect on biodiversity.

Reasons

Character and Appearance

3. The appeal site is a grazing field extending along the highway from the small hamlet of Doxford New Houses. I saw that this hamlet consists of a small number of dwellings and other buildings typical of the small groups of dwellings that can be found within this area of open countryside.
4. The regimented linear form of the dwellings proposed would project into the rural landscape and detract from the existing compact form of the hamlet. Parking would be provided to the front of the dwellings which would be accessed by a shared driveway running parallel to the highway. This would lead to a car dominated frontage and an extensive area of hard surfacing to the front of the dwellings. The proposal would also lead to the loss of a mature hedgerow adjacent to the road which would further exacerbate the visual harm

arising from the proposal. The form and extent of development projecting from the hamlet would significantly change the character of this tight cluster of buildings, and would appear as an unsympathetic and excessive area of housing projecting into the countryside.

5. I saw that there was a touring caravan site opposite the appeal site which extends a similar distance from the hamlet compared to the proposed development. Whilst this caravan site included some permanent features such as a site cabin, it has a limited effect on the character and appearance of the area due to the transient nature of the use, the screening provided by the hedgerow and the limited scale and massing of caravans and other structures on the site. The existence of the caravan site does not therefore weigh significantly in favour of the appeal proposal.
6. Whilst the understated design of the single-storey cottages and the proposed use of materials would be representative of vernacular architecture in the area, this would not overcome the harm arising from the layout, scale and location of the proposal identified above.
7. I conclude that the proposal would harm the character and appearance of the area, with a detrimental effect on the hamlet of Doxford New Houses as well as the wider countryside. The proposal would therefore be contrary to Policies S10, S14 and S16 of the Alnwick Core Strategy 2007 (ACS) which state that tourism development in the open countryside should support the conservation and enhancement of the countryside and the local environment. The proposal would also conflict with Policies 1, 2, 3 and 9 of the Northumberland Local Plan Core Strategy Pre-Submission Draft 2015 (NCS) which state, amongst other things, that development should contribute to the conservation and enhancement of Northumberland's natural and built environment, should not adversely impact on a settlement's character and should minimise visual impact. The proposal would also conflict with the Framework in respect of its effect on the intrinsic character and beauty of the countryside.

Sustainable Rural Tourism Development

8. The Council's first reason for refusal refers to new build residential development in an unsustainable location in the countryside. The description of the proposal states that it is for "holiday cottages". Whilst this would be a residential use, the occupation of the proposal as holiday cottages could be enforced by a condition on a planning permission. The proposal would therefore provide for tourists or visitors to the area rather than representing an open-market residential development.
9. Policy S10 of the ACS states, amongst other things, that new built tourism development should be in or adjacent to settlements that are within the hierarchy listed in Policy S1. Doxford New Houses is not within this hierarchy and the appeal site should therefore be assessed against Policy S14 which relates to development in the open countryside. Policy S14 includes a number of requirements including that the development should be in a sustainable location, support farming or other countryside activity, promote recreation, support sustainable communities or support the conservation and enhancement of the countryside. Policy S14 also requires a sequential test to be undertaken to demonstrate that no other suitable site is available. Furthermore, Policies 1, 2, 3 and 9 of the emerging NCS also require tourism development to be in a sustainable location and demonstrate that they meet business needs.

10. The policies of the ACS and NCS reflect the provisions of the Framework in relation to supporting a prosperous rural economy. In particular, paragraph 28 of the Framework encourages the support of sustainable rural tourism developments which respect the character of the countryside, including the "provision... of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres".
11. The proposal would promote recreation by addressing a demand for holiday cottages in the area. However, I saw that Doxford New Houses consists of a hamlet containing a small number of dwellings and has no facilities. Occupants of the holiday cottages would therefore have to travel some distance to access facilities and in all likelihood by private car. No evidence has been provided to me to demonstrate that this accommodation cannot be provided in a sequentially more suitable location elsewhere as is required by Policy S14 of the ACS.
12. The appellant states that his existing smallholding cannot sustain his family and that the development of this poor quality agricultural land would generate future income. However, no substantive evidence has been provided in relation to the appellant's income from the smallholding or whether the income expected from the development is essential to support that activity. Also, no mechanism has been proposed to ensure that the benefits of the development would remain linked to the appellant's business interests in the area.
13. Furthermore, for the reasons stated previously, the proposal would harm the character and appearance of the countryside. It would therefore conflict with the policies of the ACS and the Framework which state that sustainable rural tourism development should respect the character of the countryside.
14. I conclude that the proposal would not represent sustainable rural tourism or leisure development. No substantive evidence has been provided to me to demonstrate that sequentially preferable locations are not available and that the proposal is essential to meet the needs of the appellant's countryside-based enterprise. For these reasons, and due to the effect on the character of the countryside, the proposal would be contrary to Policies S1, S3, S10 and S14 of the ACS; Policies 1, 2, 3 and 9 of the NCS; and the Framework.

Biodiversity

15. The County Ecologist has expressed concern that no ecological information has been submitted in support of the proposal. He has identified concerns relating to the loss of habitats including hedgerows, mature trees and grassland as well as the potential effects on protected species such as bats, red squirrels, badgers and nesting birds. He has requested that a phase one habitat survey and a checking survey for protected species be undertaken prior to determination of the proposal.
16. I am also mindful that Circular 6/2005¹ indicates that a survey should be carried out before planning permission is granted where there is a reasonable likelihood of a protected species being present and affected. However, appropriate surveys have not been submitted and it is therefore not possible to ascertain the likely impact on habitats or protected species.

¹ Office of the Deputy Prime Minister Circular 06/2005: Biodiversity And Geological Conservation – Statutory Obligations And Their Impact Within The Planning System

17. I therefore conclude that insufficient information has been provided in relation to biodiversity. I note that the appellant states that they do not have the resources to employ an ecologist to assist with the proposal, but this does not overcome my concerns on the lack of information on this matter. The proposal therefore conflicts with Policy S12 of the ACS which states that all proposals will be assessed in terms of their impact on habitats and species. The proposal would also conflict with Policy 29 of the NCS which seeks to minimise adverse impacts on biodiversity. The proposal would also conflict with the Framework which aims to conserve and enhance biodiversity.

Other Matters

18. Interested parties have referred to a number of other planning applications in the area. I have been provided with some information on these, including details of location, site layout and the status of each planning application. I have provided this information to the main parties for comment.
19. I note that there are two proposals for built development on the opposite side of the road to the appeal site². However these have been refused planning permission for reasons similar to the appeal proposal insofar as an unsustainable location and the effect on the character and appearance of the area. Therefore these decisions do not add to my consideration of this appeal, which I have in any event determined on its individual merits.
20. I have also had regard to a number of planning permissions³ in the area and the concerns expressed locally in relation to cumulative impact. In relation to highway safety and volume of traffic, I note that the Highways Officer makes reference to a number of developments on this road but did not object to the proposal subject to a number of conditions. Furthermore, I note that these permitted schemes are some distance from the appeal site and would not materially affect the character and appearance of the area in the vicinity of the site. Therefore, whilst I have had regard to these permitted schemes, they have not led me to a different conclusion on this appeal.
21. I am also mindful of benefits that the appellant states would arise from the development. The construction of the proposal would generate employment in the area, albeit to a limited degree over a limited period of time. The proposal would also generate employment for local agents when handling bookings, although this would also be to a limited degree. However, these benefits would not outweigh the substantial harm I have identified above.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

² Application Nos: 16/03759/FUL & 17/00786/FUL

³ Application Nos: 14/03195/FUL, 15/02240/FUL & 16/02315/FUL