
Appeal Decisions

Site visit made on 17 July 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 25 August 2017

Appeal A Appeal Ref: APP/P2935/W/17/3174487

Linden Hall, Linden Hall Lodge Drive, Longhorsley, NE65 8XF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by MacDonald Hotels and Resorts Ltd against the decision of Northumberland County Council.
 - The application Ref 16/02577/OUT, dated 15 July 2016, was refused by notice dated 27 October 2016.
 - The development proposed is 10 No. executive residential dwellings.
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Appeal B Appeal Ref: APP/P2935/W/17/3174489

Linden Hall, Linden Hall Lodge Drive, Longhorsley, NE65 8XF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by MacDonald Hotels and Resorts Ltd against the decision of Northumberland County Council.
 - The application Ref 16/02505/OUT, dated 15 July 2016, was refused by notice dated 27 October 2016.
 - The development proposed is demolition of existing building and proposed development of 3 No. executive residential dwellings.
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Decisions

Appeal A Appeal Ref: APP/P2935/W/17/3174487

1. The appeal is dismissed.

Appeal B Appeal Ref: APP/P2935/W/17/3174489

2. The appeal is dismissed

Procedural Matters

3. Both applications have been submitted in outline with approval sought for matters of access, layout and scale. Matters of appearance and landscaping were reserved for future consideration. I have dealt with the appeals on that basis, treating the dwelling plans and elevations as being indicative.
4. After the submission of the appeals, the Supreme Court issued a judgment¹ concerning the interpretation of paragraph 49 of the National Planning Policy Framework (the Framework) and its relationship with paragraph 14. Also, after

¹ Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

the date of the Council's decisions, the Secretary of State issued a decision² for a site at 'Avon Drive' near York which considered the status of the Green Belt when it has not yet been identified in a Local Plan. The issue of the Green Belt in Northumberland was also addressed in two recent appeal decisions³. The Council and the appellants were invited to make submissions in the light of that judgment and those decisions and I have taken account of the responses received.

5. Subsequent to the appeals being submitted, the Council has withdrawn the emerging Northumberland Local Plan Core Strategy Pre-Submission Draft (Major Modifications June 2016) which was referred to in their reasons for refusal. I have therefore considered the appeals against the relevant extant policies and make no further reference to the policies of the emerging (but now withdrawn) Core Strategy.
6. During the course of the appeals, a Unilateral Undertaking (UU) in relation to each scheme was progressed by the appellant. These consist of an 'original agreement' dated 21 July 2016 and a 'supplemental agreement' dated 4 August 2017. I have taken account of these UU's as part of my consideration of these appeals.

Main Issues

7. The main issues in these appeals are:
 - Whether the appeal sites are within the general extent of the Green Belt;
 - If so, whether the proposals would be inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - Whether, the proposed developments would provide suitable sites for housing in the countryside, having regard to the proximity of services and local and national policy;
 - The effect on the character and appearance of the area (Appeal A only); and
 - Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the sites are within the Green Belt

8. Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration 2005 (JSP) identifies the general extent of an extension to the Green Belt and states that "Precise boundaries, including those around settlements, should be defined in Local Plans...".
9. In the Council Officer's report on the planning applications, it was stated that it was unclear from the Policy S5 extract plan whether the application sites were located within the proposed Green Belt extension. Given the plan is

² Appeal Ref: APP/C2741/W/16/3149489

³ Appeal Refs: APP/P2935/W/17/3167263 and APP/P2935/W/17/3167852

ambiguous, the Council concluded that Green Belt policies cannot be applied in these cases.

10. A similar issue was addressed in a recent Decision by the Secretary of State on an appeal for 'Land Off Avon Drive' near York⁴. In that appeal, the general extent of the Green Belt boundary was established by a Regional Spatial Strategy, but the inner boundary had not been defined by a Local Plan. The Inspector concluded that the lack of a defined boundary provides insufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt. The Inspector went on to determine if the site was within the Green Belt by assessing its contribution towards the Green Belt purposes⁵. He concluded that it is enough for a site to make a contribution to one of these purposes for it to be within the general extent of the Green Belt. The Secretary of State agreed with this approach in his Decision. This approach was also taken in two recent appeal decisions⁶ elsewhere in Northumberland. I provided copies of the 'Avon Drive' and Northumberland cases to the parties for comment.
11. Policy S5 of the JSP states that an extension to the Green Belt will extend "north of Longhorsley". The appeal sites are located approximately 2km north of Longhorsley and the appellants claim that the Green Belt is intended to extend to the north of the settlement boundary rather than including the appeal sites and the wider Linden Hall facility. However, the Council state that the policy is ambiguous in this respect. I am also conscious that the appeal sites were located within options for the Green Belt considered as part of Green Belt boundary reviews⁷ undertaken in 2013 and 2015.
12. I acknowledge that the sites of Appeals A and B are located in the vicinity of the northern outer edge of the general extent of the Green Belt extension whereas the York and previous Northumberland decisions were adjacent to defined settlements within the general extent of the Green Belt. However, I consider that the approach taken in the 'Avon Drive' and Northumberland appeals as outlined above is usefully applicable to these appeals.
13. To determine if the sites are within the general extent of Green Belt, I will therefore assess their contribution to the Green Belt purposes as defined by paragraph 80 of the Framework.
14. In relation to Appeal A, both the Council and the appellants agree that the site contributes to the third and fifth green belt purposes i.e. to assist in safeguarding the countryside from encroachment and to assist in urban regeneration by encouraging the recycling of derelict and other urban land. Based on the evidence before me, I concur with both parties on the contribution that the site of Appeal A makes to these Green Belt purposes.
15. In relation to Appeal B, both the Council and the appellants agree that the site contributes to the fifth Green Belt purpose in relation to encouraging the recycling of derelict and other urban land.

⁴ Appeal Ref: APP/C2741/W/16/3149489

⁵ Paragraph 80 of the Framework.

⁶ Appeal Refs: APP/P2935/W/17/3167263 and APP/P2935/W/17/3167852

⁷ Morpeth Outer Green Belt Boundary Report October 2013 and Northumberland Green Belt Review 2015, referred to in Green Belt Options Landscape Review, TPM Landscape Ltd, July 2016.

16. However, although the Council considers that the site of Appeal B would assist in safeguarding the countryside from encroachment, the appellants contend that the site of Appeal B is not within the countryside as it is contained within the curtilage of a 'brownfield' site. However, even if I were to conclude that the site is previously developed land, this does not preclude the site from being within the countryside. I also note that the site is outside of settlement limits defined in the Castle Morpeth District Local Plan 2003 (CMLP) and under the provisions of Policy C1 is considered to be part of the open countryside. Therefore, I conclude that Appeal B is located within the countryside and contributes to both the third and fifth Green Belt purposes.
17. Drawing the above together, the sites contribute to the third and fifth of the Green Belt purposes. I therefore conclude that the sites are within the general extent of the Green Belt as established by Policy S5 of the JSP.

Whether Inappropriate Development

18. Paragraph 89 of 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 they meet certain exceptions.
19. The development of Appeal A would not meet the exceptions listed in paragraph 89 and would therefore be considered inappropriate development.
20. In relation to Appeal B, the appellants contend that the site should be considered as Previously Developed Land (PDL) in accordance with the final bullet point of paragraph 89 of the Framework. However, notwithstanding the classification (or otherwise) of the land as PDL, paragraph 89 also states that the development in this respect should not have a greater impact on the openness of the Green Belt than the existing development. In this regard, the appellants state that the visual impacts of the development are localised within the grounds of Linden Hall and would therefore not affect openness. However, even though the site is screened by hedging, I saw that it is readily visible from dwellings in the immediate area as well as from the adjacent highway which is a main route leading from the Hall. Notwithstanding that visibility is only one aspect to be considered in relation to openness, the proposal would be readily visible to existing residents and people passing through the area.
21. The layout of development resulting from Appeal B would result in built development consisting of 3 large dwellings being introduced where there is currently only one residential building set in a large garden. I consider that the development would have a greater impact on the openness of the Green Belt than the existing building of Dormy House, and would therefore not fall within the exception stated in the final bullet point of paragraph 89. The development of Appeal B would not meet the exceptions listed in paragraph 89 and would therefore be considered inappropriate development.

Openness of Green Belt

22. 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 development of Appeal A would lead to significant built development on a site where currently no development exists. In relation to Appeal B, as stated previously, the proposal would result in three large detached dwellings being

introduced where there is presently only a residential building in a large garden. The proposals would therefore reduce the openness of the Green Belt and I give substantial weight to this harm.

Housing in the Countryside

23. The approach of the Framework to the promotion of sustainable development in rural areas, set out in paragraph 55, is that housing should be located where it will enhance or maintain the vitality of rural communities. The Framework goes on to note that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the proposed dwelling is of exceptional quality or innovative.
24. In relation to whether the proposals are 'isolated' I have had regard to the appeal decision⁸ referred to by the appellants where an Inspector considered whether a dwelling in a hamlet was 'isolated'. I am also mindful of the definition of a 'settlement' as specified in the CMLP. However, the proximity to other dwellings and buildings is not the sole determinative factor as to whether a site is isolated as this also includes factors such as access to services and facilities as well as the provisions of planning policy.
25. The nearest settlement of Longhorsley would be accessed via a private lane and busy main road which are unlit and do not have designated footways for significant parts of the route. Due to the nature and length of this route, walking and cycling would not be a realistic option for future occupiers of the dwellings. Although the sites are located adjacent to a cluster of dwellings, the appeal proposals would, to all intents and purposes, result in isolated homes in the countryside in that they would be remote from the nearest designated settlement of Longhorsley and the facilities that it contains. Although there are some facilities in Linden Hall, these are predominantly leisure based and would not meet the everyday service needs of residents of the proposed dwellings.
26. The appellants state that funds generated by the proposals would enable future development of facilities at the Grade II Listed Building of Linden Hall and other associated listed buildings. On that basis, they contend that the proposals would meet the second special circumstance of paragraph 55 in that it would secure the future of heritage assets. However, no substantive evidence has been provided to me to demonstrate that these funds are required for future investment or whether a robust mechanism is in place to ensure the funds are spent to this end. Moreover, whilst the funds may be of benefit to the future development of the enterprise, no evidence has been provided to me to show that the future of the heritage assets is reliant on the developments proceeding. I am not therefore persuaded that the proposals are appropriate enabling development under the second bullet point of the special circumstances of paragraph 55.
27. The proposals would provide executive-style dwellings and may therefore be supported by Policy H6 of the CMLP which states that special executive housing

⁸ Appeal ref: APP/C1625/W/15/3029196

will be assessed on its individual planning merits and in relation to specific criteria. Whilst this weighs in favour of the proposal I do not consider this outweighs the harm arising above in relation to the isolated location of the dwellings and the limited access to services.

28. 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 proposals would not meet the provisions of Policy C1 of the CMLP, although the restrictions of the forms of housing permitted by this policy do not reflect those of the Framework and I therefore afford this policy limited weight. Nevertheless, it has not been demonstrated that the special circumstances listed in paragraph 55 of the Framework apply in these cases, and as isolated homes in the countryside the proposals would therefore be contrary to the provisions of the Framework. Although Policy H6 of the CMLP states that special executive housing will be assessed on its individual planning merits, I do not consider that these merits outweigh the harm arising from the proposals or the conflicts with local and national policy.

Character and Appearance (Appeal A only)

29. In the vicinity of the site of Appeal A, the prevailing character of the streetscape is defined by Linden Cottages, which consists of a terrace facing onto the lane and which is set behind long front gardens. The dwelling at the eastern end of the terrace is set forward of the main building line, but this does not unduly detract from the overall character of the street scene. Although the front of Linden Cottages is screened by high hedges and trees along the boundary adjacent to the lane, I saw that the character and arrangement of the terrace was apparent in views from the lane. This arrangement is also reflected by Dormy House which similarly faces onto the highway.
30. In contrast, the proposal would result in detached dwellings which project beyond the building line established by the adjacent terrace. The proposed dwellings would also not face onto the lane and would look inwards onto a cul-de-sac. The proposal would therefore appear as an inward facing suburban development turning its back onto the highway, which would be at odds with the arrangement and character established by Linden Cottages.
31. The appellants contend that the prevailing character is shaped by the Linden Acres cul-de-sac of executive-style dwellings. However, although this estate is glimpsed when passing to/from the Hall, the main views are via the access to the cul-de-sac some distance from the appeal site and after a sharp bend in the lane. Although Linden Acres is an example of vernacular character in the area, the visual context it creates is detached from the appeal site, and I saw that the overriding context for the appeal site is provided by Linden Cottages.
32. I conclude that the development of Appeal A would result in an incongruous form of development which would be at odds with the street scene and would therefore be harmful to the character and appearance of the area. The proposal would be contrary with Policy H15 of the CMLP which requires, amongst other things, that proposals must be compatible with any distinctive vernacular character in the locality. The proposal would also conflict with the Framework in relation to requiring good design and which states that isolated homes in the countryside should significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.

Other Considerations

33. I have had regard to the benefits arising from the proposal. The proposals would add 13 dwellings to the supply and mix of housing in the area. The Council acknowledge that this may meet an identified need for executive housing. However, even allowing for the type of housing, this would be a modest contribution to the supply and mix of housing and I give this benefit moderate weight.
34. Appeal A would provide a contribution of £135,000 towards affordable housing provision off-site and Appeal B would contribute £40,500. This would be a modest contribution towards affordable housing in the area and I give these benefits moderate weight in favour of the proposals.
35. The proposals would generate investment and employment over the construction period, although this would only be for a limited time.
36. The appellants highlight that the proposals would generate a significant amount of household expenditure which would support local services in Longhorsley. However, due to the limited scale of facilities in Longhorsley I consider that much of this expenditure would be spent elsewhere. Residents of the dwellings may also contribute to the support of local primary schools, although whilst the appellants state that small schools in rural areas are undersubscribed, no evidence in relation to Longhorsley First School has been provided. I therefore give the potential support for local services arising from the developments limited weight.
37. The appellants contend that the proposals would generate funds and expenditure which would enable future development of the enterprise at Linden Hall and investment in the listed buildings. However, for the reasons stated previously, including the lack of substantive evidence as to the need for such investment, I give this matter very little weight in favour of the proposal.
38. The appellants state that there would be no adverse impact on heritage assets, the wider landscape, highway safety, ecology or the setting of Longhorsley. However, a lack of harm is not a benefit and these matters are therefore neutral in the overall planning balance.
39. The appellants refer to the Council Tax revenue and New Homes Bonus that the proposal would generate. However, the PPG⁹ advises that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority. I therefore do not consider this to be a benefit.
40. I note that there is a disagreement between the parties as to whether the Council is able to demonstrate a 5 year supply of deliverable housing sites. The Council Officer's reports on the applications state that the sites are located within the Central Northumberland Housing Delivery Area which has a deliverable five year housing land supply equivalent to 6.1 years, and a county-wide supply of 5.3 years. The appellants have provided a detailed analysis which states that this should be reduced to 4.2 years and 4.3 years respectively. The Council has not rebutted these figures as they did not submit a statement by the due date.

⁹ Paragraph: 011 Reference ID: 21b-011-20140612

41. However, even if I were to conclude there is a shortfall in the 5 year supply as stated by the appellants and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The material considerations considered above do not justify making a decision other than in accordance with the development plan, even allowing for the reduced weight to be given to specified policies. Furthermore, I am mindful of the advice in the Planning Practice Guidance (PPG) that "Unmet housing need... is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt"¹⁰.

Overall Balance and Conclusion

42. For the reasons stated above, I consider that the proposals would be within the general extent of the Green Belt and would be inappropriate development under the policies of the Framework.
43. 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 proposals would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it. The substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations to sufficient to demonstrate that very special circumstances exist. I also consider that both proposals would not be an acceptable form of housing development in the countryside and that Appeal A would harm the character and appearance of the area. The proposals would therefore conflict with the policies of the development plan and the Framework considered as a whole.
44. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeals should be dismissed.

David Cross

INSPECTOR

¹⁰ Paragraph: 034 Reference ID: 3-034-20141006