
Appeal Decision

Site visit made on 9 January 2018

by Helen Cassini BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2018

Appeal Ref: APP/P2935/W/17/3179916

Longhirst Hall Golf Club, Longhirst Hall Drive, Longhirst NE61 3LL

- 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 Dawson and Sanderson 1991 Pension Scheme against the decision of Northumberland County Council.
 - The application Ref: 16/04458/FUL, dated 30 September 2016, was refused by notice dated 10 April 2017.
 - The development proposed is the change of use of land to accommodate 150 holiday lodges and operational development of roads and pitches along with new site access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site is within the general extent of the Green Belt;
 - If so, whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt; 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 site is in the Green Belt

3. Dispute exists between the two parties as to whether the proposed site is within the Green Belt. Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration 2005 (the JSP) states that precise boundaries, including those around settlements, should be defined in Local Plans.
4. The proposed site is located within the former Castle Morpeth area and is not included within the Green Belt as defined within the Castle Morpeth District Local Plan 2003 (the CMDLP). The CMDLP was produced prior to the JSP. The

Green Belt as detailed within the CMDLP is therefore superseded by the JSP, in regard to the general extent of the Green Belt extension.

5. The Northumberland Local Plan Core Strategy (the CS) was submitted for examination in April 2017. The draft CS was developed using the 2012 Sub-National Population Projections (the SNPP). The Council confirmed that following the publication of the SNPP 2014 figures, the level of residential growth required to support and sustain economic growth in Northumberland would be significantly different than when based on the 2012 data. Consequently, in July 2017 the Council withdrew the CS from the examination process. In accordance with paragraph 216 of the National Planning Policy Framework (the Framework) in regard to the weight to be given to policies in emerging plans, it therefore follows that very limited weight will be given to any policies within the emerging CS.
6. A precise Green Belt boundary in relation to the appeal site is yet to be formally defined within an adopted Local Plan. At my request, a plan illustrating the location of the proposed site in relation to saved Policy S5 was prepared by the Council and forwarded in January 2018. This plan confirms that the site would be located within the extent of the Green Belt, as stated within saved Policy S5 of the JSP.
7. A similar issue was dealt with an appeal decision in 2016¹. In this instance both the Inspector, and subsequently the Secretary of State, found that the lack of a defined boundary provided insufficient justification to exclude a site which is contained within the general extent of the Green Belt. The 2016 appeal decision related to a site adjacent to a defined settlement and was of a different scale to the proposal before me. Nevertheless, it is considered that the approach remains applicable in regard of this appeal.
8. In order to determine whether the site is within the general extent of the Green Belt, it is necessary to assess the level of contribution to the Green Belt purposes the site makes as contained within paragraph 80 of the Framework. The first two purposes are to check the unrestricted sprawl of large built up areas and to prevent neighbouring towns merging into one another. Given the location of the appeal site and the proximity of the neighbouring settlements of Longhirst, Hebron, Pegswood and Morpeth the site would not make a contribution to these two purposes.
9. The third Green Belt purpose is to assist in safeguarding the countryside from encroachment. The proposed layout of the holiday lodges would be focused on the southern boundary of the site. Long distance views of the site would be restricted given the topography of the land, woodland screening and proposed landscaping. Nevertheless, there would be clear encroachment of built development into what is currently countryside.
10. The preservation of the setting and special character of historic towns is the fourth Green Belt purpose. The settlement of Longhirst includes a conservation area and a listed building. However, due to the separation distance and the level of screening between these features and the site, the proposal is not found to be contrary to the fourth purpose.

¹ Appeal reference APP/C2741/W/16/3149489

11. The fifth Green Belt purpose is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The appeal site does not seek a use suitable for an urban area. In addition, no substantive evidence has been submitted confirming that the construction of the proposal would undermine the delivery of urban regeneration schemes within the Council's administrative boundary. The proposal would not therefore contribute to the fifth purpose.
12. The site contributes to the third purpose of the Green Belt. Thus it has a Green Belt function in an area within the general extent of the Green Belt. On this basis, and without any plan to define it as excluded from the Green Belt, it is concluded that the site should be treated as being within the Green Belt, as established within saved Policy S5 of the JSP.

Inappropriate Development

13. Paragraph 87 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is to be regarded as inappropriate development, subject to the express exceptions outlined in paragraph 89.
14. The exceptions to inappropriate development set out in paragraph 89 include buildings for agriculture and forestry, the provision of facilities for outdoor sport and the extension or alteration of buildings. None of these directly apply to the circumstances of the proposal. Consequently the proposal would form inappropriate development in the Green Belt. Paragraph 88 of the Framework indicates that substantial weight is to be given to any harm to the Green Belt.

Openness

15. 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. Openness has a spatial as well as visual aspect. The absence of visual intrusion does not in itself mean that there is no impact on openness.
16. If I were minded to grant planning permission, the final scale and design of the holiday lodges would be the subject of a planning condition. Notwithstanding this, the holiday lodges would, irrespective of the final design, be permanent features in the landscape. Thus not only would the development result in an increase in the amount of built development, this would be further compounded by its permanence.
17. The visual impact of the lodges would be likely to soften over time, particularly given the proposed landscaping. However, there would be an inevitable and significant adverse impact on the present openness of the land. On that basis alone, and irrespective of whether or not the buildings would be visible from within the public domain, there would be a loss of overall openness to the Green Belt in spatial terms.

Other Considerations

18. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

19. The appellants' statement of case makes reference to a significant loss of revenue at the golf course due to a decline in golfing interest and the closure of the Longhirst Hall Hotel. They also express concern at the likelihood of the closure of the golf club if planning permission is not granted for the proposed lodges. However, no substantive financial evidence has been submitted as part of the appeal documentation confirming this position.
20. Both parties make reference to the submission of a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended). It is contended that the obligation is required in order to ensure that the profits received from the holiday lodge development would be linked directly to the Golf Club to sustain its viability.
21. The appellants have confirmed that initially the lodges would be managed directly by the Golf Club, which would ensure that revenue is fed directly back to the club. Whilst the appellants have raised no objection to being party to a S106 planning obligation, no such document has been provided. The lack of substantive financial evidence and an executed obligation means I cannot attach significant weight in favour of granting planning permission.
22. It is accepted that there may be a number of considerations in that could support of the proposal, including the viability of the Golf Club and the investment which may boost the local economy if all phases of the wider scheme were implemented. However, on the evidence before me, these considerations either individually or collectively do not outweigh the identified harms. Consequently, very special circumstances do not exist to justify the development.

Other Matters

23. The outcome of the application will have been a disappointment to the appellants and the cost implications are recognised. Furthermore, there is no doubt that communication is an important part of the planning process. As such, the frustration caused by the failure of the Council to confirm the location within the Green Belt during early pre-application dialogue is noted.
24. Council Officers recommended planning permission was granted for the proposal. However, Council Members took a different course of action and the application was refused. Council Members are not duty bound to follow the advice of the Council Officers. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. The decision also clearly states the policies of both the relevant development plan and the Framework which the proposal would be in conflict with.
25. In addition, a sufficiently substantial case was made in support of all the reasons for refusal within the appeal statement. As such, there is no evidence before me which leads me to conclude that the Members disregarded the senior planning officer's support.
26. The importance of the above matters to those involved is not underestimated. However, there is no substantive evidence before me which would lead me to conclude that the scheme should be granted planning permission on any of these grounds.

Conclusion

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

Helen Cassini

INSPECTOR