



Appeal Decision

Site visit made on 5 April 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/P2935/W/18/3218408

Lynebank, Ulgham, Morpeth, Northumberland NE61 3AW

- 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 Miss Sarah Hartop against the decision of Northumberland County Council.
 - The application Ref 18/01508/FUL, dated 26 April 2018, was refused by notice dated 13 September 2018.
 - The development proposed is the construction of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant name from the appeal form as no title or first name are stated for the appellant on the application form. I have taken the site address from the Council's decision notice as the address stated on the application form does not appear to be correctly stated.

Main Issues

3. The main issues are:
 - whether the appeal site is within the Green Belt,
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and any relevant development plan policies, and if so,
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it,
 - whether the proposal is in a suitable location having regard to its accessibility to services and facilities and the Council's strategy for the location of development, and
 - if the proposal would be inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether within the Green Belt

4. There is disagreement between the main parties over whether the appeal site is within the Green Belt. Policy S5 of the Northumberland County and National Park Joint Structure Plan 2005 describes the general extent of a Green Belt extension around Morpeth. The description provided appears to indicate the appeal site is within the Green Belt and the Policy states that precise boundaries, including those around settlements, should be defined in Local Plans having particular regard to the maintenance of the role of Morpeth.
5. The Castle Morpeth District Local Plan 2003 (the Local Plan) defines boundaries to some settlements including Ulgham. The appeal site is beyond the settlement boundary. The Council considers areas within settlement boundaries are out with the Green Belt, the implication being that (by being beyond the settlement boundary) the appeal site is within the Green Belt. I have no reason to disagree with this assessment.
6. Moreover, my attention has been drawn to previous decisions including an appeal decision on the appeal site itself¹ where the Inspector found the appeal site contributes to the purposes of the Green Belt and therefore is within the general extent of the Green Belt as established by Policy S5. Nothing in the evidence provided has led me to a different conclusion from the previous Inspector in this regard, including the appellant's comments on the Council's 2015 Green Belt review, and so I am satisfied the appeal site is within the Green Belt.

Whether inappropriate development

7. Policy C17 of the Local Plan states that development involving the construction of new buildings in the Green Belt will not be permitted, other than for specified purposes, including limited infilling in existing villages inset within the Green Belt. Whilst this policy pre-dates the Framework it is broadly consistent with it as the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. There are a number of exceptions to this stated in the Framework, including limited infilling in villages.
8. The appeal site is to the rear of an existing dwelling known as Lynebank, which fronts the main road through Ulgham. Two dwellings have recently been constructed on land adjoining one side of the appeal site and the land on the opposite side contains garden outbuildings. The appellant believes the appeal scheme has become an infill development as it is now bound by built form on three out of four sides. However, the evidence indicates the Local Plan defines infilling as 'the infilling of small gaps within an otherwise continuously built up frontage'. In the absence of any definition in the Framework, I am satisfied the Local Plan definition is appropriate in this case.
9. The proposal is for the development of two homes, each with a substantial footprint, to the rear of Lynebank. In light of the Local Plan definition, the appeal scheme is not 'limited infilling' for the purposes of Policy C17 noted above or the Framework but is instead a backland extension to the village due to the size of the proposed dwellings and given they would not be sited within an otherwise continuously built up frontage.

¹ APP/P2935/W/17/3167852 dated 19 June 2017

Effect on openness and the purposes of including land in the Green Belt

10. As set out in the Framework, the essential characteristics of Green Belts are their openness and permanence. The appeal site is beyond the edge of the settlement. With the provision of two homes, each with a substantial footprint, the appeal scheme would significantly extend built development into the Green Belt away from the existing built form of Ulgham.
11. Despite their limited height, the appeal dwellings would be clearly seen from the appeal site itself and from neighbouring land. They would significantly decrease the openness and permanence of the Green Belt and would result in encroachment into the countryside. This would not comply with Policies S5 and C17 noted above or the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Whether in a suitable location

12. Policy UGC1 defines a settlement boundary for Ulgham and the appeal development would be beyond the settlement boundary in the open countryside. Policy C1 of the Local Plan does not permit development in this location unless the proposals can be justified as essential to the needs of agriculture or forestry or permitted by other specified policies of the plan. Policy H16 of the Local Plan permits new houses in the open countryside where specific criteria are met.
13. I have limited information to demonstrate the criteria in the above policies have been satisfied in this case. The appellant considers policies referred to in the decision notice are out-of-date, including the associated settlement boundary for Ulgham. However, paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
14. The Framework states that patterns of growth should be actively managed to promote walking, cycling and public transport. As I saw at my site visit, the village of Ulgham has particularly limited services and facilities. On the basis of the evidence available to me, I am not satisfied that residents' day-to-day needs can be met without reliance on the private car. Whilst the above Local Plan policies are of some age, they are broadly consistent with the aims of the Framework and I therefore give them significant weight in this regard.
15. The appellant has drawn my attention to the Council's report where it identifies that the proposal is in accordance with Policy H15 of the Local Plan. Policy H15 contains a criterion that sustainability measures are fully considered. By the Council identifying compliance with Policy H15, the appellant considers the Council agrees that sustainability measures have been fully considered. However, the Council's comment in respect of Policy H15 was made in respect of design and amenity and not in the context of whether the appeal scheme is suitably located having regard to its accessibility to services and facilities. As such I give this consideration limited weight.

16. I conclude the proposal is not in a suitable location having regard to its accessibility to services and facilities and the Council's strategy for the location of development. It would not comply with Policies UGC1, C1 and H16 of the Local Plan, noted above, or the Framework in this regard.

Other considerations

17. My attention has been drawn to other decisions of the Council including a development at Hepscott Park² and on land adjoining the appeal site. However, the way in which the Council has handled other applications is not a matter for me to consider in the context of this appeal, which I have determined on its individual merits. Moreover, on the basis of the information before me, I cannot be certain the circumstances of the cases referred to are the same as those in this appeal, particularly in respect of the effects on the openness of the Green Belt (or their location in relation to services and facilities). As such I give the other cases referred to limited weight in this appeal.
18. I appreciate the design and character of the proposal may be acceptable and may not adversely affect the character or built form of Ulgham but this is a neutral point and is not the same as the effect on the openness of the Green Belt so I give this consideration limited weight. I also give limited weight to the consideration that the proposal would not have a significant impact on residential amenity as this is also a neutral point.
19. The Framework states that it should be ensured that substantial weight should be given to any harm to the Green Belt. I do not consider that the harm to the Green Belt identified above, is clearly outweighed by other considerations including those noted above. I therefore find the very special circumstances necessary to justify the development do not exist.

Other Matters

20. The evidence indicates the site lies within 10km of the coast and is likely to lead to increase coastal disturbance which could contribute to a likely significant effect on the interest features of the Northumbria Coast Special Protection Area and Northumberland Shore Site of Special Scientific Interest. These fall within the definition of a European site.
21. The Conservation of Habitats and Species Regulations 2017 requires that where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, an appropriate assessment must be made in view of that site's conservation objectives. However, as I am dismissing for other reasons, it is not necessary for me to consider this matter further as it could not change the outcome of this appeal.

Conclusion

22. The appeal development is inappropriate development in the terms set out in the development plan and the Framework and would lead to a loss of openness in the Green Belt. This harm is not outweighed by other considerations so as to amount to very special circumstances. Whilst it is alleged that policies cited on the Council's decision notice are out-of-date, in this case the conflict with the Green Belt policies of the Framework provide a clear reason for refusing the

² Council Ref 18/03424/OUT

development proposed. For all of the reasons given above I conclude that the appeal should be dismissed.

L Perkins

INSPECTOR