



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/18/3216358

26 Station Road, Stannington NE61 6DS

- 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 Alan & Victoria Fleming of Altoria Development Limited against the decision of Northumberland County Council.
 - The application Ref 18/02189/FUL, dated 20 June 2018, was refused by notice dated 11 October 2018.
 - The development proposed is residential development (use class C3) for six single storey dwellings with associated landscaping and 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 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,
 - if the proposal would be inappropriate development in the Green Belt, whether any harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether in the Green Belt

3. 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. Based on the description in this policy I am satisfied the appeal site is within this extension. 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.

4. The Castle Morpeth District Local Plan 2003 (the Local Plan) defines boundaries to some settlements. The Council considers the areas within these defined settlement boundaries are out with the Green Belt. Stannington Station Road does not have a defined boundary and therefore the Council considers Stannington Station Road is washed over by the Green Belt. I have not been provided with evidence which satisfies me that the Council's assessment is not correct in this regard.
5. I appreciate that different iterations of Green Belt inset boundaries may have previously been proposed by the Council for Stannington Station Road as part of the emerging Local Plan, including boundaries which excluded the appeal site from the Green Belt. However, none of these have been adopted and the evidence indicates a boundary which takes the appeal site out of the Green Belt is not being pursued by the Council. I therefore conclude the appeal site is within the Green Belt.

Whether inappropriate development

6. 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, and, limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
7. The appeal site is to the rear of existing dwellings on Station Road. At the time of my visit it was being used as a construction compound for a housing development on adjoining land. 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. The proposal is for the development of six homes to the rear of No 26 at the edge of the settlement. Therefore, 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.
8. The Framework provides a definition of previously developed land. It includes land which is or was occupied by a permanent structure, including the curtilage of the developed land, but it excludes land in built-up areas such as residential gardens. The appeal site is within the residential curtilage of No 26. The Council considers No 26 is in the built-up area of the settlement of Stannington Station Road and as the appeal site is a garden to No 26 it therefore is not previously developed land. Considering the above points, on the basis of the evidence provided, in my judgment, I am satisfied the appeal site is the curtilage of developed land in a built-up area and so is not previously developed land for the purposes of the Framework.
9. Having established that the appeal proposal is not limited infilling or the partial or complete redevelopment of previously developed land, I conclude the appeal scheme is inappropriate development in the Green Belt for the purposes of Policy C17 noted above and the Framework.

Effect on openness and the purposes of including land within 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 at the edge of the settlement. With the provision of 9 new buildings, including 3 garages and 6 bungalows each with a substantial footprint, the appeal scheme would significantly extend built development into the Green Belt away from the mainly linear built form of Station Road.
11. I appreciate the appeal scheme may not extend further into the Green Belt than existing surrounding development but this is not a good enough reason to allow the scheme given the evidence indicates surrounding development, in particular the development on adjoining land, was subject to different circumstances.
12. Despite its limited height, the appeal development would be clearly seen from the appeal site itself and from neighbouring land. It 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.

Other considerations

13. My attention has been drawn to other decisions of the Council in respect of Green Belt development including cases in the vicinity of the appeal site and on adjoining land in particular. 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.
14. Moreover, on the basis of the information before me I am not satisfied the circumstances of the cases referred to are the same as those in this appeal, particularly with regard to the effects on openness and the exceptions available under paragraph 145 of the Framework. I therefore give these cases limited weight as other considerations in this appeal.
15. Previous iterations of the emerging Local Plan excluded the appeal site from the Green Belt but, as these are not being pursued by the Council, I give them limited weight. The evidence indicates the appeal site has been included in the Strategic Housing Land Availability Assessment and described as suitable for development. But this does not determine whether the site should be allocated for housing or granted planning permission, particularly in light of the harm identified above. I therefore give this consideration limited weight.
16. I appreciate the appeal scheme may be a relatively low density development on land which has been in residential use but given my findings above on openness I give these factors limited weight.
17. I realise it may be possible permitted development rights could be exercised to build on the appeal site. However, limited evidence of what could be built has been provided and so I am not satisfied that a permitted development scheme would have a more harmful effect than the appeal scheme and accordingly I give this consideration limited weight.

18. The appeal site has access to local services and facilities and may help support these and contribute to the local economy, including in respect of the employment of local tradespeople. I give these considerations significant weight. I also give moderate weight to the fact representations have been received in support of the development.
19. The evidence indicates the appellant is a small to medium developer providing high quality, secure, single storey bespoke dwellings aimed at being easily adapted for disabled and elderly occupiers. I appreciate this is a benefit of the appeal scheme and I give this significant weight. Accordingly, I have also had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010.
20. Notwithstanding this important consideration, it does not follow from the PSED that the appeal should succeed. Dismissing the appeal would mean that the appellant would be likely to have to consider other options for meeting the demand for the needs of their customers and there is no evidence before me to demonstrate that the appeal scheme would be the only means by which such needs may be reasonably met. Accordingly, dismissing the appeal would be a proportionate response given the harm identified above.
21. No harm is identified by the Council in respect of the appeal scheme's design or its affect on light, outlook or privacy for neighbours. But these are neutral points and so I give them limited weight.
22. 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 the other considerations noted above. I therefore find the very special circumstances necessary to justify the development do not exist.

Conclusion

23. 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 the Council cannot demonstrate that it has a 5 year housing land supply, (indicating policies cited on the Council's decision notice may be out-of-date), in this case the conflict with the Green Belt policies of the Framework provide a clear reason for refusing the development proposed. For all of the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Perkins

INSPECTOR