



Appeal Decision

Site visit made on 28 May 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Appeal Ref: APP/H4505/W/18/3219406

Beda Hills, Woodside Walk, Rowlands Gill

- 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 Miss E Raymond against the decision of Gateshead Council.
 - The application Ref DC/18/00727/OUT, dated 11 July 2018, was refused by notice dated 01 November 2018.
 - The development proposed is described as: "wood framed 4 bedroom house. This house will be replacing existing agricultural buildings with foundations. Will require mains water, waste and electric to be installed. Heating and hot water will be biomass boiler. Solar panels will also be installed to create a predominantly carbon neutral environment. House is pre-designed flat pack house from Deeside Timberframe, model 'Balmoral'."
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Gateshead Council against Miss E Raymond. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline, with matters of appearance, landscape, layout and scale to be determined at this stage. However, although the application form includes a description of the proposed materials, no illustrative plans or other information were submitted with the application or the appeal.

Main Issues

4. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal on the character and appearance of the countryside;
 - iii) The effect of the proposal on biodiversity and trees;
 - iv) Whether or not a safe and suitable access could be provided; and
 - v) If the proposal is inappropriate development, whether the harm by reason of inappropriateness or 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 the proposal would be inappropriate development in the Green Belt

5. The appeal site is located in the Green Belt. Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 Adopted March 2015 (the Core Strategy) states that the Green Belt will be protected in accordance with national policy to, among other things, safeguard the countryside from encroachment.
6. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 establishes that new buildings are inappropriate in the Green Belt, subject to certain specific exceptions. The one that is most relevant in this case is Paragraph 145 g). This relates to the redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development.
7. The appeal site is agricultural and the existing structures and buildings which would be demolished to facilitate the proposed dwelling are agricultural buildings. The definition of PDL in the glossary of the Framework specifically excludes land that is or was last occupied by agriculture or forestry buildings. While the nearby timber stable building has an equestrian use and might therefore be considered to be PDL, this is outside of the footprint of the proposed dwelling. Consequently, the site would not be PDL for the purposes of the Framework.
8. I therefore conclude that the proposal would be inappropriate development in the Green Belt, contrary to local and national policy for the protection of the Green Belt.

Character and appearance

9. The application was in outline, with very limited details provided. No additional information has been submitted with the appeal. In the absence of illustrative plans, it is not possible to assess the precise effects of the proposal on its surroundings. However, it would undoubtedly amount to an encroachment of residential development into the countryside and woodland setting.
10. Consequently, the proposed dwelling would result in significant harm to the rural character and appearance of the countryside. It would conflict with the development plan, including Policy CS15 of the Core Strategy and saved Policy ENV3 of the Unitary Development Plan Adopted July 2010 (the UDP). These require, among other things, that new development contributes to good place making, responds positively to its surroundings and makes a positive contribution to the established character and identity of its locality.

Biodiversity and trees

11. The appeal site is an extensive area of predominantly wooded land. It is part of Beda Hills Local Wildlife Site and it is within a designated wildlife corridor. Evidence submitted to the appeal indicates that there are Biodiversity Action

Plan priority habitats, and protected and priority species, in the area. Consequently, the proposed development has the potential to result in significant adverse impacts on biodiversity.

12. Paragraph 175 of the Framework is clear that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In this respect, the Planning Practice Guidance advises that where a proposal is likely to affect a protected species, planning permission can be granted if an appropriate survey has been carried out and subject to any necessary proposals for mitigation or compensation being found acceptable.
13. In this case, no evidence in the form of an ecological survey and assessment has been submitted with the appeal. The appellant has made no attempt to address the Council's reasons for refusal. No justification has been provided as to why permission should be granted in the absence of information which demonstrates that the requirements of relevant biodiversity legislation, planning policy and guidance would be addressed.
14. There are numerous trees around the location of the proposed dwelling. Although only 3 trees have been identified for removal, it seems likely that a far greater number would be affected by the construction of a detached dwelling and associated vehicular access at this site. However, no arboricultural assessment has been submitted.
15. There is insufficient information to assess the effects of the proposal on biodiversity and trees. Consequently, it would conflict with Policies CS15 and CS18 of the CSUCP and saved Policies DC1(d), ENV44, ENV46, ENV47, ENV49 and ENV51 of the UDP. Among other things, these require development to protect and enhance connectivity and wildlife corridors, biodiversity assets and trees. The proposal would also conflict with relevant policies in the Framework and the Planning Practice Guidance relating to protected species.

The provision of a safe and suitable access

16. The appeal scheme includes vehicular access from Lintzford Lane, which is winding road through woodland with no street lighting or speed restrictions. In order to provide a suitable access, the Council has indicated that a visibility splay of 2.4m x 210m would be required. No evidence has been submitted to demonstrate that the required visibility splay could be provided, nor has any justification been put forward to support a relaxation of the standards.
17. I therefore conclude that that the proposal would fail to provide a safe and suitable access to the highway. It would be in conflict with Policy CS13 of the CSUCP which requires, among other matters, that development connects safely to the highway network. It would also conflict with policies in the Framework that require development to provide safe and suitable access to the site for all users.

Other Considerations

18. I acknowledge that the custodianship of the land has been passed down by the appellant's grandfather, and that the proposal is intended to facilitate the continuing management of the land and to better maintain security. However, no substantive evidence has been presented in respect of the management requirements of the agricultural holding nor has it been demonstrated that

security could not be achieved by alternate means. Therefore, these are factors that carry little weight in my consideration of the scheme.

19. The dwelling would include a number of features to improve the energy efficiency of the building, including solar panels and a biomass boiler. Such features would contribute towards the sustainability objectives of the Framework and the Local Plan. However, the proposed dwelling is in an unsuitable location for new residential development and these are not therefore factors in the scheme's favour.

The Green Belt Balance

20. I have concluded that the proposed dwelling would be inappropriate development in the Green Belt which is, by definition, harmful. The Framework advises that substantial weight must be given to any harm to the Green Belt.
21. There would be an adverse effect on the character and appearance of the countryside resulting from a new dwelling in this location. There would also be likely harm to designated sites, priority habitats, protected and priority species, ecological connectivity and trees. Furthermore, there is no evidence that a safe or suitable access could be provided.
22. The Framework states that inappropriate development should not be approved except in very special circumstances. In this case, there are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusions

23. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR