
Appeal Decision

Hearing Held on 16 July 2019

Site visits made on 15 July 2019 and 16 July 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/P2935/W/18/3211899

Land west of Station Road, Embleton, Alnwick, Northumberland

- 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 Robertson against the decision of Northumberland County Council.
 - The application Ref 18/01014/FUL, dated 19 March 2018, was refused by notice dated 22 June 2018.
 - The development proposed is the construction of 7 dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Robertson against Northumberland County Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The address in the banner heading above is taken from the appeal form, and was used by the Council on its decision notice and in its publicity of the application. Therefore, and as it more accurately describes the site's location than the address given on the application form, I have also used that address.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

Background

5. The appeal relates to part of a large field on the western side of Station Road. Seven detached dwellings are proposed on the site. As part of the development, the existing row of trees to the south of the site would be retained and supplemented with additional planting. Further new planting is proposed within and around the boundaries of the site.

6. The site's existing front boundary wall would be retained. However, two small sections would be removed to create vehicular access points onto Station Road, and some adjacent parts of the wall would need to be lowered to provide visibility for vehicles leaving the site at those points.
7. A dog walking area for the use of existing and future residents would be provided on the land to the north of the proposed houses. That area would be enclosed by the existing stone boundary wall along Station Road, and would include new tree and hedge planting within and around its other boundaries.

Policy context

8. Policy S13 of the Alnwick District Local Development Framework: Core Strategy Development Plan Document (the Core Strategy) refers to the need to protect and enhance the distinctive landscape character of the district, and requires that development should respect the prevailing landscape quality, character and sensitivity of each area as defined in the Alnwick District Landscape Character Assessment Supplementary Planning Document (the SPD).
9. Core Strategy Policy S14 states that applications for new development in the open countryside will only be permitted where the development is likely to be sustainable in the context of Policy S3 and where, amongst other things, it supports the conservation and enhancement of the countryside.
10. There was no dispute between the main parties that the development would be sustainable with reference to the criteria in Policy S3, and I have not read or heard anything that leads me to disagree.
11. The appeal site is part of a relatively large field which, other than the low, stone boundary walls alongside Station Road and on its southern boundary, is enclosed only by wire fencing supported on intermittent timber posts. There are few physical features within the site or the wider field, other than a small group of mature trees along its southern boundary, sporadic tree and hedge planting along parts of the wider field's north western boundary, and a row of timber pylons which run diagonally across the wider field and beyond.
12. Whilst the trees to the south of the site create some very limited sense of enclosure, I observed that longer-distance views are possible across the site and the wider field towards the fields to the north and to the south west. As a result of those more expansive views, and the general absence of enclosure or physical features within the site or the wider field, the site is unquestionably open in its character, despite its proximity to housing on Station Road to the east, and the fact that more distant views to the west are limited by the nearby ridge. I therefore consider the site to constitute open countryside for the purposes of Policy S14, and I have considered the appeal accordingly.
13. The second half of Policy S14 requires a sequential test, as set out in Policy S2, demonstrating that no other suitable previously-developed sites, or sites within the village, are available. Whilst the Framework refers to the use of previously developed land, the prescriptive approach required by Policy S2 is not consistent with the Framework. I therefore afford limited weight to Policy S2, and to that part of Policy S14 which refers to it. However, the first half of Policy S14 is consistent with the Framework, which states that planning decisions should contribute to the local environment by recognising the intrinsic

character and beauty of the countryside. Accordingly, I afford substantial weight to that part of the policy.

Character and appearance

14. Station Road runs alongside the eastern boundary of the site, and marks the western extent of this part of Embleton village at present. Travelling along Station Road, it is possible to see how subsequent 20th and 21st century housing developments have gradually extended the village northwards. However, none of those developments, including one currently under construction at Creighton Place on the northern edge of the village, have extended to the west of Station Road.
15. As a result, there is a clear contrast and distinction in appearance and character between the domestic, built-up frontage of houses and their landscaped front gardens on the eastern side of Station Road, and the open, undeveloped rural land, including the appeal site, on the western side immediately opposite. That marked contrast in character continues along the length of Station Road as it runs to the west of the village. Station Road thus forms a clear boundary, defining the built edge of the village at this point. In that respect, this western part of Embleton is distinctive from other areas on the eastern and south eastern edges of the village, where parts of the road frontages have development on both sides.
16. Upon reaching the site when travelling out of the village along Station Road, views open out across the site and the open land to the north and north west, giving an extensive view out from the village over the adjacent landscape. More distant views to the west of the site are limited by the nearby ridge. However, when travelling along Station Road adjacent to the site, and beyond it to the north, longer-distance views are possible across the site and over adjoining fields beyond it to the north, north west and south west. The site is therefore viewed as part of a wider, more extensive landscape.
17. The SPD identifies the key characteristics of the site's Landscape Character Area (LCA6) as open, undulating mixed arable farmland with occasional small woodlands and shelterbelts, dispersed farmsteads and compact villages, and relatively large fields with weak enclosure. The area's landscape character is described in similar terms in the Natural England National Character Area Profile for the North Northumberland Coastal Plain (the NCAP) and the Northumberland Landscape Character Assessment (the NLCA), which also refer to the area's large fields, gappy hedgerows and generally sparse tree cover.
18. The appellant's Landscape and Visual Assessment (LVA) considers the landscape condition of the site to be low to medium, with medium value features. As part of one of a series of relatively large fields, interrupted only by occasional groups of trees, and with otherwise generally weak enclosure, the site and its wider surroundings as viewed from Station Road and other public rights of way to the north and west display several of the key characteristics of the area's landscape as identified in the SPD, the NCAP and the NLCA.
19. Views of the site and the wider landscape beyond from parts of the village beyond Station Road, including key views identified in the appellant's LVA, are limited, and interrupted to varying degrees by the roofs of other buildings in the village. Nonetheless, the views from Station Road across the site and adjacent open land create a feeling of openness and space to this semi-rural

frontage, and a direct connection between the village and its wider landscape at this point. As well as providing a vehicular route out of the village towards Christon Bank, Station Road leads to numerous public rights of way to the west of the village and is part of a national cycle route. Those views across the site, and of the wider landscape beyond, are therefore not limited to the houses facing Station Road, but are also likely to be regularly and frequently experienced by members of the public using Station Road. I therefore consider that the site makes a significant contribution to the character of the village, and the landscape of which it forms a part, in its current form.

20. The proposed houses would be detached, with relatively wide gaps between them. However, whilst thus allowing some glimpsed views from Station Road towards the open land beyond, the expansive, uninterrupted views across the site and the surrounding countryside to the north/north west and the south west from this part of Station Road would be lost. Even with landscaping to their front gardens, the houses would create a hard edge and an incongruous sense of enclosure to the southern end of Station Road. The development would therefore significantly erode the feeling of openness and the sense of connection between the village and its rural surroundings which characterise this part of Station Road. It would also represent an encroachment of built development into the open countryside, which would not reflect the existing character or pattern of development along this western edge of the village, and would appear discordant, to the further detriment of its character.
21. The clear distinction between the village and its rural surroundings is also evident when travelling towards Embleton from the various footpaths to the west of Station Road close to the site. From the nearby ridge to the west, when travelling towards the village along the footpath which eventually passes through the site, the front elevations of the houses on the eastern side of Station Road present a strong, defined edge to the village, and a sense of arrival as one travels towards them, which is a further positive component of the existing Station Road frontage. The appeal site and the wider field, in the foreground, provide a pleasant, open setting to those houses, and to that part of the village.
22. In those views towards the village from the west, the proposed houses would be seen against the backdrop of existing built development in the village, and tree and hedge planting would soften the appearance of their rear boundaries to some extent. However, the houses themselves would interrupt views of the front elevations of the houses on the opposite side of Station Road, and would turn their backs of the adjacent countryside, thus eroding the strong, defined village frontage which arises from the existing housing layout.
23. When approaching the site from Station Road to the north, and from the footpath which runs in a roughly south easterly direction towards the village from the more distant bridleway, the distinction between the housing on the eastern side of Station Road and the open land on the western side is also evident, both in views of the appeal site, and along the length of Station Road beyond it to the north. There are trees along the site's southern boundary. However, the open land beyond them to the south and south west can nonetheless be seen across the site, through and around those trees, maintaining a sense of continuing open countryside beyond the site from those public vantage points to the north.

24. The trees to the south of the site would remain visible above and between the proposed houses to some degree, and hedgerow planting would soften the site's boundaries. However, the houses themselves and their associated external areas, with vehicle parking and domestic paraphernalia, and the subdivision of their external areas with regularly-aligned boundaries, would introduce highly discordant elements of enclosure and domestication into this open rural landscape. When viewed from public vantage points to the north, the development would thus appear as a discordant and intrusive encroachment beyond the clearly-defined village edge and into the adjacent open countryside. It would also interrupt the otherwise unbroken flow of open, weakly-enclosed fields, interspersed only with occasional groups of trees, which run along the western side of Station Road and beyond to the south west, and which characterise the village's wider landscape.
25. Views towards the site from other public rights of way and more distant vantage points further to the north, including the junction of Station Road and the B1340 beyond the northern end of the village, are more limited as a result of the degree of separation, and by intervening vegetation. The effect of the development in those views would therefore also be more limited. Nonetheless, even though the effects would be relatively localised, they would be experienced from numerous public vantage points in the vicinity of the site, and those effects on the village and on the wider local landscape in this location would be significant.
26. The proposed development would therefore represent a discordant encroachment of built development into the open countryside, which would detract from the character and appearance of Embleton village, and which would also cause harm to the site's wider landscape character as identified in the SPD, and in the NCAP and the NLCA.
27. Despite some alterations to create access points, the site's stone front boundary wall would largely remain in its current form, and existing trees to the south would be retained and supplemented with new planting, thus retaining those existing positive landscape features of the site. New hedgerow planting around the garden boundaries would make some contribution to the restoration of landscape character, consistent with one of the aims set out in the SPD. New planting is also proposed within and around the dog walking area adjacent to the site. However, those proposals would not outweigh or overcome the harm to character and appearance which would arise from the buildings themselves, and from the visible encroachment of those houses and gardens into this area of open countryside, which would be evident despite the planting proposed.
28. The southern part of the site is adjacent to Embleton Conservation Area (ECA), which covers much of the historic village centre and the buildings and open spaces within it. The wider landscape around the village is important to the character of the ECA, and contributes to its significance. However, as a result of the somewhat informal layout and grain of development within the ECA, views through and out of it towards the surrounding countryside tend to be accidental, informal glimpses down narrow lanes, between buildings, or across rooftops. Views towards the site and the open land west of the village from within the ECA are, similarly, filtered by existing buildings and their roofs, although there are more open views across the site from the small part of the ECA adjacent to it.

29. The development would interrupt the existing open views from Station Road across the adjacent countryside. However, a significant part of that frontage is not within the ECA, and such open views are not generally a characteristic of the ECA. Intermittent views of the open land and the ridge and furrow fields beyond the site would remain between the proposed buildings, and would be similar in nature to the irregular, accidental glimpsed views which generally characterise the relationship between much of the ECA and its rural surroundings at present. As views into the ECA from public vantage points to the north and west of the village are limited and filtered by existing houses on Station Road outside the ECA at present, the development would not significantly alter the nature of views into the ECA from those points compared with the existing situation. Works to remove or lower parts of the site's front boundary wall would be limited, and would not cause harm to the overall integrity of that positive feature, or its contribution to the character of the adjacent ECA.
30. The loss of open views across the site from the wider length of Station Road, and the development's encroachment into the open countryside, would cause harm to the village and its wider landscape. However, for the reasons given, and having regard to the very limited section of the ECA which adjoins the site, I do not find that those effects would extend to causing harm to the character, appearance, or significance, of the ECA.
31. There are a number of listed buildings in the vicinity of the site, including Holy Trinity Church and the Old Vicarage, both of which are Grade I listed, the garden walls to the north west of the Old Vicarage, and a Grade II listed dovecote on the southern side of Station Road. The development would not extend significantly towards, or encroach on the setting of, those listed buildings. Nor would it have a notable effect on views of, or from, those listed buildings or others within the village, given the degree of separation between those buildings and the site. The proposed development would therefore not cause harm to the setting or significance of any listed buildings.
32. Nonetheless, for the reasons given I conclude that the proposed development would have a significant adverse effect on the character and appearance of the appeal site and its surroundings. The proposal would therefore conflict with the requirements of Core Strategy Policies S13 and S14, as set out above.
33. The proposal would also conflict with the guidance in the SPD which advises, amongst other things, that the siting of buildings should relate to the surrounding landscape, and that proactive conservation of existing character requires an exceptional standard of design, including in terms of site selection, to achieve strong integration with the landscape.
34. In reaching my decision I have had regard to emerging Policy 5, and to the proposed settlement boundary in the Embleton Neighbourhood Plan Pre-Submission draft, which excludes the site. I have also had regard to emerging Policy STP1 of the Northumberland Local Plan Publication Draft 2019 which, amongst other things, sets criteria for development within and without settlement boundaries, and in the open countryside. I afford those documents some weight, recognising that both have been the subject of some consultation, but that both are still subject to formal examination, and may therefore change.

Other Matters

35. My attention has been drawn to a recent nearby housing development on Dovecote Close. However, that development is further along Station Road, around the corner from the site, and closer to the centre of the village, on a section of Station Road which has development on both sides at present. I was also advised at the hearing that Dovecote Close was built as a development of 100% affordable housing. The circumstances in that case were therefore not directly comparable to those in the current appeal which, in any event, I have determined on its own planning merits.
36. Reference has been made to pre-application advice received from the Council. However, such discussions as may have taken place before and during the course of the application, do not alter my conclusions on the main issue above.
37. I have had regard to other concerns raised by interested parties, including in relation to flooding and drainage, highway and pedestrian safety, and the living conditions of nearby residents. However, as I have found the proposal to be unacceptable for other reasons, I have not needed to consider those matters further in this case.

Planning Balance

38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise.
39. For the reasons given, the proposed development would result in significant harm to the character and appearance of the appeal site and its surroundings, in conflict with Policies S13 and S14 of the Core Strategy. Those policies are consistent with the Framework, which states that planning decisions should recognise the intrinsic character and beauty of the countryside, and ensure that developments are sympathetic to local character. Accordingly, I give substantial weight to the conflict with those policies.
40. The development would provide 7 new dwellings, making some contribution to local housing supply, adjacent to the village of Embleton, which has some local facilities and public transport links. The development would create employment opportunities during construction, and future occupants would make some contribution to local businesses and facilities within the village. New tree and hedgerow planting would benefit biodiversity, and the appellant's intention to use sustainably-sourced building materials and incorporate energy efficiency measures into the proposed dwellings would have some potential environmental benefits. However, given the very small scale of the proposed development, any such benefits arising would be modest.
41. A planning obligation has been received, undertaking to make a payment in respect of mitigation towards potential adverse effects on the integrity of European nature conservation sites. However, whether or not the obligation is justified and an appropriate mechanism for securing such a payment, it would provide only mitigation, and therefore its existence is neutral in the planning balance.
42. The requirement set out in Policy S2 for a sequential test considering more 'sustainable' locations within the village is not generally consistent with the Framework. Nonetheless, even though Policy S2 may be out-of-date as a policy

most important for determining the application, or if I had compelling evidence to suggest that the Council was unable to demonstrate a 5 year supply of deliverable housing sites, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh those modest benefits identified above, when assessed against the policies in the Framework taken as a whole. Therefore, material considerations do not justify making a decision other than in accordance with the development plan in this case.

Conclusion

43. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Robertson	Appellant
Rod Hepplewhite BSc Hons MRTPI	Prism Planning
Stephen Goodchild CMLI	Fairhurst
Emily Russell CMLI	Fairhurst
James Robertson	Appellants' son

FOR THE LOCAL PLANNING AUTHORITY:

James Bellis	Senior Planning Officer, Northumberland County Council
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INTERESTED PERSONS:

Peter Biggers	Argyle Planning Consultancy Ltd
Karen Greenhoff	Embleton Neighbourhood Plan Steering Group
Terry Howells	Embleton Parish Council
Margaret Watchorn	
Andy Watchorn	
Milly Emmerson	
Chris German	

DOCUMENTS SUBMITTED AT THE HEARING:

1. Photographs of the site dated Sept 2008, December 2008, June 2012 and March 2018, submitted by Mr Watchorn.
2. Plan reference 100.00 Rev. 2 showing the 'Land' edged red as defined in the appellant's Unilateral Undertaking.

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Updated Unilateral Undertaking, dated 19 July 2019.