



Appeal Decision

Site visit made on 9 April 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/P2935/W/19/3219786

Redfoot Lea, Greensfield Moor Farm, Alnwick NE66 2HH

- 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 Mr Andrew Bell against the decision of Northumberland County Council.
 - The application ref 18/01370/OUT, dated 17 April 2018, was refused by notice dated 11 September 2018.
 - The development proposed is an outline application for four dwellings on land to the south east of Greensfield Moor Farm.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission for four dwellings at Redfoot Lea, Greensfield Moor Farm, Alnwick NE66 2HH in accordance with the terms of application reference 18/01370/OUT, dated 17 April 2018, subject to conditions set out in the attached schedule.

Procedural Matters

2. The proposal seeks outline planning permission, with all matters reserved. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.
3. The appellant refers to policy and site allocations within Northumberland Council's emerging Local Plan which was published in draft for consultation in July 2018. As this plan is at an early stage in its adoption, and in accordance with paragraph 48 of the Framework, I give the policies within this plan no weight.

Main Issues

4. The main issues are the effect of the proposals on:
 - the rural character of the area, and
 - the North Northumberland Dunes Special Area of Conservation (SAC).

Reasons

Character of the area

5. The appeal site, which is currently used as a caravan park for up to ten touring caravans, is accessed from the C93 via a single-track lane. The site sits to the

south east of a small group of dwellings comprising converted barns which surround the existing farmhouse.

6. The Alnwick Landscape Character Assessment Supplementary Planning Document¹ (SPD) was written to support Policy S13 of the Alnwick Core Strategy Development Plan Document (DPD) which aims to protect and enhance the landscape character of the local area. The SPD states that the area where the site is situated has a very low to low sensitivity to further development and has potential for settlement growth. The SPD acknowledges that development within this area may affect the perception of open countryside but goes on to say this could be mitigated through site design and planting. In addition, although the site is outside the settlement boundary of Alnwick it is in a sustainable position with access to services and facilities.
7. Policies S13 and S16 of the DPD seek that development protects and enhances the distinctive landscape character of the area. When viewed from Cawledge Business Park and Lionheart Enterprise Park, the C93 and the access lane to the site the proposal is viewed within the context of the surrounding small settlement which in turn is seen against open countryside. The other buildings in the settlement screen much of the appeal site from the A1 although some views would still be possible. From the south and south west, the site is viewed against a backdrop of the nearby industrial areas which are separated from the site by a field.
8. Although the site is within open countryside, it would not be an isolated development as it would be seen within the context of the surrounding buildings. Therefore, although it would add to the size of the settlement, given its position in an area of low to very low sensitivity to development, I do not consider that the impact of this proposal would be significantly harmful to the landscape character. Further to this, the development would replace a touring caravan site, with its associated use and cars. I consider this small development would have a minimal overall effect in landscape terms.
9. The Council is also concerned that the position of the proposal would affect the spatial relationship between Alnwick and the open countryside. However, given the assessment of the site within the SPD, its close proximity to the existing settlement at Greensfield Moor Farm and its separation from the business park, I do not consider that the proposal would affect the setting of Alnwick.
10. The Council considers that this proposal conflicts with Policy S16 of the DPD which seeks that development has a high standard of design reflecting local character or distinctiveness. These issues could be resolved at the reserved matters stage as they would relate to the appearance, layout, scale and landscaping of the proposed dwellings and how it would relate to the other properties within this small settlement. This would allow these dwellings to enhance, rather than detract from their setting.
11. There is also concern that the development may lead to an urbanising effect however, this would be dependent upon the final design and layout which could be ensured at the reserved matters stage. The Council acknowledges this within paragraph 7.26 of their Officer Report where they state that they do not consider that the proposals would cause a significant adverse visual impact.

¹ Adopted May 2010.

12. The area is designated in the SPG as having a low to very low landscape value which combined with the visual proximity to the existing settlement persuade me that its effect upon the landscape character of the open countryside would be minimal. Additionally, any impact could be further mitigated within the reserved matters since its appearance and scale would be considered at this stage. On balance therefore the proposal does not conflict with Policies S13 and S16 of the DPD.

Designated sites

13. Following the *People over Wind, Peter Sweetman v Coillte Teoranta* judgement², it is necessary for me to carry out a Habitats Regulations Assessment. Since submission of this appeal the National Planning Policy Framework³ (The Framework) has been revised. The revised version has added the phrase '*either alone or in combination*' to paragraph 177 regarding the effect of a proposal upon the habitat sites. Reference to this proposal and its potential effect combined with other development has been made by the Council and Appellant. I have had regard to the revised Framework in my decision and am satisfied this has not prejudiced either party.
14. The appeal site lies within 7km of the North Northumberland Dunes Special Area of Conservation (SAC). The area is noted for its sand dunes and their associated vegetation consisting of embryonic shifting dunes along the shoreline with *Ammophila arenaria*; fixed coastal dunes with herbaceous vegetation; dunes with *Salix repens* spp. *Argentea* and humid dune slacks. It incorporates the Northumberland Shore Site of Special Scientific Interest (SSSI) which provides wintering grounds for shore birds and the Alnmouth Saltmarsh and Dune SSSI noted for its plant communities and their associations.
15. The site's conservation objectives set out the risks to the habitat and its species. These are from inappropriate grazing management; invasion of fixed dune habitats by non-native plants which are spread by people and animals (dogs); development near sand dunes and along the coast and recreational pressure including erosion due to visitors accessing the beach through the dunes. The conservation objectives seek to ensure the maintenance or restoration of the sites integrity to provide favourable conditions for the identified features.
16. The Northumberland Coastal Mitigation Service Strategy Document, December 2018 (CMSS) sets out a strategy to prevent and mitigate the impact from additional development on the SAC. This document, prepared by the Council in partnership with Natural England, indicates that recreational use of the coast increases the closer the occupiers of dwellings are. This site is within the closest coastal zone of influence being within 7 km of the SAC. The proposal would give potential for a year round increase in recreational pressure on the SAC. This, when taken in combination with other development, would have a significant effect on the SAC. I must therefore consider whether measures could be put in place to avoid or mitigate these impacts.
17. A signed Unilateral Undertaking has been submitted by the appellant and accepted by the Council. This would provide the required financial contribution

² ECJ case C-323/17 12 April 2018.

³ The National Planning Policy Framework, February 2019.

of £600 per dwelling to be made in accordance with the mitigation strategy. The Council has indicated that as a Coastal Warden Scheme is already operating and is viable until at least 2036, the mitigation is deliverable. This scheme aims to modify people's behaviour through awareness-raising and education. I have consulted with Natural England who have confirmed their involvement and endorsement of this mitigation strategy and acceptance of its terms in relation to mitigating this development.

18. Paragraph 56 of the Framework and Regulation 122 of the CIL Regulations sets out three tests that planning obligations must meet. Firstly, they must be necessary to make the development acceptable in planning terms, secondly, they must be directly related to the development and thirdly they must be fairly and reasonably related in scale and kind to the development.
19. I am satisfied that the financial contribution is necessary to make the proposed development acceptable in planning terms. The obligation would contribute towards the provision of mitigation services including wardening. Given the location of the appeal site within 7km of the protected sites, I consider that the contribution is directly related to the appeal scheme. In addition, as it relates to a standard charge based on the scale and type of residential development proposed, I consider it to be fairly and reasonably related to the proposal in scale and kind.
20. For the above reasons, I am satisfied that the planning obligation would meet the requirements of the Framework and the CIL Regulations. I therefore give it significant weight in the determination of this appeal.
21. In conclusion I am satisfied that with the proposed avoidance and mitigation measures in place, secured through a planning obligation, the development would not have an adverse effect on the North Northumberland Dunes SAC. The development would therefore comply with the Conservation of Habitats and Species Regulations 2010 (as amended). It would also accord with Policy S12 of the DPD which aims to protect and enhance areas designated as of international, national and local ecological importance.

Other Matters

22. As the proposal is for outline planning permission issues of its effect upon the living conditions of occupiers of neighbouring properties both within the settlement and between the dwellings, could be resolved at the reserved matters stage. Comments have been received from both the Highway Officer and the Environment Agency. Although both voiced initial concerns, these were resolved during the determination of the planning application and conditions suggested. Other issues relating to construction noise and potential land contamination could also be resolved through specific conditions.
23. Conflict with Policy H2 of the Alnwick and Dennick Neighbourhood Plan 2014-2030⁴ (ADNP) has been mentioned within a Council e-mail to the appellant on 14 June 2019. Although this has not been carried forward into the Officer Report or the Decision Notice the ADNP does allocate sites which will deliver housing in the area. As this site is not one of those allocated the Council considers that the proposal conflicts with this policy. However, the ADNP goes on to state that windfall sites, outwith those allocated have historically been

⁴ 27 July 2017.

limited in number. As this site could deliver housing on a windfall site, I therefore consider that it does not conflict with Policy H2 of the ADNP.

24. The development, being a windfall site in a sustainable position, would make a small contribution to housing delivery and support services and facilities in Alnwick.

Conditions

25. The conditions set out in the accompanying schedule are based on those suggested by the Council. These conditions have been considered against the tests of the Framework and advice provided by the Planning Practice Guidance (PPG) on conditions. I have undertaken some minor editing and rationalisation in the interests of precision and clarity. Those included in the schedule are found to be reasonable and necessary in the circumstances of this case.
26. I have attached conditions 1, 2 and 3 relating to the submission of reserved matters and the time limits associated with this. This includes details of access, appearance, landscaping, scale and layout and to include details of space for vehicle parking. I have included condition 4 specifying the relevant plans as this provides certainty.
27. Conditions 5, 6 and 7 have been included in the interests of highway safety, sustainable development and to ensure sufficient and suitable facilities are provided for the storage and collection of household waste. Condition 8 has been requested by the Environment Agency in order to prevent deterioration and promote recovery of water bodies within the Northumberland River Basin.
28. Notwithstanding the landscaping details submitted within the reserved matters, condition 9 has been included to maintain and enhance the areas biodiversity. Condition 10 ensures the landscaping scheme is maintained and establishes to achieves its intended purpose in the interests of biodiversity and character and appearance of the development. Although landscaping details are included within the reserved matters the Council's condition requiring local provenance and native species planting can be considered as part of condition 9.
29. Conditions 11, 12 and 13 have been included to ensure that the development can be carried out safely without unacceptable risks to workers, other receptors and that risks to future users of the site are minimised. In the interests of preserving the living conditions of neighbours, condition 14 limits site operating hours. The Council suggested wording which referred to limiting noisy activity within stipulated hours, but I consider this is implicit within the wording of the included condition.

Conclusions

30. I have found that the proposal, including the mitigation measures, would not adversely affect the integrity of the SAC. Although the site is in the open countryside, outside the settlement boundary of Alnwick, it is directly adjacent to an existing small settlement. It is in an area identified as having a low to very low landscape value and from many vantage points is seen within the context of both this settlement and the nearby business parks. In addition, as the development is for outline permission, there is considerable scope to control its scale and appearance, and any associated landscaping to mitigate its presence and also add to the quality of the area in accordance with the landscape management guidance within the SPG.

31. For the reasons detailed above and considering matters raised I allow this appeal.

E Symmons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, scale and layout including space for parking of vehicles, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:5000; Site Plan 04/15 sheet 1 and Foul Drainage Assessment Form (FDA) dated 16/8/18.
- 5) The development shall not be occupied until details of car parking and cycle storage agreed within the reserved matters have been implemented in accordance with the approved details. Thereafter, these areas shall be retained in accordance with the approved details.
- 6) The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the local planning authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.
- 7) The development shall not be occupied until details of the required highway works, have been submitted to and approved in writing by the local planning authority. These details should include a footway from the site access to the proposed bus stop location to the south of the site on the C93 and to the shared cycleway/footway opposite and street lighting accommodation works. The approved highway works shall be constructed in accordance with the approved details.
- 8) The development hereby permitted shall be carried out in accordance with the details submitted on the FDA submitted to the Environment Agency on 23 August 2018. The package sewage treatment plant referred to in the FDA form shall not be sited within 50 metres or upslope of any well, spring or borehole use for private water supply. The completed scheme shall thereafter be managed and/or maintained in

- accordance with an approved scheme of management and/or maintenance.
- 9) No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Ecology Assessment Caravan Park, Greensfield Moor Farm, Alnwick, Northumberland. Budhaig Environmental. June 2017) including, but not restricted to:
- i. Installation of a minimum of No. 1 bat box and No. 1 swift box in each building. Numbers, types and positions of which to be submitted to and agreed in writing with the local planning authority prior to construction commencing.
 - ii. A 3m buffer implemented along the existing hedgerow. Hedgerow protection fencing to be in accordance with the guidance given in BS5837.
 - iii. All lighting will be installed in accordance with 'Bats & Lighting in the UK', Bat Conservation Trust/Institution of Lighting Engineers, 2008. The lighting shall be implemented, maintained and retained in accordance with the agreed details.
 - iv. Produce and implement a landscaping scheme comprising: pollinator friendly planting, that includes species native to Northumberland; a 1m buffer zone along the southern boundary of the site; and the inclusion of a species rich hedgerow comprising species native to Northumberland.
- 10) All planting approved in accordance with the reserved matters and condition 9 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The completed scheme shall thereafter be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.
- 11) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;

- ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 12) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development or relevant phase of development is occupied.
- 13) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 14) No construction shall take place outside the hours of 0800 to 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays. No construction shall take place on Sundays, Bank or Public Holidays.

END OF SCHEDULE