



Appeal Decision

Site visit made on 13 August 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2019

Appeal Ref: APP/P2935/W/19/3231462

Land East of 21 Station Road, Station Road, Stannington, Northumberland NE61 6DX

- 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 Messrs M W and J A Turner against the decision of Northumberland County Council.
 - The application Ref 19/01031/OUT, dated 15 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is erection of 3 no. dwellinghouses (C3 use) plus new access road.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 no. dwellinghouses (C3 use) plus new access road at land east of 21 Station Road, Station Road, Stannington, Northumberland NE61 6DX, in accordance with the terms of the application Ref 19/01031/OUT, dated 15 March 2019, subject to the conditions in the attached schedule.

Procedural Matter

2. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the proposal on that basis, treating details such as those on the proposed site plan as being indicative.

Main Issues

3. The main issues raised by this appeal are:
 - Whether the proposed development would be inappropriate development in the Green Belt; and
 - Whether the proposed development would provide a suitable site for housing and its effect on the rural character of the settlement.

Reasons

4. The appeal site is undeveloped and comprises the southernmost portion of an agricultural field situated to the north of Station Road. Adjoining the western boundary is a private access road, beyond which is the curtilage of no. 21 Station Road, a two storey semi-detached dwelling. Adjoining the eastern site boundary is the curtilage of no. 31 Station Road, a large detached two storey dwelling. Immediately to the southern side of Station Road is no. 30 Station

Road (a residential dwelling) the curtilage of which is surrounded by a large agricultural field.

5. The surrounding settlement of Stannington Station comprises a mixture of agricultural fields and largely dispersed residential development. Several new dwellings are currently under construction further east along the southern side of Station Road, to the east of the railway line.

Whether the proposal would be inappropriate development

6. For the purposes of the National Planning Policy Framework (the Framework), the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states at paragraph 145, that construction of new buildings in the Green Belt is inappropriate. Inappropriate development is, by definition, harmful and should not be permitted except in very exceptional circumstances. However, the paragraph proceeds to list several exceptions wherein development would not be inappropriate. One of these is where a proposal would constitute "limited infilling in villages".
7. The extent of the appeal site would not stretch further northwards than the curtilage of no. 31 Station Road with the pattern of development being broadly aligned with both nos. 21 and 31 Station Road. The proposed dwellings would therefore continue this pattern along Station Road from No.21 to No.31 and constitute limited infilling within the context of the wider settlement.
8. Infilling is normally associated with the completion of an otherwise substantial built up frontage of several dwellings or at the very least, consolidation of a largely built up area. It is not a question of how small or large a gap measures and I found that the appeal site has all the characteristics normally associated with infill development and therefore can be treated fairly and squarely within the exceptions identified in paragraph 145 of the Framework. Consequently, I consider that the proposal would meet criterion (e) of paragraph 145 of the Framework.

Suitability for housing

9. The appeal site presently forms part of the open countryside around Stannington Station and housing in this location would be contrary to saved Castle Morpeth District Local Plan 2003 (CMDLP) Policies C1 and H16. However, given its size, extent and location both contiguous with the existing settlement and close to local services/facilities I do not consider the appeal site to be in an isolated location in the open countryside.
10. Furthermore, paragraph 78 of the Framework states that 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.' Consequently, I consider that the appeal site would be a suitable location for small-scale residential infill development.

Effect on the rural character of the settlement

11. The Stannington Parish Neighbourhood Plan (SPNP) describes Stannington Station as 'a dispersed, rural settlement, with open views across to the countryside.' Policy 10 of the SPNP aims to preserve this dispersed rural character by ensuring that development proposals respect rural character, historic setting and local context.

12. I note the point made by the Local Planning Authority (LPA) in relation to the views of the open countryside from the appeal site and their contribution to the rural and dispersed character of the settlement. However, given the presence of existing buildings to the northern boundary of the larger field the appeal site currently belongs to; the large row of trees also on the eastern boundary of this field; the existing buildings adjacent to the appeal site (nos. 21 and 31); and the hedgerow on the front boundary of the appeal site I do not consider the views from the highway to be of the 'open countryside'.
13. I also note the LPA's reason for refusal in relation to the cumulative impact that the proposed development (combined with the other developments already permitted along Stannington Station Road) would have on the rural character of the settlement. However, given the number of residential proposals already permitted within the settlement (with one example proposing 34 no. dwellings) I consider that the historical rural and dispersed character of the settlement to have already been eroded as a result. Furthermore, the proposed development would not be of a scale that would cause significant additional harm to the character of the settlement above and beyond that already caused by other recently permitted development in the locality.

Conclusion and conditions

14. For the reasons set out above I conclude that the proposed development would not conflict with Policy 10 of the SPNP and that the appeal should be allowed.
15. I have undertaken some minor editing and rationalisation of the conditions proposed by the LPA in the interests of precision and clarity. I have limited the number of pre-commencement clauses to those cases where this is essential for the condition to achieve its purpose. I have also attached conditions relating to the submission of reserved matters and the time limits associated with this.
16. In order to protect the living conditions of occupiers of neighbouring properties I have attached conditions in respect of the hours of construction and related deliveries; and the submission of a Construction Method Statement. I have also included conditions relating to the submission of surface water drainage and landscaping details (including parking and access arrangements); the submission of a contaminated land remediation scheme; the submission of a report on protection from ground gases; and the submission of an acoustic design scheme in order to protect the living conditions of the future occupiers of the proposed dwellings and in the interest of highway safety.
17. In order to safeguard biodiversity, I have attached conditions relating to lighting levels; the removal of hedgerows; and the design of boundary fences or walls.

C Coyne

INSPECTOR

Schedule of conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or free standing buildings or structures shall be erected within the curtilage of any dwellinghouse hereby permitted without the prior granting of planning permission by the Local Planning Authority.
- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a statement setting out the design objectives and how these will be delivered;
 - earthworks showing existing and proposed finished levels or contours;
 - means of enclosure and retaining structures;
 - lighting or floodlighting;
 - refuse storage facilities;
 - boundary treatments;
 - vehicle and bicycle parking layouts;
 - other vehicle and pedestrian access and circulation areas;
 - areas to be hard surfaced and the proposed hard surfacing materials;
 - the planting of trees and shrubs;
 - indications of all existing trees and hedgerows on the land, identifying those to be retained including setting out measures for their protection;
 - areas to be seeded with grass; and
 - an implementation programme, including phasing of work where relevant.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.
- 6) Demolition or construction works shall take place only between 0800 - 1800 Monday to Friday and between 0800 - 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) Deliveries shall be taken at or despatched from the site only between 0800 - 1800 Monday to Friday and between 0800 - 1300 on Saturdays, and not at any time on Sundays or on Bank or Public Holidays, unless agreed in writing by the Local Planning Authority.
- 8) No building hereby permitted shall be occupied until the existing bus stop flagpole signs on Station Road have been relocated to a position beyond the site access to be agreed with the Local Highways Authority and service operators.

- 9) No development shall take place until details of the standards to which the roads serving the development are to be constructed shall have been submitted to and approved in writing by the Local Planning Authority. No house shall be occupied until the roads have been constructed in accordance with the approved details.
- 10) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Before any details are submitted to the Local Planning Authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and,
 - iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. wheel washing facilities; and
 - v. measures to control the emission of dust and dirt during construction;
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 12) No development shall take place unless in accordance with external lighting recommendations as per 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Engineers, 2018 (i.e. low level and low intensity and directionally away from the retained hedgelines; incorporation of 1 no. bat brick/slate into the fabric of each house with types and locations to be submitted to and agreed in writing by the Local Planning Authority before development commences); any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped; and retention of existing hedgerows with the exception of the section to be removed to create the site access.
- 13) No removal of existing hedgerow shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built (or are in use) contain either eggs or dependent young that would be damaged or destroyed.

- 14) All garden boundary fences or walls shall include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.
- 15) 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 is occupied.
- 16) 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.
- 17) No development shall take place until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases). A validation and verification report using the approved methodology shall be submitted to and approved in writing by the Local Planning Authority.
- 18) No development shall take place until an acoustic design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that internal noise level of 35dB(A) during the day and 30dB(A) and 45dB(A) during the night can be achieved in habitable rooms. Habitable rooms on the façade facing away from the Stannington Station Road, shall have windows which are not restricted from opening. The scheme shall include internal room layouts to show that the main habitable rooms shall have access to a window which can be opened without causing the ingress of obtrusive noise above guidance levels. Thereafter, the approved acoustic design scheme shall be implemented in full before the occupation of the dwelling it relates to and retained in perpetuity.