



Appeal Decision

Site visit made on 27 August 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2019

Appeal Ref: APP/P2935/W/19/3230315

Summerfield Farm, A68 Allensford to Caterway Heads, Allensford DH8 9BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Sir Tom Cowie Family Trust against the decision of Northumberland County Council.
 - The application Ref 18/04514/VARYCO, dated 21 December 2018, was refused by notice dated 14 March 2019.
 - The application sought planning permission for *Removal of condition 14 relating to planning permission 20061066 (Change of use from agricultural holding to mixed equestrian and agricultural use including change of use of land to form riding access track, outdoor menage and paddock pen, conversion of existing outbuildings to form three units to be used for staff accommodation)* without complying with a condition attached to planning permission Ref 13/01496/VARYCO, dated 13 July 2015.
 - The condition in dispute is No 6 which states that: *The doors and windows shall be constructed of timber and retained as such thereafter.*
 - The reason given for the condition is: *In the interests of the appearance of the area. In accordance with Policy GD2 of the Tynedale District Local Plan.*
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Decision

1. The appeal is allowed and planning permission is granted for Removal of condition 14 relating to planning permission 20061066 (Change of use from agricultural holding to mixed equestrian and agricultural use including change of use of land to form riding access track, outdoor menage and paddock pen, conversion of existing outbuildings to form three units to be used for staff accommodation) at The Byre, The Hopps and The Meadows, Summerfield Farm, Allensford, Consett, Northumberland DH8 9BH in accordance with the application ref 18/04514/VARYCO dated 21 December 2018, without compliance with Condition No 6 previously imposed on planning permission Ref 13/01496/VARYCO dated 13 July 2015 and subject to the conditions set out in the attached Schedule.

Procedural Matters and Background

2. The site address in the banner heading above is taken from the application form. However, the application related only to the buildings variously referred to as Units 1, 2 and 3 or 'The Byre, The Hopps and The Meadows'. I therefore have considered the appeal insofar as it relates to these buildings only.
3. Planning permission (ref T/20061066) was originally granted in 2006 for development at Summerfield Farm which included the conversion of

outbuildings to form the three units referred to above. Condition No 14 restricted the occupancy of the units, the subject of this appeal, to staff accommodation and holiday use. Condition No 10 of that permission required that doors and windows be constructed of timber.

4. Permission was subsequently granted (ref 13/01496/VARYCO) to remove Condition No 14 of permission T/20061066 and allow the three units to be used as residential accommodation. The requirement for doors and windows to be constructed of timber was secured by Condition No 6 of the 2015 permission.
5. The application the subject of the appeal proposed to vary Condition No 6 to allow timber or timber-effect uPVC with mechanical (90-degree mitre) joints and surface-mounted astragal bars, the pattern of fenestration and method of opening to match those used in the existing building, with details of the design and materials to be used to be approved in advance by the local planning authority.

Main Issue

6. The main issue is the effect that varying Condition No 6 would have on the character and appearance of the area.

Reasons

7. The appeal site is a short terrace of properties formed from converted farm buildings. It is part of an isolated cluster of rural development at Summerfield Farm which includes the historic farmhouse and the converted barns, together with more modern residential properties and agricultural buildings. The appeal properties are in an elevated and prominent position on an amenity grass bank, set back from the road behind a large area of hardstanding which provides for car parking and vehicle manoeuvring.
8. In its evidence, the Council has indicated that the appeal buildings are non-designated heritage assets (NDHA). NDHA are features with a degree of heritage significance but which do not meet the criteria for designated heritage assets. The Planning Practice Guidance notes that the decision to identify NDHA should be based on sound evidence, and plan-making bodies should make information on the criteria used to select NDHA publicly available in the interests of clarity and certainty.
9. In this case, there is little information before me in respect of the particular heritage significance of the appeal properties. However, their importance appears to derive from their traditional form and construction and their historic relationship to the adjacent farmhouse. Consequently, they appear to have a value as an historic group of buildings.
10. Evidence has been provided with the appeal which demonstrates that buildings within the group have been substantially altered, including during the conversion of the farm buildings. The roofs of the appeal buildings are of recent construction and have a uniformly modern and domestic appearance. Additional window and door openings have been created, the number and arrangement of which appear domestic rather than traditional agricultural. None of the window frames are apparently original. Notwithstanding the traditional use of wooden frames, the white-painted finish, trickle-vents and mock sliding-sash windows do not appear characteristic of historic farmsteads.

11. The immediate visual context for the appeal properties includes the adjacent historic farmhouse, which has been altered including through a concrete tile roof and modern white uPVC windows. The large tarmac parking area to the front of the appeal properties contributes to the appearance of a modern residential development rather than an historic rural farmstead. While the front boundary wall is similar in appearance to the wall to the front of the farmhouse, the metalled access gate and tall timber fencing to other boundaries are not characteristic of the rural area.
12. Therefore, and irrespective of the age of the buildings and their historic association with the adjacent farmhouse, there is little before me to suggest that the group is of any significant historic architectural or aesthetic value. Given the works that have already occurred at this site, the use of uPVC to match the existing windows would not result in a more overtly domestic appearance and it would not be detrimental to the character and appearance of the appeal properties or the area.
13. Moreover, the disputed condition in any case only secures the use of traditional materials. It does not secure any particular style or design of window or door. Compliance with Condition No 6 does not therefore necessarily ensure that windows or doors would be traditional in appearance or appropriate to the character of the area.
14. Therefore, I find that the proposed replacement of the existing windows with timber or timber-effect uPVC to match the existing would have a relatively limited effect on the appearance of the buildings or the area. Consequently, Condition No 6, which specifies materials only, is not necessary in order to protect the character and appearance of the area. While I appreciate that the Council is seeking to avoid the domestication of traditional rural farmsteads, given the particular characteristics of this site I am not persuaded that the use of sympathetically designed modern windows would result in any greater domestication or erosion of rural character than has already occurred.
15. The relevant policies are Policy GD2 of the Tynedale District Local Plan Adopted April 2000, Policy BE1 of the Tynedale Local Development Framework Core Strategy Adopted October 2007 and Emerging Policy QOP1 of the Northumberland County Council Local Plan Publication Draft Plan (Regulation 19) (January 2019). These require development to be appropriate, and to make a positive contribution, to the local character of the built environment and heritage assets, including through the use of high quality design, materials and detailing. In this case, the use of uPVC, designed and detailed to match the existing windows, would not conflict with the policy aims of maintaining the character of the built environment. The proposal would not conflict with the development plan or with the policies in the National Planning Policy Framework that relate to NDHA.

Conditions

16. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

17. I have removed the disputed condition and imposed a new Condition No 6 to specify the use of timber or timber-effect uPVC to match the existing. However, I have amended the wording of the suggested condition to also specify that following installation in accordance with the approved details, the windows and doors will be retained thereafter.

Conclusion

18. For the reasons set out above, I conclude that the appeal should therefore be allowed subject to the conditions set out in the Schedule below.

Sarah Manchester

INSPECTOR

Schedule of Conditions

- 1) The approved plans for this development are those approved for application reference T/20061066 and as amended by letter dated 12 February 2008.
- 2) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order), the following works shall not be carried out to the dwelling(s) hereby approved without the prior permission of the Local Planning Authority:
 - (a) The construction of any extension.
 - (b) The enlargement of door and window openings, or the creation of additional openings.
 - (c) The re-roofing of the building in a different material to that existing, or approved by the Local Planning Authority.
 - (d) The construction of any building within the curtilage of the dwelling.
- 3) The roofing material of the stable block shall be dark coloured, with the colouring to be factory applied to the material before being attached to the building. Prior to the stable block being built details of the roofing materials to be used shall be submitted to and approved by the Local Planning Authority. The materials used shall not be other than those approved.
- 4) The external walls of the stable block hereby approved shall be dark coloured or other such colour to be agreed in writing with the Local Planning Authority and shall be maintained as such thereafter.
- 5) The areas allocated for parking on the submitted plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 6) The doors and windows shall be constructed of timber or timber-effect uPVC with mechanical (90-degree mitre) joints and surface mounted astragal bars. The pattern of fenestration and method of opening shall match those used in the buildings the subject of this permission. No window or door shall be installed or replaced until details of the design and materials to be used have been submitted to and approved in writing by the local planning authority. The windows and doors shall be installed in accordance with the approved details and retained as such thereafter.
- 7) Prior to the commencement of works to the fence, details of the fence shown on drawing 5284-6 shall be submitted to and approved by the Local Planning Authority. The approved fence shall be maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.