



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: 4th October 2019

Appeal Ref: APP/P2935/W/19/3229572

Clifton Lodge, Great North Road, Clifton NE61 6DG

- 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 Anna Redpath against the decision of Northumberland County Council.
 - The application Ref 18/04546/FUL, dated 19 December 2018, was refused by notice dated 16 April 2019.
 - The development proposed is erection of 1 no. detached dwellinghouse (C3 use).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. My attention has been drawn to the fact the site is not within the Green Belt boundary in the Castle Morpeth District Local Plan 1991-2006 Adopted February 2003 (the CMDLP). However, saved Policy S5 of the Northumberland and National Park Joint Structure Plan First Alteration (February 2005) (NNPJSP) sets out the broad areas to be included in an extension of the Green Belt around Morpeth. Although the precise boundaries of the Green Belt extension are not set by Policy S5, on the evidence before me I am satisfied that the appeal site is within the Green Belt extension. I have therefore determined the appeal on that basis.

Main Issues

3. 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 openness of the Green Belt;
 - iii) Whether the appeal site is in a suitable location for residential development, having regard to local and national policy for housing;
 - iv) The effect of the proposal on protected species; and
 - v) If the proposal is inappropriate development, whether the harm by reason of inappropriateness and 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

4. The appeal site is an area of land between Clifton Lodge and the adjacent commercial premises. It comprises a clearing with scattered trees, woodland, and a track which is accessed from the road via the private gated entrance to Clifton Lodge. The site is currently used for the storage of vehicles and building materials.
5. 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.
6. Saved Policy C17 of the Castle Morpeth District Local Plan Adopted February 2003 (the CMDLP) sets out that the construction of new buildings in the Green Belt will not be permitted except for a limited number of purposes, one of which is limited infilling in existing villages inset within the Green Belt. In this respect, Policy C17 is consistent with Paragraph 145 of the Framework, which states that new buildings are inappropriate in the Green Belt unless they meet one of a limited number of specific exceptions, including 145 e) limited infilling in villages.
7. Clifton is a small and loosely aggregated settlement. The northern part that includes the appeal site is sparsely developed with widely spaced properties set back from the road in generous plots, woodland and a commercial car sales premises. It is well separated by undeveloped agricultural land from the more densely built and domestic arrangement of properties that characterise the southern part. With the exception of bus stops, Clifton does not appear to have any services and facilities such as might be expected in a village location. The appeal site is not therefore in a village.
8. The development plan defines infill development as the infilling of small gaps within an otherwise continuously built up frontage. In this case, the appeal site does not have a road frontage, being set back behind the commercial premises and accessible only from within Clifton Lodge. Clifton Lodge is itself set back from the road behind a hedgerow and it is separated from the neighbouring property to the south by woodland. The appeal site is not therefore a small gap in an otherwise built up frontage.
9. I therefore find that the proposal would not be limited infilling in a village. Consequently, it would be inappropriate development in the Green Belt and it would conflict with saved Policy C17 of the CMDLP and the policies in the Framework that protect the Green Belt.

Effects on openness of the Green Belt

10. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual impacts.
11. The part of the appeal site where the dwelling would be sited comprises an area of bare ground and hardstanding. There are no buildings on the site. The proposed development would introduce a significant quantum of permanent development in terms of both its footprint and its bulk.

12. There would be a significant visual impact as a result of the dwelling, vehicular access and parking and associated domestic paraphernalia. While the site is screened in part by existing trees and shrubs, the proposal would nevertheless be visible from the surrounding area including during times of year when trees are not in leaf. It would also be likely to be visible at night-time when domestic lighting would draw attention to its presence in the woodland.
13. Consequently, there would be a moderate loss of openness of the Green Belt in this location.

Whether the appeal site is a suitable location for new residential development

14. The appeal site is outside of the settlement boundary for Morpeth and it is in the countryside for the purposes of the CMDLP. Policy C1 states that development in the open countryside will not be permitted unless it is essential to the needs of agriculture or forestry or it is permitted by other policies, including Policy H16 which sets out detailed criteria for new houses in the countryside. In this case, the dwelling is not proposed to meet the needs of a key worker and it does not meet any of the listed policy exceptions.
15. While the CMDLP may pre-date the publication of the Framework, the Framework is clear that existing policies are not out-of-date simply because they were adopted prior to the Framework and due weight should be given to them according to their degree of consistency with the Framework. In this respect, the saved policies that relate to housing in the countryside are broadly consistent with policies in the Framework which promote sustainable development in rural areas and which require housing to be located where it will enhance or maintain the vitality of rural communities.
16. Notwithstanding that Clifton is a small settlement, I have found that the appeal site is not in a village. The addition of one dwelling in this location would not make any significant contribution either to the vitality of the rural community or to services in a village nearby.
17. The evidence submitted with the appeal refers to some services in Clifton. However, no further information has been provided and there is nothing before me to suggest that Clifton could meet even the most basic needs of future residents. Therefore, future occupiers would need to travel to larger settlements elsewhere in the district to meet their daily needs.
18. There are some services on the outskirts of Morpeth in Loansdean. However, the distance between the appeal site and Morpeth is greater than could be considered a short or convenient walk. Notwithstanding presence of a footway along the intervening road, given the distance involved and the absence of lighting, walking is unlikely to be a realistic alternative to replace car journeys.
19. The site is within cycling distance of Morpeth, such that some journeys could theoretically be made by bicycle. The site is also accessible by public transport, with bus stops nearby offering services to settlements including Morpeth and Newcastle. Future occupiers would therefore have some access to sustainable transport modes. Nevertheless, given the practicalities of living in a rural area and the challenges to accessing services and facilities from this location, future occupiers would be likely to make the majority of trips by private car.
20. Therefore, the appeal site is not in a suitable location for new residential development, having regard to the accessibility of local services and facilities.

The location is in conflict with the rural housing aims of the development plan, including saved Policies C1 and H16.

Protected species

24. The ecological appraisal found that the woodland surrounding the appeal site is used by foraging bats which are likely to roost nearby. However, although it concluded that none of the trees that would be felled are suitable to support roosting bats, this is contradicted by the arboricultural assessment which found that some of the trees affected by the proposal have moderate potential to support roosting bats.
25. 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.
26. In the absence of further information, in the form of a bat survey of the trees with moderate potential to support roosting bats, there is insufficient information to assess the effects of the proposal on protected species. Consequently, the proposal would conflict with Policy C11 of the LP which requires, among other things, that development avoids adverse impacts on protected species or their habitat unless the reasons for development outweigh any adverse effect. The proposal would also conflict with relevant policies in the Framework and the Planning Practice Guidance relating to protected species.

Other considerations

27. My attention has been drawn to permissions for residential development elsewhere in Clifton which the appellant considers set a precedent for the proposal. However, those schemes differ from the appeal scheme in a number of ways including the characteristics of the site, the nature and scale of the proposals and the particular planning policies which would have informed determination. On the basis of the evidence before me, they do not appear to be directly comparable to the appeal scheme. Moreover, schemes permitted elsewhere in Clifton have been found to be acceptable and in accordance with relevant policies that protect the Green Belt. Permissions elsewhere are not therefore factors in the scheme's favour.
28. Although the ecological appraisal report makes a number of recommendations to mitigate, compensate and enhance biodiversity, these measures alone would not be sufficient to mitigate impacts on the surrounding woodland arising from a new residential dwelling. I appreciate that the appellant has indicated that he would be willing to enter into a woodland management plan and to enclose the residential site with a boundary treatment, as recommended by the Council's ecological advisor. However, these measures would not be additional benefits of the scheme and this matter therefore carries little weight in my assessment.
29. The proposal would be acceptable in terms of its scale and appearance and its effects on highway safety and it would not result in harm to the living conditions of nearby residential occupiers. However, these are requirements of the development plan and they do not therefore weigh in favour of the scheme.

The Green Belt Balance

30. I have concluded that the proposed dwelling would be inappropriate development in the Green Belt which is, by definition, harmful. It would result in a harmful loss of openness of the Green Belt. The Framework advises that substantial weight must be given to any harm to the Green Belt. Furthermore, the site is not a suitable location for new residential development, having regard to the development plan. There would be likely harm to protected species and their habitat.
31. In this case, there are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

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

Sarah Manchester

INSPECTOR