



Appeal Decision

Site visit made on 13 August 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/P2935/W/19/3227953

**Woodhouse Farm, U7007, High Ridley Link Road, Coanwood,
Northumberland NE49 0NX**

- 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 J and S Wigham against the decision of Northumberland County Council.
 - The application Ref 18/03951/OUT, dated 7 November 2018, was refused by notice dated 15 January 2019.
 - The development proposed is the construction of two semi-detached one and a half storey houses.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr J and S Wigham against Northumberland County Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with approval sought for access only, with matters of layout, appearance, landscaping and scale reserved for future consideration. I have dealt with the appeal on that basis, treating any details of reserved matters shown on the plans as being indicative.
4. The appellants have confirmed that a revised application has been submitted to the Council. This includes an amended block plan / layout in an attempt to address one of the reasons for refusal regarding the provision of private and usable open space. A copy of the amended plan has been submitted by the appellants with their final comments. Notwithstanding this, I have to determine the appeal on the basis of the plans before the Council at the time the application was determined. Therefore, I have not taken this plan into consideration in my determination of the appeal.
5. The appellants have made a separate appeal¹ against the Council's refusal to grant planning permission for part demolition of existing single storey rear extension, construction of first floor extension, internal alterations and formation of new parking area at Woodhouse Farm, U7007, High Ridley Link

¹ APP/P2935/D/19/3226303

Road, Coanwood, Northumberland NE49 0NX. I am the appointed Inspector in the other case, but for the avoidance of doubt, will determine each appeal strictly with regard only to the evidence that is relevant to each appeal.

6. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019. The parties have had an opportunity to comment upon the revised Framework as part of the appeal and I have therefore determined the appeal on that basis.

Main Issues

7. The main issues are:

- Whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area and accessibility to services and facilities;
- The effect of the proposed development on the character and appearance of the landscape, including regard to existing trees;
- The effect of the proposed development on the ecology of the site; and
- Whether the proposed development would provide suitable living conditions for future occupants, with particular regard to the provision of private amenity space.

Reasons

Suitable location for housing

8. The appeal site (the site) is a small area of land stated to be the former farmyard associated with Woodhouse Farm. An agricultural building is currently sited within it. It is adjacent to a cluster of residential and agricultural buildings and there are open fields to the south west and north west. The prevailing character of the wider landscape is one of rolling countryside, with green fields and mature trees in woods and along field boundaries, interspersed by small groups of buildings and small villages. The Council has stated that the site is an Area of High Landscape Value, is within a low risk coal advice area and is within an Impact Risk Zone for a nearby Site of Special Scientific Interest.
9. Policy GD1 of the Tynedale Local Development Framework Core Strategy (CS) (2007), provides a settlement hierarchy and focuses development on main towns, local centres and, for small scale development, smaller villages. It limits development in the open countryside to the re-use of buildings. Policy GD2 of the CS prioritises sites for development. Policy H1 (e) of the CS also seeks to limit new build housing to main towns, local centres and villages with adequate services, locations of which are detailed in CS Policy H3.
10. The site is located approximately 600m north east of the village of Coanwood. With its separation from Coanwood the site does not lie in this village and for the purposes of Policy GD1 of the CS it is in open countryside. This is defined in the supporting text to this policy as *'everywhere outside the built up area of a town or village and includes sporadic groups of buildings.'*
11. The appellants state that using the Rural Urban Classification (RUC) (2011) by the Department for Environment and Rural Affairs, the grouping of buildings at Woodhouse could be classed as a village or settlement. I accept that the

Framework does not define the term village, however, the RUC is only one methodology of defining a village, and, with regard to the CS, it is apparent that, in this particular case, the buildings at Woodhouse aptly demonstrate the characteristics of a sporadic group of buildings outside of a built up area of a town or village. On this basis, I do not consider that Woodhouse could reasonably be classed as a village or settlement and, in my view, the proposed development is within the open countryside. As such, it would not accord with the stated policies within the CS.

12. Although the site is relatively close to Coanwood, the route to it is by an unlit main road which has no footpath. On my site visit I observed a school building and a bus stop but could see no other services or facilities. The appellants contend that the proposed development would not be isolated from services as many services used on a day to day basis are available in settlements nearby. Reference is also made to the local bus service between Alston and Haltwhistle, but no details of its frequency have been provided. I acknowledge that there may be some services and facilities available locally, some of which may be accessible by sustainable forms of transport such as cycle or bus. However, given the dispersed nature of the surrounding villages and what is likely to be a limited range of services and facilities available within them, it is likely that any permanent occupants of dwellings on the site would need to travel to a number of them to obtain a range of services and facilities or a main town, such as Haltwhistle, to service their day to day needs. Combined with the travel distances involved, and what is likely to be a limited frequency of the bus service, it is highly likely that any permanent occupants of dwellings on the site would need to use a private car to service their day to day needs.
13. Paragraph 79 of the Framework seeks to avoid isolated homes in the countryside and the appellants refer to the Braintree Judgement². This concluded that *'isolated homes in the countryside simply connotes a dwelling that is physically separate or remote from a settlement.'* With regard to proximity to other buildings, the site is not isolated as there are other dwellings and agricultural buildings in the vicinity. However, due to the spread of services and facilities around small settlements in the surrounding area and the limited opportunities for travel other than by car, I consider that the proposed dwellings would be isolated from services and facilities.
14. The appellants highlight that Paragraph 78 of the Framework is clear in not ruling out development in settlements and that development in one village may support services in a nearby village. I acknowledge that this may be the case. However, whilst future occupants could potentially use services and facilities available in smaller villages in the wider surrounding area, the proposed development could not accord with the Framework's example of development in a village supporting services in a nearby one, as it would not be in a village itself.
15. Accordingly, I conclude that the proposed development would not provide a suitable location for housing having regard to the development strategy for the area and accessibility to services and facilities. This would conflict with Policies GD1, GD2, H1 and H3 of the CS in relation to the controls they apply to housing in the open countryside and with regard to the need for it to be located where there is an adequate level of services. It would also not accord with the

² Braintree District Council v Secretary of State for Communities and Local Government & Greyread Ltd & Granville Developments Ltd (2017) EWHC 2743 (Admin)

Framework concerning accessible services and promoting sustainable transport modes.

Character and appearance of the landscape

16. The site is to the south west of the existing building group in an area of High Landscape Value. The land immediately to the north west and south west is characterised by green open fields with some mature tree cover to the field boundaries. The land gently slopes down away from the site to the south west allowing clear views up to it when travelling east from Coanwood. Access to the site would be from a small access road to the south west of the site off the U7007 and across what is currently uncultivated land.
17. The Council contend that the proposed development would have an urbanising effect on the locality. However, the appellants state that it would be well integrated into the existing built developed area. I acknowledge that the site is adjacent to existing buildings and I have had regard to the outline nature of the scheme. However, I consider that, regardless of layout, scale, appearance and landscaping, the proposed development would be likely to introduce substantive built form into a relatively open area and where, combined with the creation of a formal access, hardstanding for car parking and manoeuvring and other likely outdoor residential features, it would create an incursion into the existing landscape which would diminish its high landscape value and erode the pleasant rural setting of the existing building group. As such the proposed development would have a detrimental urbanising effect on the character and appearance of the landscape.
18. The appellants assert that the Council has used an out-of-date Google Earth image to make its assessment of mature trees on or near the site and that no arboricultural report was requested. The Council has not disputed this. However, no additional information in relation to this issue has been submitted with the appeal. When on site I noted a mature tree which, from the site plan, appeared to be close to, but outside of, the northern boundary of the site. The tree is visible and prominent in wider views to the site and makes a positive contribution to its landscape setting and the character and appearance of the area. In the absence of any information regarding the location of this tree in relation to the site boundary and if it would be affected by the proposed development, I cannot be fully satisfied that the proposed development would not be harmful.
19. To conclude on this issue, I find that the proposed development would have a harmful effect on the character and appearance of the landscape. Furthermore, with no evidence to the contrary, it cannot be confirmed that the proposed development would not have a harmful effect on the existing mature tree adjacent to the site. As such, it would conflict with Policy NE1 of the CS which seeks to protect and wherever possible enhance the character and quality of the natural environment, including avoiding the urbanisation of the countryside; and Policy NE33 of the Tynedale District Local Plan (LP) (2000, policies saved 2007) which, amongst other things, states that development will only be permitted where it does not have an adverse effect on the character, amenity and landscape value of existing trees. It would also conflict with the provisions of the Framework which aim to protect and enhance valued landscapes.

Ecology

20. The Council considers that the site and surrounding area may be capable of providing suitable habitat for protected species of wildlife. I note the appellants' argument that no ecological information was requested by the Council. However, in the absence of any information regarding the ecological value of the site, any impact the proposed development may have or any measures required to mitigate any resultant harm or provide for biodiversity enhancement, I cannot be assured that the proposed development would not be harmful.
21. Therefore, with no evidence to the contrary, it cannot be confirmed that the proposed development would not have a harmful effect on the ecology of the site. As such, it would conflict with Policy NE1 of the CS which seeks to protect and, wherever possible, enhance the character and quality of the natural environment; and Policies NE27 and NE33 of the LP which, amongst other things, aim to protect protected species and states that development will only be permitted where it does not have an adverse effect on the nature conservation of existing trees, woodlands and hedgerows. It would also conflict with the provisions of the Framework which aim to protect habitats and biodiversity.

Living conditions for future occupants

22. The indicative block plan provided shows a general layout for the site, including the location and footprint of the dwellings, area of private amenity space and space for access, car parking and manoeuvring. On the basis of this layout the Council contend that the proposed development would not meet the minimum 10m rear garden depth to provide private and usable open space as required by Policy H32 of the LP. This, combined with the fact that the space forward of the property (to the south west) would be taken up by vehicular access, parking and manoeuvring space, caused the Council to consider that the construction of two dwellings on the site would not achieve the necessary standards of amenity sought by Policy H32 of the LP.
23. The appellants do not dispute that the proposed development, as shown on the block plan, does not meet the required standards in relation to Policy H32 of the LP. However, it is stressed that the proposed block plan is indicative, that it shows private amenity space to all three elevations of the building and that the distance of the area to the boundary to the south west could be increased or final dwelling positions changed to give a depth of 10m within the rear gardens. In addition, it is contended that it would be greater than the space present at adjacent properties and that, with the availability of the countryside 'on the doorstep', there would be no harm to the amenity of any future occupants.
24. The Council needs to be assured that the proposed development is capable of being advanced at the reserved matters stage. In addition, although no measurements are marked on the plan, it does appear that the scheme, as presented on the block plan, would not achieve the minimum guideline rear garden depth of usable open space. However, whilst these are valid concerns, as the layout of the proposed development is reserved for future approval, it is difficult to substantiate the Council's position on this point. I am satisfied that an appropriate scheme could be evolved at the reserved matters stage when

considering the layout and landscaping of the proposed development and, if necessary, dealt with by planning conditions.

25. Accordingly, I conclude that a scheme could be achieved that would provide suitable living conditions for future occupants, with particular regard to the provision of private amenity space. In this regard, I find no conflict with Policy BE1 of the CS which seeks to ensure that development is of a high quality; and Policies GD2 and H32 of the LP which outline design criteria for new development. It would also align with the provisions of the Framework which seek a high standard of amenity for existing and future users.
26. In the reasons for refusal the Council refer to Policies GD2 and H32 as being in the CS and it is highlighted by the appellants that there is no Policy H32 in the CS. However, these policies are stated as being in the LP in the body of the officer's report and have been submitted as part of the appeal as such. Therefore, I have taken this to be an error.

Planning Balance

27. The appellants assert that the policies within the CS and LP are out-of-date and should carry limited or no weight. As stated in Paragraph 213 of the Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
28. I have found that the proposed development would not provide a suitable location for housing. In these regards it would conflict with Policies GD1, GD2, H1 and H3 of the CS. I consider these policies to be largely consistent with the Framework's approach of avoiding isolated new homes in the countryside, although they do not wholly accord with Paragraph 79's wider range of special circumstances as exceptions. Therefore, I give these moderate weight.
29. I have also found that the proposed development would have a harmful effect on the character and appearance of the landscape. However, I have not been able to conclude whether the proposed development would have a harmful effect on an adjacent tree and any ecology on the site, and found no harm in relation to the living conditions for future occupants, with particular regard to the provision of private amenity space. In these regards, the proposed development would conflict with Policy NE1 of the CS and Policies NE27 and NE33 of the LP. I have found these policies to be generally consistent with the relevant aims and requirements of the Framework and, whilst they can restrict development, I attach substantial weight to them and the harm that arises in this case from the conflict I have found with them.
30. The proposed development would provide two additional dwellings with some economic and social benefits derived from their construction and occupation. There would also be some benefits in terms of supporting local services and facilities. These benefits are reduced by the limited amount of development that is proposed but nevertheless, carry moderate weight in its favour. However, in my view, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Other Matters

31. I have had regard to the planning permission in Welton³ which granted consent for a new dwelling. The site is within the same Local Policy context and in the Green Belt and using the RUC the Council considered that Welton could be classed as a village. I accept that there appear to be some similarities between this site and the appeal before me. However, I do not know the full details or particular circumstances of that case. In any event, I have determined the appeal before me on its own merits with the specific context of the appeal proposal and its location.
32. The appellants highlight that Coanwood Parish Council were fully supportive of the scheme and that this was not taken into account in the assessment and determination of the application. However, the Council has stated that the Parish Council's comments were received after the application had been determined and, therefore, could not be taken into account. This is verified by evidence submitted as part of the appeal. I have had regard to the Parish Council's support for the proposed development. However, I consider that it does not outweigh the harm that I have found.
33. The appellants also state that, given the support of the Parish Council, the application should have been referred to Committee and not determined under delegated powers, but because the Council does not have a formal Scheme of Delegation this did not happen. In these respects, the appellants state that the Council did not determine the application in the correct procedural manner which is not in line with principles set out in the Framework. I note from the evidence submitted that the Council did not appear to have a formal Scheme of Delegation in September 2017 and the Council has not confirmed if this situation has changed. However, it is not within the remit of the appeals process to comment on the internal procedures of the Council and so I do not consider it to be determinative in the appeal.
34. I note that, subject to the appropriate conditions and informatives, there were no technical objections and that the Council considers any other matters of concern could be dealt with at reserved matters stage. However, these are neutral considerations in the balance and do not outweigh the identified harm.

Conclusion

35. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

³ 15/03632/FUL