



Appeal Decision

Site visit made on 11 September 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/P2935/W/19/3225482

Wright House, Howden Dene, Corbridge NE45 5LT

- 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 Mr and Mrs Kevin Wright against the decision of Northumberland County Council.
 - The application Ref 17/03167/FUL, dated 5 September 2017, was refused by notice dated 27 September 2018.
 - The development proposed is: Demolition of existing former piggeries, stores, saw mill and joiner's shop. Erection of a single storey dwelling including basement. New timber garage and log store. Retain existing access.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing former piggeries, stores, saw mill and joiner's shop. Erection of a single storey dwelling including basement, new timber garage and log store and retain existing access, in accordance with the terms of the application, Ref 17/03167/FUL, dated 5 September 2017, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. The application form describes the proposal as a single residential dwelling. The Council's description also refers to the demolition of former piggeries and a saw mill and joiner's shop, however on my site visit it was apparent that some existing structures on the site have been removed, although the piggeries and a small store building remained. However, I consider that the Council description, used by the appellant in the appeal form, more accurately describes the proposal and I have used it in the banner.

Main Issues

3. The appeal site is within the Green Belt. The main issues are, firstly, whether the proposal would be inappropriate development and the effect on the openness of the Green Belt; and if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development and effect on openness

4. The site and its surroundings are within the Green Belt. The National Planning Policy Framework (the Framework) establishes that the Government attaches great importance to Green Belts, the essential characteristics of which are their openness and their permanence. The Green Belt serves five purposes including to check the unrestricted sprawl of large built up areas; prevent neighbouring towns merging into one another; assist in safeguarding the countryside from encroachment; preserve the setting and special character of historic towns; and assist urban regeneration by encouraging the recycling of derelict and other urban land.
5. For the purposes of the Framework, with certain exceptions, the construction of new buildings within the Green Belt is inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances.
6. A number of exceptions to this general principle are set out within the Framework, including whether the proposed development would constitute limited infilling or the partial redevelopment of previously developed land, where there would not be a greater impact on the openness of the Green Belt than the existing development. The focal point of the dispute regarding the acceptability of the proposal is whether the site can properly be defined as previously developed, and if so whether the proposal would have greater impact on openness than the existing situation.
7. Howden Dene is an impressive Victorian country house, with a number of outbuildings and originally part of a larger estate. The house itself has been converted to flats and the stables converted to residential use. There are some cottages within the grounds, an existing walled garden, and beyond the stables area the lane continues to a detached house. From the entrance to the site it is approximately 0.5km to the built-up edge of Corbridge. Although street lighting continues from the edge of the village as far as the junction of the estate drive with the B6530 road, and the public foot path well beyond that point, there is a clear and significant break in built development between the site and village.
8. The site lies within the grounds of Howden Dene and is formed of 2 distinct parts. A roughly triangular shaped area lying between the site of the proposed dwelling and the estate entrance is heavily wooded. The part comprising the former walled garden area is densely overgrown but clear of trees. Beyond the former walled garden lies a further area of woodland, the limit of the site being defined by the woodland edge. Between the former walled garden¹ and the main estate drive is further woodland, although less dense. To the side of the site fronting the B6530 road is a high stone wall, defining the limit of the former kitchen garden. To the garden side the wall is faced in brick. Along the boundary with the road, the wall steps down in sections, with the lowest section containing a gate.
9. On my site visit I observed the remaining structures on the site, including the boundary wall and remaining part of the piggeries, and a small brick store building. Although the red brick garden wall running through the central part of

¹ It is clear from the historical evidence that the garden was bounded only on 2 sides by walls.

the site has been largely taken down, there are photographs in the application showing the wall prior to its dismantling. I also saw some foundations which may have been for a building close to the piggery.

10. In terms of the Framework definition² of previously developed land I do not find that any of the stated exclusions apply. In particular I have considered whether the remaining structures should be considered to have blended into the landscape. Although the condition of the walled garden has deteriorated, including the removal of some built structures, what remains has sufficient presence to distinguish it as being different from the wider landscape. Therefore, whilst the site is presently unused, it can be regarded as previously developed land.
11. For the exception under Framework paragraph 145 g) to be engaged, the proposed development can be limited infilling, or a partial or complete redevelopment. In the context of the site, I do not consider the proposal to be limited infilling. Although the Framework does not define the term, the proposal would not constitute the filling of a gap between existing buildings or an otherwise developed frontage, which in the context of the site is sufficient to clarify the position.
12. I would see the proposal as partial redevelopment, given the retention of woodland areas and the recreation of the kitchen garden. Such development must not have a greater impact on the openness of the Green Belt and the appellants have provided figures, based on both areal and volumetric information, comparing the proposal with the structures which existed previously on the site. In light of these figures, in particular a calculation based on the % of the site area which would be occupied, and having regard to the limited visibility into the site from the surrounding area, it can be argued that the proposal would preserve the openness of the Green Belt.
13. However, at the present time there are only some of the above surface structures remaining on the site, therefore the volumetric comparison in relation to new and existing does not necessarily support an argument that impact on openness would not be harmful. In this respect I have due regard to the High Court decisions³, and the appeal decision⁴ which the appellant draws to my attention. In the case of the appeal decision, which involved enabling development, the Inspector did not in fact find that the proposed residential development would not be inappropriate development, despite finding that visually it would conform to the scale and pattern of the area.
14. In the case of the High Court decisions, *Turner* is extensively referred to in *Euro Garages*. I note the principle which the latter establishes that simply because a development is visible is not, alone, sufficient to conclude that openness is not preserved. In the case of the proposal I have considered the extent that the dwelling would be visible in the local area, including views from the main road in proximity to the site, and views from the public right of way near Thornborough, and from the A69 itself.

² National Planning Policy Framework February 2019, Glossary, page 70

³ *Turner*[2016]EWCACiv466, *Arden*, *Floyd and Sale*; *EuroGarages Limited v Secretary of State for Communities and Local Government*(CO/145/2018)

⁴ Appeal reference: APP/W4325/W/18/3201869,

15. At present the site is essentially an open area, even though containing the remnants of the walled garden and associated structures. The proposal seeks to integrate the dwelling within a rebuilt kitchen garden wall, with a basement storey and the majority of the above ground built elements contained on the inner side of the reformed garden. The dwelling would be carefully designed with light, flat glazed structures and sedum roofs to minimise the perceived scale and massing.
16. The proposed office building would be clearly visible in the part of the site where the wall, with gate, is lower in height. The flat roof and clerestory windows of the part of the north wing of the new house would also be clearly visible from the roadside, as would the roof and glazed front elevation of the central part of the house. The grounds would be landscaped to a high standard and the kitchen garden restored, including a potting shed, although this would largely be screened by the existing boundary wall.
17. Viewed from the higher ground on the public right of way near Thornborough, and from a short section of the A69 road, it is possible to see the site. The appellants' landscape and visual appraisal, submitted as part of the appeal, describes the impact of the proposal on these views as negligible. In my view, with the use of green roofs and backdropped by the trees, the impact would be minor but still of some limited significance in terms of the effect on openness.
18. I also take into account the findings of the Council's review of the Green Belt, which found that the site is in an area which makes a medium contribution to the purposes of the Green Belt⁵.
19. The perception of the site would change under the proposal to an extent that openness would be reduced, although not lost entirely. The proposed structures would not dominate the view but they would be greater in terms of visual impact than the existing situation.
20. In Green Belt terms the concept of openness encompasses both the visual and spatial aspects of development. For land to be 'open' in these terms essentially means that it is free from development. In introducing further built development at the appeal site, the proposal would lead to some permanent erosion of its openness in spatial terms. The limited visibility of the appeal proposal would not therefore, overcome any concerns regarding the effect on openness.
21. I therefore find that although the effect of the proposal on openness would be limited, the proposal would nevertheless constitute inappropriate development, which the Framework establishes should not be approved except in very special circumstances.

Other considerations

22. The following arguments are advanced in support of the proposal. The Howden Dene Estate has an interesting history of which the walled kitchen garden is part. The buildings within the immediate estate are not listed, however the main house is of some architectural quality and age, and therefore should be regarded as an undesignated heritage asset. Collectively with the other buildings such as the converted stables, butler's cottage, the houses at the

⁵ Northumberland Local Plan Core Strategy Green Belt Review (2015)

gate and gardens the estate is an attractive and interesting composition of at least local heritage value.

23. The proposal includes a number of positive elements. These include:

- Exceptional quality design;
- promoting sustainable development;
- enhancement of the site in terms of its biodiversity, woodland management and heritage value.

24. The Framework sees achieving good design as a key output of the planning process. The appellants have engaged with the North - East Design Review and Enabling Service (NEDRES) during the evolution of the proposal. The NEDRES panel has considered the proposal on three occasions, the most recent review having taken place in May 2017. The panel considers that the design would create a sensitively designed and well-mannered building which would integrate elegantly into its surroundings, adding value to the landscape and setting, and incorporating passive and active energy conservation measures. It would represent a bold yet subtle design solution, building on the concepts of walled gardens, outhouses and greenhouses and reinterpreting the concepts in the 21st century manner, and create a building which would sit comfortably within its environment, linking inside to outside and responding to and informing its surroundings.

25. This is high praise and viewed in this context it is clear that the proposal represents an opportunity to achieve an exemplar design. The appellants' have drawn my attention to another appeal decision⁶ in which an Inspector determined that the exceptional design quality of the scheme, coupled with landscape and biodiversity management measures would meet the high standards set under paragraph 55 of the Framework⁷. He considered that in that case this amounted to very special circumstances. It is not possible for me to make direct comparisons without knowing the full detail of this other case, although I note that it involved the removal of some existing chicken sheds as part of the proposal, and that the Inspector regarded their removal and replacement with the dwelling as a positive factor.

26. In another appeal decision⁸, the Inspector gave weight to the exceptional quality and innovative design of a proposed dwelling in the Green Belt, although in the case it was a replacement for an existing dwelling, and I have insufficient information before me to make any meaningful comparisons with the appeal.

27. As I understand the Council's position, it does not disagree that the proposal would achieve a very high standard of design, however it considers that strictly paragraph 79 of the Framework only applies to proposals for isolated houses in the countryside. Since the site is within countryside, but not 'isolated' in terms of the meaning now given to the Framework's use of the word, paragraph 79 is not directly relevant to the determination, or if it is it should be given much less weight than Green Belt policy.

⁶ Appeal reference APP/R3650/W/15/3140645 dated 14 June 2016

⁷ Now paragraph 79 e) of the National Planning Policy Framework 2019

⁸ Appeal reference APP/N3020/A/08/2061839 dated 30 December 2008

28. The proposed design would also include features to achieve the highest level of the Code for Sustainable Homes. These measures could be secured through a sustainability management plan, and the appellants propose that Newcastle University's School of Architecture could be involved in studying the project. The Framework⁹ is clear that great weight should be given to outstanding or innovative designs which promote sustainability or good design in an area, providing they complement the surroundings.
29. It is also proposed that the site could be significantly improved in terms of its biodiversity value, and the kitchen garden returned to active use. The woodland within the site would be improved and managed to enhance the character of the site and its ecological value. These measures would accord with the aims of paragraph 141 of the Framework, including the improvement of damaged and derelict land. The Council has doubts over the enforceability of a planning condition to ensure that these aspects of the proposal would be delivered, however, the appellants suggest a possible condition in relation to this aspect.
30. The Framework requires that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in planning decisions. In this case, involving a non-designated heritage asset, the restoration of the walled kitchen garden could add to the significance of the asset as a whole, providing that details of the work are appropriate. A planning condition requiring details of landscaping to be agreed could be attached to ensure this. The proposed residential use, and the manner in which it would be achieved would be consistent with the conservation of the asset. The appellants suggest an arrangement where public access, by invitation, could be provided.

The Green Belt Balance

31. I have found that the proposal would result in inappropriate development in the Green Belt and that it would erode the openness of the appeal site, albeit to a limited degree.
32. The Framework sets out that substantial weight should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm resulting from the proposal, is clearly outweighed by other considerations.
33. Whilst the site constitutes previously developed land, the proposal would give rise to some limited effects on openness. The site lies outside the built-up area of Corbridge however it is clearly not isolated in the sense used in the Framework. Therefore to a limited extent its development for residential purposes, in the form proposed and given the historic use of the site as a kitchen garden, must be considered to encroach into countryside, despite the location of the site within the estate.
34. I have found that the building would be of exceptional architectural quality which would serve as an exemplar and thus promote good design. This is a consideration to which I give very significant weight.

⁹ Paragraph 131 National Planning Policy Framework

35. The proposal would also promote sustainable construction methods and there is the potential for this to be accentuated through the use of a community use agreement to secure, amongst other things, the sharing of information for research purposes about the effectiveness of the construction methods and features used to minimise emissions. This is a matter which I give significant weight.
36. The site itself would be enhanced in terms of its biodiversity and the management of the woodlands. These are matters which I give moderate weight in my decision since they would be beneficial, but not necessarily contingent on the proposal. The contribution made through the restoration of the garden to the heritage of the Howden Dene estate, an undesignated heritage asset, is matter to which I give significant weight. The proposal to use a community use agreement to allow opportunities for the public to appreciate the enhancement works adds to the benefits that this aspect of the proposal would bring.
37. The Green Belt harm, although limited, is a matter which must attract substantial weight. However, in combination the positive considerations advanced in favour of the scheme carry very considerable weight in its favour and, in the balance, clearly outweigh the Green Belt harm.
38. The Council refers me to Policies NE7 and NE8 of the Tynedale District Local Plan¹⁰. There are some elements of Policies NE7 which remain broadly consistent with the Framework, including a recognition that limited infilling within villages in the Green Belt may be acceptable. However, the policy is inconsistent in not acknowledging that the partial redevelopment of previously developed land may be excepted from inappropriate development.
39. Policy NE8 is out of step with the Framework in terms of stating that there is a presumption against new dwelling within the Green Belt, and not recognising that there are some types of development, which may include residential use, which may not be inappropriate development.
40. Whilst the policies are not wholly inconsistent with the aims of the Framework, neither policy allows for the possibility that very special circumstances may apply in a case. Accordingly, I give limited weight to both policies in my decision.
41. In conclusion, I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development

Conditions

42. I have considered the conditions suggested by the Council and the appellants against the tests of the Framework and advice provided by the Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case; however some have been edited for consistency and clarity.
43. The Council has suggested that a condition is attached requiring a construction management plan (CMP) to be agreed. The appellant draws my attention to the CMP submitted with the application. Given the relationship of the site to the

¹⁰ Adopted April 2000

nearest residential properties I am satisfied that the submitted CMP sets out an appropriate approach to the development to ensure that nuisance to residents would not arise, and do not attach a condition.

44. For certainty I attach the normal planning condition limiting the period of the consent to 3 years. In order to prevent any doubt over what is approved I attach a condition requiring the development to be carried out in accordance with the approved plans.
45. In the interest of highway safety a condition is attached requiring that all vehicular access shall be via the existing Howden Dene House drive.
46. In the interest of achieving a visually attractive development, I attach conditions requiring details of external materials, landscaping, and the method of repair to the historic walls to be agreed, and the development to be carried out in accordance with those details.
47. In order to ensure that provision is made for the parking of vehicles, conditions are attached requiring the parking spaces shown on the approved plans to be provided before the dwelling is occupied, and also that refuse storage is provided in the interests of visual appearance and hygiene.
48. In the event that any ground contamination is encountered, a condition is attached requiring a method statement for dealing with that matter to be agreed, in the interests of health.
49. To maintain the ecological value of the site and the favourable conservation status of protected species, a condition is attached requiring the development to be carried out in accordance with the report prepared by Econorth and related matters. A condition is also attached requiring a woodland management plan to be agreed and implemented, in the interests of the future maintenance of the trees within the site.
50. In order to provide for an appropriate level of public access to the site, for educational purposes and in order to allow an appreciation of the quality of the approved design I attach a condition requiring a community use agreement to be agreed with the Local Planning Authority.

Conclusion

51. For the reasons set out above, and taking into account all other matters raised, the appeal should be allowed subject to the conditions below.

Tim Wheeler

INSPECTOR

Schedule of Conditions

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
2. The development shall be carried out only in accordance with the details and specifications included in the submitted application, as shown on the drawings below:

Plans

Location Plan, Napper Architects dwg ref AL (0) 01 1, size A3;
Proposed Site Plan Napper Architects dwg ref AL (0) 02 4, size A1;
Existing Site Plan Napper Architects dwg ref AL (0) 03 1, size A1;
Proposed Ancillary Buildings Napper Architects dwg ref AL (0) 04 1, size A1;
Proposed Plans (Basement & Ground Floor) Napper Architects AD (0) 01 4 size A1;
Proposed Elevations (East and West) Napper Architects dwg ref AD (0) 02 4, size A1;
Proposed Elevations (North and South) Napper Architects dwg ref AD (0) 03 4, size A1;
Proposed Plans (Roof Plan) Napper Architects dwg ref AD (0) 06 3, size A1;
3D View Looking to North West Napper Architects dwg ref AD (0) 07 1, NTS;
3D View Looking to South West Napper Architects dwg ref AD (0) 08 1, NTS;
3D View Looking to South East Napper Architects dwg ref AD (0) 09 1, NTS;
3D View Looking to North East Napper Architects dwg ref AD (0) 10 1, NTS.

Reports

Design and Access Statement - Napper Architects;
Bat Risk Assessment & Extended Phase 1 Habitat – EcoNorth;
Updated Preliminary Ecological Appraisal – EcoNorth;
Landscape and Ecology Management Plan - Project Management (North East) Limited;
Sustainability Management Plan - Project Management (North East) Limited;
Construction Method Statement - Project Management (North East) Limited;
Landscape and Visual Appraisal – Glenkemp Landscape Architects;
Landscape and Visual Appraisal Appendices – Glenkemp Landscape Architects.

3. Means of vehicular access to the permitted building, Wright House, shall be from the private road servicing Howden Dene only.
4. Notwithstanding any indication of materials which may have been given in the application, no development above damp proof course level shall take place until a schedule and samples of the materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried in accordance with the approved details.
5. Prior to the commencement of any landscaping, full details of all landscaping on the site and to include details and samples of any materials shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall then be carried out in accordance with the approved details.

6. The development shall not be occupied until a schedule of repairs, including methodology and materials, for the repair and maintenance of the historic walls has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details
7. The development shall not be occupied until the car parking area indicated on the approved plans, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.
8. The development shall not be occupied until the refuse storage area has been formed and shall be retained thereafter for the storage of refuse at all times.
9. If during re-development contamination not previously considered is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.
10. The approved development shall be carried out in accordance with the report Updated Preliminary Ecological Appraisal Corbridge Walled Garden November 2017 (Econorth) and:
 - i) In order to mitigate for the loss of woodland on site, 0.2ha area of cleared woodland will be replanted within the first planting season following the commencement of development.
 - ii) All remaining woodland will be retained on site.
 - iii) It is recommended that felling is undertaken outside of the breeding bird season (March – September inclusive). Should felling be undertaken during the period, all areas of works will be inspected by a Suitably Qualified Ecologist (SQE) and should active bird nests be found in trees that are to be cleared, breeding bird checks will be required to ensure any nests present are inactive prior to tree removal.
 - iv) Due to the presence of structures of low suitability of supporting roosting on site, works to these areas can continue if:
 - A single bat activity survey is carried out in the peak survey season (May to August inclusive) on the brick wall, metal roof structure and the tiled roof shed and no bats are recorded returning or Demolition works proceed under method statement that will be written by a SQE. This will include but not be limited to:

- An endoscope inspection of all cracks and crevices before works by a bat licenced SQE. The removal of brickwork, stone, tiles and other materials by hand and under direct supervision of an SQE;
- The immediate stopping of works should any signs of bats including droppings or bats themselves be found during works – in this event further activity surveys will be required and a European Protected Species Mitigation Licence obtained before works can continue.

v) The felling of the trees will be carried out under a Method Statement written by an SQE. That will include but not be limited to an endoscope inspection of all cracks and crevices before felling by a bat licenced SQE qualified to climb trees.

vi) It is recommended that a series of bird boxes with predator control be erected throughout the retaining woodland, these should include a range of box sizes and types for a range of woodland and garden species.

vii) It is recommended that a that a series bat boxes be erected throughout the retaining woodland

viii) Any brash/timber piles created should be removed offsite or situated in the retained areas of habitat for use as shelter by hedgehogs or other mammals. If brash/timber piles are left or are present on site, these will be checked by hand in order to determine that no hedgehogs or other mammals are sheltering within before mechanical movement or burning.

ix) A toolbox talk will be given to site contractors that will cover the identification of great crested newts and their protection. Should this species be found on site all works on site must cease immediately. In this event, surveys of the pond will be undertaken between March and June and a subsequent European Protected Species Licence obtained before works can continue.

x) Where any trenches/excavations greater than 1m deep are created these will be closed overnight where possible. Alternatively, one side will be cut at no more than a 45° angle, or a plank large enough for a person to walk up will be installed overnight to provide any wildlife which may fall in with an escape route. All such excavations will be checked for wildlife prior to the recommencement of works each morning.

xi) The spread of rhododendron and cotoneaster should not be encouraged on site, any soil or material should be disposed of using a burning plan or an appropriate controlled waste carrier to a licenced facility

11. The development shall not be occupied until a Woodland, Biodiversity and Landscape Management Plan (WBLMP) has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented no later than 12 months after occupation or in accordance with a programme to be agreed in writing with the Local Planning Authority.
12. The development shall not be occupied until a community use agreement has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall include arrangements for access to the site, architectural data, materials and

monitoring equipment, hours of use, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

End