



Appeal Decision

Site visit made on 17 September 2019 by Ifeanyi Chukwujekwu BSc MSc PIEMA RTPI (Assoc)

Decision by A U Ghafoor BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/P2935/W/19/3232037

The Cottage, B6278 Edmondbyres to Carterway Heads, Consett, DH8 9LY

- 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 Ms Antoinette Moffa against the decision of Northumberland County Council.
 - The application Ref 18/04365/FUL, dated 13 December 2018, was refused by notice dated 1 May 2019.
 - The development proposed is the erection of a dwelling house.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The proposal falls within the North Pennines Area of Outstanding Natural Beauty (the 'AONB'). Against that background, the main issues are as follows: (1) whether the proposed development would provide a suitable site for housing, and (2) the effect of the development upon the character and appearance of the surrounding area, having regard to the site's location within the AONB and trees.

Reasons for the Recommendation

First main issue - suitability of site

4. Policy GD1 of the Tynedale Local Development Framework Core Strategy (2007) (the 'CS') indicates that smaller villages would be suitable to accommodate small scale development only. However, policies GD2 and H3 seek to restrict development involving new build housing in smaller villages to those with adequate services, entailing at least a school or food shop and either a village hall, community centre or pub; there must also be a public transport connection to a larger settlement with a wider range of services. The site is located within Carterway Heads which is not listed as a small village in Annex 1 of the LP. It has no services of its own.

5. The appellant cites the recent Court of Appeal judgement (the Braintree judgement)¹. What constitutes a "settlement" is undefined in the National Planning Policy Framework (the NPPF) and contains no definitions of a community, a settlement, or a village. For planning purposes, a judgement needs to be made having regard to particular facts and circumstances in each case. It is apparent to me that the buildings at Carterway Heads aptly demonstrate the characteristics of a sporadic group of buildings outside of a built-up area of a town or village. I do not consider that the location could reasonably be classed as a village or settlement and, in my view, the appeal site is within the open countryside. As such, its residential development would not accord with the above CS policies.
6. The NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. The appellant contends 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. For instance, Shotley Bridge lies east-northeast of the site via the B6278 and a journey by car covers 2.9 miles. The settlement has a few services including a community hospital, shops and place of worship. It is contended there is a bus service and a stop located on the A68 but very little has been submitted to show frequency of the service.
7. Given the rural and dispersed nature of the surrounding villages and the limited availability of a wide-range of local facilities and services, to meet their day-to-day needs future occupiers of the new dwelling would probably access facilities and services by private mode of transportation. Consett has a range of services nonetheless for a weekly shop the site's location would encourage the use of the car rather than public transportation, which does not sit well with the Government's aim of reducing carbon footprint.
8. For the purposes of NPPF 79, the site is not isolated as there are other dwellings in the vicinity². Nevertheless, 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, the proposed dwelling would be isolated from services and facilities.
9. The NPPF encourages that in rural areas policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs should be encouraged. However, as the proposal would not relate to affordable housing, this appeal should not be viewed as an opportunity to bring forward the development as a rural exception site in accordance with the NPPF.
10. Pulling all of the above points together, I find 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, which I find to

¹ *Braintree DC v SSLG Greyread Ltd & Granville Developments Ltd* [2017] EWHC2743 (Admin); [2018] EWHC Civ 610.

² *The Braintree judgement* applied.

be broadly consistent with the sustainable development aims and objectives if the NPPF.

Second main issue – character and appearance

11. The appeal site is an undeveloped and small grassed field bounded by stone walls and timber fencing with two large sycamore trees located at Carterway Heads. It is adjacent to The Cottage. Access to the site is via a grass track. The special qualities of the landscape that provide the immediate context for the site comprise the rolling and open countryside. The location typifies the feeling of exposure and tranquillity of the moorland valleys with expansive skies. The terrain provides sweeping views across moorlands. The traditional stone walls and adjacent woodland and views over the North Pennines gives the site and its setting a rural character.
12. The proposed house, access road, parking area and associated items of residential use would have an urbanising effect on the site and this part of the countryside. The contention is that the proposal would be small scale. Nevertheless, the nature of the development proposed would dramatically change the appearance of the site and how it is perceived in the landscape from public views. Residential development of the site would appear conspicuous and incongruous in this rural setting and it would have a negative impact upon the undeveloped quality of the area. The development would have an incongruous effect on the landscape due to the siting and location of the dwelling.
13. The landscape includes trees that define the rural nature of the locality. The proposed development would involve the removal of two sycamore trees due to the location of the new dwelling. The tree reports suggest that the structural condition of one of the trees is poor with extensive basal decay and hollowing of the stem. The second tree has a fair structural condition although there is minor deadwood and broken or hanging branches retained in the canopy. Nevertheless, the trees are a distinctive feature within the landscape and make a significant contribution to visual amenity of the area. The argument is that specialist construction methodologies could be applied to protect the two trees allowing the development to proceed. However, given the layout of the scheme before me, the removal of the trees would have a visually harmful effect on the landscape.
14. I find that the proposal would visually harm the character and appearance of the rural landscape and, linked to that, it would fail to conserve the landscape and scenic beauty of the AONB. Accordingly, the scheme would conflict with Policy NE15 of the Tynedale District Local Plan (2000), and CS Policies NE1, NE33 and NE34, which are consistent with the NPPF.

Other Considerations, Conclusion and Recommendation

15. The appellant suggests the Council cannot demonstrate a 5-year supply of housing land (HLS). The Council on the other hand states that its Strategic Housing Land Availability Assessment shows it can demonstrate a 5HLS against the County's minimum Local Housing Need figure of 717 net additional dwellings per annum, equivalent to 12.1 years supply of deliverable sites. Northumberland has also achieved 197% delivery against its minimum housing requirements for the past three years, in accordance with the Housing Delivery Test.

16. The proposal would provide social and economic benefits although these would be limited in scale, but the proposed residential development would have a significant adverse visual effect on the site and landscape. As it is a single dwelling, the contribution it would make in these respects would be limited and carry moderately some weight in favour.
17. Overall, and for the reasons given above, the proposal would be contrary to up-to-date development plan policies. There are no considerations that warrant a decision other than in accordance with the development plan. For the avoidance of doubt, in the event that there were no relevant development plan policies, the policies most important for determining the appeal were out-of-date, or the Council had been unable to demonstrate a 5HLS, for reasons given elsewhere I find that the adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

Appeals Planning Officer

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR