
Appeal Decision

Site visit made on 9 October 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH November 2019

Appeal Ref: APP/P2935/W/19/3234305

**Land to south of Heddon-on-the-Wall, Heddon-on-the-Wall,
Newcastle-upon-Tyne**

- 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 S Watson against the decision of Northumberland County Council.
 - The application Ref 18/04460/FUL, dated 19 December 2018, was refused by notice dated 8 March 2019.
 - The development proposed is change of use of land and the siting of 5no camping pods.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the banner heading above is taken from section D of the appellant's appeal form as only a grid reference was given on the original planning application form.
3. Both parties have referred to policies in the emerging Northumberland Local Plan Publication Draft Plan (Regulation 19) including proposed minor modifications (May 2019) (draft Local Plan). The Council stated that the plan has been submitted to the Secretary of State and is awaiting examination with hearing sessions due to start on 8 October 2019. However, given the relatively early stage of preparation and as this does not form part of the adopted development plan, I attach only limited weight to these policies in considering the appeal proposal.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the setting of the Grade II listed Heddon Banks Farmhouse and buildings;

- if the development is inappropriate, 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 inappropriate development

5. Paragraph 145 of the Framework indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt except in a number of clearly defined circumstances. Relevant to this appeal is the exception at sub paragraph (b) allowing the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
6. The proposed development also includes the change of use of the land and the provision of camping pods and roads and parking areas to serve the pods. The service roads and parking areas are integral to the development as a whole and therefore the exception at 146 (b) is not relevant.
7. Policy C17 of the Castle Morpeth District Local Plan - Adopted February 2003 (the Local Plan) states that the construction of new buildings in the Green Belt will not be permitted, other than for a number of purposes, including essential facilities for outdoor sports and recreation and cemeteries and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.
8. The Framework states that policies in it are material considerations which should be taken into account in dealing with applications from the day of its publication. However, existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. In this case, given the inclusion of changes of use within the Framework, I have afforded Policy C17 limited weight in decision making terms given its inconsistency with the Framework in this regard.
9. Policy STP 8 of the draft Local Plan states that development which improves access to the countryside or provides opportunities for outdoor sport and recreation will be encouraged and supported provided it does not conflict with national policy in relation to Green Belt. Policy ECN 16 of the draft local plan states that the potential of the Green Belt areas to contribute towards strategic economic and tourism aims will be maximised, while ensuring that there would be no greater impact on the Green Belt and the purposes of including land in it.
10. The Council considers that the proposal does not constitute outdoor facilities for outdoor recreation however, the proposal would provide camping style outdoor holiday accommodation for tourists which could be considered to be outdoor recreation. In any event, whether the proposal constitutes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation, the requirement in paragraph 145 (b) of the Framework is that the facilities should preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

11. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The consideration of openness in the Green Belt has been found by the courts to have a spatial as well as a visual aspect.
12. The appeal site is part of a relatively large, undeveloped field. The development would introduce 5 camping pods and associated service road and parking areas to the site where there is currently no development. Despite the appellant's contention that the pods are of a 'temporary' nature and having had regard to caselaw¹ referred to by the appellant, the impact of the pods, road and parking areas, occupying a reasonably significant proportion of land would undoubtedly have a greater impact on openness. The development would be sited close to the road and whilst some limited screening would be afforded by the roadside hedge, given the proposed siting on the upper side of a sloping field the harm to openness would be significant. The harmful impact of the pods would be exacerbated by the presence of cars and other paraphernalia associated with them.
13. Overall, the proposal would have a significantly harmful impact on openness and would therefore not preserve openness nor assist with safeguarding the countryside from encroachment which is one of the five purposes of including land within the Green Belt. Consequently, the proposal constitutes inappropriate development in the Green Belt contrary to Policy C17 of the Local Plan, Policies STP 8 and ECN 16 of the draft Local Plan and the Framework.

Character and appearance

14. The appeal site is located within the Tyne Valley Area of High Landscape Value (AHLV). For the purposes of the Northumberland Landscape Character Assessment (August 2010) (NLCA), the application site lies within Landscape Character Type (LCT) 31 – Glacial Trough Valley Sides and within Landscape Character Area (LCA) 31g – Ovington to Wylam.
15. The NLCA identifies the qualities of LCT 31 to include valley sides which are generally steep with the steeper slopes tending to be being given over to improved pasture, with arable land more prevalent on shallower slopes. The valley sides offer long views up and down the valley, although constrained by landforms. The development guidelines for LCT 31 include discouraging new build development from extending onto upper valley sides and that new build development should not substantially alter the character, scale or form of existing settlements.
16. The appeal site forms part of a field which slopes relatively steeply down towards the valley bottom, located outside of the main built-up part of the settlement, with agricultural land on either side and far reaching countryside views. Whilst the appellant contends the rationale and basis for the selection of AHLVs, I nevertheless observed at my site visit that the land, of which the appeal site forms a part, has a distinctly rural character and appearance.
17. The appeal site is located on the upper part of the slope close to Heddon Banks and would run across the field, with the proposed pods being regularly spaced in a linear form across the width of the field. Due to the elevated siting and as

¹ Euro Garages Ltd v SSCLG & ANOR [2018] EWHC 1753 (Admin)

the development would appear unrelated to surrounding buildings, landscape features or patterns of development, the proposed pods and associated road and parking areas would have an incongruous appearance. As the proposed development would be highly visible in both close and wide-ranging views, it would have a significantly adverse effect on the character and appearance of the landscape and area.

18. Consequently, the proposal would be contrary to Policy C1 which states that proposals for development in the open countryside will not be permitted unless essential to the needs of agriculture or forestry, Policy C3 which states that development which will have a harmful effect on AHLVs will not be permitted and Policy HWC2 of the Local Plan which states that the Council will refuse development which will have detrimental effects on the landscape adjacent to or in the vicinity of the Tyne Valley and, the overall design and landscape protection aims of Policies QOP 1, QOP 2 and ENV 3 of the draft Local Plan. It would also conflict with the aims of the Framework to enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
19. The Council referred to Policies E10 and HWC1 of the Local Plan however, Policy E10 relates to development outside Green Belt boundaries and Policy HWC1 identifies that there is a settlement boundary for Heddon-on-the-Wall. They also referred to a number of Policies in the draft Local Plan including Policy STP 1 which sets out the spatial strategy and, STP 3 which relates to principles of sustainable development, ECN 15 which relates to tourism and visitor development and QOP 4 which relates to landscaping and trees. I consider these policies are not directly relevant to this main issue and weigh neither for or against the proposal.

Setting of the listed buildings

20. The appeal site is located broadly south east of Heddon Banks Farmhouse and associated farm buildings. The farmhouse is a substantial building of symmetrical form which dates from around 1850 and is constructed of ashlar and coursed stone under a Welsh slate roof, with attached outbuildings listed in their own right. This is an historic farmstead which is highly prominent in the landscape because of its elevated and imposing position on the high slopes towards the village centre, overlooking agricultural land which surrounds the village, including the appeal site. It is this rural setting which forms part of the buildings significance as an historic farmstead.
21. There are relatively extensive, planted gardens to the front of the farmstead, enclosed by attractive stone walls. Although more contemporary detached dwellings have been erected further along Heddon Banks broadly west of the farmstead, these do not encroach into its setting.
22. The setting of a heritage asset is not a fixed concept; it is concerned with the way the heritage asset is experienced. Because of the proximity to the farmstead and position in the foreground, I consider that the proposed development would weaken the appreciation of the assets by acting as a visual distraction from them, eroding the rural landscape within which they are viewed, thus causing harm to their setting.
23. Overall, I conclude that the proposal would cause harm to the setting of the listed buildings. Given the scale of the proposal in respect of the setting of the

listed buildings, I consider the harm to be less than substantial. Nevertheless, I am mindful that paragraph 193 of the Framework says great weight should be given to the conservation of designated heritage assets and any harm to such assets should require clear and convincing justification.

24. Paragraph 196 states that where a proposal would lead to less than substantial harm to the significance of such an asset that harm should be weighed against the proposal's public benefits. This requires a balancing exercise of harm against the public benefits of the proposal. In this case reference has been made to the development assisting the economic viability of the farm and the increase in public accessibility to the countryside through the provision of tourist accommodation.
25. I have little information about the viability of the existing farm and the significance of such economic benefits to the business, or the extent of shortfall and demand for such accommodation in the village.
26. Consequently, in my view the public benefits of the proposal would be minimal and do not outweigh the great weight that I am required to attach to the heritage assets conservation. I therefore conclude that the proposal would fail to accord with the overall design and heritage protection aims of Policy QOP 1 and ENV 7 of the draft Local Plan and national policy which seeks to conserve and enhance the historic environment.
27. The Council referred to Policy QOP 2 of the draft Local Plan which relates to amenity protection however, in the absence of explanation I find that this policy is not directly relevant to this main issue and weighs neither for or against the proposal.

Other considerations

28. The appellant stated that the farm will become more economically sustainable and referenced the support provided by the Framework to meet local business needs in rural areas. However, I have little information to suggest that the farm is not already economically sustainable, as such this is a matter of limited weight in my assessment.
29. The proposal would provide tourist accommodation, in particular accommodation for those travelling the Hadrian's Wall path and I accept that there is policy support for this type of development in rural areas generally and have given such support moderate weight.

Green Belt Balance

30. Paragraph 143 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework goes on at paragraph 144 to indicate that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
31. I have found harm to the Green Belt by way of inappropriateness. Having considered matters raised in support of the proposal, I conclude that they do not clearly outweigh the harm that I have identified in relation to the Green Belt. Consequently, the very special circumstances necessary to justify the

proposal do not exist. Therefore, the proposed development conflicts with the Green Belt protection aims of the Framework.

Other matters

32. The Framework states that there are three overarching objectives to achieving sustainable development which are mutually dependent; these are economic, social and environmental. The harm to the Green Belt, the character and appearance of the area and the setting of listed buildings means that the environmental objective of sustainable development would not be achieved. As such the proposal does not represent sustainable development when considered against the policies in the Framework taken as a whole.
33. The appellant has referred to and provided some details relating to permissions which the Council have granted for the development of 'glamping' pods. Whilst I acknowledge that these sites are located in areas subject to national and international landscape designations and with listed buildings nearby, none were located in the Green Belt and in this respect are not directly comparable to the appeal proposal. Further, I do not know the circumstances of those developments being permitted and, in any event, I have considered the appeal proposal on its own merits.
34. That there is no harm in respect of highway safety or objections from Northumbrian Water, subject to conditions, no objections from Countryside and Rights of Way or Public Protection and no letters of objection, are neutral matters which cannot outweigh my findings above.

Conclusion

35. For the reasons set out above and having regard to all matters raised, the appeal is dismissed.

Felicity Thompson

INSPECTOR