



Appeal Decision

Site visit made on 2 October 2019

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

an Inspector appointed by the Secretary of State

Decision date: 12 November 2019

Appeal Ref: APP/P2935/W/19/3233903

Land adjacent to 63 Stannington Station Road, Stannington NE61 6NH

- 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 and Mrs Ford against the decision of Northumberland County Council.
 - The application Ref 19/00134/OUT, dated 14 January 2019, was refused by notice dated 9 April 2019.
 - The development proposed is erection of 5 no dwellinghouses (C3 use) including new access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is made in outline with all matters reserved and therefore I regard the plans submitted with the application as being illustrative.
3. The appellants became aware of the need to provide a Section 106 agreement to secure a contribution towards the Coastal Mitigation Service shortly before the determination of the application. Although a claim for costs has not been made, I am invited to consider whether a partial award is appropriate. I can see no reason to conclude that the absence of an undertaking prior to the determination of the application had any bearing on the overall outcome, or the subsequent submission of the appeal, and therefore do not consider further a costs award in this instance.
4. The appellants have submitted a completed planning obligation to provide mitigation to ensure that the proposal would not have an adverse effect on the integrity of the Northumbria Coast Special Protection Area (the SPA) and Northumberland Shore SSSI. The Council accepts that if the unilateral undertaking is accepted, there will be no issue regarding the making of a financial contribution towards the Coastal Mitigation Service. As I am dismissing the appeal for other reasons I have not considered this matter any further.

Main Issues

5. The appeal site is within the Green Belt. Therefore the main issues are:

- whether the proposal would be inappropriate development and if so the effect on the openness of the Green Belt; and if the proposal is inappropriate development, whether any harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it;
- whether the site is a suitable location for housing with regard to its level of access to services; and
- whether the proposal would have any effects on the character and appearance of the countryside.

Reasons

The site and the proposal

6. The site comprises a paddock and stable building located between Nos 63 and 65 Stannington Station Road, situated around 5km south of the town of Morpeth. There have been a number of sites at Stannington Station which have received planning permission for housing and I observed a number of developments under construction at the time of my visit.
7. The proposals, although in outline, show a development of 5 bungalows, with a single point of access to Stannington Station Road and an internal road within the site to serve all dwellings from the rear. The bungalows would be built in a similar alignment to No 63 Stannington Station (No 63).

Inappropriate development and openness

8. The Northumberland Local Plan was submitted to the Secretary of State for Examination in May 2019. Policy STP 7 of the emerging plan defines the limits to the Green Belt via the proposals map, although the plan could yet be subject to change. Under the existing development plan, the Northumberland County and National Park Joint Structure Plan (JSP) Policy S5 describes the limits of the extended Green Belt and states that precise boundaries will be identified in forthcoming local plans. In addition, the Stannington Parish Neighbourhood Plan¹ (SPNP) states that all settlements referred to in the plan are within the general extent of the Green Belt.
9. Given this context, there is no dispute that the site is within the Green Belt, and the Inspectors in some appeal decisions to which I have been directed have taken a similar approach.
10. 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 and assistance in safeguarding the countryside from encroachment.

¹ Made September 2018

11. For the purposes of the Framework, with certain exceptions, the construction of new buildings within Green Belts is inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. JSP Policy S5 relates only to the definition of the area to be covered by the Green Belt. Policy C17 of the Castle Morpeth District Local Plan 1999 – 2006² (CMDLP) states that only certain types of development will be permitted, including limited infilling in existing villages inset within the Green Belt. Its aims, insofar as they are relevant to the appeal, are consistent with the Framework.
12. A number of exceptions to this general principle are set out within the Framework, including whether the proposed development would constitute limited infilling within villages. The focal point of the dispute regarding the acceptability of the proposal is whether the site can properly be defined as limited infilling within the context of Stannington Station.
13. The Framework does not provide a definition of an infill site and the parties have drawn my attention to a number of decisions within Northumberland where the question has been addressed. In one case, at Tranwell Woods³ a Court of Appeal judgment was received supporting the view of an Inspector that a site was not infill because, even though it was 'enclosed on three sides by dwellings....it did not represent a gap in an otherwise [developed] frontage'. In an appeal decision at Bowes Hill⁴ an Inspector considered that it is reasonable to consider limited infilling as development which would occupy a small gap in an otherwise built up frontage.
14. In another appeal decision⁵, relating to a site next to No 21 Stannington Station Road (the No 21 Site), an Inspector considered that infilling is normally associated with the completion of an otherwise substantial built up frontage of several dwellings or at the very least, consolidation of a largely built up area and, not a question of how small or large a gap is.
15. The appeal site, together with the open fields on the opposite side of the road, forms a substantial break between the group of houses of which No 63 is part and the next houses at Nos 65 and 67 Stannington Station Road. Under all three of the definitions referred to above, the site is not one where the proposal can be reasonably described as limited infilling. The stretch of the road between and including the site and its junction with the A192 cannot be described as an otherwise developed frontage, as for the most part it is adjoined by open fields, and similarly it would not be correct to describe the site as a small gap, given its extent. In the case of the third definition, the development of the site would be neither the completion of an otherwise developed frontage, or the consolidation of a largely built up area as the site and its surroundings form part of an area which is presently largely undeveloped and separate from the more developed parts of Stannington Station.
16. The site benefits from some screening from the existing mature hedgerow along the road frontage, but the extent to which the development would or would not be visible from the road and surrounding area is not the only

² Adopted 2003

³ The case reference is not provided by the Council but it is well known - R.(on the application of Tate) v Northumberland County Council v Susan Leffers Smith [2018] EWCA Civ 1519 2018 WL 03232669.

⁴ Appeal reference APP/P2935/W/18/3197543 – Bowes Hill, Newton. 20 July 2018

⁵ Appeal reference APP/P2935/W/19/3231462 – 21 Station Road, Stannington. 24 September 2019

determinant of its effect on the openness of the Green Belt. The Courts have held that the assessment of openness should be based on both visual and spatial considerations. In respect of the latter, the fact that a building may not be very visible from surrounding areas does not mean that there would be no impact on the openness of the Green Belt in spatial terms.

17. The proposal would result in a significant increase in building footprint at the site, even though the submitted plans are illustrative. Taking into account the indicative details and the undeveloped nature of the appeal site, other than the stable building, I consider that the erection of 5 dwellings on the site, even if in bungalow form, would undoubtedly affect the openness of the Green Belt. Furthermore, it is likely that some parts of the development would be visible from public viewpoints such as the access from the road, and the roofs of the houses above the height of the hedge.
18. The Framework also contains an exception to inappropriate development where the site can be considered to be previously developed land, providing that the proposal would have no greater impact on openness than the existing development. Were I to take the view that the site is currently previously developed, the proposal, although in outline, would demonstrably have a significantly greater impact on the openness of the Green Belt than the existing stable building.
19. Therefore, I consider that there would be significant harm to openness both in spatial and visual terms and for the reasons outlined above, I conclude that the proposal would not meet any of the exceptions as laid out in paragraph 145 of the Framework, or Policy C17 of the CMDLP. Therefore, the development would amount to inappropriate development in the Green Belt and would cause significant harm to openness. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Any other harm

The suitability of the location for housing with regard to its level of access to services.

20. Given the proximity of the existing dwellings to the site, the proposal would not result in isolated dwellings in the countryside, in the sense used in paragraph 79 of the Framework. However, the site is not within a settlement boundary identified under Policy C1 of the CMDLP, and given its use of as paddock, and location within an area largely, but not exclusively, comprising open fields the site can properly be described as falling within the open countryside.
21. The appellants have drawn my attention to 2 other appeal decisions in support of the proposal. The first concerns a site located to the north of Morpeth⁶. Whilst the site in the case is also outside of existing settlement boundaries, the local context is very different and more suburban, compared with the rural setting of the site in this appeal.
22. The second appeal decision is that for the No 21 Site. In the decision the Inspector considered that the site was a suitable location for housing, given that it would be contiguous with the existing settlement and in a location where it would enhance and maintain and vitality of a rural community.

⁶ APP/P2935/W/19/3223193 – Butley Ben, Fairmoor. 7 June 2019

23. There are some similarities between the No 21 Site and the proposal. Both sites have the same access to the bus services to Morpeth and both, in terms of the current development plan, are within open countryside. However, the site next to No 21 Stannington Station Road is located centrally within the settlement, and a comfortable walking distance of the shop at the filling station and next to the farm shop. It therefore has some potential to help support the vitality of the rural community at and around Stannington Station, as supported by paragraph 78 of the Framework, with some opportunities to use transport modes other than the private to access centres with a wider range of services.
24. Whilst such potential is not entirely absent in the case of the proposal, it would be less due simply to the greater distance from the site to these local services and therefore I give it limited weight in my decision.
25. Policies C1 and H16 of the CMDLP lack some consistency with the Framework, but not in respect of those matters relevant to the proposal. The Framework is clear that planning decisions should be taken in accordance with the development plan, unless material considerations indicate otherwise.
26. I therefore conclude that the proposal would not provide a suitable location for housing with regard to its countryside location and level of access to services. It would conflict with Policies C1 and H16 of the CMDLP, which require that new houses in the open countryside should only be developed in certain specific circumstances, for example where there is a need to house rural workers, and the Framework which in the case of rural areas, seeks to locate new housing where it will enhance or maintain the vitality of communities, in which respect the proposal would make only a limited contribution.

Effects on the character and appearance of the countryside

27. When approaching the site from the part of Stannington Station Road closest to the railway crossing, the character and appearance of the surroundings become more rural in nature, and once reaching No 63 and beyond the character becomes one of an area of open and attractive countryside. The countryside has no special landscape designation but that does not mean it is of no value.
28. In this context, the addition of housing on the site, even in bungalow form would create a very real sense of urban encroachment and a loss of countryside character. Given the existence of other development elsewhere in Stannington Station, there would also be an effect on the wider character of the settlement, which would be perceived as being larger and more urban in nature. The SPNP acknowledges that an important feature of the settlement is a dispersed character and open views across to countryside. An inevitable consequence of building on the appeal site would be the erosion of a space that contributes positively to that dispersed character. The proposal would therefore harm the character and appearance of the area.
29. Policy 10 of the SPNP, requires amongst other things that development should respect the context of the site and its surroundings. CMDLP Policy H15 also requires development to be compatible with local vernacular character. I therefore conclude that, for the reasons given, the proposal would cause harm to the local character and therefore would not conform with these policies.

Other Considerations

30. As mentioned above, the Framework recognises that housing in one village may help to support services within other nearby villages, and it is probable that the occupiers of the development would make a limited contribution to supporting the services within Stannington Station, for example by visiting the convenience store at the filling station. However, it is also likely that they would travel to Morpeth for their main shopping needs. This is therefore a positive factor to which I attach low to moderate weight.
31. It is suggested that the housing which would be provided would be specifically designed for the elderly and persons with disabilities. The Planning Practice Guidance⁷, highlights the importance of planning for the housing needs of older people and disabled persons and the provision of such housing could reduce pressure on local facilities and provide employment. These benefits, if delivered, could be of some value and I attribute moderate weight to them.
32. Although the proposal is in outline, the number of houses and form of layout indicated would be likely to result in a good standard of environment for future occupiers. It is suggested that this would be a lower density development with more open space than some other approved developments in the area. It is desirable that new development should help to achieve well designed places and this is a matter to which I give limited weight.
33. It is suggested the site would be developed by a small to medium enterprise. I accept that there would be some local economic benefits from the development however given the scale of the development I attach low to moderate weight to this aspect.
34. The appellants refer to the Council's 5 year supply of land (5YHLS). The Framework is clear that where a local planning authority cannot demonstrate a 5YHLS of deliverable sites (with appropriate buffer if required) or where the Housing Delivery Test (HDT) demonstrates a shortfall, the presumption in favour of sustainable development is engaged. The appellants do not submit any evidence to me in respect of the Council's current 5YHLS or the result of the HDT.
35. The appellants have drawn my attention to the existence of other housing developments in the area, including the land next to No 21 and the relatively large housing development at Hepscott Park. However, as I have already described the circumstances in each case can be different and although these other developments are approved, they do not change my conclusions on the main issues.
36. I have attached low to moderate weight to the contribution that the proposal would make to the vitality of the rural community and the local economy; moderate weight to the possible provision of housing suitable for elderly persons and those with disabilities; and limited weight to the approval of other development in the surrounding area. Overall, I attach moderate weight to these positive considerations.

⁷ Revised 26 June 2019,

Planning Balance and Conclusion

37. I have found that the proposal would be inappropriate development in the Green Belt. Irrespective of the illustrative nature of the submitted plans I have also found the proposal would be harmful to the openness of the Green Belt. In addition, the proposal would not provide a suitable location for housing due to its limited accessibility to services and would harm the character and appearance of the countryside in which it is located. It would therefore be in conflict with the countryside aims of Policies C1 and H16 of the CMDLP; Policy H15 of the CMDLP and Policy 10 of the SPNP in terms of harm to the character and appearance of the area, and the Framework.
38. I must attach substantial weight to the Green Belt harm and when combined with the other harm identified the harm is clearly not outweighed by the other considerations combined. Very special circumstances therefore do not exist and the proposal is in conflict with Policies S5 of the JSP and C17 of the CMDLP and the Framework.
39. In reaching this conclusion, I note the comments about whether or not the Council can demonstrate a 5 year supply of deliverable housing land. However, irrespective of the housing land supply position footnote 6 of paragraph 11 indicates the proposal should be resisted. The appeal is therefore dismissed.

Tim Wheeler

INSPECTOR