



Appeal Decision

Site visit made on 3 December 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/P2935/W/19/3233497

Land rear of Mill Lane, Haltwhistle NE49 9LW

- 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 Hunter Contracts North East Ltd against the decision of Northumberland County Council.
 - The application Ref 18/03141/FUL, dated 1 October 2018, was refused by notice dated 18 January 2019.
 - The development proposed is for change of use of land to provide holiday lettable accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During determination of the planning application the appellant proposed an alternative site access route. The details of this route have been submitted within the appeal. The route is outside the red line boundary and the Council considers it to be in Flood Zones 2 and 3 and requiring a Flood Risk Assessment. Neither of these matters were resolved during determination of the application and the Council made its decision based on an access route from Castle Hill Terrace. When deciding whether to consider changes to proposals within an appeal the Wheatcroft Principles¹ must be applied. Altering the access route would change the proposal. Consideration of this option within the appeal would deprive consultees of the opportunity for further comment on a changed proposal and they would therefore be disadvantaged. This appeal is therefore determined on the basis of the application which was before the Council at the time their decision was made.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of neighbouring occupiers with respect to increased noise, activity and disturbance, and
 - highway safety.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]).

Reasons

Living conditions

4. The site stretches from the rear boundary of the properties on Mill Lane down to the tree-lined bank top which slopes steeply down towards the Haltwhistle Burn. The site has the appearance of an allotment garden and contains a shed, greenhouse and small store building. There is a grass track leading into the site which in turn leads off an access route which links with the bottom of Mill Lane. The area around the appeal site is characterised by private outdoor space including adjacent rear gardens. To one side is Tower Crest whose front driveway and rear garden abut the appeal site. To the other side is the rear garden of Mill Croft and at the top of the site are the rear gardens of 1 and 2 Mill Lane.
5. The proposed holiday accommodation would comprise three shepherd huts, each having a gravel area for car parking. The accommodation's internal space would be relatively compact which would tend to necessitate visitors' time spent outdoors for eating, socialising and recreational activities. This, and associated vehicle movements at the rear of existing dwellings, would be likely to cause increased disturbance. No substantive details have been provided regarding potential letting periods or occupancy rates upon which to gauge possible numbers of visitors. However, it is likely that commercial pressures would aim to maximise use and visitor numbers.
6. Although two of the shepherd huts would have a relatively central position on the site, the third would sit directly adjacent to the site boundary with Tower Crest. Habitable room windows of Tower Crest would be some distance from the shepherd's hut and as the hut would sit at a lower ground level, issues of overlooking would be minimal. Additionally, a fence would be erected along the southern boundary with Tower Crest, and the appellant would be willing to increase its height to two metres. However, although fencing would alleviate privacy concerns it would not negate potential noise and disturbance. Noise and disturbance generated would affect this neighbours' enjoyment of their outdoor amenity space.
7. The proposals also include erection of a 1.8m high close boarded fence which would separate the top of the site from the rear of 1 and 2 Mill Lane. These properties have short rear gardens which would be relatively close to the holiday accommodation and associated outdoor space. Disturbance to these gardens is therefore also likely. The site would only partially overlap with the bottom of the garden of Mill Croft and this property is likely to experience less of an impact.
8. The appellant suggests that the level of disturbance would be similar to that expected within any urban garden where neighbours are separated by fences. However, the combination of the turnover and transience of holidaymakers and the limited indoor space which would encourage use of the outdoor area would be likely to result in additional disturbance which would be difficult to control. Additionally, as the accommodation has limited size and facilities it is likely that stays would be relatively short. This would lead to a high turnover of guests with associated vehicular movements and no evidence to the contrary has been submitted.

9. There is insufficient evidence to satisfy me that the presence of holiday accommodation on this site would not harm the living conditions of adjacent neighbours with respect to noise and disturbance. The proposal would therefore conflict with saved Policy GD2 of the Tynedale District Local Plan 2000. This policy seeks that development does not have an adverse effect on adjacent land uses.

Highway Safety

10. The appeal site is reached via Mill Lane from Castle Hill Terrace which is a main route into Haltwhistle. As observed during my site visit, this junction is narrow and enclosed on either side by flanking stone walls which limits visibility on both entering and exiting the junction. The position of the walls requires cars exiting Mill Lane to edge forward over the line of the pavement to gain a clear view of oncoming pedestrians and cars. Technical advice from the Council's Highways Officer states that the junction and width of Mill Lane are substandard. Concern has been raised that this could result in vehicles having to be reversed on to the highway or make awkward manoeuvres at the junction.
11. Additionally, if a car is exiting Mill Lane, and another wishes to enter, cars would need to queue on Castle Hill Terrace until the junction is clear. Although some queuing may be experienced on any road, this junction is already classed as substandard which contributes to the safety concerns. The Council has drawn my attention to a previous appeal decision² which was determined under the same policy context as this appeal and regarding the same junction. The Inspector found that the junction, due to its awkward configuration would give rise to additional highway hazards. This was due to its width which would require vehicles to wait on Castle Bank until the junction was clear. The Inspector's conclusion confirms my observations whilst visiting the site.
12. With regard to a previous refusal of planning permission for a single dwelling, the appellant considers that this proposal would generate fewer journeys. This is based upon the assumption that two journeys would generally be associated with a visitor stay, one either end of their trip. It is also contended that holidaymakers would generally not use their cars during their stay and travel on foot. Although this may be the case for some visitors, it is unlikely that this would be the general situation. Visitor attractions in the vicinity are widely spread and in combination with less likelihood of walking during poor weather conditions, even during summer months, it is likely that cars would be used. This would involve three separate groups of visitors travelling to and from the site independently. In any case, this proposal does not replace an existing dwelling, nor is there evidence of such a fallback position. The appeal must therefore be determined upon the current situation.
13. The use of three shepherd huts would result in increased use of Mill Lane and the junction with Castle Hill Terrace over and above the current situation. In the absence of any substantive technical evidence to the contrary, it is likely that the proposal would harm highway safety. This would conflict with saved Policy GD4 of the Tynedale District Local Plan 2000 which seeks that development can provide safe access.

² Reference APP/R2928/A/09/2093794.

Other Matters

14. I note that the appellant is dissatisfied with the way in which the Council has dealt with this application. Whilst I note this concern, this matter is outwith the planning considerations of this appeal.

Conclusions

15. Although the proposal would have the benefit of attracting additional tourists to Haltwhistle this would not outweigh the harm to highway safety and the living conditions of neighbouring occupiers.
16. For the reasons stated above the appeal is dismissed.

E Symmons

INSPECTOR