



Appeal Decision

Site visit made on 18 November 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Appeal Ref: APP/P2935/W/19/3236483

Land at junction with Western Avenue and Cranbrook Drive, Western Avenue, Prudhoe, Northumberland

- 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 Steve Lamb against the decision of Northumberland County Council.
 - The application Ref 19/01045/OUT, dated 27 March 2019, was refused by notice dated 25 July 2019.
 - The development proposed is construction of 1no three bed detached dormer bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of precision, I have removed reference to the type of application and the location from the description of development in the above banner heading as this does not form part of the substantive detail of the proposal.
3. The planning application is submitted in outline with all detailed matters reserved. Drawing Nos. 03 Rev C 'Proposed Site Plan' and 04 Rev A 'Typical Proposed Elevations' accompany the planning application. I have taken these into account insofar as establishing whether or not it would be possible, in principle, to erect a dwelling on the site.
4. The parties have indicated that the draft Northumberland Local Plan (NLP) was submitted for examination in May 2019. I am told that the hearing sessions have not yet finished. I therefore afford the policies in the NLP limited weight as material planning considerations as part of the determination of this appeal.

Background and Main Issue

5. As part of the appeal, the Council has provided an update to its housing land supply and delivery position. The Council's Strategic Housing Land Availability Assessment (SHLAA 2019-2036) including Five-Year Housing Land Supply of Deliverable Sites (2019-2024) September 2019, sets out that a deliverable 11.2 years supply of housing sites can be demonstrated across the Northumberland area. This is based on the standard methodology for the calculation of Local Housing Need given that the

Tynedale Local Development Framework Core Strategy 2007 (CS) and the Tynedale District Local Plan 2000 (LP) are now more than five years old. In addition, the Council has confirmed that its Housing Delivery Test requirement has been met, i.e. 197% of the number of homes required between 2015 and 2018.

6. I acknowledge that maintaining a five-year supply of deliverable housing sites is a minimum requirement and that the proposed additional dwelling would boost the supply of homes in the area. This is a positive matter which I weigh in the overall planning balance later on in this decision.
7. The appellant has indicated that the Council's aforementioned land supply/delivery position cannot be relied upon because the emerging Local Plan has not yet been adopted. However, the appellant has not provided me with any specific reasons as to why the Council's referenced sites would not be deliverable and consequently, I have no reason to doubt the Council's claimed housing land supply position.
8. The appellant has drawn my attention to an appeal decision in the neighbouring authority area. Whilst I have been provided with the appeal decision, I am not aware of the full details of the case and I am not in receipt of any of the evidence that may have been submitted to dispute the Council's five-year land supply position. Consequently, the appeal decision in itself is of little relevance to the determination of the appeal that is before me. In any event, I must determine this appeal on its own planning merits.
9. On the evidence that is before me, a deliverable five-year supply of housing sites for the area can be demonstrated. Therefore, paragraph 11d of the National Planning Policy Framework 2019 (the Framework) is not engaged.
10. In the context of the above, the main issues are (i) the effect of the proposal on the character and appearance of the area and (ii) the community effect of the loss of the existing site as open space.

Reasons

Open space

11. The appeal site is a parcel of grassland within a residential estate north of Prudhoe Town Centre. The site is bounded by Western Avenue to the north, an access track and open space to the east, a development site to the south and Cranbrook Drive to the west.
12. Saved Policy LR3 of the Tynedale Local Plan 2000 (LP) states that development which would result in the net loss of public or private playing fields, parks, children's play areas or amenity open space will not normally be permitted unless the proposal would lead to a more effective use of the existing recreational use, safeguard its use for future generations or replacement recreational land would be provided.
13. The appellant submits that in the context of Paragraph 96 of the Framework, the Council does not have an up to date Open Space Needs Assessment and therefore Policy LR3 should not be afforded full weight. Paragraph 96 of the Framework does not relate to decision making, but instead to the preparation of policies/plans.

14. The Council's Open Space Assessment and Green Infrastructure Strategy were produced in 2011. I do accept that these are therefore of some age. However, that does not in itself mean that Policy LR3 is out of date from the point of view of being inconsistent with the Framework. Indeed, Policy LR3 is generally consistent with the open space protection aims of paragraph 97 of the Framework. Consequently, and notwithstanding the views expressed by the appellant, I afford Policy LR3 full weight as part of the determination of the appeal.
15. In addition, I note that the Framework (Annex 2) defines open space as "*all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity*". Therefore, I do not agree with the appellant that the site is not the sort of open space as outlined in the Framework. Furthermore, it is not necessary for every open space to be the subject of an assessment nor is it necessary for an open space to be used for a specific recreational activity in order to be of public value.
16. The appeal site forms part of a relatively large, linear open space within a densely developed housing estate where there are very few open and green areas. Consequently, the site and surrounding green space provide a positive and welcome open relief to an otherwise built up area. Whilst I do appreciate that due to the fall and shape of the land it may not be suitable for ball games or traditional play, it nonetheless performs a positive function in terms of its amenity value.
17. Furthermore, whilst I acknowledge that the site is in private ownership, it is currently open, and I saw during my site visit that pedestrians utilise the site as a thoroughfare between the wider estate and the formal footpath that links the estate to the town centre. Therefore, I consider that the site and wider open space surrounding it is of public value.
18. The proposal would see the development of the open space for residential use and it would not safeguard its future use or provide an alternative open space. To this extent, the loss of open space would have an adverse impact on the local community and amenity of the area. I conclude that it would therefore conflict with the open space requirements of Policy LR3 of the LP and Paragraph 97 of the Framework. Furthermore, and whilst afforded only limited weight as material planning considerations, the proposal would also not accord with emerging policies STP 6 and INF 5 of the NLP which respectively state that "*development proposals should seek to protect, improve and extend Northumberland's green infrastructure*" and "*development which would result in the loss of open space not shown on the Policies Map that contributes to the character and visual amenity of an area will not be supported unless it can be demonstrated that the benefits of development clearly outweigh the loss*".

Character and appearance

19. The site sits in a corner position on the hillside; there are no other dwellings immediately adjacent to it and it is prominent and conspicuous when viewed from public areas. I acknowledge the appellant's Landscape Visual Impact Assessment (LVIA) which concludes that the landscape impacts of the proposal on the wider area would be minimal. However, I

consider that the introduction of a dwelling on the site would significantly detract from the linear swathe of open and green space which is positively afforded to this part of Western Avenue. Consequently, the development would appear materially out of place in the context of the immediate surrounding area.

20. The appellant has drawn my attention to a development site immediately to the south of the appeal site which I saw during my site visit was already under construction. I am not provided with the full details or circumstances under which the adjacent development was approved. Furthermore, whilst I note the proximity of the development to the appeal site, the proposed development would be positioned in a far more prominent and conspicuous position on a corner plot and lower down the hillside. In contrast, the adjacent development site is tucked behind the existing properties on West Road and is flanked by residential gardens on two sides and a thick tree belt to the east. As a result, it is less conspicuous when viewed from surrounding streets.
21. I appreciate that all detailed matters are reserved for future application. However, the appellant has provided indicative plans which show how the site could be developed. I do not disagree with the appellant's submission that it would be possible, in principle, to erect a dwelling on the site whilst maintaining suitable separation distances and protecting the living conditions of neighbouring residents. However, I am not persuaded that it would be possible to erect a dwelling on the site without material harm being caused to the character and appearance of the area. Indeed, any dwelling on the appeal site would likely appear contrived and incongruous in the street scene due to the fact that it would sit alone, in a prominent position on the hillside. Furthermore, such development would detract from the prevailing and characterful sense of open and green space provided by the appeal site and adjacent land.
22. For the above reasons, I conclude that the proposal would not accord with the character and appearance requirements of Policy BE1 of the CS; Policies GD2 and H32 of the LP and the design aims of chapter 12 of the Framework.

Planning Balance and Conclusion

23. I have found that the proposed development would cause significant harm to the character and appearance of the area and would lead to an unacceptable loss of open space of public value
24. Turning to the benefits of the proposed development, it would provide one additional dwelling with some economic and social benefits derived from its construction and occupation. I also recognise that the site is located within an existing residential area with good access to local services and facilities. There may also be some limited biodiversity benefits arising out of landscaping on the site. Overall, and on balance, the identified benefits are not of sufficient magnitude to outweigh my conclusions on the main issues.
25. Even if the local planning authority had not been able to demonstrate a five-year supply of housing sites, and paragraph 11d of the Framework had been engaged, in this case I would still have concluded that the identified adverse impacts of the proposal would have significantly and demonstrably

outweighed the benefits of the proposal when assessed against the policies in the Framework taken as a whole.

26. For the above reasons, and taking into account all other matters raised, I therefore conclude that the appeal should be dismissed.

J Hunter

INSPECTOR