
Appeal Decision

Site visit made on 19 November 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 January 2020

Appeal Ref: APP/P2935/W/19/3231629

Appletrees, Sandhoe, Hexham, NE46 4LU

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Trevor Newman (Newman Development) against Northumberland County Council.
 - The application, ref. 19/00436/OUT, is dated 29 January 2019.
 - The development proposed is an outline application for the erection of 1 no. detached dwelling within the existing garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with appearance, layout, scale, access and landscaping as reserved matters. The Council considered a Design and Access/Heritage Statement¹, a Location Plan², and a Site Plan³. This statement and plans reflect the description of the development. As the Council had regard to these during the planning application process, I have dealt with the appeal on the same basis.
3. The appellant has submitted an elevation plan⁴ of a proposed dwelling which according to the appellant's Statement of Case (SoC) was submitted during the application process in response to the Council's Conservation Officer comments with regards to harm to the significance of the listed buildings being difficult to measure on principle alone. The Council did not make this plan available for public consultation and have not given comment upon it within their SoC as the plan has not been consulted upon. The appeal documents make no reference to scale being unreserved as a matter for assessment as part of the application. I have consulted the 'Wheatcroft Principles'⁵ with relation to this plan and find that

¹ Design & Access/Heritage Statement, Ref 25710, By Peter Elder, Nicholson Nairn Architects, Dated 13th November 2018

² Proposed Site Plan, Drawing No 25710-OS, Dated Nov 2018, By Nicholson Nairn Architects

³ Proposed Site Plan, Drawing No. 25710-1100, Rev P01, Dated Nov 2018, By Nicholson Nairn Architects

⁴ Proposed Plans/ Elevations, Drawing No 25710-1110, Dated April 2019, By Nicholson Nairn Architects

⁵ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

it would only be appropriate to accept these elevation plans on the basis that they were indicative and schematic of what could be achieved, rather than the approval of scale. On this basis the acceptance of this further information would be appropriate and not deprive those who should have been consulted or the opportunity of such consultation. As such, I will accept this further information and will base my decision upon it.

4. During the course of the appeal, the appellant submitted a Visual Impact Assessment⁶ which was not subject to consideration during the planning application and has sought that I consider this as part of the appeal. This further information provides additional clarification to a main issue and does not result in changes to the scheme. Whilst the Council have had sight of the document, in their SoC they have chosen not to comment upon it. In accordance with the Wheatcroft Principles I will also accept this assessment and will base my decision upon it.
5. I note commentary in the Council's SoC that they are currently in the process of adopting the emerging Northumberland Local Plan (ELP). The Council has brought to my attention emerging Policies STP1 and STP8 as part of its SoC and the appellant has also commented upon these policies in the final comments. Whilst the ELP is not part of the adopted development plan, it is currently undergoing examination and is at the final stage in the adoption process. I am not aware of any objections to the emerging Policies STP1 or STP8 which are both strategic policies. Emerging Policy STP1 of the ELP relates to the delivery of sustainable development within a settlement hierarchy with guidance for development in the open countryside; and emerging Policy STP8 of the ELP relates to the assessment of development within the green belt. In my opinion the emerging policies would appear to be consistent with the National Planning Policy Framework (the Framework). I am also mindful that the examining Inspector is in the process of hearing further evidence and as such could result in further changes and additions to these policies and accompanying text. Based upon this, I will afford the ELP policies moderate weight in this appeal decision.
6. I also note discussion between the parties on the weight afforded to saved policies of the Tynedale Core Strategy (CS) given that there appears to be conflict with certain policies and the Framework. The CS notes that the dwellings making up the settlement of Sandhoe would represent a small village. I also note saved Policy H3 of the CS defines a 'small village' as having adequate services with at least a school or a shop selling food to meet day-to-day needs, and also saved Policy GD2 and H4 which places a hierarchical approach to locations for development. Whilst the general thrust of saved Policies GD1 and H4 of the CS is in accordance with sustainable development as promoted through the Framework, there is some conflict between each of the policies specified above given that paragraph 78 of the Framework seeks a more flexible approach to development in rural locations where one village may support the services in a village nearby which does not restrict growth to smaller villages as per the saved policies of the CS. Given this conflict between the CS and the Framework, I will afford saved Policies GD2, H3 and H4 of the CS limited weight.

⁶ Visual Impact Assessment, Ref 25710, Dated June 2019, By Peter Elder of Nicholson Nairn Architects,
<https://www.gov.uk/planning-inspectorate>

Background and Main issues

7. The appeal was made prior to the Council's determination of the application. Following the submission of the appeal, the Council in their SoC note that the application would have been refused for two reasons:
- 1) The site is within the Green Belt and is outside the established area of residential development within Sandhoe and would not be considered to be an infill site, thereby not meeting the exceptions listed in paragraph 143 of the NPPF. The development would be considered to be inappropriate development in the Green Belt contrary to the NPPF, Tynedale Core Strategy (CS) Policies GD1 and H3 and Tynedale Local Plan Policies NE7 and NE8.*
- 2) The application would harm the setting of the adjoining listed buildings and there is no public benefit to outweigh the harm. It would be contrary to Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policy BE22 and the NPPF.*
8. On this basis, the main issues are:
- Whether the appeal development would be inappropriate development for the purposes of the Framework and Development Plan Policy;
 - The effect of the proposed development on the openness of the Green Belt;
 - Whether the proposed development would preserve the settings of the Grade II listed buildings within the environs of the site (see paragraph 17 below for specific references);
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate

9. The Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate, unless the development falls within certain listed exceptions. The appellant is of the opinion that the development of the appeal site would constitute 'limited infilling of villages.'
10. Saved Policy NE7 of the Tynedale District Local Plan 2000 (LP) also reflects the general thrust of the Framework with regards to development in the Green Belt, and lists that an exception would be the limited infilling within the boundaries shown on the Proposals Map in existing villages. Emerging policy STP8 also provides further clarification on what is meant by 'limited infilling,' in that it is the infilling of a small gap in an otherwise built up frontage in a village in the Green Belt. The emerging policy also specifically states that limited infilling would not comprise of development between loose groups of buildings; gaps between the built edge of a village which are not physically linked to a settlement; or development of a scale and form that would result in the loss of significant gaps between built form or diminish the open character of the village.
11. The appeal site is an undeveloped parcel of land located to the rear of a scattering of dwellings that historically were part of a larger country estate where the majority of dwellings were workers dwellings that are accessed from

- a main driveway, with a few dwellings now having their own individual access from the main road.
12. On this basis of the Emerging Policy STP8, the development of the appeal site would not constitute the infilling of a small gap in an otherwise built up frontage in a village in the Green Belt and would be development between loose groups of buildings, which the emerging policy specifically refers to not meeting the definition of 'limited infilling.'
13. As such, there is a significant conflict between the proposal and the exceptions specified by the LP and ELP policies, and the Framework as the appeal proposal would not constitute 'limited infilling of villages.' Consequently, in accordance with Paragraph 145 of the Framework, I find that the proposal would be 'inappropriate development' in the green belt. Additionally, the scheme would be contrary to Saved Policy NE7 and NE8 of the LP; and Policy STP8 of the ELP which set a presumption against development in the green belt and where the scheme does not meet any of the exceptions specified for development within the Green Belt; Saved Policy GD1 of the CS (which seeks that in all cases that the nature of the development should respect the town or village concerned). I do not find a lack of consistency with Saved Policy H3 given that Paragraph 78 of the Framework does seek that weight is given to development in one village being able to support services of another village.
14. I therefore attach substantial weight to the harm arising due to the inappropriate nature of the appeal development.

Openness

15. Whilst there is no definition of 'openness' in the Framework, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. Openness has also been shown to have both spatial and visual dimensions. In this particular case the appeal site is undeveloped and has an open aspect which contributes to the spaces in and around the historic buildings. Whilst I note comments that there is development to the front and side of the appeal property, this takes the form of a more sporadic development (rather than a built up frontage within a village), where the development surrounding is experienced within the rural context of the countryside beyond and assists in reinforcing the positive undeveloped nature of the spaces in and around the historic buildings.
16. Paragraph 133 of the Framework states that 'the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.' Whilst scale is not for approval, the application documents refer to the erection of a two storey dwelling, but either way would result in built development where there is currently none. It would further erode the open aspect currently experienced and introduce residential development in the form of built form which would further erode the aims of the greenbelt. The proposed dwelling would be a material addition to the amount of built development on the site, which has a detrimental effect upon the openness of the Green Belt in this location. Nevertheless, this additional effect of the development on the openness of the site, and on the Green Belt, adds to the harm already caused by reason of its inappropriateness.

Surrounding listings, including their setting

17. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLCBA) prescribes a duty upon a decision maker to give special regard to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. The site lies amongst a number of historic buildings and structures formerly part of the greater Sandhoe Hall Estate, which consists of Appletrees (Grade II), Sandhoe Hall to the south (Grade II); Butlers Cottage and House to right of Butler's Cottage (Grade II); Garden Cottage (Grade II); Sandhoe High House (Grade II); High House West (Grade II); Terrace Walls to the south of Sandhoe High House (Grade II); Village Well (Grade II); Sandhoe Hall (Grade II); Cross at the of terrace 100 metres west of Sandhoe Hall (Grade II); and a Sundial 12 metres south of Sandhoe Hall (Grade II).
18. The submitted Design & Access/Heritage Statement and the visual impact assessment are predominantly related to an assessment of views which does not represent a 'holistic approach' which goes beyond an assessment of views alone⁷. Such statements of significance should seek to understand the heritage values which derive from tangible and intangible elements, associations and relationships that make up the significance of the listings, including their setting, in order to understand the potential impact of the proposal on the significance. Neither the Heritage Statement or the Visual Impact Assessment undertake this assessment of significance and hence are limited in aiding understanding of significance, or harm caused to this significance.
19. The historic buildings surrounding the appeal site date predominantly from the seventeenth, eighteenth and nineteenth centuries, which had some association with the operation and running of Sandhoe Hall in terms of the accommodation for workers and the production and growing of food. Nineteenth century OS maps show that the appeal site formed a formal market garden for Sandhoe Hall with twentieth century OS Maps showing the site contained structures, which were probably greenhouses, that appear to have been demolished during the twentieth century. The historic buildings (in ownership terms) no longer form part of the greater Sandhoe Estate, and are individually subdivided with the addition of access roads, with the appeal site forming part of the undeveloped garden area to Appletrees.
20. The group of listed historic buildings which make up the estate individually have significance in terms of their quality in materials and craftsmanship, and the relationship and historic association to their former form and function as part of a larger estate. There is also group value in that the buildings represent a good collection of historic buildings which allows an understanding of the ways the greater Sandhoe Estate functioned with its various agricultural operations and relationships between the land and associated buildings. Whilst the collection of buildings today functions more like a hamlet of dwellings and that there may be no above ground physical presence of the market garden which once existed on the appeal site, there is an intrinsic historic relationship that is experienced. The undeveloped and ancillary nature of the appeal site contributing to how the buildings and spaces are experienced which reinforces their rural location, relationships, historic identity and setting.

⁷ See Planning Practice Guidance 013 Reference ID: 18a-013-20190723, Dated 23/07/19
<https://www.gov.uk/planning-inspectorate>

21. The appeal site is experienced as an open and undeveloped component of the greater collection of buildings and associated land which contributes to this significance and historic relationship of the former Sandhoe Estate. The development of the appeal site would upgrade the status of the land amongst the buildings as this land has historically functioned as ancillary market garden and garden land which was subordinate to the dwellings surrounding. The proposed scheme would result in the further severance of remaining spaces which contribute to how the historic buildings are experienced and would result in a loss of historic association of the land to its former form and function as part of the greater Sandhoe Estate. The development of the appeal site adversely affects the historic relationship and association of the buildings with the greater setting, and as such would be detrimental to the significance of this group of listed buildings via development within their setting.
22. In conclusion of this matter, the proposal would fail to preserve the settings of the Grade II listed buildings within the environs of the site as required by S66 of the PLBCA and Paragraph 193 where great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.
23. The proposed scheme would therefore be contrary to Saved Policies BE22 of the LP (which amongst others, seeks that proposals that would adversely affect the essential character or setting of a listed building will not be permitted); and BE1 of the Core Strategy (where Section (a) seeks that development conserves and where appropriate enhances the quality and integrity of the built environment and its historic value).
24. This harm caused to the significance of the listed buildings via development within their setting would be to a greater level than 'minimal' less than substantial harm as stated in the appellant's appeal documents. I note comments from the Council's SoC that they believe that the harm to be 'substantial.' However, as mentioned in the National Planning Practice Guide⁸ this is a considerably high test which I am not convinced has been breached on this occasion. Although serious, the harm to the surrounding heritage assets in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. Paragraph 193 states 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'
25. The benefits of the scheme include the development of small sites; the delivery of a family dwelling which would make a modest contribution to meeting housing need; the short term employment opportunities in the construction of the dwellings; the contribution to local services and expenditure from future occupiers to the viability of surrounding villages which is promoted as part of Paragraph 78 of the Framework. These factors weigh moderately in favour of the development.

⁸ Paragraph: 018 Reference ID: 18a-018-20190723, Revision date: 23/07/2019
<https://www.gov.uk/planning-inspectorate>

26. Overall, I find that the public benefits arising from the proposed development would not outweigh the harm I have identified and to which I accord considerable importance and weight in accordance with s66 of the PLBCA and Paragraph 193 of the Framework.

Other Considerations

27. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
28. There are social, economic and environmental benefits of the scheme which are detailed in paragraph 25 of this letter. These are matters that weigh moderately in favour of the proposed scheme. However, these benefits are to be weighed against the great weight attributed to the harm to caused to heritage assets via development within their setting; and the great weight to the harm caused to the green belt.
29. Consequently, these other considerations do not, either separately or cumulatively, clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and the harm to the openness of the Green Belt. As a result, the very special circumstances that are required to permit the development do not exist. The appeal development would therefore contain a lack of consistency with the provisions of the Development Plan and with the Framework, as referred to above.

Conclusion

30. In conclusion, the appeal proposal would be inappropriate development in the terms set out in the Framework and, in addition, it would lead to a significant loss of openness to the Green Belt. The proposal would have a detrimental effect upon the architectural and historic interest of the surrounding listed buildings from development within their setting. These issues are not outweighed by the considerations advanced by the appellant and I find that the other considerations in this case do not clearly outweigh the harm that I have identified.
31. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, for the reasons given above I conclude that the appeal is dismissed.

J Somers

INSPECTOR