



Appeal Decision

Site visit made on 7 January 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2020

Appeal Ref: APP/P2935/W/19/3239466

Barmoor Cottage, Barmoor Farm Drive, Barmoor, NE61 6LB

- 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 El-Sobky against the decision of Northumberland County Council.
 - The application Ref 18/03873/OUT, dated 16 October 2018, was refused by notice dated 22 July 2019.
 - The development proposed is outline planning permission with all matters reserved for the demolition of an existing garage and erection of a single residential unit.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application submitted was in outline with all matters reserved for future consideration. A site location plan has been submitted which is illustrative of the appellant's intentions for siting of the proposed dwelling. I will proceed on this basis.

Main Issues

4. The parties agree that the appeal site is located within the Green Belt as defined by Policy S5 of the Northumberland County and National Park Joint Structure Plan 2005. Barmoor is also located in the countryside, outside of any defined settlement limit, having regard to the policies of the Castle Morpeth District Local Plan 2003 (CMLP) and the Morpeth Neighbourhood Plan 2016 (the NP).
5. In view of the above, the main issues are:
 - Whether the development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;

- Whether the appeal site represents a suitable location for new development having regard to its position within the countryside and proximity to local services and amenities; and
- If the development is inappropriate, if the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations which amount to the very special circumstances required to justify the development.

Reasons for the Recommendation

Whether the Proposal Would Amount to Inappropriate Development

6. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. The appellant contends that the appeal site is within a residential garden curtilage and should be classed as previously developed land. They have cited the Dartford judgement¹ in support of this assertion and argue that the proposal would fall under exception (g) which states:

'limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development;

or not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

The definition of previously developed land (PDL) is set out in the glossary to the Framework and includes land occupied by a permanent structure, including the curtilage of the developed land. Thus, if the landforms part of the curtilage of Barmoor Cottage, it would constitute PDL, as defined by the Framework. Although the appeal site is detached from the walled garden of the existing Barmoor Cottage, my observation at the site visit is that it is linked to Barmoor Cottage as the existing garage shed appeared to be used for storage of garden implements servicing the cottage, with a close association between the land and the residential unit. This leads me to consider it as being within the residential curtilage of the existing property. It is therefore necessary to consider the impact of the proposal on openness of the Green Belt for this exception to apply.

7. The Council is able to demonstrate a five-year supply of deliverable housing land and the proposal is not therefore required to contribute towards an identified housing need. Consequently, having regard to the first limb of paragraph 145(g) the development would be inappropriate if it had a greater impact on the openness of the Green Belt than the existing development.
8. The essential characteristics of Green Belts are their openness and their permanence. As noted by the appellant with reference to established case law² openness has both a visual and spatial quality. As the application was submitted in outline, limited information is available with regards to the size

¹ Dartford BC v SSCLG [2017] EWCA Civ 141

² Europa Oil and Gas Limited v SSCLG [2013] EWHC 2643 and Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

and design of the dwelling. It appears to me that the onus rests with an appellant to demonstrate his case and the fact that the application was submitted in outline does not help to demonstrate that there would be no greater impact on the openness of the Green Belt.

9. The existing outbuilding on site is small in scale and even a modest dwelling would be likely to result in an increase in the volumetric scale of development compared to the existing garage. Furthermore, future occupants of the new dwelling are likely to require an outdoor area for residential use in connection with the dwelling-house. The dwelling would increase domesticity and spread of paraphernalia such as washing line, waste containers, outdoor furniture, and the parking of additional vehicles within the site. Taken together these factors would be highly likely to have a greater spatial and visual effect on openness when compared to the modest outbuilding. I find the proposed development would have a materially harmful effect upon openness and would conflict with the NPPF, Policy C17 of the Castle Morpeth District Local Plan 2003 (CMLP) and Saved Policy S5 of The Northumberland County and National Park Joint Structure Plan 2005 (JSP) which amongst other things seek to ensure that new development within Green Belts would preserve its openness and would not conflict with the purposes of including land in it.
10. It follows that the development would not meet the exception listed at paragraphs 145(g) of the Framework, or any other of the listed exceptions, and would amount to inappropriate development within the Green Belt.

Suitability of the site

11. The NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. For the purposes of NPPF 79, the site is not isolated as there are other dwellings in the vicinity³.
12. Whilst the appeal site may not be isolated due to the proximity to other dwellings it is not considered to be in a sustainable location, with poor means of transport and footpath linkages even by the appellant's admission, which they put down to be a characteristic of rural areas of Northumberland. Given the rural and dispersed nature of the surrounding area and the limited availability of a wide-range of local facilities and services, to meet their day-to-day needs future occupiers of the new dwelling would probably access facilities and services by private mode of transportation, which does not sit well with the Government's aim of reducing carbon footprint.
13. The aims of the Framework are reflected in the locational strategy of the NP which seeks to focus new housing in sustainable locations with good access to facilities. Policy Sus 1 identifies that new development should be located within defined settlement boundaries and that proposals should contribute to the sustainability of settlements and their communities. Outside of defined settlement boundaries policy Set1 states that areas will be treated as open countryside where new development will only be permitted in a number of

³ Applying - Braintree DC v SSLG Greyread Ltd & Granville Developments Ltd [2017] EWHC2743 (Admin); [2018] EWHC Civ 610.

- exceptions. The proposal in this instance does not meet any of those exceptions, notwithstanding that it may comprise previously developed land.
14. The NP was made following the publication of the Framework and its policies reflect national policy and carry substantial weight. The locational strategy is clearly aimed at encouraging development in the most appropriate locations, having regard to the need to support local services. Even taking account of the rural nature of the area, the appeal site performs poorly in that respect and would not provide a suitable location for housing having regard to the development strategy for the area.
15. I recognise that the Castle Morpeth District Plan 2003 (CMLP) is of some vintage and the restrictive nature of some policies, including policies C1 and H16 may not be entirely consistent with the current approach of the Framework. Nonetheless, the broad locational strategy of the plan is to direct development to the most appropriate and sustainable locations and I see no fundamental conflict with the aims of the Framework in that respect. I continue to give the relevant policies significant weight as a result. Having regard to all of the above, the proposal would conflict with the NPPF, Policies Sus1 and Set1 of the Morpeth Neighbourhood Plan 2011 -2031 (2016), and Policies C1, MC1, HPC1 and H16 of the Castle Morpeth District Local Plan 2003 (CMLP) which amongst other things seek to restrict new development in the open countryside to those which are essential and would enhance or maintain the vitality of rural communities.

Balance: Is the Harm by Way of Inappropriateness, and any other harm, clearly outweighed by other considerations and, if so, whether the very special circumstances needed to justify the development exist

16. Paragraph 143 of the Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be attached to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
17. In this case, the development would amount to inappropriate development and would lead to a reduction in the openness of the Green Belt. The development would involve the re-use of previously developed land but that, of itself, is not a matter that attracts significant weight in favour of the proposal because the Framework identifies that not all previously developed land should be considered suitable for development and the policies of the development plan that are most relevant for determining the application suggest that the location is not suitable for residential development, having regard to its proximity to shops and services and location within the Green Belt.
18. Consequently, no other considerations have been put forward that would clearly outweigh the harm to the Green Belt and the harm that would arise from locating a new dwelling in an unsuitable location. It follows that the very special circumstances needed to justify the development do not exist.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR