
Appeal Decision

Site visit made on 10 February 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/P2935/W/19/3241138

Land at Hauxley Links Chalets, Low Hauxley NE65 0JS

- 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 outline planning permission.
 - The appeal is made by Mr N Thompson against Northumberland County Council.
 - The application Ref 18/03984/OUT, is dated 4 October 2018.
 - The development proposed is outline planning permission with all matters reserved for the construction of 5No dwellings, associated gardens, amenity space and infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed timescale. The Council has submitted a statement which sets out its main concerns and these will therefore form the basis of the main issues.
3. My determination of this appeal is made primarily against the Policies of the Alnwick District Local Development Framework Core Strategy Development Plan Document (2007) (ADLDFCS) and the Alnwick District Local Plan (1997) (ADLP). Although the evidence makes reference to an emerging Northumberland Local Plan this is still under examination and no details of its policies have been supplied; therefore I have assigned the emerging plan limited weight.

Main Issues

4. The main issues therefore are:
 - i. the effect of the proposal on the character and appearance of the area; and
 - ii. whether the proposal provides sufficient information to enable a determination to be made in relation to any impact on biodiversity and archaeological interests.

Reasons

Character and appearance

5. The appeal site comprises a roughly square parcel of land which forms part of a large agricultural field to the north of the main body of Low Hauxley which is a small settlement on the Northumberland Coast.
6. The ADLDFCS has a number of core strategy objectives. One such objective (7) is to protect and enhance the unique character of the countryside and landscape. Policy S13 also states that all proposals for development will be considered against the need to protect and enhance the distinctive landscape character of the district. It goes on to state that all proposals will be assessed in terms of their impact on landscape features and should respect the prevailing landscape quality, character and sensitivity. The appeal site sits within character area 4 (Druridge Bay) within the landscape character assessment¹. Part of the character of the area is formed of agricultural land with medium to large scale fields. The landscape aims relate to the enhancement and restoration of the existing character.
7. Although there is some low density bungalow/chalet development to the eastern side of the road into Low Hauxley the appeal site is distinctly rural in character and appearance and rather than the site having any close connection with the main body of the settlement to the south, it reads strongly as an integral part of the surrounding attractive countryside. Its unspoilt open qualities and pastoral character with boundary stone wall make an important and pleasing contribution to the rural landscape and the countryside setting of Low Hauxley.
8. The dwellings, their access/driveways, parking areas and ensuing domestic paraphernalia would considerably erode the unspoilt open qualities of the site in longer distance views from Hauxley Lane and in near views from the entrance road into the settlement. Given the outline nature of the application there is no certainty that any ridge lines would tie in with those in and around the settlement. The proposal would result in built development intruding into the countryside which would detract from the rural landscape and countryside setting which is integral to the character of Low Hauxley.
9. Whilst of some age, the development plan policies accord with the National Planning Policy Framework (the Framework) in terms of the environmental dimension of sustainable development and the need for planning to perform an environmental role, alongside those of an economic and social nature. The Framework at Paragraph 170 also states that planning decisions should contribute to an enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The policies can therefore be attributed considerable weight.
10. In relation to rural housing the Framework seeks to support such development where it would enhance or maintain the vitality of rural communities. However, little information is supplied to evidence that the proposal would enhance or maintain the vitality of the rural community. Therefore on the basis of the evidence I am not convinced that this proposal would contribute to this objective, but in any event, development should not occur at any cost and I have identified that the proposal would cause significant harm to the character and appearance of the area.

¹ Alnwick Landscape Character Assessment Supplementary Planning Document May 2010

11. I conclude therefore on this issue that the proposal would have a significant detrimental impact on the character and appearance of the area and I find conflict with core strategy 7 and Policy S13 of the ADLDFCS which amongst other things seek to protect the landscape character of the countryside.

Information relating to biodiversity and archaeological interests

12. The evidence indicates that the site falls within the zone of influence of a range of European Sites and also sits close to the Northumberland Shore Site of Special Scientific Interest, the Northumberland Wildlife Trust Hauxley Nature reserve and other sites of biodiversity significance. As a result of the close presence of these habitats I consider there to be a reasonable likelihood that protected species could be present in the area and as a result could be affected by the development.
13. Circular 06/2005² states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. These surveys should be carried out before any planning permission is granted. I acknowledge that the application is in outline but this would not justify the provision of such surveys via condition. There are no other exceptional circumstances before me to justify this course of action. Given that surveys are absent, I am not clear on what the impacts would be on biodiversity interests and whether any mitigation would be required. I cannot therefore conclude that the proposal would accord with Policy S12 of the ADLDFCS which requires that proposals protect and enhance biodiversity.
14. The evidence indicates that the site is located in a wider archaeological landscape containing a number of prehistoric sites. The Council suggest that given the potential depth of windblown sand across the site there remains the potential for prehistoric remains to be present. The Framework at paragraph 189 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
15. In the absence of any assessment or evaluation, it is not possible to ascertain whether the proposal would affect any heritage assets with archaeological interest and if this were the case, to make any assessment as to the effect of the proposal on their significance. I cannot therefore conclude that the proposal would accord with Policy S15 of the ADLDFCS which requires amongst other things that development should preserve historic assets. The proposal would fail to accord with Policy BE2 of the ADLP which requires that where the impact of the development (in relation to sites of archaeological importance) is not clear, the developer will be required to submit an archaeological assessment or evaluation.

² ODPM Circular 06/2005 Biodiversity and Geological Conservation

Other Matters

16. In relation to potential impact on European Sites an Appropriate Assessment is required. The council has undertaken a Habitat Regulations Assessment. While it has been identified that the development would be likely to have a significant effect, the evidence indicates that a contribution to The Northumberland Coastal Mitigation scheme would form appropriate mitigation. A signed unilateral undertaking has been supplied. However, this would be mitigation only and does not weigh in favour of the appeal and given that the appeal is dismissed I have not considered this matter in depth.
17. I have had regard to the appeals brought to my attention by the appellant however I do not find them closely comparable. References to other appeals and approvals have also been made, although very limited details have been provided. I have therefore afforded these matters limited weight. The appellant has outlined concerns in the handling of the application in particular in relation to timescales, but such concerns are not a matter which weighs in favour of the appeal and I cannot afford them significant weight.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR