



Appeal Decision

Site visit made on 26 May 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2020

Appeal Ref: APP/P2935/W/20/3246042

Land South of The Manse, Powburn, Alnwick, Northumberland NE66 4HT

- 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 Iconet Ltd against the decision of Northumberland County Council.
 - The application Ref 18/01382/OUT, dated 17 April 2018, was refused by notice dated 6 August 2019.
 - The development proposed is outline application for eight detached one and a half storey detached dwellings (All Matters Reserved).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the proposed site plans and building details as being indicative.
3. There is some variation in the description of development between the planning application form, decision notice and appeal documents. I have used the description as given on the Council's decision notice as this more accurately reflects the development proposed. This reflects a similar description used in the appellant's statement.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the site would be a suitable location for residential development with regard to planning policy.

Reasons

Character and Appearance

5. The appeal site consists of an area of agricultural land on the edge of the village of Powburn. The main body of the village is located to the south of the Pow Burn and contains a mixture of housing, including relatively recent development, as well as a public house. The appeal site is located to the north

- of the Pow Burn, where the form of the village takes on a more dispersed and linear character.
6. This area to the north of the Pow Burn in which the site is located contains a variety of uses, including dwellings and a community hall as well as commercial uses including a petrol station, shop and a small holiday park consisting of a number of mobile homes. This area has a distinctly separate character from the main body of the village, which is emphasised by a recreation area and open fields around the bridge leading over the Burn which gives this area of transition an open character. To the north of the bridge, I saw that the majority of development is located to the east of the A697, and that in the area to the west which includes the appeal site that development was of a more limited nature including the detached building of the Manse and a cluster of buildings including dwellings and the community hall.
 7. As part of a number of open areas around the bridge over the Pow Burn, the site contributes to an important visual break between the main body of the village and the more dispersed linear development to the north. I also saw that the appeal site makes a valuable contribution to the rural setting of the village as it is of an agricultural appearance and clearly part of the countryside around the settlement. The distinctly separate form and dispersed character of the village north of the Pow Burn was also apparent from other viewpoints in the surrounding countryside.
 8. The site it enables longer distance views of the wider countryside and landscape at an important location in the village, which would be apparent to residents of the village as well as users of the A697. Whilst some of these views may be of a transient nature, this would not diminish the contribution that the site makes to the character of the village and its setting in the landscape. Although the potential layout and design of dwellings may enable the retention of elements of the view of the landscape beyond the site, this would not mitigate the harm arising from the development in this sensitive location.
 9. Whilst the site is adjacent to the built development of the Manse and dwellings on the opposite side of the A697, these buildings have retained a dispersed character due to the sporadic form of development and intermediate landscaping. Within this context, the appeal proposal would lead to an unwelcome consolidation of the built form of the village north of the Pow Burn. Due to the number and form of dwellings proposed, I also consider that the proposal would be likely to appear as a small housing estate of a suburban nature projecting into the countryside, which would not sit comfortably with the more dispersed and linear arrangement of development in the vicinity of the site.
 10. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA) which has identified some moderate adverse effects on visual receptors in the area. Based on the LVIA, the appellant submits that through sensitive design of the development layout, and scale and type of built form, that development could be assimilated into the village character. However, whilst I have had regard to the LVIA I disagree with the conclusions it reaches. Even allowing for matters of potential design and layout, I consider that residential development on this sensitive site would be readily apparent with resultant harm to the rural setting of the village and important views from within the village of its setting

in the wider landscape. Whilst there may be housing development of a more urban form elsewhere in Powburn, this does not establish a visual context in the vicinity of the appeal site. Rather than a development which could be assimilated into the village character, the proposal would represent the extension of the built form of the village into a sensitive and inappropriate location.

11. I conclude that the proposal would harm the character and appearance of the area. The proposal would therefore be contrary to Policy S13 of the Council's Core Strategy 2007 (CS) which seeks to protect and enhance the distinctive landscape character of the district. The proposal would also be contrary to the National Planning Policy Framework (the Framework) due to the harm to the character and beauty of this area of countryside.

Planning Policy

12. Policy S1 of the CS sets out a settlement hierarchy to guide the location and scale of new development. Powburn is identified as a 'Local Needs Centre' where development will be restricted to that satisfying local needs only. This approach is broadly consistent with the Framework with regards to the sustainable location of development, including rural housing in response to local circumstances and that reflects local needs.
13. The CS defines a 'Local Needs Centre' as a settlement with limited services, or which is peripherally located in relation to employment and transport. Whilst Powburn has a relatively good range of services, the evidence suggests that it is poorly located with regards to employment opportunities. The appeal site is located remotely from larger service centres such as Morpeth, Alnwick and Wooler even allowing for the rural nature of the area. Whilst I am mindful of the bus services which serve Powburn and the potential for home working, I consider that many residents will drive to their places of employment for reasons of convenience and functionality. I therefore consider that the identification of Powburn as a Local Needs Centre is appropriate. The proposal would not be restricted to meeting local needs, and on that basis it would conflict with Policy S1. As this policy is broadly consistent with the Framework, I give significant weight to this conflict.
14. Policy S2 of the CS sets out a sequential approach to the location of development and the proposal would conflict with this policy. However, the Framework does not set such a strict hierarchical approach and as such I give the conflict with this policy no more than limited weight in my consideration of this appeal.
15. Policy S3 of the CS sets out a list of sustainability criteria against which development will be assessed. The proposal would not meet some of these criteria, including accessibility to jobs as well as adverse effects on environmental assets arising from the harm to character and appearance. I consider that Policy S3 broadly represents the Framework with regard to the consideration of the sustainable location of development. On that basis I give the conflict with Policy S3 significant weight in my consideration of this appeal.
16. The Council's decision also refers to Policy S14 of the CS. The first strand of this policy relates to development in the open countryside and includes a number of criteria similar to those in paragraph 79 of the Framework with regards to isolated homes in the countryside. However, having regard to

*Braintree*¹, the appeal site is not isolated due to its location on the edge of the village next to built development including The Manse and dwellings on the opposite side of the road. On that basis, in respect of the appeal proposal, Policy S14 does not reflect the Framework with regards to development in the open countryside. The second strand of Policy S14 also relies on Policy S2, which I have previously concluded does not reflect the Framework. Therefore, whilst the proposal would conflict with Policy S14 I give this no more than limited weight in this appeal.

17. The appellant has referred to a number of planning permissions for open market housing in Local Needs Centres which have been granted by the Council since the publication of the Framework. However, I have not been given full details of these schemes so cannot be certain that they represent a direct parallel to the appeal proposal on matters such as visual impact; the status of the site e.g. previously developed land; the housing land supply position at the time the decision was made; or whether there were other benefits such as the provision of affordable housing. In any event I have determined this appeal on its own merits. Moreover, based on the evidence before me including the list of planning permissions, it has not been demonstrated that Policy S1 does not accord with the Framework, including in regard of the consideration of local needs.
18. I conclude that the proposal would conflict with Policies S1 and S3 of the CS in respect of the sustainable location of development. The proposal would also conflict with the Framework with regards to achieving sustainable development and the provision of rural housing. The proposal would also conflict with Policies S2 and S14 of the development, although I give these conflicts no more than limited weight for the reasons stated previously.

Planning Balance and Conclusion

19. The Council submits that it has an ample supply of deliverable housing sites and that the 'tilted balance' of paragraph 11(d) of the Framework does not apply. However, in reaching its decision, two of the policies that the Council have relied upon are S2 and S14 of the CS. I have concluded that these policies do not reflect the Framework and on that basis I consider that they are out of date in respect of this proposal. Paragraph 11(d) of the Framework is therefore triggered which requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
20. I am mindful of the benefits of the proposal. The proposal would contribute 8 dwellings to the supply of housing in the area. However, the Council has indicated that it has a healthy supply of deliverable housing sites and in any event the provision of 8 dwellings would be a modest contribution to housing supply, even allowing for the intention of the Government to significantly boost the supply of housing. Furthermore, the Framework refers to housing land coming forward where it is needed, and in respect of rural housing decisions should be responsive to local circumstances and support housing developments that reflect local needs. However, it has not been demonstrated that the proposed open-market housing would meet identified local needs. Within that

¹ *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited* [2017].

context, I give the contribution to housing provision which would arise from the development no more than limited weight in favour of the appeal.

21. Residents of the dwellings would contribute to the support of services in the area, including those in Powburn as well as the school at Branton. However, due to the likely number of residents this support would be limited. I also consider that some of the services in Powburn cater, to a degree, for custom from passing traffic along the A697, and the reliance on support from local residents is therefore reduced. On balance, I give the support to services arising from the residents of the proposal no more than limited weight in favour of the proposal.
22. Potential enhancements to biodiversity would be limited due to the scale of the site. Potential environmental measures such as landscaping and site layout would not mitigate the harm arising to character and appearance from the proposed development, and these matters do not therefore weigh in favour of the proposal.
23. I have concluded that the proposal would harm the character and appearance of the area, and for the reasons given above this should carry significant weight against the appeal. I have also given significant weight to the conflict with development plan policies which broadly reflect the Framework with regards to sustainable development.
24. On balance, and with regard to the Framework considered as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The proposal would also conflict with the policies of the development plan and there are no material considerations which indicate that the proposal should be determined otherwise than in accordance with the development plan.
25. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR