



Appeal Decision

Site visit made on 9 June 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: 26 June 2020

Appeal Ref: APP/P2935/W/20/3247244

Land North of Cairncroft, Memory Lane, Willow Green, Otterburn, Northumberland NE19 1BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Jones against the decision of Northumberland County Council.
 - The application Ref 19/03982/FUL, dated 25 September 2019, was refused by notice dated 20 December 2019.
 - The development proposed is detached dwelling (resubmission).
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Decision

1. The appeal is allowed and planning permission granted for the construction of a detached dwelling at Land North of Cairncroft, Memory Lane, Willow Green, Otterburn, Northumberland NE19 1BB in accordance with the terms of the application Reference 19/03982/FUL, dated 25 September 2019, subject to the conditions set out in the Schedule of Conditions attached to this decision.

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 site address given by the application form has been updated in the Location Plan¹. I have adopted this site address given by the Location Plan accordingly as it is more precise with respect to the location of the proposal subject of the appeal.

Main Issue

4. The effect of the detached dwelling upon the character and appearance of the site and surrounding area.

Reasons for the Recommendation

Planning Policy

¹ Drawing No.1 Revision B

5. Within its statement the Council has referred to policies of the emerging Northumberland Local Plan (the ENLP), with particular reference to a defined settlement boundary for Otterburn. According to the officer report the ENLP is at the submission stage. However, it is not clear if there are any outstanding objections to it, no specific extracts of the policies themselves have been provided and it has yet to be examined by an Inspector. Consequently, in line with paragraph 48 of the National Planning Policy Framework (the Framework), little weight can be given to the ENLP in the determination of this appeal.
6. The development plan for the area is made up of the Tyndale District Local Plan (2000) (the LP) and the Tyndale Local Development Framework: Core Strategy (2007) (the CS). Those plans are of some vintage and both pre-date the publication of the Framework. Policy GD1 of the CS identifies a settlement hierarchy for the location of development where the main focus of development will be on the main towns, some development in local centres, small scale development in smaller villages and development in the countryside limited to the re-use of existing buildings. Policy H1(e) of the CS follows a similar approach in relation to new build housing, stating that it will be limited to main towns, local centres and smaller villages with adequate services.
7. As acknowledged by the Council the strict sequential approach with a blanket restriction on development beyond the existing limits of settlements is not entirely in conformity with the Framework and the Council acknowledges that limited weight can be given to sequential policies as a result. In particular, paragraph 78 of the Framework states that; *'To promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.'* The Framework does not set a blanket restriction on development within the countryside. In this case, the Council accepts that the location of the site would be 'broadly sustainable' for small scale residential development given its proximity to Otterburn and its associated facilities. Having regard to its close proximity to the village and the range of facilities within the settlement I see no reason to take a different view.
8. Consequently, given the limited weight that can be applied to the ENLP, the limited weight that can be applied to the locational strategy of the development plan on account of the inconsistency with current national guidance and the Council's own acknowledgement that the location would be broadly sustainable there would be no grounds to withhold planning permission on account of the location, of itself. I recognise that the Council can demonstrate a five-year supply of housing land, but an additional dwelling would still make a small contribution to the provision of housing and there are no policies which set an upper limit on housing provision in suitable locations. Having regard to all of the above, the main issue as stated in paragraph 4 is whether the proposal would cause harm to the character and appearance of the settlement and the surrounding countryside. If the development would not cause harm in that respect, or in respect of any other material issues, then planning permission should be granted.

Character and Appearance

9. The appeal site is a piece of vegetated land located off Memory Lane in Otterburn. The surrounding area is rural, and its character is mostly derived

from detached cottages. The site is bounded by Hazel Cottages to west and the grounds of RTC (Rede Tyne and Coquet) Sports & Leisure centre containing a large farm like building to the north. Memory Lane also provides access to Cairncroft and Evermore to the South of the appeal site. Evermore is a large private dwelling with curtilage that extends much further east than the appeal site.

10. The northernmost part of the village, including the properties of Hazel Cottages, Memory Lane and The Cherry Trees is a small modern estate predominantly made up of detached bungalows and two storey dwellings in a range of styles. There is commonality in design and materials in the estate at Hazel Cottages and The Cherry Trees but Evermore and Cairncroft appear to be larger, individually designed properties. The sports ground and associated building are to the west and north and the Otter Burn and mature vegetation along it are to the east. In effect, the sliver of land forming the appeal site is enclosed by existing development and features and it does not read as an open piece of countryside.
11. The proposed access to the site would share a common boundary with nos. 6 and 8 Hazel Cottages and the approach to the site would be in the context of the surrounding residential environment. Due to the narrow nature of Memory Lane and the position of adjacent housing and vegetation there are no significant views of open countryside and the dwelling would not mark a significant departure from the existing pattern of development. It would project further to the north than the rear gardens of the adjacent row of properties at Hazel Cottages. However, when viewed from the limited number of public vantage points beyond the village, including from the sports ground, the property would be seen against the backdrop of existing buildings, including Evermore which extends to the east.
12. Consequently, the proposed dwelling would be read as a part of the existing built up area and would not result in a significant encroachment into the open countryside. In terms of scale, the outline of the proposal on the location plan does not appear to be of a larger scale than nearby Evermore and the design of the proposal takes its cue from the surrounding modern houses to the north of the village. As such, the proposed dwelling would not be visually intrusive or unacceptably prominent at this location. The planting of native species as part of a landscaping scheme, which could be controlled under a condition put forward by the Council, would also help to soften the visual impact and help to assimilate the development into the surroundings on the fringe of the village.
13. The proposed dwelling would therefore not be incongruous with the character of the surrounding area and having regard to the specific circumstances of the proposal and its relationship with neighbouring properties, I am satisfied that it would not be out of scale or proportion as compared with the existing properties in the area.
14. I find that proposal would not have a detrimental impact on the character and appearance of the host dwelling or the surrounding area and find no conflict with the National Planning Policy Framework (NPPF) and policies GD1, BE1, NE1 and H1 of the CS and GD2 and H32 of the LP which seek amongst other things to ensure that new development is appropriate to the character of the site and surroundings, existing buildings and their setting in terms of scale, proportions, massing, position and appearance of buildings, use of materials,

structures and landscaped and hard surface areas and that they protect and enhance the quality and character of the landscape, biodiversity and geological interest of the area.

Conditions

15. I have considered the conditions suggested by the Council and have attached those which meet the relevant tests, as set out at paragraph 55 of the National Planning Policy Framework, making changes to the wording, where necessary, in the interests of precision and clarity. The Council has sought a number of pre-commencement conditions. Advice in the Planning Practice Guidance is clear that such conditions should only be used where there is a clear justification and that the timing for the submission of details is fundamental to the decision. Having considered the suggested conditions, some of the details appear to be genuinely necessary 'prior to commencement' and I have amended the suggested wording to require the submission of details at appropriate stages.
16. The standard time limit condition has been imposed along with a condition specifying the relevant drawings as this provides certainty.
17. In the interest of visual amenity and to retain control over the external appearance of the development, the Council have suggested a condition requiring the submission of precise details of the materials to be used in the construction of the external walls and roof(s) of the building(s). However, I note that the approved plans and the application form have specific materials shown on them. I am happy that these materials are similar to those of properties in the surrounding area and have revised this condition accordingly.
18. In the interests of highway safety, conditions are necessary to prevent occupation of the proposed dwelling until the car parking area indicated on the approved plans has been implemented, a means of vehicular access has been constructed, and details of cycle parking have been submitted to and approved in writing by the Local Planning Authority.
19. Although the site has no statutory or non-statutory ecological designation it lies close to the Border Uplands Nature Improvement Area (NIA) and Habitats of Principal Importance². In order to maintain the favourable conservation status of protected species, conditions are imposed to adhere to the avoidance, mitigation and enhancement measures detailed within the ecological report³, including timing restrictions for removal of vegetation or felling of trees and provision of gaps in garden boundary fences or walls to allow continued access through the site for hedgehogs.
20. In order to maintain and protect the landscape value of the area and to enhance the biodiversity value of the site, a condition is necessary which requires a detailed landscape planting plan to be carried out, utilising locally native species and including a native species hedge along the eastern boundary in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

² As defined in section 41 of the Natural Environment and Rural Communities Act 2006

³ Preliminary Ecological Appraisal - Land North of Cairncroft, Memory Lane, Willow Green, Otterburn, RH Ecological Services, Final Version, 20.5.19

21. Details of the external lighting are also required to be submitted to and agreed in writing by the Local Planning Authority in order to ensure that there is no harmful effect upon the tranquillity and intrinsically dark character of the area, including the Northumberland Dark Sky Park through excessive light pollution.
22. Details of refuse storage facilities and a refuse storage strategy are necessary in order to ensure that sufficient and suitable facilities are provided for the storage and collection of household waste.
23. Also, to ensure that a watercourse is not polluted or contaminated during development of the proposal a Construction Method Statement for the protection of the watercourse and the prevention of pollution or contamination of the watercourse and its associated habitat during construction works is necessary.

Conclusion and Recommendation

24. Although development in the countryside is contrary to the sequential policies of the development plan the Council accepts that those policies do not fully conform to the aims of the Framework and that limited weight can be afforded to them as a result. The appeal site is located on the edge of the existing settlement of Otterburn close to shops, services and facilities. For the reasons given, the proposed dwelling would relate well to the existing settlement pattern and would not cause harm to the character and appearance of the area or the surrounding countryside. It would provide an additional dwelling in a sustainable location and the associated benefits outweigh the conflict with the locational policies of the development plan, having regard to the weight that can be afforded to those policies.
25. Consequently, having regard to the balance of material considerations, including the compliance with the aims of the Framework taken as a whole, I recommend that the appeal should be allowed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

26. 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 allowed.

Chris Preston

INSPECTOR

Schedule 1 – Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Job No. 16/49 Drawing No.001 Revision B) and Proposed Plans and Elevations, Site/Roof Plan (Job No. 16/49 Drawing No.101 Revision D).
3. The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the application form.
4. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for:
 - i. vehicle cleaning facilities;
 - ii. the parking of vehicles of site operatives and visitors;
 - iii. the loading and unloading of plant and materials;
 - iv. storage of plant and materials used in constructing the development
5. No development shall be carried out other than in accordance with a Construction Method Statement for the protection of the watercourse and the prevention of pollution or contamination of the watercourse and its associated habitat during construction works to be submitted to and agreed in writing with the LPA before works commence.
6. The development shall be carried out in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report (Preliminary Ecological Appraisal - Land North of Cairncroft, Memory Lane, Willow Green, Otterburn, RH Ecological Services, Final Version, 20.5.19) including, but not restricted to, inclusion of bat and bird bricks/tiles into the fabric of the new buildings with numbers (minimum 1 of each), types and locations to be submitted to and agreed in writing with the LPA before works commence; adherence to timing restrictions; adherence to precautionary working methods and Method Statement; adherence to external lighting recommendations in accordance with Bats & Lighting in the UK Bat Conservation Trust/Institution of Lighting Engineers, 2018; any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped.
7. In the event that development works do not commence before the end of May 2021 an updated ecological survey shall be carried out and the results of that survey together with any necessary modifications to avoidance,

mitigation or enhancement measures to be forwarded to and agreed in writing with the LPA before works commence.

8. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.
9. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans. Thereafter the access shall be retained accordingly.
10. The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall always be kept available for the parking of cycles.
11. The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangements for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.
12. No removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no birds' nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
13. All garden boundary fences, or walls will include a gap at the base measuring a minimum 13centimetres by 13centimetres to allow continued access through the site for hedgehogs.
14. No development shall be carried out other than in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations British Standards Institution, 2012.
15. A detailed landscape planting plan, utilising locally native species and including a native species hedge along the eastern boundary, shall be submitted to and agreed in writing with the LPA with the planting to be fully implemented during the first full planting season (November March inclusive) following the commencement of development.
16. Prior to the fixing of any new external lighting within the site, details of the external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Details should include:

- i. The specific location of all external lighting units;
- ii. Design of all lighting units;
- iii. Details of beam orientation and lux levels; and
- iv. Any proposed measures such as motion sensors and timers that will be used on lighting units

The approved lighting scheme shall be installed in accordance with the approved details and shall be maintained as such thereafter, unless removed entirely.