



Appeal Decision

Site visit made on 23 June 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Appeal Ref: APP/P2935/W/20/3248747

Fairfields, Lowgate, Hexham NE46 2NN

- 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 and Mrs Philip Huddlestone against the decision of Northumberland County Council.
 - The application Ref 19/03898/FUL, dated 18 September 2019, was refused by notice dated 23 December 2019.
 - The development proposed is Replacement Dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An application for costs has been made by the appellants and is considered under separate cover.
3. The description of the development has been amended by the Council and is described as; *Replacement dwelling and removal of stables*. I concur that this accurately describes the proposal.
4. It has been drawn to my attention by the appellants that they consider the Council's assessment of the position of the new dwelling is inaccurate. I have had due regard to its position within the plot, and irrespective of the Council's assessment, have come to my own view.
5. Within the Council's reason for refusal they have considered the increase in floor area and volume to result in a disproportionate addition over and above the size of the original building. However, the description of the proposal is for a replacement dwelling and removal of stables, and the submitted plans clearly indicate Fairfield and stables to be demolished and a new dwelling erected. On this basis, it is not appropriate to consider the appeal under paragraph 145 c) of the National Planning Policy Framework (the Framework).

Main Issue

6. The main issue is whether or not the proposal is inappropriate development within the Green Belt.

Reasons

7. The appeal site is located at Lowgate, close to Hexham and the site is accessed via a narrow lane between houses that forks leading to the access lane to the appeal site. It is located within the Green Belt and open countryside. Along with the removal of the existing dwelling and stables, the appellants Statement of Case includes the removal of the storage containers to the south west of the existing dwelling. A modern single storey dwelling with mezzanine would be constructed within the site to replace the existing dwelling.
8. The Framework explains that the Green Belt has five purposes and should be protected from inappropriate development. Inappropriate development within the Green Belt is by definition harmful to the openness of the Green Belt although exceptions apply.
9. The Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but goes on to identify certain exceptions. It adds in paragraph 145 d) that certain forms of development including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is an exception.
10. Policy NE7 of the Tynedale Local Plan 2007 (LP) permits the construction of new buildings in the Green Belt provided it is for certain purposes. One of which is for the replacement of existing buildings, although this is subject to other policies being satisfied. Policy BE15 of the LP makes clear that re-construction of buildings within the countryside are permitted provided certain criteria are met, to include a) the new building is not materially larger than the building it replaces.
11. The Framework does not define 'disproportionate', to paragraph 145 d), nor does Council LP policy. There is no dispute between parties that the existing dwelling is around 90sq m in size, with a resultant approximate 316 cubic metres, and the proposed new dwelling would be approximately 190sq m at around 673 cubic metres in size. This would equate to an approximate 113% increase in floor space along with approximately 112% increase in volume to that of the original dwelling. These figures are not disputed by the appellants. This increase would not be considered to amount to a replacement building that is not '*materially larger than the one it replaces*' in accordance with LP Policy BE15, or the exception of the Framework. Therefore, the proposal is inappropriate development.
12. With respect to an other consideration, the appellants consider that the proposal falls within Framework Paragraph 145 g) as it is previously developed land. The Framework allows for the partial or complete redevelopment of previously developed land (excluding temporary buildings) although this is caveated provided it would not have a greater impact on the openness of the Green Belt than the existing development.
13. Openness has both a spatial and visual aspect to it. I do not disagree with the appellants findings that it would be taller, longer and wider than the existing dwelling. As a consequence, the footprint and volume would be substantially greater than the original dwelling and the proposed height increase from the existing ridge height at a maximum of 4m, to approximately 5.5m, would add to the overall bulk of the proposal.

14. Even if the proposal were to be screened from the public realm and it may be of a scale similar to other buildings nearby, and positioned close to these, and even if its position in the plot would closely relate to its existing position, these matters do not imply it is not inappropriate development within the Green Belt. It would appear materially larger than the building it would replace and would result in visual intrusion into the Green Belt, thus harm would arise to its openness. This effect on the openness of the Green Belt weighs against it.
15. The appellants have stated that they would include both the stables and the long-standing containers at the site within the proposed calculations for the replacement dwelling. They have also provided a plan of another site for a new dwelling that was approved¹ by the Council which combined the volume of a number of footprints from outbuildings into the overall size of the new dwelling. They draw to my attention that the Council have, in their own particular application, applied the view that out buildings are not included in calculations to replace dwellings.
16. However, this former approved decision is from an earlier application that pre-dates the February 2019 Framework and this appeal. I am not aware of the relationship of the other buildings to the original dwelling and the effect on the openness of the Green Belt in that particular application. Nevertheless, I have come to my own conclusion on this appeal and find that the scale and massing of the proposal would conflict with LP Policy GD2, leading to harm arising to the openness of the Green Belt.
17. As a further other consideration, the fallback position may be available to the appellants to exercise permitted development rights at the site, and the effect of this has been demonstrated on a plan, together with their explanation that this would be a realistic prospect for the appellants to pursue.
18. However, these potential developments would not over-come the fact that there would be limited benefits brought to the appellants. The remaining building would be still largely in existence although they stress the reasons to erect a new dwelling in this location is to create a dwelling that is more cost effective and energy efficient to run than the existing, and as a consequence it would have longer term environmental improvements and health considerations of a standard construction dwelling, and a greater permanence as a result, with less maintenance.
19. I therefore conclude that the proposal would be contrary to Policy NE7 of the LP that permits development within the Green Belt, including replacement of existing buildings, subject to other policies being satisfied. It would be in conflict with LP Policy BE15 that permits the re-construction of buildings within the countryside provided the new building is not materially larger than the building it replaces. Moreover, it would also run counter to LP Policy GD2 in its requirements for design to be appropriate and to consider scale, proportions and massing, amongst other criteria. Furthermore, it would not meet the aspirations of LP Policy H32 that seeks development to reflect the distinctive character of the District, amongst other considerations. Finally, I also find the proposal would be in conflict with the aims of Part 13 of the Framework that seeks to protect Green Belt land from inappropriate development.

¹ 14/00790/FUL

Other Matters

20. Even though no objections to the proposal have been received from a number of Council consultees, and despite the letters of support I have seen, and that the appellants would agree to the removal of appropriate permitted development rights, these matters do not allow me to weigh in favour of the proposal.
21. The appellants consider a mobile caravan/home could be placed on the site and this also constitutes a fallback position. However, there are no details presented to comment upon, and therefore I apply limited weight to this.
22. I recognise the cost effective and energy efficiencies of running a modern dwelling and the environmental improvements and health considerations of a standard construction dwelling, and a new dwelling here would have a greater permanence than the existing building. I also acknowledge the benefits of green energy equipment that could be utilized at the site and that a new dwelling in this location could be considered as a visual improvement to the area using higher quality longer lasting materials. Whilst the growing needs of a family and creating a better living standard for them is a material consideration, and that the family supports local schools and the economy, all these factors do not compensate for the harm that would arise to the openness of the Green Belt.
23. None of the other considerations brought to my attention that I have taken into account in this decision would amount to very special circumstances that would persuade me to allow the appeal.

Conclusion

24. It is my duty to determine this appeal in accordance with the development plan unless other material considerations indicate otherwise. I have assessed the proposal and taken all material considerations into account. However, for the above reasons, the appeal is dismissed.

Alison Scott

INSPECTOR