
Appeal Decision

Site visit made on 11 August 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2020

Appeal Ref: APP/P2935/W/20/3252678

Land to rear/south of Greenlea Cottage/Phoenix House, off Clare Lea/south of Lead Road, Hedley on the Hill, Northumberland NE43 7SW.

- 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 planning permission.
 - The appeal is made by Mr John Clark against Northumberland County Council.
 - The application Ref 20/00825/FUL, is dated 9 March 2020.
 - The development proposed is erection of a single Use Class C3 dwelling house with associated access and surrounding garden/curtilage lands.
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Decision

1. The appeal is dismissed and planning permission for the erection of a single Use Class C3 dwelling house with associated access and surrounding garden/curtilage lands is refused.

Application for costs

2. An application for costs was made by Mr John Clark against Northumberland County Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council refers to policies in the emerging Northumberland Local Plan. I have not been provided with information about whether the relevant policies have unresolved objections. I therefore afford the emerging plan limited weight as a material planning consideration in determining this appeal.
4. I have taken the address of the appeal site from the appeal form as this describes the site location more concisely.

Main Issues

5. The appeal was made prior to the Council's determination of the application. The Council, in its Statement of Case, indicates that it would have refused planning permission. The Council considers that the proposal would be inappropriate development in the Green Belt and would harm the openness and the purposes of the Green Belt. In the Council's opinion no very special circumstances have been put forward that would outweigh the harm to the Green Belt. Further, insufficient information has been provided to determine if an acceptable form of foul sewage disposal could be achieved at the site.

6. Therefore, the main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the proposal on the openness and the purposes of the Green Belt;
- whether the proposal makes adequate provision for the disposal of foul sewage; and
- if the proposal is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development

7. The Framework outlines that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate in the Green Belt (paragraph 145). Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions to this is limited infilling in villages (paragraph 145e) and another is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on openness than the existing development (paragraph 145g).
8. Saved Policies NE7 and NE8 of the Tynedale District Local Plan (District Local Plan) considerably pre-date the Framework. Although Policy NE7 is generally supportive of limited infilling or redevelopment in certain circumstances its policies are more restrictive than the Framework. I therefore attach only limited weight to the policy approach. However, in as much as the document supports limited infilling, albeit only in limited circumstances, it is consistent with the Framework.

Limited infilling in a village

9. The appeal site is within Hedley on the Hill, which is identified as a smaller village for the purposes of Policy GD1 of the District Local Plan, and it is a village for the purposes of Green Belt Policy.
10. The appellant has provided details of a number of other appeal decisions elsewhere that address the issue of limited infilling. I have considered these decisions and I take from these that the assessment of whether a scheme is limited infilling will be dependent on the particular site circumstances.
11. There is no definition of limited infilling in the development plan or the Framework. The commonly accepted definition of limited infilling is 'development of a small gap in an otherwise built up frontage', although, as I have indicated above limited infilling is a matter of planning judgement.
12. The appeal site is to the rear of Greenlea Cottage and adjacent to Clare Lea, a small cul-de-sac of dwellings. To the rear is open agricultural land and to the

east is the garden and outside space for the café use at Phoenix House. The proposal would extend development beyond the cul-de-sac head and would be separated from the rear of Greenlea Cottage by existing boundary treatment and outbuildings with no intervening road frontage.

13. The plot has been created from part of the garden/café outside area of Phoenix House and not as a result of the proximity of buildings to either side. The appeal site is not a gap in an otherwise built up frontage. Therefore, the proposal would not be limited infilling.

Previously developed land

14. Phoenix House is at the entrance to the village; there are open views across the garden and the property has a rural character and appearance. The property is not within a built-up area and therefore can be termed previously developed land. However, the definition of previously developed land in the Framework confirms that it should not be assumed that the whole of the curtilage should be developed.
15. While not limited infilling, paragraph 145(g) of the Framework also refers to the partial or complete redevelopment of previously developed land which would not have a greater impact on openness than the existing development. Therefore, it is necessary to consider the effects of the proposal on Green Belt openness.

Effect on Openness

16. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
17. Although there is minor domestic paraphernalia on and adjacent to the site most of the site is garden. The proposal is a detached dwelling with a significant footprint, wide driveway access and parking area. It would introduce permanent development that would reduce the spaciousness around Phoenix House and Greenlea Cottage and at the end of Clare Lea resulting in a spatial loss of openness.
18. The appeal site is elevated above Lead Road and there are views across the site from here and from Clare Lea. The proposal would be visible on the entrance to Hedley on the Hill. It would also be visible from Clare Lea. There would be a moderate visual impact as a result of the site's elevated position, the bulk of the dwelling and the extensive hardstanding and access arrangements, which would increase the site's visibility from nearby public roads and footpaths.
19. Although acknowledging the site's status as previously developed land, the proposal would have a greater impact on the openness of the Green Belt than the existing site. Therefore, it would not meet the exception criteria set out at paragraph 145g) of the Framework.

Green Belt purposes

20. In terms of the Green Belt purposes set out in paragraph 134 of the Framework, there would be no encroachment into the countryside as the land is part of the grounds to Phoenix House. As a single dwelling, it would not

represent sprawl or urbanisation and I find no conflict with the purposes of Green Belt.

Conclusion - inappropriate development

21. For the reasons set out, I conclude that the proposal would be inappropriate development in the Green Belt. As a result, it would conflict with saved Policies NE7 and NE8 of the District Local Plan and the policies in the Framework that protect Green Belt. This is a matter to which I attach substantial weight.

Foul sewage

22. I have very limited evidence before me in relation to foul sewage. The appellant indicates on the application form that the method of foul sewage disposal is unknown. Residents consider that the sewage system does not have the capacity to accommodate additional foul sewage.
23. Although the appellant indicates that there is plenty of spare capacity this is not supported by any technical evidence. As a result of the lack of information I am unable to conclude that there is a technical solution for the disposal of foul sewage that would conserve the natural environment. Therefore, it would be inappropriate to seek to secure a method for the disposal of foul sewage by condition.
24. In the absence of the necessary evidence I find that the proposal conflicts with the requirements of Policy CS27 of the District Local Plan which seeks an appropriate solution to the disposal of sewage treatment with a preference for disposal to a foul sewer. Nor would the development meet the expectations of paragraph 170 of the Framework. I attach moderate weight to my concerns in this respect.

Other considerations

25. The appellant contends that outbuildings could be constructed on the appeal site under 'permitted development'. However, permissions granted for the bed and breakfast and the cycle café use affect the possibility of such outbuildings being permitted. Even if such outbuildings could be constructed there is no indication that such ancillary development would be sufficiently similar. This matter is a neutral factor in the planning balance.
26. The Council is able to demonstrate in excess of a 5 year housing land supply. Although this does not prevent further residential development from coming forward, the provision of a new dwelling in an unsuitable location is not a benefit of the scheme. The housing contribution is therefore a neutral factor in my assessment.
27. There would be small economic benefits, both during the construction and occupation phase of the development. However, given the size of the proposal the economic benefits of the scheme would be limited.
28. Although I note the concerns raised by residents, I am satisfied that the proposal would be acceptable in terms of its scale and appearance, its effects on highway safety and its siting and design, subject to appropriate planning conditions. However, the satisfactory resolution of these matters is a requirement of the development plan and do not therefore weigh in favour of the scheme.

29. I also recognise that there is support for the proposal. For the reasons I have set out in this decision these support comments do not weigh in favour of the scheme.

Green Belt balance

30. I have concluded that the proposal is inappropriate development. Therefore, it is, by definition, harmful to the Green Belt. I have found that the proposal results in moderate harm to the openness of the Green Belt; the lack of foul sewage information results in moderate harm to the natural and local environment. Collectively, these matters carry substantial weight.

31. I attach limited weight to the economic benefits associated with the erection of one dwelling; however, this other consideration would not clearly outweigh the harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

32. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR