

Appeal Decision

Site visit made on 25 August 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/P2935/D/20/3256611

Shepherds Cottage, Belsay, Newcastle Upon Tyne NE20 0HG

- 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 Caroline Hughes and Mark Pearson against the decision of Northumberland County Council.
 - The application Ref 19/02752/FUL, dated 2 August 2019, was refused by notice dated 18 June 2020.
 - The development proposed is the "construction of a new garage".
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Decision

1. The appeal is allowed and planning permission is granted for construction of a new garage at Shepherds Cottage, Belsay, Newcastle Upon Tyne NE20 0HG in accordance with the terms of the application, Ref 19/02752/FUL, dated 2 August 2019, subject to the conditions set out in the schedule attached to this decision.

Procedural Matter

2. The parties are in disagreement as to whether or not the site lies within the Green Belt. In considering a proposal at the attached neighbouring property, the Council stated that site was not Green Belt. In their report on this application however, the site was identified as Green Belt. The appellant has highlighted that Figure 3.2 of the emerging Northumberland Local Plan, Publication Draft Plan (Regulation 19), January 2019, shows a refinement to the Green Belt boundary which would remove the site from it, and despite their original Report, the Council has since stated that the site is not in the Green Belt.
3. However, the adopted policies and plans provided by the Council show that the site does lie within the Northumberland Green Belt extension, identified in saved Policy S5 of the Northumberland and National Park Joint Structure Plan First Alteration (February 2005). As such, I have treated the site as being within the Green Belt.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
 - The effect of the proposal on the setting of the listed building and the character and appearance of the area.

Reasons

Context

5. The appeal site is an area of land, which appears to be in use as a domestic garden, to the side of a stone-built Grade II listed farm cottage. The cottage is part of a farm steading, with another matched farm cottage and attached, broadly symmetrical range of agricultural buildings to the rear. The host building itself also has a number of small additions to the rear. The site sits in a largely open, rolling landscape, clearly visible from the front, but screened from the side and rear by a shelter-belt of mature trees and changes in level.

Whether inappropriate development

6. Both the Council and the appellant agree that the proposal can properly be considered as not inappropriate development within the Green Belt under the exception set out in paragraph 145c of the National Planning Policy Framework (the Framework). This is consistent with relevant caselaw and interpretation of the Framework. Given the nature of the proposal and the context of the site and its setting, I agree with this interpretation and find that the proposal would not be inappropriate development within the Green Belt.

Setting of the listed building

7. The significance of the heritage asset (the HA), that is, the Grade II listed Sandyford Cottages farm buildings and garden walls, lies in the simplicity, symmetry and composition of the buildings. Notwithstanding the trees and fencing on site, the significance of the HA is also found in the openness of the land around the group, which creates a sense of remoteness and tranquillity. The division of the farm buildings between the two dwellings, with the associated boundary treatments and domestication of the area around them, as well as the additional dwelling to the front of the site have in my view lessened the overall effect of the symmetry and simplicity of the farm buildings. Nevertheless, despite those changes to the immediate setting of the listed buildings themselves, the wider setting, which in my view contributes most to the significance of the building, being the remoteness and tranquillity, has been unaffected by those previous changes.
8. The proposal would require the removal of a number of small conifers and a cherry tree (although at the time of my visit, it had already been removed) and involve the erection of a detached garage, in materials which do not match the main building, but do reflect the agricultural nature of the site and the area. I acknowledge that the extent and nature of the setting of a HA are not fixed and can change as both the asset and its surroundings change. It is clear that the immediate setting of the HA has changed over time. Notably, the immediate setting of the HA already lacks the symmetry found in the HA itself, being more open to the west, but sheltered by trees to the east. The previous construction of an additional dwelling to the front of Sandyford Farmhouse has further eroded the symmetry to the setting, and this could be further added to if the development approved at Sandyford Farmhouse were to take place. To my mind, the immediate setting of the HA appears as part of an agricultural farm steading, with associated additional areas of hardstanding, as well as an additional dwelling and its associated screening. The impression is of an older core of farm buildings, a group of other associated structures and development, which itself is set within a wider, open, remote and tranquil area.

9. As a result, whilst the appeal proposal would change the immediate setting of the HA, I do not consider that this change would in itself be harmful. In my opinion, the elements of the setting which contribute most to the significance of the HA, being the openness of the land around the group and the overall sense of remoteness and tranquillity would not be affected by the appeal proposal. The appeal proposal would result in an additional building within the immediate setting, but that building would, in my view, clearly remain within and be a part of that group. The wider open, remote and tranquil setting would not be harmed. In addition, the proposed scale and materials would clearly mark the appeal proposal out as an addition to the scene; a later addition, complementary to, but not competing with the HA.
10. As a result, I consider that the elements of the setting which contribute to the significance of the HA would not be harmed.
11. Having given great weight to the conservation of the HA, I consider that the proposal would not cause harm to the significance of the HA. I have had special regard to the desirability of preserving the setting of the listed building, and in my view, consider that the proposal does not cause harm to it. The proposal does therefore comply with the aims of the Framework to conserve and enhance the historic environment.

Character and appearance

12. Viewed from the front, the appeal proposal would be visible from the public road and driveway to the property. In my opinion, it would however appear clearly subservient to the main, stone-built dwelling, owing to its substantially lower height, overall scale and levels. In addition, the appeal proposal would be set against the backdrop of the shelter-belt of trees, the relatively raised ground on which they sit, and the higher ground beyond to the rear.
13. In my opinion the materials, whilst clearly different to those used on the host building, are appropriate for the rural and agricultural location and character of the area. The type of outbuilding and use of black, corrugated metal sheeting is not unusual in such a setting. I note that the Council accepts that these materials are also not unusual. Turning to the window detailing, the relevant elevations would have limited visibility from the public domain, and in any event, as I have already set out, the proposal already appears so different to its host, that I do not consider that the horizontal emphasis in the window detailing to be so incongruous as to be harmful to the character or appearance of the area.
14. Overall therefore, I do not consider that the proposed outbuilding would by virtue of its scale, massing, materials or positioning appear as an incongruous feature. In my opinion, the proposal is appropriate for the agricultural and rural character of both the surrounding built environment and the wider area.
15. The proposal does therefore not conflict with Policy H22 of the Castle Morpeth District Local Plan 2003 which seeks to guide the alteration and extension of dwellings in the local countryside. I consider that the proposal meets the criteria of that policy, which includes a requirement that the proposal be subordinate to the mass of the original dwelling, reflect the existing style and character and use materials which reflect and complement the existing house.

Conditions

16. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2), in order to ensure the satisfactory appearance of the completed development.
17. The Council has suggested a number of additional conditions to be attached, should planning permission be granted. I am satisfied that these are necessary to ensure the satisfactory appearance of the completed development and protection of the character and appearance of the area and the setting of the listed building (3) and in order to ensure that any necessary ecological mitigation measures are implemented (4). Condition 4 would be required to ensure that protected species on the site or affected by the proposal would be properly protected if the development were to take place. The condition is required prior to the commencement of the development as these are matters which could not be addressed at any later stage, should planning permission be granted and the development commence. The conditions meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. That the development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, M655/02 Rev E, M655/03 Rev E.
3. No development shall be commenced above damp proof course level until precise details, including photographs, of the external materials of the development are submitted to and approved in writing by Local Planning Authority. The development shall then be carried out in accordance with the approved details.
4. No development shall commence until precise details of the ecological mitigation measures recommended in the received Preliminary Ecological Appraisal & Bat Survey by EcoNorth (July 2019) are submitted to and approved in writing by the local planning authority. The approved mitigation measures shall then be implemented in line with the timescales set out in the recommendations in the Preliminary Ecological Appraisal & Bat Survey.

End of Schedule of Conditions.