



Appeal Decision

Site visit made on 8 December 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/P2935/D/20/3258884

Clontibret, Allendale Road, Hexham NE46 2NH

- 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 Michael Coe against the decision of Northumberland County Council.
 - The application Ref 20/01324/FUL, dated 28 April 2020, was refused by notice dated 25 June 2020.
 - The development proposed is the construction of swimming pool outbuilding within the residential curtilage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is 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 of the Green Belt and the purposes of including land within it; and
 - if it is inappropriate development, whether the 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

Inappropriate Development

3. Paragraph 145 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development. However, it lists certain forms of development which are not regarded as inappropriate. This includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policies NE7 and NE14 of the Tynedale District Local Plan (TDLP) are broadly consistent with the Framework, insofar as they relate to extensions to dwellings and the issue of inappropriate development in the Green Belt.
4. In this case, it is necessary to determine whether the proposed outbuilding should be considered as an extension or alteration to the dwelling, and if so, whether it would represent a disproportionate addition.

5. The proposed outbuilding would be to the north of the host property and although clearly located in its garden, it would be physically divorced due to the distance from the property. As such, it would not constitute an extension or alteration to the host property.
6. In the absence of any other relevant exception, I find that the proposal would be inappropriate development in the Green Belt. It would therefore be at odds with Policies NE7 and NE14 of the TDLF and paragraph 145 of the Framework in this regard.

Openness and Green Belt Purposes

7. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. The proposal would result in a sizeable outbuilding which would be positioned at the lower end of the garden which is currently free from development. It would be visible over the boundary from the bridleway/Shaws Lane (the lane) which passes along the side of the garden.
8. The proposal would be positioned on a lower ground level to the host house, reasonably close to a neighbouring property and garage and near a garage approved (but not built) within the appeal site. Even so, given the open nature of that part of the garden, both visually and spatially there would be a loss of openness from the existing layout.
9. Green Belt purposes that appear to be served by the designation of the appeal site within the Green Belt include, amongst others, checking unrestricted sprawl and safeguarding the countryside from encroachment. Given my findings on the visual and spatial aspect, the proposal would impact on these related Green Belt purposes.
10. I therefore conclude that the proposal would lead to a loss of Green Belt openness and would impact on the purposes of including the land within the Green Belt. Therefore, it would be contrary to the relevant Green Belt guidance within the Framework.

Other Considerations

11. The appellant has drawn my attention to a Lawful Development Certificate in respect of a similar development, but in a different location within the garden to that proposed, which could be implemented (the fallback position).
12. The fallback position would differ from the appeal proposal in that it would be positioned close to the host property, on the opposite side of the house to the Lane. It would be positioned in the corner, adjacent to, and would not project past the principle elevation of, the much larger host property.
13. This would contrast with the area of the garden proposed for development before me. This part of the garden is more prominent from the public realm and open in character, despite the physical relationship to other built form. Set in this context, whilst there would be no increased harm spatially on the openness of the Green Belt from the fallback position, there would still be a greater impact visually.
14. The fallback position would not appear cramped in its location and would be subordinate to the host property so as not to detract from its character. I do

not therefore consider that the proposal would be an improvement to the character and appearance of the appeal site.

15. There has been a previous application for a dwelling at the appeal site. However, this is materially different from the proposal before me and as such, I have assessed the appeal on its own merits.
16. The host property has an unusual arrangement with most of the private garden space to the front of its principle elevation. However, this does not alter or outweigh my findings on its open nature. The absence of harm in relation to other considerations such as the living conditions of the occupiers of neighbouring properties are neutral matters, weighing neither for nor against the proposal.
17. Reference is given to Policy HOU8 of the Northumberland Local Plan (NLP) (Publication Draft Plan). However, I have not been referred to any specific provisions that relate to development in the Green Belt, to which the main issues of this appeal relate. Moreover, and notwithstanding the status of the NLP, no specific conflict with this policy has been identified in the Council's reasons for refusal.

Conclusion

18. The proposal would be inappropriate development in the Green Belt and would conflict with Policies NE7 and NE14 of the TDLP. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
19. I give significant weight to the potential fallback position which may be implemented. However, the proposal would have a greater effect on openness compared to the fallback position.
20. Other considerations do not clearly outweigh the harm that I have identified as a result of inappropriateness and the reduction in the openness of the Green Belt. Consequently, even considering the fallback position, the very special circumstances necessary to justify the development do not exist. As such, the proposal would conflict with the development plan when read as a whole.
21. Overall, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
22. For the reasons above, and having regard to all matters before me, the appeal is dismissed.

Robert Walker

INSPECTOR