



Appeal Decision

Site visit made on 4 December 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Appeal Ref: APP/P2935/W/20/3256551

Land North of The Shires, Clifton, Northumberland.

Grid Ref Easting: 420358, Grid Ref Northing: 582876

- 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 Mark Ketley of BH Planning & Design against the decision of Northumberland County Council.
 - The application Ref 20/01221/FUL, dated 17 April 2020, was refused by notice dated 25 June 2020.
 - The development proposed is construction of 1 no. dwelling with associated access, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appeal site location from the Appeal Form as I consider that this accurately reflects the proposal.
3. Reference has been made to the emerging Northumberland Local Plan, although the policies of this emerging plan are not included in the Council's reasons for refusal. I have also not been made aware of the extent of unresolved objections to this emerging plan or its degree of consistency with the National Planning Policy Framework (the Framework). On that basis, and due to the stage of the preparation of the emerging Local Plan, I give it little weight and this is not a determinative matter in my consideration of this appeal.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - Whether the site would be an appropriate location for housing with regards to local and national planning policy;
 - Whether sufficient evidence has been submitted regarding land contamination; and

- Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

5. The appeal site is within the Green Belt. The Framework sets out that new buildings within the Green Belt are inappropriate subject to a number of exceptions. Paragraph 145(e) of the Framework sets out that limited infilling in villages is such an exception.
6. The term 'infilling' is not defined in the Framework. However, this is normally associated with the completion of an otherwise substantial built up frontage of several dwellings or, at the very least, consolidation of a largely built up area. Based on the evidence before me, the appeal site consists of a field adjacent to the built extent of Clifton.
7. At the time of my site visit, there was evidence of activity on the site including surfacing and the storage of material, although this appeared to relate to development on an adjacent site. Nevertheless, the site was clearly separate from adjacent building plots and properties, and did not appear to be enclosed by them to a material degree. Although it is bounded on two sides by built development, the appeal site is clearly associated with the countryside around Clifton rather than being part of the settlement. An area of trees to the east of the site does not represent a degree of enclosure by the settlement, and instead emphasises the nature of the site as being part of the surrounding countryside.
8. The appellant emphasises policy ST8 of the emerging Local Plan which refers to "Other forms of limited infill development..." as well as frontage development within the Green Belt. However, whilst I have given the emerging Local Plan little weight for reasons stated previously, even this definition does not lead me to a different conclusion as to whether the proposal would represent infilling.
9. The exception at paragraph 145(e) of the Framework specifically refers to 'villages' rather than other forms of settlement. Clifton consists of a number of dwellings and other properties set around one of the main access routes to Morpeth. Based on what I have seen and read, Clifton has no services such as a shop, public house or school. There are also a limited number of properties within this settlement, and whilst this part of Clifton is identifiable as a self-contained cluster of properties, the small scale of the settlement and the limited facilities it contains mean that it can be considered to be no more than a hamlet.
10. The appellant emphasises that the Council has previously concluded that Clifton is a village, and refers to evidence including the 2011 Rural Urban Classification criteria. However, the status of these criteria in respect of planning matters has not been provided to me, and the Council's previous stance does not lead me to a different conclusion based on my own observations. I also note that in a recent appeal decision elsewhere in Clifton, the Inspector concluded that it was not a village. Whilst that site may have been elsewhere in Clifton, this supports my conclusions in respect of the nature of this settlement.

11. I conclude that the proposal would not represent limited infilling in a village and would therefore not meet the exception of Paragraph 145(e) of the Framework, or indeed any of the other exceptions. The proposal would therefore be inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm.

Openness

12. The proposal would introduce built development onto an open area. It would be apparent as built development projecting into an area where no such development currently exists and would therefore harm openness. However, it would be set behind other built development in views from the public realm. Due to the limited scale and visibility of the proposal, I conclude that it would have limited harm to the openness of the Green Belt.

Location for Housing

13. The appeal site is located outside of settlement boundaries established by policy C1 of the Local Plan¹ and is therefore considered to be in the open countryside. Policy H16 of the Local Plan sets out a number of criteria for housing in the countryside, particularly with regards to accommodation for rural workers. The proposal would not meet those accommodation requirements and would therefore conflict with policies C1 and H16 of the Local Plan.
14. However, these policies pre-date the Framework and do not reflect its provisions with regards to the sustainable development of housing in rural areas. The Framework supports housing in rural areas that reflects local needs, and promotes sustainable development by locating housing where it will enhance or maintain the vitality of rural communities.
15. However, there is no substantive evidence before me that the development of a dwelling on this site would support specific rural housing needs and I am mindful that the Council has a substantial housing land supply. Whilst the Framework gives great weight to the benefits of using suitable sites for small sized housing development, due to the harm to the Green Belt arising from this proposal I do not consider that this site is inherently suitable for residential development.
16. The appellant contends that the appeal site is within walking distance of the town centre of Morpeth, although I saw that this distance is such that walking would not represent a realistic option for residents of the proposal. There are also facilities closer to the appeal site on the edge of Morpeth. However, the walking distance to these is greater than would be considered convenient even though there is a demarcated footpath. There are cycle lanes on the road leading to Morpeth, although the high traffic levels would be likely to deter access by cyclists. The site has good access to frequent bus services to Morpeth, Newcastle and the wider area. However, I consider that future residents would be likely to rely on the private vehicle to access services due to the relative convenience of these modes of transport as well as the length and nature of the routes involved.

¹ Castle Morpeth District Local Plan 2003

17. The appellant refers to a number of other permissions granted for housing in this area. However, I have not been presented with sufficient information on the circumstances of these cases to enable me to determine if these represent a direct parallel to the appeal proposal, including in respect of housing land supply, harm to the Green Belt and the nature of access routes to services. In any event, I have determined this appeal on its own merits.
18. I am mindful that the settlement boundaries in the Local Plan were established to meet the needs of this area up to 2006. However, settlement boundaries continue to provide a useful function in directing development to sustainable locations, and the appeal proposal would not comply with that aim.
19. I conclude that the site is not in a sustainable location regarding access to services and facilities. There is no substantive evidence to support this housing development outside defined settlement boundaries and within the open countryside. The proposal therefore conflicts with policies C1 and H16 of the Local Plan and the Framework with regards to the provision of rural housing.

Land Contamination

20. The appellant has submitted a Phase 1 Desk Study which shows that the site may have been exposed to some contamination resulting from previous agricultural use, made ground and waste materials. This could include construction/demolition waste, pesticides, fertilisers, oil or fuel spills and asbestos. However, the Desk Study identifies an at most moderate/low risk rating. Although the Desk Study proposes further site investigation, the appellant contends that this could be addressed by condition.
21. However, the Council considers that this cannot be addressed by condition due to the sensitivity of the proposed use and the potential contamination identified. The Council refers to a decision of the High Court as well as planning appeal decisions elsewhere which considered matters of land contamination. However, it has not been demonstrated that the level of risk associated with these other developments and the scale of development is a parallel to the appeal proposal.
22. I am mindful of the sensitivity of the proposed residential use. However, even taking a precautionary approach, due to the nature of the identified risk and the scale of development proposed I consider that requiring a Phase 2 investigation would be disproportionate at this stage. That said, it would be appropriate to address this matter by a condition requiring this assessment to be undertaken prior to the commencement of development.
23. Based on the evidence before me, further investigation in relation to contamination could be appropriately addressed by planning condition and this does not therefore represent a reason to withhold planning permission. On that basis I find no conflict with policy RE8 of the Local Plan in respect of development on sites which are known to be contaminated. The proposal would also comply with the Framework in relation to the minimum site investigation information required for land potentially affected by contamination.

Other Considerations

24. The proposal would add to the mix and supply of houses in this area. However, given the Council's substantial supply of housing land this carries only very limited weight in favour of the proposal.

25. In granting planning permission for a site nearby, I note that the Council considered Clifton to be a village in a sustainable location. However, for the reasons stated previously I disagree with the conclusions that the Council reached. I also note that my conclusions on these matters are reflected in a more recent appeal decision, albeit that this related to a site in a different part of the settlement.

Planning Balance and Conclusion

26. I have concluded that the proposal would be inappropriate development within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also concluded that the proposal would lead to limited harm to the openness of the Green Belt.
27. The substantial weight to be given to Green Belt harm, as well as the significant weight to the harm arising from the location of development, are not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances. The fact that potential harm in relation to land contamination could be addressed by condition also does not outweigh the harm in respect of the other main issues. The proposal would therefore conflict with Policy S5 of the Joint Structure Plan and the Framework with regards to protecting Green Belt land, and would conflict with the development plan and the Framework as a whole in respect of achieving sustainable development.
28. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR