
Appeal Decision

Site visit made on 23 December 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2021

Appeal Ref: APP/M4510/W/20/3251986

Redlands, Main Road, Newcastle-upon-Tyne NE13 8BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by the Executor of Mr David Ladhar (deceased) against the decision of Newcastle City Council.
 - The application Ref 2019/1224/01/DET, dated 3 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is a new gated entrance.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address given on the application form is 'Main Road'. Maps show the address as being on 'Ponteland Road' which the Council also uses in its Officer's Report. Nevertheless, the name Main Road is used in this Decision Letter.

Main Issues

3. The main issues are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development upon the openness of the Green Belt and the character and appearance of the area; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances enough to justify the proposal.

Reasons

Whether Inappropriate Development

4. The appeal site is a large, heavily wooded estate located between the village of Woosington to the north and the suburb of Kingston Park to the south. Access to the house is provided through a gated entrance situated just off a mini-roundabout on Main Road which runs through the village in a broadly north-south direction. On the opposite side of the mini-roundabout is the stone pillar entrance to South Drive, a private road, which also contains dwellings set

- within a wooded area. There is also a large garden centre very close to the appeal property.
5. The property sits within the Green Belt. Within the Green Belt any development that is categorised as being 'inappropriate' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
 6. The appeal proposal comprises the removal of the existing stone pillars, low wall and gates at the entrance and their replacement with a new arrangement containing 6 stone piers with stone walls, iron railings and iron gates. One tree within the appeal property close to the proposed entrance would also be removed.
 7. The new entrance would be set back from the road by around 5-15 metres. It would have a symmetrical design. Each side would incorporate a section of straight wall on the outer flank measuring around 5-6 metres in length and around 0.7 metres in height. Above both flank walls would be vertical black iron railings which also be around 0.7 metres in height.
 8. The flank walls would be linked to the iron gates via a crescent shaped section of wall which would be 2.25 metres in height. The 6 stone piers would be positioned at the end of each section of wall. From end to end the proposed entrance structure would be about 30 metres in length. At night the crescent walls of the entrance would be illuminated by lights set within recesses of the structure.
 9. The proposed entrance would be considerably larger and more prominent than the existing one. Thus, for the avoidance of doubt, it would not constitute a like for like replacement and so would not fall within any of the exceptions to the category of inappropriate development as set out in Paragraph 145 of the National Planning Policy Framework ('the Framework'). Accordingly, the proposed development would constitute inappropriate development within the Green Belt.

Openness, Character and Appearance

10. The proposed entrance would sit about halfway along a heavily wooded stretch of road measuring 200-250 metres in length and having a distinctly semi-rural quality. This section of mature woodland provides a most enjoyable interlude between new residential and commercial development towards Kingston Park on one side and the established village of Woolsington immediately beyond the garden centre on the other.
11. The current entrance is rather unassuming and is understood to have limited lighting at night-time. Passers-by could be forgiven for failing to notice it. Because of the absence of any high solid walls, the arrangement permits visual permeability into the policy woodlands and along the long, dark lane behind the entrance leading in the direction of the house.
12. Main Road is quite wide. There is a stone pillar and crescent shaped wall entrance to South Drive opposite the appeal site. The entrance is set back from the mini-roundabout by about 20-30 metres. The stone pillars are about 2 metres in height and appear to have weathered with the passage of time.
13. The proposed entrance would be a very large structure which would not be absorbed by the trees to the side and immediately behind. By virtue of its scale

it would be very prominent. Furthermore, the structure would have a very suburban quality which would be incongruous and would jar with and disrupt the semi-rural appearance of this stretch of road characterised by mature woodland and established stone walls and structures.

14. Because the proposed development would be more prominent vehicle-borne visitors would have more advanced notice of the entrance which could provide a highway safety benefit. However, in the absence of any data to suggest that the current entrance is a highway hazard this can only be a minor benefit.
15. The development would result in the loss of a tree which is part of a group that is subject to a Tree Preservation Order. Although the tree is not a strong specimen its removal could affect a larger tree close by. No arboricultural impact assessment has been provided by the Appellant thus preventing an informed evaluation of the potential consequences of the proposed removal.
16. Large gated entrances are often associated with dwellings set in extensive grounds. There are other large stone pillar entrances to properties along the main road through Woolsington.
17. However, it is relevant to note that the appeal proposal is located along an extended stretch of road that is heavily wooded and largely bereft of intrusive, suburban features, providing an important visual break between Newcastle and Ponteland. It is this absence of built development that Green Belt designation is intended to protect.
18. For the above reasons the proposed development would harm the openness, character and appearance of the Green Belt and the nearby village of Woolsington. It would therefore fail to accord with Policies CS15(i) and (iv), CS18 2(iii) and CS19(1),(2) and (3) of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010-2030 2015 which seek, respectively, to ensure that new development responds positively to the distinctive character of the area, respects significant views, protects trees and woodlands, prevents coalescence between Newcastle and Ponteland, safeguards the countryside from encroachment and checks unrestricted sprawl.
19. It would also fail to conform with Policies DM27(4) and DM28(1) of the Newcastle-Upon-Tyne Development and Allocations Plan 2015-2030 2020 which seek to encourage development that would not have any demonstrable harmful effects on green infrastructure and protects, enhances and manages existing trees and landscape features.
20. Furthermore, it would fail to accord with Saved Policies H2 , EN1.1, EN3 and EN3.1 of the Newcastle Unitary Development Plan 2007 which seek, respectively, to protect the character of the area, protect trees, take full advantage of the landscape, protect the city's trees and woodlands and prevent development that would cause demonstrable harm to areas of exceptional landscape including Woolsington Park.
21. Finally, it would fail to accord with the advice set out at Paragraph 130 of the Framework that new development should be of a high-quality design.

Very Special Circumstances

22. As already mentioned, there are several other stone pillar and large redbrick entrances to dwellings located along Main Road / Ponteland Road within Woolsington. However, no details were provided in regard to their planning histories and the policy prevailing at the time.
23. Moreover, irrespective of that matter, since every planning application is treated on its own merits, these other developments do not constitute a precedent binding upon the determination of this appeal.
24. An earlier planning permission for development within the grounds of the dwelling was subject to a condition withdrawing permitted development rights across the property. Consequently, the General Permitted Development Order does not provide a fall-back position bearing upon the determination of this appeal.
25. Furthermore, even if that condition had not been imposed the proposed scheme would not benefit from permitted development rights due to its proximity to the highway and its height, which exceeds 2 metres for much of its length.
26. Thus, little weight is given to the contention that the proposal falls within, or close to, the tolerances provided by the General Permitted Development Order.
27. Consequently, there are no other considerations that amount to the very special circumstances necessary to justify the development.

Other Matters

28. Woolsington Parish Council has not objected to the proposed development other than a request to ensure that any tree loss is properly mitigated.

Conclusion

29. The proposed development is inappropriate development within the Green Belt. Furthermore, by virtue of its design, size and scale it would constitute an incongruous form of development that would harm the openness, character and appearance of the Green Belt and the neighbouring area.
30. There are no very special circumstances that would clearly outweigh its inappropriateness and other harm to justify approval of the appeal proposal.
31. Accordingly, the appeal should be dismissed.

William Walton

INSPECTOR