



Appeal Decision

Hearing held on 15 December 2020

Site visit made on 16 December 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/P2935/W/20/3252173

Land west of Brewery Close, Stamfordham, Northumberland NE18 0PQ

- 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 A and SF Carr and Riddell for Anvil Homes Ltd and SF Riddell against the decision of Northumberland County Council.
 - The application Ref 18/03407/FUL, dated 19 September 2018, was refused by notice dated 15 November 2019.
 - The development proposed is the construction of five new build two storey detached dwellings with three detached garages and associated access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. With regard to the policies in the emerging Northumberland Local Plan (the eNLP) referred to by the parties, they are capable of having some weight in terms of their indication of the direction of travel for the future plan for the area, and in demonstrating that the overall strategy for Stamfordham is to be carried forward. However, any weight which they do have is extremely limited by the stage and status of the eNLP, as well as the outstanding objections to those parts of it relating to the appeal site and surroundings as well as objections to the evidence base on which it is founded. As such, I give them extremely limited weight in my decision.
3. A Unilateral Undertaking was submitted during the course of the appeal under section 106 of the Town and Country Planning Act 1990 (s106). It makes provision for a contribution towards mitigation against the loss of grassland. The Council have stated that the submitted obligation addresses the specific reason for refusal in relation to these matters. I deal with the contents of this below.

Main Issues

4. The main issues are;
 - whether the site is a suitable location for the development proposed having regard to the settlement boundary, landscape designations, local and national policy;

- the effect of the proposal on the character and appearance of Stamfordham and Hawkwell with specific regard to the landscape corridor between them, the historic pattern of development and the character and appearance of the immediate surroundings, and;
- the effect of the proposal on the living conditions of occupiers of surrounding properties with regard to any overbearing effect.

Reasons

Site location

5. Saved policies in the Castle Morpeth District Local Plan 1991-2006 (the CMDLP) define settlement boundaries for Stamfordham and Hawkwell, seek to restrict development beyond them to specific exceptions, and define both an area of high landscape value and a protected open space in the gap between the two settlements.
6. It is common ground that the appeal site lies beyond the defined settlement boundary and within the two protective landscape designations set out in the CMDLP.
7. In considering whether or not the saved policies in the CMDLP are out-of-date for determining the appeal, I must consider their consistency with the National Planning Policy Framework (the Framework). In making this assessment, I have had regard to the support in the Framework for rural development and growth. I also acknowledge the supportive interrelationship between sustainable rural settlements which highlights the role of development in delivering benefits beyond the appeal site.
8. I must also have regard to the elements of the Framework which seek to protect landscapes, landscape setting, local character and history. The Framework clearly notes the requirement for plan-making to balance development and these protections at a strategic level. Having done so, I consider that the saved policies in the CMDLP still represent a suitable local expression of current national policy. As such, I am satisfied that the saved policies in the CMDLP, identified in the Council's decision notice are consistent with the Framework. I therefore give them full weight in the determination of this appeal.
9. I note the concerns around any review of the landscape and policy designations of the site and wider area, specifically with regard to the effect of the conclusions of such a review on the consistency of the relevant policies with the Framework. Such a formal, wide ranging review has taken place within the evidence base for the eNLP, and is being assessed through its examination. As noted though, it is not the purpose of this appeal to act as a rehearsal of the local plan examination process.
10. I also note the criticisms of the reviews into land availability, landscape qualities and values forming part of the plan-making process, as well as the suggestion that such area-wide assessments necessarily lack the site-specific granularity needed for an individual proposal such as this one.

11. However, in my opinion, notwithstanding the criticisms of the higher level policy review and writing process, the Council has, for the purposes of this proposal, assessed the value of the landscape, the setting and the surroundings of the site, as well as the relationship between their conclusions on the likely effects of the proposal and the saved policies in the CMDLP. Their conclusions on these effects are consistent with the Framework.
12. I note also concerns over the potential, mentioned in policy SMC4, for the exceptional development of part of the gap for affordable housing, which appears to coincide with the appeal site. Whilst I accept that this does suggest that there may be potential for development of part of the gap, I do not consider that this reference can necessarily be used to lend support to the appeal proposal. It is clear to me that affordable housing is treated differently in policy terms, and as such, would be subject to different tests than the appeal proposal.
13. I therefore conclude that the site is not a suitable location for the development proposed having regard to the settlement boundary, landscape designations, local and national policy. The proposal would therefore be contrary to Policies C1 and SMC1 of the CMDLP which seek to control the distribution and growth of development in the area, and around Stamfordham and Hawkwell in particular. The proposal would also conflict with Policy H16 of the CMDLP, owing to its location beyond the settlement boundary. Whilst I acknowledge that the site is not isolated in Framework terms, it does lie beyond the settlement boundary, and I have found that the settlement boundary policies should be afforded significant weight owing to their consistency with the Framework. The proposal would also conflict with the guidance in the Framework which seeks to protect landscape features and appropriately control development.

Character and appearance of Stamfordham and Hawkwell

14. Defined and protected by saved policies in the CMDLP the gap between Stamfordham and Hawkwell, varies in width, character and appearance, notably openness, along its length.
15. The gap between Stamfordham and Hawkwell is visible, and appreciable when travelling along the B6309 to the south of the site and when walking through both settlements, in fleeting and glimpsed views towards, through and across the villages, other properties and the site itself. The gap and the relationship between Stamfordham and Hawkwell is also readily apparent from the public right of way which heads south from the village towards Richmond Hill.
16. This public right of way also allows a clear visual appreciation of the spatial relationship of the two settlements to each-other, the landscape features which define their shape and that relationship, and the way in which Stamfordham in particular has grown over time.
17. The gap between Stamfordham and Hawkwell, is largely defined by the route of the River Pont. The southernmost part of the gap, containing the site is generally higher, rising up to the B6309. As a result, the gap between the two settlements is not of a consistent width, character or appearance throughout its length. There are clearly different elements to its character, with some sections appearing narrower, steeper and more enclosed, with a closer interrelationship, and other sections flatter, wider and more open. To my mind the changes to the character, appearance and nature of the gap from the north-west corner

and through to the site contribute to the character of the gap, which itself contributes strongly to the character and appearance of, and setting of both Stamfordham and Hawkwell.

18. I note the comparison which the appellant draws between the existing fifty metre gap between the two settlements to the north, where the public right of way crosses both the river and another stream. However, I do not consider that gap to be so similar to the appeal site as to be properly comparable or to affect the acceptability of the proposal. Despite its limited size, that gap between the built form of Stamfordham and Hawkwell offers a very clear and well-defined separation between the two, with a long stone-walled path leading to two bridges.
19. Although the hedge line along the boundary of the appeal site could be considered an extension of the historic settlement edge, the appeal proposal would not, in my opinion retain the clear distinction between Stamfordham and Hawkwell. Only a relatively short section of grassland would remain between the appeal site and Dark Lane, and whilst defined as part of the protected gap on the proposals map, the land to the rear of the easternmost houses in Hawkwell, has the improved and maintained appearance of domestic curtilage. The overall effect of the proposal would therefore be to join Stamfordham and Hawkwell, visually and on-plan.
20. It appears that Stamfordham has grown both eastwards and southwards over time, with the development at Brewery Close, adjacent to the site representing some of the most recent residential growth. However, this growth took place under a different local and national policy context and that does not necessarily set a precedent for what is now acceptable.
21. It has not been adequately demonstrated that because previous growth, notably Brewery Close, and indeed, the two dwellings on the eastern side of Hawkwell have led to the two settlements closing towards each-other, that the appeal proposal is automatically acceptable as the next logical step for growth. I consider that the relationship of the appeal proposal to the existing built development is fundamentally different to previous development. Although the site would be accessed from the B6309, the general effect, both spatially and visually would be of a development to the rear of existing houses. This form and pattern of development is not, in my view, consistent with the previous patterns of development, particularly on this side of Stamfordham towards Hawkwell. Whilst the development of Brewery Close did narrow the gap and introduce built development towards Hawkwell, it has a very different spatial, visual and functional relationship to the village, with access from Grange Road. To my mind, this gives Brewery Close a more integrated and closely related character and appearance.
22. I acknowledge that Stamfordham, Hawkwell and the immediate surroundings are relatively constrained, with a number of existing and proposed landscape and policy designations. However, acceptable future patterns or locations of growth, or indeed the question of whether Stamfordham is required to grow at all to maintain its status and services, are matters that should be addressed through the ongoing examination of the eNLP.

23. The conclusions to the landscape evidence presented in the appeal are not in themselves at issue, and it is clear that both the appellants landscape specialist, and the consultant who reviewed the work on behalf of the Council reach similar conclusions on the effects of the proposal, if not the impacts. Indeed, it was agreed that it is the application of a planning policy filter to the conclusions of the landscape work which is of greater importance.
24. In light of that, the discussion around the perception of change to the gap on the ground as opposed to solely on plan, and following my site visit, I consider that the proposal would lead to a clearly perceived shortening of and reduction in the visual and spatial separation of Stamfordham and Hawkwell. In my opinion, whether viewed from the B6309, the public right of way to the south, Hawkwell or Stamfordham, the gap would appear to be significantly and substantially reduced, and the two settlements would appear to coalesce. This would be significantly, unacceptably harmful to the character and appearance of both the settlements and the landscape corridor between them.
25. The design and appearance of the proposal, being relatively large, detached dwellings, in local materials, with contextually appropriate detail and finishing is consistent with both the character and appearance of its immediate surroundings. Similarly, the overall form of the development, notwithstanding my above comments on the relationship of the site and its access to the rest of Stamfordham is consistent with that of the immediate surroundings.
26. The appellant has criticised the Council for alleging no more than policy harm with respect to the effects of the proposal. However, in addition to the harm I have identified arising from the actual effects of the proposal, I consider that offending the policy does in fact cause harm, both in light of the weight I have given the policies in the CMDLP and the importance of the plan-led system.
27. Taken together, the proposal would therefore cause significant, unacceptable harm to the character and appearance of the landscape corridor between the two settlements and be inconsistent with both the historic pattern of development and the character and appearance of the immediate surroundings. As a result of this harm, the proposal would be contrary to the requirements of the Framework, as well as Policies SMC2, SMC4 and H15 of the CMDLP, all of which seek, amongst other things, to ensure that the valued landscape gap, open space, character and appearance of the area, and setting of the settlements are protected and that development is compatible with the existing character and appearance of the area.

Living conditions

28. Despite the suggestion that the reasoning of the Council on this point is an attempt to protect the views of nearby residents, I am satisfied that the reason for refusal does relate solely to the potential overbearing effect of the proposal, with regard to height and scale relative to existing properties. Ground levels on the appeal site are higher than existing properties, and although an element of reprofiling will take place, the proposed dwellings will sit higher than the rear of the properties on Brewery Close.

29. As the reasoning relates solely to any overbearing effect, rather than a loss of privacy, I do not consider that the compliance of the proposal with the 20m separation distance required under Policy H15 of the CMDLP necessarily addresses the issue. Compliance with that separation distance is required in order to protect privacy, and that is not at issue here.
30. The proposal would result in a change to the aspect and situation at the rear of Brewery Close. However, given the separation between the proposal and the existing residential properties on Brewery Close, despite the additional height, I do not consider that they would, as a result of their scale, appearance and relationship cause such an overbearing effect as to be unacceptably harmful.
31. The proposal would therefore comply with Policy H15 of the CMDLP, which seeks, amongst other things to ensure that new development is of high standards, particularly with regard to amenity and effect on living conditions of occupiers of surrounding properties. The proposal would also meet the requirements of the Framework to ensure the creation of places with a high standard of amenity for existing and future occupiers.

Section 106

32. Having had regard to the evidence, the relevant guidance in the Framework and considered whether the requirement for a contribution towards grassland management meets the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. I am satisfied that such a contribution would be necessary to make the development acceptable in planning terms, directly relates to the development and is fairly related in scale and kind to the development.
33. A signed and sealed unilateral undertaking under section 106 of the Act has been provided. The Council has confirmed that this undertaking meets their requirements, both legally and with regard to what it will secure and deliver. I agree with that conclusion. On that basis, I consider that the proposal could secure satisfactory mitigation to compensate for the loss of grassland and would therefore comply with the requirements of the Framework.

Other Matters

34. Although the sufficiency of the housing land supply is not at issue in this appeal, the appellant has suggested that additional housing is, nevertheless a significant benefit in the terms of the Framework. Although a housing land supply target is not a maximum figure, the aim of the Framework is to boost supply, and the targets are intended to achieve that aim. As such, whilst compliance with that target does not preclude new development over and above it, meeting the target would meet the aim of the Framework, which itself is clear on the importance of development taking place in the context of a plan-led system.

Planning Balance

35. If I had found that the policies in the CMDLP most important for determining the application were out of date, a decision would, as parties agreed, have to be taken on the basis of the policies in the Framework taken as a whole. In light of my reasoning above, I could not reach any other conclusion as to the suitability of the location of the site for the development proposed, owing to the effect of the proposal on the character and appearance of Stamfordham

and Hawkwell with specific regard to the landscape corridor between them, the historic pattern of development and the character and appearance of the immediate surroundings.

36. I have found that the proposal would, as a result of its location and effects, cause substantial, unacceptable harm to the gap as a landscape feature, which is important to the setting of both Stamfordham and Hawkwell. The acceptability of the proposal with regard to living conditions and grassland management, which would be required of any development proposal, is not therefore a benefit in the Framework balancing exercise. The delivery of housing which could support services in Stamfordham and surrounding villages is a benefit.
37. On balance however, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the limited benefits of five dwellings when assessed against policies in the Framework taken as a whole. The proposal does not therefore benefit from the presumption in favour of sustainable development set out in the Framework.

Conclusion

38. As the proposal conflicts with the development plan, and I have found no material considerations of such weight to indicate that a decision be taken other than in accordance with it, I conclude that the appeal should be dismissed.

S Dean

INSPECTOR

Appearances

FOR THE APPELLANT

Mr Robin Wood BA Hons MTP MRTPI	R&K Wood Planning LLP
Mr Philip Barker BA Hons MPhil CMLI	Glenkemp Landscape Architects
Mr Alistair Carr	Anvil Homes Ltd

FOR THE LOCAL PLANNING AUTHORITY

Mr Richard Laughton BA Hons Dip TP	Northumberland County Council
Mrs Judith Murphy MRTPI	Northumberland County Council

INTERESTED PARTIES

Mrs A Williams	Grange Road, Stamfordham
Mr & Mrs Lindsey	Brewery Close, Stamfordham