



Appeal Decision

Site visit made on 28 October 2020

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

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/P2935/W/20/3252386

Land West of Westacres, Wark.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Adam Watson of Wark Estates Ltd against the decision of Northumberland County Council.
 - The application Ref 19/03973/OUT, dated 4 October 2019, was refused by notice dated 24 January 2020.
 - The development proposed is outline permission for up to 18 dwellings (including 7 self-build plots) including affordable housing and access.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Adam Watson of Wark Estates Ltd against Northumberland County Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have also dealt with another appeal Ref: APP/P2935/W/20/3255406 on this site. That appeal is the subject of a separate decision.
4. The application has been submitted in outline with all matters except access reserved for future consideration. I have dealt with the appeal on that basis.
5. A certified and signed copy of a planning obligation has been submitted under Section 106 of the Town and Country Planning Act 1990 in respect of the provision of affordable housing. The obligation meets the tests set out in paragraph 56 of the National Planning Policy Framework (the Framework) and I have proceeded to determine this appeal giving due consideration to the obligation.
6. 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 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.

7. The Council's third reason for refusal related to the effect of the proposal on protected species. However, the Council has confirmed that it has withdrawn this reason for refusal on the basis of further information submitted by the appellant and the comments of consultees. I have proceeded to determine this appeal on that basis.
8. During the course of this appeal, an Appeal Decision¹ (the Previous Appeal) was issued which dismissed an appeal for nine new built dwellings at this site, and the appellant has had the opportunity to comment on this. I have had regard to this previous Decision and the comments made.

Main Issues

9. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the site would be an appropriate location for housing with regards to local and national planning policy.

Reasons

Character and Appearance

10. The appeal site is located within an open field on the edge of the village of Wark. It is located adjacent to the relatively modern estate of Westacres which contains a mixture of one and two storey dwellings, and which is of a suburban layout and appearance.
11. However, the appeal site is part of an agricultural field which is clearly part of the countryside setting of the village rather than representing a logical extension to the built form of the village. Whilst there is scattered development to the west, the appeal site and neighbouring fields represent a clear visual break between the built extent of the village and development in the wider countryside.
12. Although there are allotments to the south across the road, these are of an unobtrusive open character and of limited extent, and do not set a context for built development of the nature of the proposal. Due to the topography of the area, the appeal proposal would be set higher than these allotments and would be correspondingly more prominent in views along the streetscape. The intrusion of built development into the rural setting of the village would be readily apparent from the highway passing the site, although medium to longer distance views of the site from this road further to the west would be fleeting at most. That said, I saw that a public right of way leading from the south of the site would enable elevated views of the proposal and the intrusive nature of the development projecting into the countryside. Due to the extent of the site, it would also be apparent in views from the north from a main entrance road into the village.
13. There are bungalows to the south east of the site which would be adjacent to the proposed access. However, these bungalows, and particularly their associated access, appear as incongruous development projecting beyond the extent of the village. The proposed access to the site and the immediate

¹ Appeal Ref: APP/P2935/W/19/3235782

visibility of the development would exacerbate the visual harm arising from the access to the bungalows.

14. Within this context, the proposed estate of dwellings would appear as obtrusive built development projecting into the countryside, rather than appearing as a logical rounding off of the village. This would not sit comfortably with the built form of the village and would detract from its countryside setting. The potential for areas of open space, landscaping and the design of the dwellings addressed at the reserved matters stage would not mitigate the harm arising from the projection of the proposal into the countryside around the village.
15. I conclude that the proposal would lead to significant harm to the character and appearance of the village and its rural setting. The proposal would be contrary to policies GD2, H32 and BE22 of the Local Plan² and GD1, BE1, NE1 and H1 of the Core Strategy³ with regards to the character of the site and its surroundings. These policies are consistent with the Framework in respect of achieving well-designed places as well as conserving and enhancing the natural environment.

Planning Policy

16. The appeal site is adjacent to the village of Wark. As the site is located outside the built-up area of the village it is considered to be within the open countryside for the purposes of the development plan. Policy GD1 of the Core Strategy limits development in the open countryside to the re-use of existing buildings. As built development the proposal would conflict with this policy.
17. That said, Wark contains a number of services including shops, public houses, a school, medical practice and village hall. There is also public transport available to access larger settlements. Within that context, I consider that Wark would be a 'smaller village' within the terms of Policy GD1 of the Core Strategy which supports small scale development in such settlements.
18. Furthermore, one of the policies that the Council relies on with regards to this main issue is not consistent with the Framework. Policy GD1 of the Core Strategy in effect sets a blanket restriction on new built development in the open countryside, which conflicts with the Framework which permits some sustainable housing development in rural areas. Whilst the proposal would conflict with this policy, I give this conflict limited weight due to inconsistencies with the Framework and I consider that policy GD1 is out of date on that basis.
19. Policies H1 and H3 of the Core Strategy are supportive of housing development in smaller villages with adequate services, such as Wark. Policy GD1 is supportive of small scale development in settlements of this nature. Due to the number of dwellings and the size of the site, the proposal would represent 'major development' within the terms of the Framework rather than the small scale development referred to in the development plan. However, I do not consider that the proposal would represent a disproportionate addition to the scale of this settlement or in respect of the services within the village.
20. Whilst the proposal would be adjacent to the village rather than within it, I consider that it meets the aims of these policies in respect of the sustainable distribution of housing development. Therefore, despite the conflict with policy

² Tynedale District Local Plan 2000

³ Tynedale Local Development Framework Core Strategy 2007

GD1 in respect of its location in the countryside, I consider that the appeal proposal would comply with the Framework and development plan when read as a whole in respect of the sustainable location of rural housing.

21. I am mindful that my conclusions on this matter do not reflect those of my colleague Inspector in respect of the Previous Appeal for housing development on this site. However, I have reached my conclusions in the light of the comments of the appellant in respect of the appeal before me in relation to the assessment of the development plan and the presumption in favour of sustainable development.

Other Matters

22. I have had regard to the various decisions referred to by the appellant. However, I have not been provided with full details of these schemes to determine if they represent a direct parallel to the appeal proposal, including matters of housing land supply, consideration of settlement limits and the weight afforded to harm to character and appearance. In any event, I have determined this appeal on its own merits.

Planning Balance

23. In respect of the second main issue, the most important policies are GD1, H1 and H3 of the Core Strategy. I have concluded that GD1 is not consistent with the Framework as it is in effect a blanket restriction on new built development in the open countryside. Policies H1 and H3 have a greater degree of flexibility and are more consistent with the Framework in identifying opportunities for villages to grow, although they do not reflect the potential for development in a village to support services elsewhere and also reflect policy GD1 in respect of the definition of open countryside.
24. However, due to the importance of policy GD1 of the Core Strategy and policies H1 and H3 which stem from it, my overall judgement is that the most important policies when taken as a whole are out of date for the purposes of determining this appeal. As such, the 'tilted balance' of paragraph 11(d) of the Framework is triggered which requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
25. In terms of adverse impacts, I have found that the proposal would cause significant harm to the character and appearance of the area contrary to the relevant policies of the development plan. The proposal would also be contrary to policy GD1 regarding development in the countryside, although I give this conflict limited weight due to inconsistencies with the Framework.
26. With regards to the benefits of the proposal, it would add to the supply and mix of housing in the area. Although given the Council's healthy housing land supply and the number of units proposed this should carry only limited weight in favour of the appeal. The appellant refers to housing targets in the emerging Northumberland Local Plan and the impact of matters such as the consideration of specific Delivery Areas and lapsed permissions. However, this is a matter for the Examination into the emerging Plan. The appellant has not provided substantive evidence to demonstrate that the housing supply position is anything other than strong.

27. The appellant refers to the potential to provide bungalows on the site, although this would be addressed through the reserved matters. In any event, I saw that there are a number of bungalows in the village and it has not been demonstrated that there is an overriding need for this form of dwelling.
28. The proposal would include an affordable housing provision of 3 dwellings as well as 7 self-build plots. These considerations carry positive weight in favour of the proposal. However, the provision of affordable and self-build housing is only part of a wider scheme and there is no substantive evidence that the proposed market housing is required to bring forward the other forms of housing. On that basis, the contribution to affordable and self-build housing carries only moderate weight in favour of the scheme as a whole.
29. In the planning balance, I acknowledge that there are a number of benefits arising from the proposal. I have also concluded that the proposal would not conflict with the development plan and the Framework regarding the sustainable location of residential development. However, even when these benefits are considered cumulatively, I conclude that the significant harm arising to the character and appearance of the area would significantly and demonstrably outweigh those benefits. The proposal would therefore conflict with the Framework taken as a whole.

Conclusion

30. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR