



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/20/3255406

Land West of Westacres, Wark.

Grid Ref Easting: 385749; Grid Ref Northing: 577128.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Adam Watson of Wark Estates Ltd against Northumberland County Council.
 - The application Ref 19/04903/FUL, is dated 14 December 2019.
 - The development proposed is nine self-build dwellings, along with associated highways access, vehicle parking and landscaping.
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Decision

1. The appeal is dismissed and planning permission for nine self-build dwellings, along with associated highways access, vehicle parking and landscaping is refused.

Preliminary Matters

2. I have also dealt with another appeal Ref: APP/P2935/W/20/3252386 on this site. That appeal is the subject of a separate decision.
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 indicated 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.
4. 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.

Background and Main Issues

5. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. The Council has provided a delegated

¹ Appeal Ref: APP/P2935/W/19/3235782

report which includes its recommended reasons for refusal. On that basis, the main issues are:

- The effect of the proposal on the character and appearance of the area;
- Whether the site would be an appropriate location for housing with regards to local and national planning policy;
- Whether the proposal would make suitable provision for affordable housing; and
- Drainage and flood risk.

Reasons

Character and Appearance

6. 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. The appeal proposal would reflect the design and layout of the immediately adjoining built development.
7. However, the 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.
8. 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.
9. 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 visibility of the development would exacerbate the visual harm arising from the access to the bungalows.
10. Within this context, the proposed small 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.
11. 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

12. 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.
13. 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.
14. 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.
15. Policies H1 and H3 of the Core Strategy are supportive of housing development in smaller villages with adequate services, such as Wark. 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 GD1, 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.
16. 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.

Affordable Housing

17. For housing developments of this scale, policies H7 and H8 of the Core Strategy seek to provide affordable housing at between 30% to 50% of the dwellings on the site, depending on an assessment of need in the local area. The Council has referred to its recent Strategic Housing and Market Assessment which identifies a residual need for 17% of homes on new permissions to be affordable. Notwithstanding the specific figures, there is substantive evidence that there is a need for affordable housing to be provided as part of the development.

² Tynedale District Local Plan 2000

³ Tynedale Local Development Framework Core Strategy 2007

18. The appellant refers to paragraph 64 of the Framework which sets out that on major developments such as the appeal proposal, at least 10% of the homes should be available for affordable home ownership. This is subject to a number of exceptions, including the exception of paragraph 64(c) which relates to housing developed by people who wish to build or commission their own homes. As a self-build development the proposal would fall within this exception, and the appellant submits that affordable housing provision is not required under that exception. However, paragraph 64 only relates to a specific form of affordable housing i.e. homes available for affordable home ownership. This does not absolve self-build development from contributing to the overall provision of affordable housing.
19. The Council has identified that the proposal should make a financial contribution in lieu of affordable housing on site, and on the basis of the evidence before me I consider that such a contribution would be appropriate.
20. The appellant's contention that the self-build housing would be wholly affordable to those seeking to develop the plots is of no merit, particularly as this form of housing does not fall within the definition of affordable housing as set out in the Framework.
21. I conclude that the proposal would not make a suitable contribution to the provision of affordable housing. The proposal would therefore conflict with policies H7 and H8 of the Core Strategy in respect of the provision of affordable housing. For the purposes of making this decision, these policies are consistent with the Framework in respect of the provision of affordable housing.

Drainage and Flood Risk

22. The appeal site is within Flood Zone 1 which is considered to be at low risk of flooding. However, the Lead Local Flood Authority (LLFA) has raised a number of specific concerns regarding the details provided to address drainage. The LLFA's comments refer to the general area of Wark having known flood risk and drainage issues and being an overland surface water flow route. The comments emphasise that the appeal site is within a known area of flood risk and in an area of high surface water flood risk.
23. The first concern of the LLFA relates to a swale which would run alongside the road within the site. The LLFA has expressed concern about the number of culverts across the swale to provide access, and in particular it has requested that these be reduced from 4 to 2. The evidence suggests that culverts can be detrimental in respect of flooding as well as ecology. The concerns of the LLFA in this regard are therefore reasonable, and the appellant has not provided substantive evidence to address these concerns. Rather than being a matter of detail, the number and form of the culverts could have a fundamental effect on the layout of the proposed development as well as matters of drainage and flood risk, and I therefore consider that it would not be appropriate to address this by condition.
24. Notwithstanding my concerns in relation to the effects of culverts, I consider that there is a reasonable possibility that details such as cross-sections and long-sections through the swale could be addressed within the specified layout, and that it would be appropriate to address these details by condition. The extent of permeable paving is also a matter of detail which could be addressed by condition.

25. The concerns in respect of the surface water relief pipe appear to relate to the depth of the pipe and its relationship with tree planting, rather than the principle of the use of the pipe or the proposed route. This could be addressed by conditions requiring the submission of details including the design of the pipe and landscaping.
26. I am aware that matters of drainage and flood risk do not represent a reason for refusal on another appeal⁴ which I have considered separately in respect of this site. However, I am mindful that that other appeal relates to an application for outline planning permission, and that matters of appearance, landscaping and layout which could affect the form and number of culverts are reserved for future consideration.
27. Drawing the above together, notwithstanding my comments on other drainage and flooding issues, I conclude that the concerns in respect of the culverting of the swale are substantive and fundamental to the proposal, and could not be addressed by condition. The appellant has not provided sufficient evidence to address this matter, and the proposal would therefore be contrary to policy GD5 of the Core Strategy and the Framework with regards to the consideration of flood risk and protecting areas at risk of flooding.

Other Matters

28. The proposal 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.
29. The appeal proposal is described as being for self-build dwellings. However, this is a full planning application with predetermined house types. As referred to by the Council, the National Custom and Self Build Association indicates that in respect of meeting the needs for self-build housing the first occupiers of such homes must have had a reasonably substantial input into the design, which would not be the case in the appeal proposal. Whilst I note the demand for self-build properties in Wark as referred to by the appellant, the Council also emphasises that it has met the overall need to provide self-build plots in its area. On the basis of the evidence before me, the benefits arising from the provision of self-build homes as proposed would not outweigh the significant harm I have identified in respect of the proposal.
30. 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.
31. The appellant has referred to assessing the proposal against the presumption of sustainable development as set out in the Framework. Whilst I have found

⁴ Appeal Ref: APP/P2935/W/20/3252386

that some of the policies which are most important for determining this appeal are out of date, I have also found that there are policies of the Framework in respect of areas at risk of flooding which provide a clear reason for refusal. Therefore, having regard to Footnote 6 of the Framework, the tilted balance of paragraph 11(d) is not triggered.

32. Notwithstanding my conclusions regarding the sustainable location of housing development, the proposal would be contrary to the development plan and the Framework when considered as a whole in respect of character and appearance, affordable housing, and drainage and flood risk. There are no material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan and the Framework.

Conclusion

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

David Cross

INSPECTOR