



Appeal Decision

Site visit made on 19 January 2021

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2021

Appeal Ref: APP/P2935/W/20/3257559

Land to the south west of South Farm, Kirkheaton

- 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 Ms Rebecca Linkleter against the decision of Northumberland County Council.
 - The application Ref 20/01188/OUT, dated 16 January 2020, was refused by notice dated 26 June 2020.
 - The development proposed is the erection of a single dwelling house. All matters except access are reserved.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a single dwelling house. All matters except access are reserved, at land to the south west of South Farm, Kirkheaton in accordance with the terms of the application, Ref 20/01188/OUT, dated 16 January 2020, subject to the conditions in Annex A.

Procedural Matters

2. The application was submitted in outline with all matters except access reserved for future consideration. However, an indicative site plan showing a single dwelling has been provided to which I have had regard.
3. Since the proposal relates to the setting of a listed building, I have had special regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Application for Costs

4. An application for costs has been made by Ms Rebecca Linkleter against Northumberland County Council. The application is the subject of a separate Decision.

Main Issues

5. The main issues are:
 - whether the proposal is a suitable site for development having regard to its location in relation to the settlement boundary; and
 - the effect of the proposal on the significance of the village as a non-designated heritage asset, and
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- whether the proposal would preserve the setting of the nearby grade II* listed building at Kirkheaton Manor (Ref:1154574).

Reasons

Settlement Boundary

6. Policy C1 of the Castle Morpeth District Local Plan 2003 (Local Plan) states that boundaries are drawn to identify the limits to settlements. Development in the countryside beyond settlement boundaries will not be permitted except in a number of circumstances. The supporting text indicates that the general policy will be to maintain the rural character of the open countryside in accordance with the Council's objectives. Local Plan Policy KHC1 explains in the supporting text that the settlement boundary in Kirkheaton was drawn tightly around the existing village to retain its special architectural and historic character. Local Plan Policy H16 permits new houses in the countryside only if they are required in connection with the day to day operation of an agricultural or forestry enterprise.
7. The appeal site is an area of open land surrounded by rubble stone walls and is located outside the settlement boundary as defined in the Local Plan. As such, it is regarded by the Council as open countryside land. The proposal does not meet any of the exceptions in Local Plan Policies C1 or H16 and as a result is contrary to these policies.
8. That said, the appeal site is directly adjacent to the adopted settlement boundary which lies immediately to the north. It has existing built development on three sides. To the east the site adjoins the rear garden area of Kirkheaton Farm House which is within the settlement boundary. To the north, on the other side of the road, is Kirkheaton Manor (a grade II* listed building) which is also within the settlement boundary.
9. To the west there are three relatively new dwellings running southwards along an access track which also serves the appeal site. These are all outside the settlement boundary. Immediately opposite the appeal site are former stable buildings which the appellant indicates have been re-built to provide two new dwellings. Further to the south west towards the end of the track, I saw at my visit that work is well underway on a house permitted in outline to replace a barn building in 2017. Directly to the south of the appeal site the land drops away steeply to the open area of the disused quarry beyond.
10. As such, the appeal site relates closely to the existing development nearby and to the built form and extent of the village at roadside level. It appears very much as part of the village. The disused quarry and wider countryside beyond to the south are at a considerably lower level to the appeal site and are visually distinct from it. Thus, the appeal site is not appreciated as part of the open countryside.
11. The matter of the settlement boundary in Kirkheaton was considered by the Council in approving the outline planning application¹ for the house under construction at the end of the track. The officer's report for that application indicates at paragraph 7.3 that whilst the Local Plan identifies it as lying within the open countryside, a common view would be that the site forms part of the village, being located next to a church and within the proposed conservation

¹ Reference 17/00346/OUT

area. It continues, that it is considered that the tightly drawn settlement boundary does not take into account new dwellings or the remaining historic built form of the village. The report concludes that the position of that development site, on the edge of the aged settlement boundary should not carry significant weight against the principle of development. It further finds that that proposal would not extend beyond the built form of the village and would not act as a catalyst to increase the size of the settlement into the open countryside.

12. It is not clear to me why the Council did not come to the same view with regard to the settlement boundary and the appeal site. The appeal site enjoys a much closer relationship with the settlement boundary than the site to the south west which is separated from the settlement boundary by the church and intervening land and is much more out on a limb. Whilst the merits of that permission are not before me, the appeal proposal nevertheless falls to be considered in the context of that nearby and similar development and the Council's approach to it.
13. Although the Council refers to changes to local and national planning policy since that decision in 2017, no details to explain these have been provided to support the appeal. Whilst each application and appeal must be considered on its own individual merits, there is also a need for consistency in decision making. I have seen nothing to explain how circumstances have altered since the previous decision was taken that would lead the Council to take a directly opposing view in relation to the appeal scheme and the settlement boundary.
14. The settlement boundaries pre-date the National Planning Policy Framework (the Framework). The Council does not suggest that the proposal would lead to the development of an isolated home in the countryside, and accepts that paragraphs 77-79 of the Framework are less restrictive than policies in the Local Plan and allow some level of residential use within rural areas. In particular paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby. The Council acknowledges that there are a number of neighbouring villages in proximity to Kirkheaton, but does not regard the provision of one dwelling would appropriately support rural communities.
15. Although there are no facilities within Kirkheaton, it is nevertheless part of wider rural area and the future occupiers of any additional residential development there would be likely to support the services in nearby larger villages. Whilst it may be that a private car would be used to travel to larger towns with a wider range of everyday amenities, I am mindful that this would also be the case for the occupiers of a new home sited within the settlement boundary at Kirkheaton. Even though the proposal's contribution to promoting sustainable development in rural areas would not be great given its scale, it seems to me that the provision of a new dwelling would to some extent help to enhance or maintain the vitality of the rural community in line with the aims of the Framework.
16. Whilst not cited in the reasons for refusal, the Council refers to the emerging Northumberland Local Plan (Emerging Plan) which is currently being examined. I understand that the settlement boundary for Kirkheaton is unchanged in the

Emerging Plan in so far as it relates to the appeal site (which remains outside the settlement boundary). However, the Emerging Plan is still being examined. Whilst the Council has not made me aware of the extent of any unresolved objections to the Emerging Plan, I note the appellant's view that submissions have been made to the Examination to amend the settlement boundary in Kirkheaton to reflect recent development there. This being so, and with paragraph 48 of the Framework in mind, only very limited weight can be afforded to these emerging boundaries in any event.

17. Taking all these factors into account, despite falling outside the settlement boundary in both the adopted and the emerging development plans, I am content that the proposal would be well contained by nearby built development and relate closely to the built form of the settlement. This being so, it would not be appreciated as an unwelcome insertion of development into the countryside and overall would maintain the rural character of the open countryside which Local Plan Policy C1 seeks to achieve. Furthermore, the proposal would not lead to the development of an isolated home in the countryside, and would generally support the aims of the Framework in relation to the vitality of rural communities.
18. I therefore conclude on this main issue that, despite being contrary to Local Plan Policies C1, H16 and KHC1, the proposal would provide a suitable site for development having regard to its location in relation to the settlement boundary.

The significance of the village as a non-designated heritage asset

19. The Council has identified Kirkheaton village to be a non-designated heritage asset because of its heritage interest. As set out above, Local Plan Policy KHC1 explains in the supporting text that the settlement boundary in Kirkheaton was drawn tightly around the existing village to retain its special architectural and historic character. I am also aware that the village was previously proposed for designation as a conservation area (although this is no longer being pursued by the Council).
20. There is no statutory listing process for non-designated heritage assets nor any formal definition of them in the Framework. The National Planning Practice Guidance² (the Guidance) indicates that non-designated heritage assets are buildings, monuments, sites, places or areas identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. Whilst I am unaware as to whether the Council has followed the advice in the Guidance³ in identifying the village as such, the Guidance is clear that in some cases local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications.
21. Paragraph 197 of the Framework indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss, and the significance of the heritage asset.

² Paragraph: 039 Reference ID: 18a-039-20190723

³ Paragraph: 040 Reference ID: 18a-040-20190723

22. The Council's Building Conservation Officer (BCO) advises that being associated with Kirkheaton Manor and having mediaeval origins, Kirkheaton is a small estate village. In terms of its significance, reference is made to the small scale vernacular buildings flanking a tree-lined central Green (with the exceptions of the Manor house and St Bartholomew's Church to the south west edge of the village). The BCO finds that collectively it is the historic plot arrangement, the spaces between buildings, the village green, tall mature trees and vernacular built form which serve to create an open and informal setting and an attractive village character.
23. However, the appellant advises that Kirkheaton has never been an estate village. It consists of working farms and farmers cottages and at one time quarry workers cottages. I note that the BCO also recognises that the village has developed in response to its former lime extraction and continued agricultural activity. Rather than being a manorhouse in the sense of a main residence on a wider estate, the appellant clarifies that Kirkheaton Manor, originally built as a fortified farmhouse in the 16th century, was used for a significant period of time as a vicarage in association with the nearby church. Historic maps have been provided, and the appellant indicates that the house was a parsonage (1866–1895) and subsequently a vicarage (1896 –1965) and that it is only after this time that the name Kirkheaton Manor began to be used. The Council does not dispute this.
24. Based on the evidence before me and my own observations on site, there is little to demonstrate that Kirkheaton is or was an estate village. It is not characterised by a country hall or mansion belonging to a single land owner with associated estate workers dwellings or supporting farmland. It has three working farms, including one which runs a haulage yard, and a large former quarry.
25. Taking all these matters into account, I consider that the importance of the village is mainly derived from its relatively isolated position in the countryside, the quality and variety of historic traditional rural buildings, and their relationship to each other and the spaces around them. Overall I agree with the Council that the significance of the non-designated heritage asset derives much from the village Green and the pattern of development of terraced housing and farm buildings around it. These are integral to the remote charm of the village.
26. Whilst the appeal site relates closely to the village and is an open site, it does not form part of the central area of the Green. As set out above, nor is it part of the wider countryside surrounding the village. Nevertheless, it contributes to the historic character, layout and appearance of this part of the village and its significance as a heritage asset in relation to this appeal.
27. Turning to the impact of the proposal on the village, whilst recognising the outline nature of the application, the Council is concerned about the principle of a dwelling on the site. It indicates that the village is characterised by sporadic development on its south side, in contrast to the more developed area to the north, and is concerned that the proposal would appear as uncharacteristic infill development at odds with the pattern of development there and the rural character and historic layout of the village.
28. Although I accept that the proposal would infill a gap and introduce development to what is an open site, in my view it would sit comfortably

alongside the existing development which is adjacent to it. Whilst the development on the south side of the village is more sporadic than that on the north side, I am mindful that the historic layout of this part of the village has been significantly altered in recent years by the development of the three houses on the land to the west of the appeal site.

29. The Council refers to the relatively informal layout of farmhouses and associated farm buildings that are set back from the green having spaces between them with the farmhouses orientated to face south overlooking gardens and the rural hinterland beyond. In my view the appeal proposal would be compatible with this character. The site is set well back from the road and separated from it by a green area which forms a wide verge. Matters of appearance, landscaping, layout and scale are reserved for future consideration by the Council. Having regard to the indicative site layout provided and given the relatively generous size of the plot, I see no reason why sufficient space would not be retained around the building or why its appropriate orientation could not be achieved.
30. As set out above in relation to the first main issue, the significant change in levels between the appeal site and the adjacent land sets it very much apart from the landscape setting of the village to the south and means that the site is not readily appreciated as part of the surrounding countryside. Thus, I am not persuaded that the proposal would cause any harm to the landscape setting and character of the village.
31. In this overall context, I am satisfied that the proposal would provide a logical continuation of built form in this part of the village where the pattern of development would remain generally set back along the road frontage and informal and sporadic in nature. It would not detract from the quality and variety of historic traditional rural buildings in the village, unduly upset their relationship to each other and the spaces around them, or impair the appreciation of the village Green. This being so, the proposal would not appear unduly at odds with the settlement's rural character or historic layout. I am therefore content that it would preserve the attractive rural charm of the village and respect its features of importance and historic significance.
32. I therefore conclude on this main issue that the proposal would cause no harm to the significance of the village as a non-designated heritage asset. As such, I see no conflict with paragraph 127 (c) of the Framework which requires proposals to be sympathetic to local character and history, including the surrounding built environment and landscape setting. Nor would the proposal be at odds with paragraph 197 of the Framework concerning non-designated heritage assets.

Setting of the listed building

33. Located to the north of the appeal site on the other side of the road, Kirkheaton Manor is a grade II* listed building. Built originally as a bastlehouse (a fortified farmhouse designed to protect people and livestock from robbery and violence) the two storey stone building incorporates the 16th century bastle with its thick defensive walls along with later additions dating to the 17th, 18th and 20th centuries. Notably a taller two storey two bay flat roof extension to the east end of the house was constructed in 1740 of ashlar, and appears in contrast to the earlier part of the house. The building has a formal entrance on its south side with rusticated gate piers and a mounting block

- against the wall which are also listed. As a multi-period gentry status residence, the building's construction phasing and chronology is evident.
34. The Council indicates that the predominant and surviving building phases of the house date to the 17th and 18th Century. Nevertheless, the significance of this building, insofar as relating to this appeal, is derived from its historic interest as a defensive strong house and later as a residence/vicarage along with its role in the village and relationship with the Green and the rest of the settlement including the church to the west.
35. The Framework defines setting as the surroundings in which a heritage asset is experienced and I accept that there is inter-visibility between the appeal site and the listed building. The Council considers that the house enjoys channelled views across the appeal site. It indicates that the building's orientation to face south and the juxtaposition of its formal entrance were purposefully designed to afford views of the rural hinterland of which the appeal site forms part of.
36. However, as discussed above, Kirkheaton Manor is not a manorhouse with an estate of surrounding land. As a fortified farmhouse subsequently used for a significant number of years as a vicarage, the house is set within its own well defined grounds with a garden enclosed by high walls. As such, its historic and functional relationship with the appeal site on the other side of the road and the wider countryside beyond that to the south is limited, and I am not convinced that this land contributes a great deal in terms of the historic context of Kirkheaton Manor.
37. Rather, in terms of the use and history of the building, it relates much more strongly to the Green and St Bartholomew's church which contribute more significantly to the sense of place and integrity of Kirkheaton Manor. This close relationship with the Green is evident in the design of the extension to the building in 1740 where the new living quarters at first floor are designed with two large windows facing east. These afford views of that historically important public space and allow the occupiers to observe village life. The building's longstanding use as a vicarage/parsonage indicates a sustained functional link with the church which is also key to the historic context of the building.
38. Thus, I find that the setting of Kirkheaton Manor, in so far as it relates to this appeal, to be primarily associated with the historic importance and rural character of the village, particularly the Green and the church. This setting contributes positively to the understanding and the special interest and significance of Kirkheaton Manor along with the ability to appreciate it. I have had special regard to this matter in considering the appeal.
39. Turning to the effect of the proposal on the setting of the listed building, I accept that it would restrict some views from Kirkheaton Manor across the appeal site. However, given the tall boundary wall and existing trees and vegetation to the front of the listed building, in practical terms, views southwards from the house and its grounds are limited to those taken through the entrance gate and from the upper floor south facing windows.
40. I am also mindful that the proposal would not be located particularly close to the listed building. It would be on the other side of the road, and set back some distance from the road edge behind the existing wide verge and stone wall. Furthermore, as considered above, the plot is relatively generous and

there are opportunities to provide areas around the proposed dwelling and to retain space to the side of it (as indicated on the indicative plan) through the Council's consideration of the reserved matters applications.

41. Taking these factors into account, the impact of the proposal on views from the listed building would be limited. Moreover, for the reasons given above, I do not in any event regard the listed building to be associated with a rural hinterland or wider estate land, or consider the appeal site to be an important part of the rural setting of the house, or to contribute to the landscape setting of the village. Accordingly, I am not convinced that any harm would arise from the limited disruption of views from the listed building as a result of the appeal scheme. The proposal would not affect the appreciation of the house, its south elevation, or its grand entrance from the road. Nor would it impinge on its important functional and visual relationships with the Green or the church, or undermine the historic importance of the village.
42. Therefore, overall, I am content that the proposal would not erode any of the elements which contribute positively to the special interest and significance of Kirkheaton Manor. Thus I am satisfied that it would not detract from the setting of that listed building or the ability to appreciate and understand it.
43. For these reasons, I conclude on this main issue that the proposal would preserve the setting of the nearby listed building and cause no harm to the significance of this heritage asset. This being so, there would be no conflict with paragraph 196 of the Framework which concerns development proposals that would lead to less than substantial harm to the significance of a heritage asset.

Other Matters and Planning Balance

44. I have found that the proposal would cause no harm to the significance of the village as a non-designated heritage asset and would preserve the setting of the nearby listed building and cause no harm to its significance. Since there would be no harm to heritage assets, there is no need to balance the public benefits of the scheme in line with paragraph 196 of the Framework. Nevertheless, the need to undertake an overall planning balance remains. With this in mind, I confirm that the absence of harm to the village or the setting of Kirkheaton Manor is neutral in the overall planning balance.
45. I have concluded that the proposal would cause no harm to the rural character of the open countryside, would be consistent with other similar cases of development approved nearby, and would support the aims of the Framework in relation to the vitality of rural communities. Whilst the proposal would be contrary to Policies C1 and H16 in relation to the settlement boundaries, for the reasons set out above, I afford this conflict only minimal weight. The proposal would also be at odds with the proposed boundaries in the Emerging Plan, which carry only very limited weight (as outlined above).
46. On the other hand, the proposal would provide an additional home that would contribute, albeit modestly, to housing supply and to the local economy during the construction phase. It would also make a limited contribution to maintaining the vitality of rural communities and supporting services in nearby villages. Additionally, the proposal would provide a self-build unit as supported by the government and allow a young local couple to remain in the village. These are all benefits of the proposal which count in its favour.

47. I find that overall, the benefits of the proposal are sufficient to outweigh the conflict with the development plan in this instance.

Conclusion and Conditions

48. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be allowed.
49. I have considered the Council's suggested conditions in light of the advice in the Guidance. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the requirements of the Act. It is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.
50. Conditions requiring the provision of appropriate car parking areas, vehicular access, and cycle parking are required in the interests of highway safety and sustainable travel. A condition requiring a construction method statement is necessary in the interests of highway safety and to safeguard the living conditions of nearby occupiers. A condition to secure appropriate refuse storage arrangements is required in order to ensure sufficient facilities for the storage and collection of household waste in the interests of highway safety and character and appearance. Finally, an ecological enhancement plan and method statement for site clearance are necessary in the interests of biodiversity and the safeguarding of protected species.

Elaine Worthington

INSPECTOR

Annex A

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plan 01, and Proposed Site Plan 02 (but only in respect of those matters not reserved for later approval).
- 5) The dwelling shall not be occupied until the car parking area has been provided in accordance with details which have been submitted to and approved in writing by the local planning authority. The car parking area shall be retained as such thereafter.
- 6) The dwelling shall not be occupied until the vehicular access has been provided in accordance with details which have been submitted to and approved in writing by the local authority. These details shall include the surfacing of the first 6 metres of the internal access route from the highway boundary. The vehicular access shall be retained as such thereafter.
- 7) The dwelling shall not be occupied until cycle parking has been provided in accordance with details which have been submitted to and approved in writing by the local planning authority. The cycle parking shall be retained as such thereafter.
- 8) Development shall not commence until a construction method statement has been submitted to and approved in writing by the local planning authority. The statement shall be adhered to throughout the construction period and provide for: vehicle cleaning facilities; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; and the storage of plant and materials.
- 9) The dwelling shall not be occupied until refuse storage facilities have been provided in accordance with details which have been submitted to and approved in writing by the local planning authority. These details shall include: the location and design of the facilities; arrangements for the provision of the bins; and a refuse storage strategy. The refuse storage facilities shall be retained as such thereafter and provided in accordance with the approved refuse storage strategy.
- 10) Development shall not commence until a site clearance method statement and ecological enhancement plan have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with these approved details.