
Appeal Decision

Site visit made on 26 January 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/H4505/W/20/3261261

Land Adjacent to Hillcrest, Stannerford Road, Crawcrook NE40 3SN

- 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 Ian Graham against the decision of Gateshead Council.
 - The application Ref DC/20/00485/OUT, dated 21 May 2020, was refused by notice dated 21 September 2020.
 - The development proposed is erection of a detached dormer bungalow and detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with all matters reserved. I have taken the site layout plan as being for indicative purposes only and determined the appeal accordingly.
3. On 19 January 2020 the latest Housing Delivery Test (HDT) results were published. These show that the Council's housing delivery was significantly below the expectations of the National Planning Policy Framework (the Framework). The presumption in favour of sustainable development in paragraph 11d) of the Framework is thus engaged. I provided both parties with the opportunity to comment on the HDT results and I have considered the points raised. In its response the Council confirms that it is unable to demonstrate a 5-year supply of deliverable housing sites.
4. Gateshead Council formally adopted the Site Allocations and Development Management Policies Document: Making Spaces and Growing Places (MSGP) on 1 February 2021 during the course of the appeal. The MSGP forms part 3 of the local plan. The policies referred to in the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 – 2030 (March 2015) (CSUCP) remain part of the development plan. Both main parties have had the opportunity to comment on the implications of adoption of the MSGP for the appeal. I am satisfied that no interested party has been prejudiced by this approach.

Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and,
- if the proposal is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

6. The Framework outlines that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate in the Green Belt (paragraph 145). One of the exceptions to this is limited infilling in villages (paragraph 145e)) and another is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on openness than the existing development (paragraph 145g)). Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances.
7. Policy CS19 of the CSUCP is broadly consistent with the Framework where it protects the Green Belt in accordance with national policy and to prevent the merging of settlements, safeguard the countryside from encroachment, check unrestricted urban sprawl and assist in urban regeneration.

Limited infilling

8. There is no definition of 'village' or 'limited infilling' within the Framework and my attention has not been drawn to any definition within the development plan.
9. The exception in Paragraph 145e) refers to limited infilling within a village. The appeal site is part of a small group of properties surrounded by open countryside. On the opposite side of the road there is a small collection of buildings and properties which have an agricultural character. These two groups of buildings are visually separated by open countryside from Ryton and Crawcrook. I appreciate the appellants comparison with the nearby settlement of Clara Vale and that facilities and services may be more accessible from the appeal site. However, whilst the appeal site may be accessible to services and facilities in Crawcrook and Ryton it is separated from these settlements by open countryside and is not within either village.
10. The generally accepted definition of infilling is the infilling of a small gap in an otherwise built up frontage. The appeal site is at the end of a row of three houses set within open countryside. Although it is clearly defined by the location of the bridleway to one side and Hillcrest to the other, land beyond the bridleway to the side and rear is open and undeveloped. The area around the appeal site is not built-up nor is it part of a built-up frontage.
11. I appreciate that the land appears more domestic than the neighbouring larger fields, however, this does not result in the area appearing developed. The topography of the surrounding land provides views towards the site from along the bridleway and from the elevated properties, roads, and footpaths to the

rear. From these vantage points the appeal site is clearly seen as part of the open countryside.

12. Overall, I consider that the appeal site is not within a village and is not a small gap in an otherwise built up frontage. Therefore, the proposal does not represent limited infilling.

Previously developed land

13. There is some reference to the former market garden use of the appeal site in the appellant's final comments and design and access statement. As a market garden the appeal site would not be previously developed land¹. However, the application form indicates that the land is part of the 'recreation area to Hillcrest'. Based on the evidence before me and my observations during my site visit, I consider the site is part of the garden of Hillcrest. As the garden is not within a built-up area it can be termed previously developed land. Even so, the definition of previously developed land confirms that it should not be assumed that the whole of the curtilage should be developed.
14. While not limited infilling, paragraph 145g) of the Framework also refers to the partial or complete redevelopment of previously developed land which would not have a greater impact on openness than the existing development. Therefore, it is necessary to consider the effects of the proposal on Green Belt openness.

Openness

15. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
16. The proposal would result in the development of a dwelling, associated hardstanding and parking on land which is presently open and largely free of any built development. Even if the proposed dwelling is 'small scale' the significant footprint of permanent development would result in a spatial loss of openness.
17. The development would increase the site's visibility from the bridleway and from nearby elevated public roads and footpaths to the rear of the appeal site. The siting of the dwelling together with the access arrangements would lead to an inevitable and demonstrable loss of visual openness.
18. With respect to the purposes of the Green Belt, there would be no encroachment into the countryside as the land is part of the garden of Hillcrest. As a single dwelling, it would not represent sprawl or urbanisation and I find no conflict with the purposes of Green Belt.
19. Nevertheless, while acknowledging the site's status as previously developed land, the proposal would have a greater impact on the openness of the Green Belt than the existing site. Therefore, it would not meet the exception criteria set out at paragraph 145g) of the Framework.

¹ As defined in Annex 2 of the Framework

Conclusion – whether the proposal is inappropriate development

20. For the reasons set out, I conclude that the proposal would be inappropriate development in the Green Belt. As a result, it would conflict with Policy 19 of the CSUCP. It would also conflict with the Framework. This is a matter to which I attach substantial weight.

Other Considerations

21. The Council has confirmed that it cannot demonstrate a five-year supply of deliverable housing land. I have been provided with little evidence about the extent of the shortfall in supply, even so, the provision of an additional dwelling would contribute to the overall housing land supply and I attach moderate positive weight to this provision.
22. I appreciate that the proposal could be suitable for a range of occupants including the elderly. It may also be suitable for those wishing to commission or build their own homes. However, I have very limited evidence before me of a lack of housing for these specific groups. Further, I have not been provided with a mechanism to secure the occupation to a specific group or to secure the proposal as a self-build development. I therefore attach limited positive weight to these possibilities.
23. The appellant indicates that new trees and hedges would be planted as part of the proposal and other measures to limit energy and water consumption would be included within the design of the building. I attach some limited positive weight to these environmental benefits which could be secured through appropriate planning conditions.
24. The appellant has brought to my attention that the site benefits from permitted development rights² and indicates that this is a fallback position. However, I have no information before me about a proposed scheme to utilise permitted development and therefore a detailed comparison with the case before me cannot be made. Additionally, there is no evidence that the fallback position is a greater than theoretical possibility or that if the appeal is dismissed the fallback would be pursued. As a consequence, I find the suggested fallback is neutral in the determination of the appeal.
25. I note the evidence in relation to the former market garden use of the site. There is no evidence before me that the previous use or former buildings located on it could be reinstated.

Green Belt Balance and Conclusion

26. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would also result in a harmful loss of openness of the Green Belt. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
27. I attach moderate positive weight to the contribution the appeal site would make to boosting the supply of housing and providing housing where a 5-year housing land supply cannot be demonstrated. I also attach limited positive

² Under schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development)(England) Order (as amended)

weight to the economic and social benefits of providing additional homes in an accessible location. There is a small benefit to the appellant's proposal to provide for specific groups and to the environmental measures proposed. However, these other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

28. Overall, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the proposed development in accordance with paragraph 11d)i and footnote 6 of the Framework.

29. Therefore, for the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR