



Appeal Decision

Site visit made on 16 March 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2021

Appeal Ref: APP/P2935/W/20/3264436

**Land to South of Hartford Drive, Hartford Bridge, Bedlington,
Northumberland NE22 6AJ**

- 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 David Perry against the decision of Northumberland County Council.
 - The application Ref 20/00716/FUL, dated 27 February 2020, was refused by notice dated 24 August 2020.
 - The development proposed was originally described as '(Retrospective) Erection of stables'.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of application site to equestrian use with erection of 10no stables, paddock area and gates/fencing to site frontage at Land to South of Hartford Drive, Hartford Bridge, Bedlington, Northumberland NE22 6AJ, in accordance with the terms of the application, Ref: 20/00716/FUL, dated 27 February 2020, subject to the conditions included in the attached schedule.

Procedural and Preliminary Matters

2. The description of the development was amended by the Council and described as 'Change of use of application site to equestrian use with erection of 10no stables, paddock area and gates/fencing to site frontage'. The appellant has used this amended description on the appeal form and confirmed their agreement to it. Since it more appropriately describes the scheme before me, I have considered the appeal on that basis.
3. At the time of my site visit, the stable block and paddock had already been constructed here.

Main Issue

4. Evidence was submitted with the appeal in respect of surface water flooding and highway safety matters. Having considered this information, the Council has confirmed that, subject to planning conditions, the second and third reasons for refusal have been addressed. On the basis of the evidence before me I have no reason to take a different view. Therefore, the only matter in contention between the main parties relates to the first reason for refusal.

5. On this basis, the main issue is whether or not the appeal scheme would preserve the setting of the Grade II* listed building known as Hartford Hall along with its listed ancillary estate structures, specifically, the Grade II* listed Entrance Gates and Screen and the Grade II listed Gate Lodge to Hartford Hall.

Reasons

6. The appeal site forms part of land that is broadly 'V' in shape and located within an island surrounded by three roads within the designated Green Belt. Hartford Drive is a short road along which has been built a small number of houses. It also provides an access route into agricultural fields. The main access into the site is taken from this road. It is currently enclosed on all sides by a combination of timber and palisade fencing.
7. The appeal site shares a close relationship with a number of designated heritage assets at the Hartford Hall estate. As this is the case, I have had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). When considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, the effect of the proposal on the setting and its contribution to the special interest and significance of the designated heritage assets are given considerable importance.
8. From the evidence before me, the significance of these buildings and structures is largely derived from their historic and architectural and aesthetic interest. The Grade II* Listed Hartford Hall was constructed as a country house in 1807 by Newcastle architect William Stokoe for William Burdon (1764–1818). The Hall, whilst being subject to considerable alterations, remains a very fine and well-preserved example of a nineteenth-century country house developed across the Regency and High Victorian periods with imposing decorative features and commanding position high above the River Blyth.
9. The Hall is situated within a wooded parkland with the main entrance taken from the A1068. Its cast-iron entrance screen and gates of 1873 are one of the most ornate examples of High Victorian cast-iron work in the North of England. They have since been dismantled and removed from site for conservation. It is intended that, once this is complete, they will be reinstated in due course.
10. The adjacent gate lodge to Hartford Hall is Grade II Listed. Built for Augustus Burdon, the one storey, two bay lodge is constructed from ashlar with a Welsh slate roof. It is a good example of a decorative nineteenth-century gate lodge with some fine carved detail and located within a wooded setting.
11. The effect of the proposal on setting and its contribution to the special interest and significance of the designated heritage asset is recognised within the National Planning Policy Framework (the Framework). I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced, the extent of which is not fixed and may change over time.
12. It is evident that historically, the immediate setting of the Hall included designed landscapes and other planned grounds and gardens, and would have contributed to the overall significance of the Hall. However, this environment

has changed through the creation of new housing developments and tree belts located within the grounds of the Hall.

13. In terms of its effect directly on Hartford Hall itself, the existing woodland between the Hall and the road does not allow any intervisibility from the Hall to the appeal site or vice versa. Therefore, there is no direct impact on the setting of this heritage asset.
14. From beyond its immediate grounds, whilst it can be certain that the appeal site historically contributed to the open, rural landscape setting of the Hartford Hall Estate, there is nothing before me to indicate that the site had retained this open character up to the period immediately prior to the development at issue herein. The historical open character of the setting of these listed heritage assets has changed over time, notably by the development of new housing built along Hartford Drive and its consequential change to the setting of the designated heritage assets. However, this is a much less significant vantage point from which to experience the setting of the designated heritage assets.
15. Whilst these changes have occurred, nonetheless, the open, rural nature of the environs, with green buffers and limited built development, continues to provide a rural landscape setting in which the heritage assets are experienced.
16. Taking into account the main gateway into the estate, the principal views are taken from the A1068 where the heritage assets of the gate lodge and entrance screens and surrounding estate walls provide visual cues of arrival at the Hall. The use of the high estate wall enclosure is a defining feature providing a sense of containment to the heritage assets.
17. The appeal site is located outside the defined parkland boundary. The two blocks of stable buildings already constructed are partially visible. They are located in an 'L' shape, low-level in nature, and, in part, back onto the A1068. The paddock and proposed changes to the vehicular access gates would be well screened by the stables and the natural hedgerow boundary to the appeal site and the road. The retention of this hedgerow maintains the rural character of the setting and significantly reduces the visual impact of the stable blocks. It does not detract from the appreciation of the significance of sense of arrival to the Hall.
18. Even when considering longer range views from Bedlington towards Hartford Bridge, the development would continue to be seen in the context of a verdant and open countryside setting. From further afield, the undulating land levels limit views of the development, with the high trees of the wooded parkland of the estate not compromising the setting of the designated heritage assets.
19. To conclude, I find that the appeal scheme preserves the setting of the Grade II* listed building known as Hartford Hall along with its listed ancillary estate structures, specifically, the Grade II* listed Entrance Screen to Hartford Hall and the Grade II listed Gate Lodge. As a result, it satisfies the requirements of the Act and the Framework.
20. The Council refers to the development's conflict with the Wansbeck District Local Plan 2007 Policy GP14. This policy relates to demolition or part demolition of a listed building and is not directly relevant to the appeal before me.

Other Matters

21. A range of other matters have been raised by interested parties. These include the general appearance of the site and its various ancillary aspects (including other structures and uses that are not included within the appeal scheme before me); the removal of hedgerows and resultant loss of habitats; the removal of topsoil from the land; planting outside the perimeter of the site; burning of waste and smells. I have considered only the appeal scheme. Concerns regarding these wider matters should be raised with the Council in the first instance.
22. There is nothing in the evidence to demonstrate that the appeal scheme would give rise to any noise nuisance. Should such nuisance arise, it would be for the Council to investigate. Likewise, it would be for the Council to investigate whether the fencing on site required planning permission.
23. Issues with encroachment onto land outside the appeal site and the tethering of horses are not within my remit to comment upon. There is nothing before me to indicate that the horses to be stabled on the land would also graze on it.
24. The Council considered the proposal on its effect on the openness of the Green Belt and countryside setting and came to the decision that it retained the rural character of the area. I find no reason to dispute these findings. The site may well be outside the settlement boundary of Hartford Bridge, however that is not to say it is unacceptable development for this reason.
25. Any highway safety implications of indiscriminate parking of vehicles outside the site can be controlled by means other than the planning system. Furthermore, the Council's highway team raises no objections to the development. I have no good reason to contradict their findings.
26. The synthetic nature of the horse paddock surface treatment and its ability to disperse from the site is noted. However, this alone would not lead me to reach an alternative view on the proposal.
27. The use is confirmed as the appellant's own private interest. Further requests for development at the site or change of use shall be considered by the Council on their own individual merits.
28. The Local Lead Flood Authority removed their objection to the proposal and in any case, there is no evidence before me to suggest that the development would lead to surface water flooding.
29. Furthermore, there is no evidence before me to suggest that the sanitation facilities would be insufficient for this purpose. Waste removal from the site is identified within the Stable Management Plan. There is no reason to indicate that this is not an appropriate waste regime.
30. In terms of the validity of the planning application, the person who has undertaken unauthorised development has only one opportunity to obtain planning permission after the event *by means of* (my emphasis) a retrospective planning application, or, by means of an appeal against an enforcement notice. It does not prevent them from submitting multiple retrospective applications on the same site. On this basis, I am satisfied that there is no matter at issue.

Conditions

31. I have considered the suggested conditions in light of the Planning Practice Guidance and Paragraph 55 of the Framework with particular regard to the six tests. A condition relating to the approved plans is necessary to provide certainty.
32. Conditions to secure implementation of the car parking area and cycle parking and the implementation of the vehicular access gates are imposed in the interest of highway safety and sustainable travel. In the interest of the appearance of the site I have imposed a condition relating to the wicker cladding treatment.
33. Any change of use here would require its own permission and therefore it is unnecessary to impose a condition restricting its use.
34. The site is in a location of known coal mining legacy and, despite the fact that the scheme is largely retrospective, the submitted coal mining assessment advises that intrusive site investigations are recommended in the form of rotary borehole investigations. Conditions to undertake this work and to implement its findings and recommendations are therefore necessary and reasonable. I have amended the suggested planning condition for preciseness.
35. In the interest of biodiversity enhancement, a native species hedge to be planted at the site is reasonable and necessary.
36. There may be an increase in impermeable surface area at the site although this is off-set by the paddock area of a permeable construction with a capacity to hold water. A condition relating to securing details of its ditch and bunding has been reworded for preciseness to ensure it is retained in perpetuity. The other proposed sustainable urban drainage features (SUDS) relate to water butts that allow water to collect from the stable down pipes. Therefore, the details are conditioned as necessary.

Conclusion

37. Taking into account the information before me, I have reached a conclusion in favour of the development. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Alison Scott

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan drawing no. A-00, Proposed plans drawing no. A-03 Rev. B, Boundary Treatment no. A-05, Proposed site plan APP-02.
- 2) Within 1 month of the date of this permission, the car parking area indicated on the approved plans and cycle storage shall be implemented in accordance with the approved plans. Thereafter, the parking area and cycle storage shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles or storage of cycles associated with the development.
- 3) Within 3 months of the date of this permission, the vehicular entrance access and wicker cladding shall be implemented in accordance with the approved details. Thereafter, the vehicular access and wicker treatment shall be retained in accordance with the approved plan Proposed site plan APP-02 and Boundary treatment Plan A-05.
- 4) Within 3 months of the date of this permission, the scheme of intrusive site investigations in accordance with the Ergo Coal Mining Desk Based Assessment March 2019 shall be undertaken as well as a report submitted to the Local Planning Authority of the findings arising from the investigations. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site and timescales, shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures thereafter.
- 5) Details of a native mixed species hedge at the site shall be submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented within the next planting season following the grant of this permission. Any plants which within a period of 5 years from planting in that planting season die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Within 3 months of the date of this permission, details of ditch and bunding to the paddock area, and the sustainable urban drainage system features of the water butts, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved plans. The approved details shall be maintained thereafter and retained in perpetuity.

End of Schedule