



Appeal Decision

Site Visit made on 16 June 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/P2935/W/21/3271167

**Townhead Farm, U7064 Wilmontswick Junction To Henshaw Junction,
Tow House NE47 7EH**

- 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 Neil Brigham against Northumberland County Council.
 - The application Ref 20/01045/FUL, is dated 26 March 2020.
 - The development proposed is described as "Barn conversion for holiday/hostel accommodation. Three new build elements, a long lean to to the long barn to the North of the site for corridor access, a middle single storey link between the north and south of the site, and the replacement of the hay barn which cannot be re-used for a sports hall facility".
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Neil Brigham against Northumberland County Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the appeal was submitted the Council has indicated that, had it still been in a position to determine the application, it would have refused planning permission.
4. In its appeal Statement the Council has referred to policies of the emerging Northumberland Local Plan (NLP). However, the NLP has not yet been formally adopted and I have not been provided with any information on whether there are any unresolved objections to these policies. Therefore, as I do not know whether these NLP policies will be adopted in their current form, or at all, they carry very limited, non-determinative weight in this appeal.

Main Issue

5. On the evidence before me, I identify that the main issue in this appeal is the effect of the development on the character and appearance of the area, including the effect on a non-designated heritage asset.

Reasons

6. The appeal site comprises three redundant agricultural buildings located within the small rural settlement of Tow House. The site is not in a conservation area and the appeal buildings vary in age and quality. However, the prominent

roadside building consists of a stone and slate traditional barn, which appears on the ordnance survey map of 1885. As such, it has potential for archaeological interest and evidential value to be of at least local significance, thereby meriting its consideration by the Council as a non-designated heritage asset. In addition, owing to its simple vernacular form and traditional materials, the building contributes positively to the local distinctiveness of the area.

7. At my site visit I observed that the roadside barn contains openings that are not shown on the existing plans I have before me. There is a loading door in the eastern gable, and on the roadside elevation there is a single boarded up opening with heavy stone lintels and surrounds. Despite the appellant's claims that the proposal would utilise as many of the features of the existing buildings as possible, neither of these distinctive openings are to be retained. Instead, new window openings would be formed in both gable ends and five new window openings would be formed in the roadside elevation. No clear justification has been given for this excessive number of new openings.
8. Furthermore, a number of extensions are proposed which would obscure the whole of the rear elevation, including some distinctive door openings. The extensions would also alter the simple form of the building and introduce an uncharacteristic low roof pitch above the corridor extension. The Council's building conservation officer has indicated that more light weight, mainly glazed additions may be appropriate for the corridor and link extensions, but as currently proposed, there would be a complete loss of legibility of the rear elevation. Whilst public views of the rear extensions would be brief, heritage assets should be safeguarded irrespective of whether or not close public views of the whole of the building can be gained.
9. There is no dispute that the modern buildings at the rear of the site are not of any particular merit and that the conversion works to the workshop buildings would be acceptable. However, the hay barn would be replaced with a building of considerable size. According to the plans, the eaves height of the proposed building would be notably above the roof of the roadside barn, such that the building would likely be clearly apparent in views from the road. I do not share the Council's concerns in relation to the appropriateness of the external wood cladding as the contrasting materials would help to differentiate the new development from the converted buildings. Nonetheless, due to its height and massing, the proposed building would have an unduly assertive presence within the site, and would appear out of scale with its immediate surroundings.
10. Overall, the proposals would result in harmful changes to the character and appearance of the site as a whole. Furthermore, given the extent and nature of the proposed alterations to the roadside barn, the proposals would fail to conserve or enhance the historic interest and significance of this simple vernacular building, which is identified as a non-designated heritage asset.
11. In reaching my conclusion, I recognise that the roadside barn could already change use to Class C1 (hotels) following appropriate notification to the Council under Class R of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, the issue of the use of the building for such purposes is not in dispute, and more crucially, any external alterations to the building would still require separate planning

permission. As such, I attach limited weight to this matter as a potential fallback position in relation to the roadside barn.

12. I therefore conclude that the development would have an adverse effect on the character and appearance of the area and the significance of a non-designated heritage asset. As such, it would fail to comply with Policy BE1 of the Tynedale Core Strategy (2007) and Policy GD2 of the Tynedale District Local Plan (2007), which among other things, require high quality design that is appropriate to the character of the site and its surroundings, will maintain and enhance distinctive local character, and conserves and where appropriate enhances historic features. Furthermore, it would fail to comply with the design and historic environment objectives of the National Planning Policy Framework (the Framework).

Other Matters

13. In addition to the main issue, the Council raised concerns regarding insufficient information on water supply, drainage, and ground gas protection. However, on the evidence before me, I see no reason why such matters would not be capable of being controlled by conditions.
14. My attention has been drawn to the presence of nearby listed buildings. I have a statutory duty to consider the effect of the proposal on these designated heritage assets. However, having regard to the intervening distance, vegetation, and nature of the residential surroundings, I have no reason to find that the setting of the listed buildings and their significance would be adversely affected by the proposals, and I note that the Council did not identify any harm in this respect.
15. The appellant highlights that in pre-application discussions the Council considered the proposal to be acceptable in principle subject to the submission of more detailed information on certain aspects of the scheme. However, informal advice provided before an application is made is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all relevant factors at the time the application is considered. Moreover, I am not bound by pre-application advice by the Council. As such, this matter does not alter my findings.
16. I have noted the representations from interested parties on matters not covered above. However, I intend to dismiss the appeal for other substantive reasons and therefore it is not necessary to explore these matters any further as it would not alter the appeal outcome.

Conclusion

17. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
18. The proposed development would reuse existing buildings and increase the availability and choice of holiday accommodation in the area. Furthermore, their construction and use would contribute to the local tourism industry and the local economy. However, the scale of development and the limited evidence presented of the specific demand for such accommodation is not sufficient to justify anything more than modest weight being given to these positive factors. Furthermore, I am not satisfied that the benefits of the proposal could not be achieved in a less harmful manner.

19. The most important policies to the determination of this appeal are those referred to above with which I have found conflict. The harm that would be caused to a non-designated heritage asset in particular would be significant and lasting and would not be outweighed by the benefits of the scheme. Thus, although there are some policies with which the proposed development complies, it would not accord with the development plan when read as a whole and there are no other considerations, including the Framework, that would indicate a decision could be made contrary to the provisions of the development plan.
20. Accordingly, and for the reasons given above, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR