
Appeal Decision

Site visit made on 14 June 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2021

Appeal Ref: APP/P2935/W/21/3270599

**Land North Of Tughall Steads, U2035 Road to Tughall Farm, Ellingham
NE67 5ER**

- 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 Mrs Judy Fortescue (Andrew Robinson Farms) against the decision of Northumberland County Council.
 - The application Ref 20/01649/FUL, dated 1 June 2020, was refused by notice dated 25 September 2020.
 - The development proposed is construction of 1no. 4 bed dwelling to be used as a primary residence. Unit to be 1.5 storey in height.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Judy Fortescue (Andrew Robinson Farms) against Northumberland County Council. This application is the subject of a separate Decision.

Procedural Matters

3. The evidence indicates that the site is within the zone of influence of protected sites. The second refusal reason was included on the basis that the proposal failed to incorporate coastal mitigation measures or secure a financial contribution towards these measures.
4. The Council, within their statement confirm that a planning agreement would overcome their concerns in relation to this refusal reason. The appeal is accompanied by a signed unilateral undertaking relating to the provision of the ecological mitigation contribution, which would address this matter and overcome refusal reason no.2.
5. The Council have acknowledged that reference to a type A access within their refusal reason was an error. The evidence indicates that this is not required or proposed as part of the scheme.

Main Issue

6. The main issue therefore is the effect of the access track to the proposed dwelling on the setting and character of Tughall.

Reasons

7. Tughall is a former 18th Century farmstead, described as a Hamlet within the North Northumberland Coast Neighbourhood Plan (2018) (NP). The evidence indicates that Tughall comprises of primary residence dwellings and holiday lets. It is located to the south west of Beadnell and to the east of a former airfield. It is proposed to construct 1no. dwelling within a former stack yard, now laid to long grass.
8. The proposed vehicular access to the dwelling would be somewhat circuitous, incorporating a farm track to the south and the fringes of the former airfield before turning towards and across the top of Tughall. I observed on site that there did appear to be a natural access to the site between Moo House and The Cowshed, but the evidence indicates that this route is unavailable.
9. Tughall is formed in the main of reasonably tightly clustered buildings, some of which appeared to have been converted having previously been in agricultural use. The wider setting is formed of larger arable and pasture fields and the immediacy of the surrounding countryside is obvious from within Tughall. This is particularly the case where to the northern side of the hamlet, smaller parcels of land, (the largest of which was in active agricultural use for sheep grazing at the time of my visit) contribute positively to its rural setting.
10. It is through this parcel of land that the most extensive section of the proposed new access track would pass. Whilst I accept that views of the track would be very limited from footpath (PROW) 205/015 to the north east of the appeal site, this would not be the case in relation to footpath 205/018 which approaches Tughall from the west.
11. Whilst its presence would clearly be hard to ascertain in longer and medium distance views, this would not be the case when closely upon or crossing it. From closer viewpoints the hardcore surface, which would be of far more permanent construction and obvious appearance than the existing agricultural track running to the north, would visually disrupt the undeveloped grazing field for users of the right of way. By reason of its visual presence it would act to erode the rural setting of Tughall for users of the PROW.
12. The track would also form a notable feature for occupiers of properties at The Forge, The Smithy, Garden Cottage and Cowslip. It is likely that the visual impact of the track would primarily be observed from the garden areas which would closely adjoin the track.
13. However, its presence would also introduce residential, delivery and service vehicles to and from the proposed dwelling into an existing area of quiet pasture. This would be likely to be noticeable from both the gardens and the rear of the properties themselves. This would further harm the rural setting on the northern side of Tughall and would be detrimental to the character of this part of the Hamlet. That these impacts would be felt from non-public parts of the site is no basis for allowing the appeal proposal given the identified harm.
14. The access track would therefore conflict with Policy 5 of the NP which amongst other things requires that all new development should incorporate high quality design and demonstrate how local context and character is respected in terms of access.

15. The proposal would also fail to accord with Policy F4 of the Berwick upon Tweed Local Plan (1999) which requires that within intermediate areas of landscape value, amongst other things, development should accord with its surroundings by virtue of its access.
16. This plan dates from 1999 but the weight to be attached does not hinge on its age. Rather, paragraph 213 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework.
17. This policy is a landscape protection policy that has a good level of consistency with the Framework. Paragraph 127 requires that planning decisions should ensure that developments are sympathetic, amongst other things, to local character and landscape setting.
18. I have not identified direct conflict from the proposed track with policies 9 or 15 of the NP which amongst other things are in part more concerned with locational requirements for housing.

Other Matters

19. I appreciate that the access to the site has been revised from a previously submitted scheme in an attempt to overcome the previous concerns of the Council. However, I have considered this scheme on its own merits.
20. I note that there is an existing agricultural track to the north and it is suggested that this could be upgraded to a harder surface. There is no clear evidence that this would be likely to occur and in any event the track to the north is not a reasonable comparison, as it is located in a different position where resultant impacts of such works would be different. Further, this would be an agricultural track and not a residential access and may therefore not host such regular use.

Planning Balance

21. I accept that there would be social and economic benefits associated with the development both during and after construction including the provision of a primary residence dwelling.
22. These would however be outweighed by the harm that would be caused to the rural setting and therefore the character of Tughall, which I have afforded significant weight. Material considerations do not indicate that the decision should be taken otherwise than in accordance with the development plan.

Conclusion

23. The appeal should therefore be dismissed.

T J Burnham

INSPECTOR