



Appeal Decision

Site visit made on 14 July 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/P2935/W/21/3271692

1 Linnels Cottages, Hexham, Northumberland NE46 1SD

- 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 Simon Aitkenhead against the decision of Northumberland County Council.
 - The application Ref 20/02479/FUL, dated 24 February 2020, was refused by notice dated 29 October 2020.
 - The development proposed is wooden shed, change of use from agricultural land.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. Apart from changes to paragraph numbering and one minor amendment, no major changes have been made to the Framework in relation to national Green Belt policy. As a result, given the nature of the reasons for refusal, the main issues and the development plan policy upon which the reasons for refusal are based, on this occasion I consider that the publication of the revised Framework does not directly alter the assessment of this appeal.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. The Council's decision indicates that the planning application was submitted retrospectively, and I saw that a shed has been erected on the site. However, the shed as erected differs from that shown on the submitted plans, including in respect of decking and railings. For the avoidance of doubt, I have considered this appeal on the basis of the plans on which the Council made its decision.
5. I was requested to view the appeal site from the nearby property of 2 Linnels Cottages, and I was able to do so at my visit.

6. Reference has been made to the emerging Northumberland Local Plan, although the policies of this emerging plan are not included in the Council's reasons for refusal. I have also not been made aware of the extent of unresolved objections to this emerging plan or its degree of consistency with the Framework. On that basis, and due to the stage of the preparation of the emerging Local Plan, I give it little weight and this is not a determinative matter in my consideration of this appeal.

Main Issues

7. The main issues in this appeal are:
- Whether the proposal would be inappropriate development in the Green Belt, with due regard to the effect on the openness of the Green Belt;
 - The effect on the character and appearance of the area;
 - The effect on the living conditions of neighbouring residents with regards to outlook; and
 - Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

8. The appeal site is within the Green Belt. The Framework sets out that new buildings within the Green Belt are inappropriate subject to a number of exceptions.
9. Paragraph 149(d) of the Framework sets out that the replacement of a building is one such exception, provided that the new building is in the same use and not materially larger than the one it replaces. However, compared to a stable in an agricultural field, the proposed shed would be for purposes ancillary to a residential use and would therefore not be in the same use as the building it would replace. On that basis, the proposed shed would not fall within the exception of paragraph 149(d), or indeed any of the other exceptions, and would therefore be inappropriate development.
10. Paragraph 150 of the Framework specifies that certain other forms of development are also not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. The nature of the change of use from agricultural land is not specified in the description of the development, but based on the evidence before me the proposal relates to an increase in the extent of a residential property, including the projection of the shed into the countryside. As such the proposal would represent the encroachment of development into the countryside, contrary to one of the Green Belt purposes specified in paragraph 138. The encroachment of residential development, with associated residential paraphernalia, would also affect the openness of the Green Belt. Therefore, the proposal would not fall within the exceptions of paragraph 150.
11. Furthermore, in respect of the openness of the Green Belt, as well as the change in the nature of the use of the land, the wooden shed is a relatively substantial structure. The proposal would introduce built development onto a

site where such development previously did not exist, with subsequent harm to the openness of the Green Belt, albeit to a limited degree.

12. Reference has been made to the removal of a stable, and the evidence suggests that there was a building located some distance to the north of the site. However, although a footprint is indicated, there is no substantive evidence in respect of the height and massing of the stable to demonstrate that it was larger than the appeal proposal.
13. In conclusion on this issue, the proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm. The proposal would also lead to limited harm to the Green belt in respect of openness.

Character and Appearance

14. 1 Linnels Cottages is one of a pair of detached dwellings in the countryside, which are of an attractive appearance and constructed from traditional materials. Although there are a number of features including a detached outbuilding, car parking and access routes in the immediate area, the group of buildings has a relatively tight-knit character. This includes a large outbuilding to the rear of No 1, which is constructed from materials which complement the nearby dwellings.
15. Within this context, the proposed shed is of an incongruously different character and appearance, including the use of materials such as stained timber as well as roof cladding. It is also of a significant size, and is distinctly separate from the nearby group of buildings, an impression which is exacerbated due to its location higher in the sloping topography of the area. Due to this design and arrangement, the shed appears as an unduly prominent feature projecting into the countryside to the rear of Linnels Cottages. The change of use of the land from an agricultural use adds to this harmful effect, with the projection of the domestic use of land into the agricultural field.
16. It may be possible to require the submission of alternative external treatment for the shed by a planning condition. However, this would not address the unsympathetic location of the development.
17. The appellant refers to the removal of a larger unsightly stable, although no substantive evidence has been provided in respect of the appearance of the removed building. In any event, such structures are not uncommon in the countryside, and this matter does not justify the erection of a building of the incongruous appearance of the proposal.
18. I conclude that the proposal would lead to significant harm to the character and appearance of the area. The proposal would be contrary to policies GD2 and H21 of the Local Plan¹ and GD1, NE1 and BE1 of the Core Strategy² with regards to the effect on the character of the site and its surroundings. These policies are consistent with the Framework in respect of achieving well-designed places as well as conserving and enhancing the natural environment.

¹ Tynedale District Local Plan 2000

² Tynedale Local Development Framework Core Strategy 2007

Living Conditions

19. The proposed shed is located to the rear of the neighbouring dwelling of 2 Linnels Cottages. Although the shed is separated from the rear of No 2 by an access track, it is in relatively close proximity to the rear garden boundary. Due to the topography of the area, the shed is also located at a higher level than No 2.
20. Because of the relative arrangement of the sites and the difference in levels, the large shed appears as an obtrusive and overdominant feature in views from the rear of No 2. This includes views from a number of habitable rooms served by windows on the rear elevation.
21. A degree of screening is provided by planting along the boundary with No 2, although due to the varied height and gaps in the planting this would not fully mitigate the overbearing impact of the proposal. Although the rising ground level resulted in the rear garden of no 2 being a prominent feature in views from the rear elevation, this would not nullify the oppressive effect arising from the scale and location of the shed.
22. Due to its location and arrangement, I conclude that the proposal would lead to significant harm to the living conditions on the residents of No 2 with regards to outlook. The proposal would therefore be contrary to policy GD2 of the Local Plan in respect of the overbearing effect on adjacent land and buildings. The proposal would also be contrary to the Framework in respect of providing a high standard of amenity for existing and future users of land and buildings.

Other Considerations

23. The appellant submits that the shed, or something similar, could be constructed elsewhere in the curtilage of the property with similar or greater harm than the existing situation. A plan has been submitted in support of this which the appellant considers shows the extent of the curtilage of his property, including an area to the rear of No 2. However, the plan does not reflect the circumstances of the site which I observed on my visit, including in respect of means of enclosure and the nature of the use of land associated with the appellant's dwelling. Furthermore, the legal status of this land has not been confirmed. On the basis of what I have seen and read, it has not been demonstrated that there is a reasonable possibility that the shed can be re-sited to the rear of No 2 under the property's permitted development rights. This matter does not therefore weigh in favour of the proposal.
24. Plans have also been submitted showing a previously approved extension to the garden to the rear of No 1, and it may be possible to construct a shed in this area. A shed in this location would be more visible from a nearby road, but it would be located closer to the host property and would not appear as an undue encroachment of built development into the countryside. Furthermore, it would not result in the change of use of land from an agricultural use to residential, and would therefore not lead to the encroachment of residential development into the countryside. A shed in this location would also not harm the living conditions of residents of No 2. The appellant submits that a relocated shed would be less secure. However, as it would be located closer to the appellant's dwelling with associated benefits of surveillance, I do not accept

that a relocated shed would be any less secure. On balance, these considerations weigh neither for nor against the proposal.

25. Reference has also been made to a number of protected species inhabiting the building. However, this is a matter to be addressed as part of any further action which may be taken. In any event, it has not been demonstrated that concerns in respect of protected species mean that the building would have to remain in place.

Other Matters

26. I note that no objections have been received from neighbouring residents. However, this does not lead me to a different conclusion based on my own observations.
27. I note the frustrations expressed by the appellant in relation to the advice from the Council in the process leading up to this appeal. However, this is not a matter for this appeal which I have determined on its planning merits.

Conclusion

28. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. For the reasons stated above I consider that the proposal is inappropriate development, and this is a matter which carries substantial weight against the proposal. The development would also lead to limited harm in respect of openness.
29. The substantial weight to be given to Green Belt harm as a whole, as well as the significant weight to the harm arising to the character and appearance of the area and living conditions of nearby residents, are not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. The proposal therefore conflicts with policy NE7 of the Local Plan in respect of development in the Green Belt, and there are no material considerations of such weight which indicate that the proposal should be determined otherwise than in accordance with that policy. The proposal would also be contrary to the provisions of the Framework in relation to the protection of the Green Belt.
30. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR