
Appeal Decision

Site visit made on 13 July 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/ P2935/D/21/3272984

Ovington House, C254 Ovington Main Road Through Village, Ovington NE42 6DH

- 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 Lynne Moffitt against the decision of Northumberland County Council.
 - The application Ref 20/0248/FUL, dated 6 August 2020, was refused by notice dated 12 January 2021.
 - The development proposed is described as 'construction of replacement dwelling'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments received have been addressed within the appeal decision.
4. The Council in its written statement dated June 2021 states that it no longer considers that the proposal would be an unjustified development in the open countryside or that it would have an unacceptable adverse impact on the surrounding landscape. Therefore, these matters are no longer in dispute in this appeal, and I will proceed accordingly.

Main Issues

5. The main issues are:
 - 1) whether the proposed development would be inappropriate development in the Green Belt having regard to development plan policies and the Framework, including the effect on openness.

- 2) the effect of the proposed development on the purposes of the Green Belt.
- 3) the effect of the proposed development on the significance of Ovington House and the Ovington Conservation Area (the CA); and
- 4) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, whether this amounts to the very special circumstances required to justify the proposed development.

Reasons for the Recommendation

Whether the Proposal Would Amount to Inappropriate Development

6. The Framework states that new buildings are inappropriate in the Green Belt unless they fall within the list of exceptions in paragraphs 149 and 150. These include paragraph 149 (d), the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and 149 (g), the limited infilling or partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
7. Policy NE7 of the Tynedale District Local Plan 2007 (LP) allows new buildings in the Green Belt only for certain purposes. Policy NE8 sets out a presumption against the construction of new dwellings in the Green Belt. The proposal does not fall within any of the types of development permitted by those policies and therefore would conflict with them. However, the policies are not wholly consistent with the Framework approach to inappropriate development, or the exceptions listed within it. Therefore, the conflict with them carries limited weight.
8. The proposed dwelling would replace the existing stable building rather than re-use it. As it would be on the same footprint and of similar scale and dimensions, it would not be materially larger than the existing building.
9. From the evidence before me I have no reason to doubt that the existing building has been used for purposes ancillary to the residential occupation of Ovington House. However, its design and current use, as observed on my visit to the site, is as a stable, and the submissions show it has also been used for domestic storage. There is however no evidence before me that it has ever comprised any form of residential accommodation. Therefore, it has not been demonstrated that it is, or has been, used as a dwelling house falling within Use Class C3 or that it could be utilised as such without requiring formal planning consent for a material change of use.
10. The independent residential unit proposed would include primary living accommodation and be occupied separately from Ovington House, with no functional relationship with it. As such, it would be a materially different use to either a stable or storage. Consequently, the proposal would not result in a new building in the same use as that which it would replace. Therefore, it would not fall within the exception in Framework paragraph 149 (d). In these circumstances it is not necessary for me to reach a view on whether the existing building is within the curtilage of Ovington House.

11. The definition of previously developed land (PDL) is set out in the glossary to the Framework and includes land occupied by a permanent structure. The definition does not require an assessment of whether a building is structurally sound or capable of conversion. The existing building has been in situ for approximately 20 years and is constructed on a concrete hard standing with connections to services. It appeared to me to be in reasonable condition and was functioning as designed, as it has evidently done for many years. There is no substantive evidence before me that it is, or ever was, intended to be temporary. As such, I consider that it is a permanent structure. Therefore, I find that the appeal building is on PDL, as defined by the Framework.
12. Therefore, for the first limb of Framework paragraph 149 (g) to apply it is necessary to consider the impact of the proposal on the openness of the Green Belt, which is one of its essential characteristics. The courts have held that openness has both a visual and spatial aspect.
13. The proposed dwelling would not be easily visible from Jubilee Road due to intervening trees, hedges and the rising ground. It would be visible from the private land around the site and glimpsed at a distance from public rights of way. Part would also be glimpsed through the gap between Ovington House and the neighbouring cottage, although it would be partially hidden behind the existing boundary wall. However, given its similarity in scale and siting to the existing building, the dwelling itself would not have a greater impact on openness in spatial or visual terms.
14. Nevertheless, the dwelling would not be seen in isolation but together with the other elements of the proposal. Much of the existing hardstanding would be taken up and replaced by landscaping and the land would be used as a sizeable garden area. The occupation of the dwelling would inevitably result in some domestic paraphernalia in the garden area such as a washing line, waste containers, and outdoor furniture. The landscaping of the space as a garden would also have a very different appearance to the existing largely open expanse of hardstanding and parking. Taken together these factors would give the site a domestic appearance and would result in a slight but nevertheless material reduction in the openness of the Green Belt in visual terms.
15. Therefore, the proposal would have a greater impact on the openness of the Green Belt than the existing development and as such would not fall within the exception in paragraph 149 9g). Consequently, the proposal would be inappropriate development having regard to the Framework.

Purposes of the Green Belt

16. The proposed dwelling would be similar in form to the existing stables, however the number, type and size of windows proposed would make it clear that it was a residential development rather than a domestic or equestrian outbuilding. For the reasons set out above the remainder of the site would also have a domestic, residential appearance very different to the existing ancillary uses.
17. Accordingly, while the area of built development would not extend further than at present, the proposal would result in the encroachment of residential development into the countryside. Therefore, it would conflict with one of the purposes of the Green Belt, to safeguard the countryside from encroachment, and therefore with the Framework.

Effect on Ovington House and the CA

18. The Ovington CA derives considerable significance from its historic layout and buildings, particularly a number of high-quality buildings which act as visual anchor points through the village, including Ovington House and Ovington Cottage. The landscape setting, including the worked fields around the village boundary, forms an impressive backdrop to the village and also makes an important contribution to its significance. The Ovington Conservation Area Appraisal (2008) (CAA) is of some age but nevertheless is a useful and detailed assessment of the CA and its special interest. It identifies that views to and from Ovington over this open landscape are critical to creating and maintaining its distinctive character.
19. The CAA sets out that Ovington House and Ovington Cottage are imposing structures that, because of the rising slope of the valley side, provide an elevated frame through which glimpses of the village can be observed. They form the eastern gateway into the village where the road rises and give an immediate impression of grandeur due to the outstanding architectural quality of Ovington House and the substantial, attractive built mass of Ovington Cottage. As such, each of those buildings contributes very positively to the significance of the CA. Other historic buildings around them formerly had functional relationships with them, and although now in other uses they still retain considerable group value.
20. Ovington House has had a number of extensions and current and former outbuildings of various ages but retains its architectural quality. The garden to the front and substantial trees around it create a picturesque setting and contribute to its significance. It is a substantial and attractive entrance feature on the approach to the village, forming a historic and prominent architectural anchor point. Its position at the edge of the village also helps to define the historic core of the settlement, a feature which has been eroded elsewhere by modern development. Therefore, I consider Ovington House to be a non-designated heritage asset (NDHA) in its own right, as well as contributing to the significance of the CA both on its own and as part of the group.
21. Policy BE1 of the Tynedale Core Strategy (CS) requires new development to conserve and where appropriate enhance the quality and integrity of Tynedale's built environment and its historic features including archaeology, giving particular protection to listed buildings, scheduled monuments and conservation areas. LP Policy BE18 permits development that would not harm the character, setting or views into and out of a CA. LP Policies H32 and GD2 require that new developments reflect the locality and are appropriate to the character of the site and its surroundings, existing buildings and their setting.
22. The Framework sets out that great weight should be given to the conservation of heritage assets and any harm to, or loss of the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. The term 'setting' is identified as the surroundings in which a heritage asset is experienced. The effect of a proposal on the significance of an NDHA should also be taken into account in determining proposals which directly or indirectly affect such assets.
23. The existing building is close to Ovington House and its utilitarian appearance is not of the quality that might be expected with such a high-status house. As a result, although only seen together with Ovington House in some relatively

distant views, given its proximity it detracts from the immediate setting of the NDHA and views towards this part of the CA. The other part of the appeal site around the building is largely open and allows views across it, so does not detract from the setting of the CA and NDHA.

24. The proposed dwelling would be of similar scale to the existing building and be similarly close to Ovington House but, as set out above, would be noticeably different in appearance to that of an ancillary outbuilding. I acknowledge that the appellant intends to use traditional materials which would be of higher quality than those on the existing building. However, the way the stone and timber are proposed to be used would be reminiscent of modern agricultural buildings rather than any traditional form of outbuilding. As such, the design of the proposed dwelling would not aspire to the quality of form and appearance of the historic properties around it. Furthermore, these materials would be married with aluminium glazing and the resulting contemporary design would have no relationship in form and detailing to the buildings around it. Consequently, the proposal would not enhance the quality and integrity of the built environment or reflect or positively respond to the character of the locality and surrounding buildings.
25. While the proposed dwelling would be lower than Ovington House and therefore would not compete with it in scale, for the reasons set out above it would appear as a distinct dwelling within its own plot. The proposal would also remove any existing ancillary, functional link with Ovington House. The inevitable domestic paraphernalia would add to the sense that the land had been severed from Ovington House. Those impacts would be noticeable as one approached the property along the entrance drive. Therefore, the proposed dwelling would have a very different relationship with the main house than the existing utilitarian building.
26. The creation of a dwelling further out from the edge of the village than at present would not reinforce the historic spatial pattern. Furthermore, the separate dwelling and plot would be seen against the backdrop of Ovington House in wider views over the open landscape looking across rising ground towards the CA. Due to its position, it would alter the perception of Ovington House as being at the edge of the village and reduce its prominence. Consequently, the proposal would have a greater adverse impact on the setting of Ovington House than the existing situation and would diminish its relationship with the village and CA, thereby failing to preserve the significance of that NDHA. Furthermore, it would detract from views towards this part of the CA and compromise the understanding of the historic arrangement of the village, resulting in some harm to the setting of the CA and to its significance.
27. The appellant contends that the existing building has permission to be linked to Ovington House, however from the submitted plans it appears that the building incorporated older structures, including a linking structure to which a tack room would have abutted, but which no longer appears to exist. As such, I cannot be certain that the stables could now lawfully be joined to Ovington House. Nor has it been demonstrated that the small link previously approved would have the same impact on the significance of the NDHA or CA as the appeal scheme.
28. The harm to the CA would be localised and therefore would result in less than substantial harm to the significance of the CA as a whole. Nevertheless, having regard to the Framework it is a matter which is of considerable importance and

weight. The Framework sets out that less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal and that a balanced judgement will be required in respect of proposals which affect NDHAs.

29. The removal of the existing building would be a small heritage benefit. The proposed dwelling would incorporate sustainable design features, boost the supply of housing in a relatively sustainable location and make effective use of PDL, as supported by the Framework. The occupants would also be likely to support local facilities and services. However, the resulting social and economic benefits of one dwelling would be limited, and as the Council can demonstrate a Framework compliant supply of deliverable housing land, they carry limited weight. The proposed garden could result in biodiversity benefits, but there is no landscaping scheme before me and the site plan provides very limited detail, so I can afford this very limited weight as a public benefit.
30. Overall, therefore, the proposal would harm the significance of Ovington House and the CA and this would not be outweighed by its public benefits. Consequently, the proposal would conflict with CS Policy BE1 and LP Policies GD2, BE18 and H32, and with the Framework.

Other considerations

31. LP Policies LR11 and LR15 set out the need for all new dwellings to contribute towards on-site or off-site provision of sports and recreation and play facilities. CS Policy GD6 allows for mitigation to be sought through planning obligations. The Council's 'New Housing: Planning Obligations for Sports and Play Facilities Supplementary Planning Document' (2006) (SPD) offers more detailed guidance. It requires provision to be made for such facilities where proposals for new dwellings would cause or exacerbate existing deficiencies in provision. The Council's reason for refusal refers to LP Policy LR14, however that sets out the criteria for children's play areas so is not directly relevant to this matter. The Council's officer report refers instead to Policy LR15 which is relevant.
32. The appellant has submitted a unilateral undertaking to secure a contribution to sports and play provision, however it is not signed or dated and cannot be regarded as binding. I therefore cannot take it into account in making my recommendation. However, there is no up-to-date information before me from either party in terms of the current availability of sports and play provision in the area. Consequently, there is insufficient information before me to demonstrate that such an obligation is necessary to make the development acceptable in planning terms. In any case, given that harm has been found for other reasons it has not been necessary for me to consider this matter in any further detail.
33. The proposal would result in some public benefits as set out above, which carry limited weight. The appellant contends that the proposal would provide a modest dwelling more appropriate to their needs, allowing them to stay in the local community. There is however no mechanism before me to ensure that the proposed dwelling would be occupied by the appellant, therefore I afford this minimal weight.
34. Reference has been made to the potential to convert the existing building to a dwelling but that is not the proposal before me and I have not been made aware of any permission for such a conversion. Permitted development rights

for conversion of agricultural buildings to dwellings elsewhere would not apply to a building which is not in agricultural use. As such, this does not appear to be an available alternative here, so carries negligible weight.

Whether Very Special Circumstances Exist

35. The proposal would constitute inappropriate development in the Green Belt which is, by definition, harmful, a matter to which I give substantial weight having regard to the Framework. I also give substantial weight to the harm to the openness of the Green Belt and the conflicts with the purposes of designating land within it. In addition, the proposal would harm the significance of the CA and that harm attracts considerable weight. The harm to the setting, and thereby significance of Ovington House as an NDHA carries further moderate weight.
36. The main parties have referred to policies of the emerging local plan, however I have not been provided with copies. Given the stage that it has reached, and as I do not have any details of the extent of any objections to the emerging policies, they have not been determinative in my recommendation.
37. Overall, I find that the other considerations do not clearly outweigh the harm to the Green Belt and the other harms identified above. It follows that the very special circumstances needed to justify the development do not exist.

Conclusion and Recommendation

38. The conflict with the Framework Green Belt policies provides a clear reason for refusal and as such the presumption in favour in Framework paragraph 11 is not engaged. The development plan is of some age, however while its Green Belt policies are not consistent with the Framework, those relating to heritage and design are generally consistent with the national policy on those matters. The conflict with the heritage and design policies therefore weighs significantly against the proposal and is not outweighed by the benefits of the scheme.
39. Consequently, there are no material considerations to justify a decision contrary to the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

40. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR