
Appeal Decision

Site visit made on 10 August 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2021

Appeal Ref: APP/P2935/W/20/3253806

Land east of Lead Lane, Newlands, Ebchester Consett - Easting 409246 - Northing 556052

- 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 Mark Gabriele (Bellway Homes Limited North East) against the decision of Northumberland County Council.
 - The application Ref 18/02239/FUL, dated 22 June 2018, was refused by notice dated 6 December 2019.
 - The development proposed is the redevelopment of the Former Marley Tiles Factory to provide a residential development of 109 houses (Use Class C3) with associated access, parking, landscaping and infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has altered from the initial planning application form to the 'Redevelopment of the Former Marley Tiles Factory to provide a residential development of 105 houses (Use Class C3) with associated access, parking, landscaping and infrastructure'. This appears to have been as a result of amendments made to the scheme through the course of the planning application which resulted in a final reduction of the scheme from the initially proposed 109 houses. The revised description appears on the decision notice and has also been adopted on the appeal form. I have therefore determined the appeal on the basis of the revised description.

Main Issues

3. The main issues are:
 - i. whether the proposal would be inappropriate development in the Green Belt having regard to the Framework¹ and any relevant development plan policies. This includes an assessment as to the effect of the proposal on the openness of the Green Belt,
 - ii. whether the site is suitable for the proposed development, having regard to its accessibility to services and facilities; and
 - iii. whether the proposal would be appropriate to the character and appearance of the area.

¹ Ministry of Housing, Communities & Local Government National Planning Policy Framework 2021.

Reasons

4. The site, which is within the Green Belt, is accessed from Lead Lane and set a short distance from Newlands to the south. The B6309, which has a junction close to the application site, provides access to Ebchester to the south east and Whittonstall to the north west.
5. The appeal site is the former Marley Tiles factory, which ceased operating in excess of 20 years ago. It is a large and derelict site, formed of previously developed land (PDL), which can be broken down into three principal sections, set on different levels. The existing buildings, which are in a poor state of repair, are concentrated on the southern parcel of the site. The other parcels of land, to the north and east are largely covered in extensive hardstanding which incorporates occasional structures.

Planning policy context

6. I consider that the most important policies are BE1, GD1, H1, H3 and NE1 of the Tynedale Local Development Framework Core Strategy (2007) (CS) along with policies GD2, H32, NE7 and NE8 of the Tynedale District Local Plan (2007) (LP). Both documents form the current development plan for the area. All of these policies are quoted within the reason for refusal.
7. Policies NE7 and NE8 of the LP relate to the Green Belt. Policy NE7 lists various buildings that could be acceptable within the Green Belt whilst Policy NE8 outlines a presumption against the construction of new dwellings. Both policies are inconsistent with the advice of the Framework with regard to Green Belts. The policies are therefore out of date. On this matter I have subsequently defaulted to advice in part 13 of the Framework, to which both parties have referred extensively in their evidence.
8. Policy GD1 of the CS relates to the general location of development and outlines that in the open countryside development will be limited to the re-use of existing buildings. With the aim of supporting a prosperous rural economy, the approach to development within rural areas is less restrictive as outlined in paragraphs 84 and 85 of the Framework. The approach of this policy is therefore out of date.
9. Policy H1 of the CS relates in a large part to the distribution of housing based on the requirements of the revoked Regional Spatial Strategy. It does however seek to promote well-designed, high quality living environments at part (f) an aim which is shared with the Framework.
10. Policy H3 of the CS relates to the location of new build housing, stating that this will only be located in main towns, local centres or other smaller villages where there are adequate services. The same approach is outlined at part (e) of Policy H1. The approach of the Framework to housing location is less rigid.
11. However, the rationale behind such requirements is explained clearly within the supporting text to Policy H3. This includes aims to guide new housing to villages which have adequate services in the interests of reducing the need to travel and sustainability generally and to direct new housing to those villages with adequate services to meet the day to day needs of the community. It indicates that new housing in such villages can help to ensure that those services are more viable in the longer term. The supporting text to Policy H1

states that a sustainable approach to the location of new housing, taking into account the rural nature of Tynedale, is being pursued.

12. These aims are similar to those of the Framework which at paragraph 105 states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 79 of the Framework notes that where there are groups of smaller settlements, development in one village may support services in a village nearby. Both Policies H1 and H3 are therefore only partially out of date, as their aims have some consistency with the Framework.
13. Policies BE1 and NE1 of the CS and GD2 and H32 of the LP are primarily concerned with protecting and enhancing the built environment and landscape of the area. These principles are consistent with the Framework and these policies are not therefore out of date.

Green Belt

14. The Framework at paragraph 149 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate. However, exceptions to this are detailed at paragraph g).
15. This exception relates to the limited infilling or the partial or complete redevelopment of PDL, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need.
16. The essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.
17. Although the dwellings would be more dispersed across the site than the majority of the existing buildings, the comparison between the existing and proposed built footprint across the site reveals only a minor increase from 11% to 14%. Therefore, although the dwellings would be more dispersed, the very limited increase in built footprint would have a negligible impact on openness in respect of its spatial impact.
18. The proposal would see a large enclave of housing introduced to the northern part of the site. This is its highest part and Lead Lane runs along the western boundary, granting close range public views towards the site. Given that this part of the site is in the main laid to hardstanding, the introduction of housing on this part of the site would harm the visual openness of the Green Belt from Lead Lane and from views from the B6309.
19. However, this harm would be mitigated in part through the proposed set back of the dwellings from Lead Lane and over time, the public views of the housing on this part of the site would be slightly softened through the development of the intended planting.
20. The harm to the openness of the Green Belt would therefore only be slight to moderate and would fall well short of being substantial. The proposal would deliver 18 affordable housing units, equating to 17% of homes on the development, which would be secured through a planning obligation. The

proposal would therefore proportionally meet its obligation towards the identified affordable housing need evidenced within the SHMA².

21. I therefore conclude on this matter that the proposal would not be inappropriate development within the Green Belt and would meet the exception at paragraph 149 g) of the Framework.

Accessibility to services and facilities

22. The evidence indicates that the site is 1.1km from Ebchester. However, this distance appears to be measured from the very fringes of Ebchester to the site entrance. The walk from points within the development to the main body of Ebchester would involve covering a greater distance. Ebchester hosts the nearest services and facilities to the site albeit located in the adjacent County Durham.
23. The proposal includes provision for a footpath beside the B6309 to link the site with the fringes of Ebchester. However, the walk would be along a footpath on the northern side of the B6309 within close proximity to fast moving traffic travelling downhill towards Ebchester.
24. The road would also remain largely unlit other than a very short section where street lighting would be provided from the development entrances to the newly created bus stop on the western side of the B6309.
25. The walk would include some particularly steep sections along with a sharp bend at Newlands. The journey between the site and Ebchester on foot is therefore unlikely to be an appealing prospect, which would be even more the case during the extensive dark hours of the winter or during periods of inclement weather.
26. It is unlikely that the proposed link to the existing public right of way within woodland to the east would be a much more appealing route to access Ebchester for residents at many times of the year. Such a link would be beneficial to the development but would probably be utilised more for the leisure purposes of the residents.
27. For the same reasons that would act to disincentivise walking to access services and facilities, it is unlikely that cycling would be attractive to many residents for such purposes. Although the National Cycle Route 14 provides a largely traffic free route through the Derwent Valley, this would still have to be accessed by the far more trafficked B6309 via Ebchester.
28. Therefore, whilst I note that walking and cycling are methods that offer the potential to substitute short car trips of distances up to 2km and 5km respectively, due to the local topography and other factors outlined above, it is likely that they would not do so in relation to this site.
29. Although new bus stops are proposed close to the site, the one service that would call at these stops appears to be very infrequent, operating only twice daily on a weekday, four times on a Saturday, with no evidence of any service on a Sunday or bank holiday.
30. In comparison, Ebchester appears to be well provided for in terms of regular bus services operating the Newcastle – Consett route. However, as a result of

² Partial SHMA Update 2018 Northumberland County Council Final Report 2018.

the impediments to walking identified above, it would be unlikely that residents would walk to Ebchester to pick up the more regular bus services.

31. Further, the attractiveness of Ebchester as a destination is compromised by its very limited range of services and facilities. It is likely that residents would need to access main shopping facilities and many services further afield. The TA³ anticipates that a large amount of work trips by residents would be made out of the immediate area to Consett and Shotley Bridge or Newcastle and other locations.
32. It is unlikely that many residents would walk or cycle to access the limited services available in Whittonstall. The walk would have to be made along the unlit carriageway, which would be shared with fast moving traffic or on the rough grass verges up some significant inclines. These factors would act as significant disincentives to walking or cycling. The bus service to and from Whittonstall is very limited.
33. Residents of the development would therefore be highly dependent upon the use of a car which forms the least sustainable mode of transport to access any services and facilities.
34. Given the number of dwellings proposed, the larger majority of which would incorporate 4 bedrooms or more, where multiple car ownership could be prevalent, the number of trips per day would likely be large, even accounting for the recent advent of home working. Further, as a result of the limited transport choices, those residing on the development without a car would be likely to feel rather isolated.
35. I therefore conclude on this matter that, as a result of the location of the site, it would be unsuitable for the proposed development having regard to its poor accessibility to services and facilities. The proposal would therefore conflict with Policies H1 and H3 of the CS which seek to direct new build housing to main towns, local centres or other smaller villages where there are adequate services.

Character and appearance

36. Ebchester has a largely urban character and exhibits a broad mix of design, materials and form within its buildings. However, the landscape character changes significantly when leaving the urban fringes of Ebchester, the area becoming ever more rural when travelling up the hill towards the site. Setting the development site aside and acknowledging its current condition, the immediate surrounds of the site have an overall rural character.
37. Outside of the appeal site, the nearest cluster of built development is the small and dispersed settlement of Newlands which extends from the B6309 along Fine Lane.
38. Consistent with the rural character of the area, the buildings and structures of Newlands are informally arranged and offer varied and interesting groupings. They could be characterised as 'Northumberland farm vernacular' and are signified by their use of stone as a building material, rectangular window openings of varied proportions, and slate roof coverings with gable and hipped

³ Transport Assessment prepared on behalf of Bellway Homes Limited North East June 2018 by Milestone Transport Planning.

- roof forms commonly complemented with chimney stacks. These buildings and structures make a positive contribution to the character and appearance of the area.
39. Public views towards the site would in the main be achieved in close to medium distance views of the western side of the development from the B6309 and Lead Lane. Despite the provision of landscaping to the western fringes, two accesses are proposed and the site would always have a degree of visibility, even upon the landscape planting maturing.
40. Within these views, the standard house types that are proposed would not relate well to the built character of Newlands nor to the rural character of the area. Whilst I appreciate that the layout of the development has been partially designed to fit the three areas of the site, the rather formal, neat and suburban style layout of the dwellings would be in direct contrast with the more informal layout of Newlands.
41. I note that chimney stacks would be incorporated amongst others to the dwellings across the frontage. Stone elevations would also be used to the front and side elevations of some dwellings, mainly on the front of the site and on some corner plots. Stone walls would also be incorporated to the frontage. However, the inclusion of these features would not constitute a comprehensive design response to the local vernacular which would reflect local identity and context within the scheme.
42. Therefore, notwithstanding the current appearance of the site and the incorporation of some local design features, the form and design of the development would contrast with the positive local building characteristics. I therefore conclude that it would be inappropriate to the character and appearance of the area, failing to take the opportunity to improve its character and quality.
43. The proposal would subsequently conflict with policies H1(f), BE1 and NE1 of the CS which amongst other things require well-designed, high quality living environments that would maintain and enhance the distinctive local character of the countryside while protecting landscape character.
44. The proposal would also conflict with policies GD2 and H32 of the LP which amongst other things require development that respects the positive characteristics of the built environment by incorporating appropriate design in terms of the positioning and appearance of buildings while reflecting the character of the locality.
45. The National Design Guide⁴ (NDG) advises that well designed development should amongst other things respond positively to the positive elements of the local character including layout, composition, form, proportions, and materials. However, the proposal fails to respond positively to local identity and context which form two of the ten characteristics that contribute to well-designed places. The proposal is therefore in conflict with the NDG.

⁴ National Design Guide – Planning practice guidance for beautiful, enduring and successful places – Ministry of Housing, Communities & Local Government January 2021.

Planning Balance and Conclusion

46. The location of the site and the lack of realistic alternatives would mean that future residents would be largely reliant on car travel, which is the least sustainable mode of transport.
47. The development can undoubtedly be classed as significant. The Framework advises at paragraph 105 that such development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The development would not limit the need to travel and would not offer a genuine choice of transport modes raising serious doubt as to the sustainability of the location. I afford this matter significant weight.
48. The proposal fails to respond positively to local identity and context in contrast to guidance within the NDG and would fail to achieve a well-designed place.
49. The Framework at paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design which includes the NDG. It also states at paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. This suggests that good design should form a necessary core of any scheme and I therefore afford this matter substantial weight.
50. The proposal would provide additional homes and would have the range of economic benefits which are usually always associated with a large housing scheme. It would, for example, provide new jobs during the construction period. There would also be a contribution to economic growth and the generation of household expenditure would help to support the local economy and provide local jobs. Affordable housing would also be provided.
51. There would also be a range of social and environmental benefits more specific to this site. These would be associated with the re-use, remediation and long-term management of long derelict, contaminated, PDL which detracts from the appearance of the area and which attracts anti-social behaviour.
52. The development of such sites is supported within the Framework. However, paragraph 120(c) states that in planning decisions substantial weight should be given to the value of using suitable brownfield land within settlements for homes. This suggests that the reuse of PDL remote from settlements should attract less than substantial weight.
53. The proposal would not be inappropriate development within the Green Belt, although this would be a neutral matter.
54. I have identified the most important policies for determining this application. Of these, the proposed development would conflict with policies H1, H3, BE1 and NE1 of the CS and policies GD2 and H32 of the LP. Whilst moderate weight can be afforded to the conflict with policies H1 and H3 of the CS as a result of their partial compliance with the Framework, significant weight can be afforded to the conflict with policies BE1 and NE1 of the CS and GD2 and H32 of the LP. The appeal scheme would conflict with the development plan when taken as a whole.

55. In considering whether the most important policies are out-of-date, I have had regard to the submitted evidence on the five-year supply of deliverable housing sites and the delivery of housing.
56. The evidence indicates that the Council can demonstrate a 5-year supply of deliverable housing sites to meet its local housing need. Although a shortfall of allocated sites is identified within the Tyneside Commuter Belt (West) Housing Market sub area, the Council is confident that this shortfall can be met through windfall and rural exception sites and there is nothing within the evidence that indicates this position is unreasonable.
57. There is nothing within the evidence to indicate that the impact of Covid-19 has significantly harmed the delivery of housing within the local authority area. In any event, site shut-downs associated with the pandemic occurred some time ago, allowing housebuilders to subsequently catch up on lost time. The housing delivery test results show that the Council has been able to deliver levels of housing well in excess of its requirement.
58. Drawing these matters together, I have identified substantial adverse impacts that would arise as a result of the location of the site and its design. For the reasons set out above, I consider that the basket of most important policies is not out-of-date in this case.
59. Moreover, even if I were to conclude there were shortfall in housing land supply or delivery, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development would not apply.
60. There is no indication that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

TJ Burnham

INSPECTOR