



Appeal Decision

Site Visit made on 1 November 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2021

Appeal Ref: APP/P2935/W/21/3280942

Land at Dukewilley, Allendale Road, Hexham, Northumberland NE46 2NJ

- 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 Ms J Cowen (Towertop Developments) against the decision of Northumberland County Council.
 - The application Ref 21/00496/FUL, dated 9 February 2021, was refused by notice dated 20 May 2021.
 - The development proposed is a bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal. I have determined the appeal on the basis of the revised Framework.
3. The emerging Northumberland Local Plan (NLP) has not yet been formally adopted, and whilst some reference has been made to it in the various appeal documents, no policies from it are referred to in the Council's decision notice. As I do not know whether the relevant NLP policies will be adopted in their current form, or at all, they carry very limited, non-determinative weight in this appeal. Accordingly, I have considered the appeal against the development plan currently in force.

Main Issues

4. As the appeal site is within the Green Belt, the main issues are:
 - Whether the proposal amounts to inappropriate development in the Green Belt;
 - Whether the site would be a suitable location for residential development with regards to local and national policy;
 - The effect on the living conditions of the neighbouring occupiers at 1 and 2 Dukewilley Orchard, with particular regard to outlook and privacy;
 - Whether the development would provide its occupiers with suitable garden space; and

- If the proposal is inappropriate development, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether Inappropriate Development

5. Policies NE7 and NE8 of the Tynedale District Local Plan (2007) (the TLP) 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. As the proposal is for a new dwelling and lies outside of any listed settlement, it would conflict with the relevant criteria of these policies. However, both policies are inconsistent with the advice of the Framework with regard to Green Belts and therefore this conflict carries limited weight.
6. Policy HNP1 of the Hexham Neighbourhood Plan (2020) (the HNP) states that within the Green Belt, development proposals will be determined in accordance with National Green Belt Policy. Consequently, for the purposes of determining whether the proposal would be inappropriate development, I have proceeded on the basis of the approach set out in the Framework.
7. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a number of listed exceptions.
8. The exception in Paragraph 149 e) refers to limited infilling within a village. The appeal site is part of a small cluster of properties on the north side of Allendale Road. It is outside the built up extent of Hexham and is separated from it, as well as from other clusters of development along Allendale Road, by open fields. Thus, it is not within a village. Furthermore, the generally accepted definition of infilling is the infilling of a small gap in an otherwise built up frontage. Although the appeal site is bordered by the dwellings known as Dukewilley to the west, and 1 and 2 Dukewilley Orchard to the north, there is a large visual gap to the next cluster of development to the east. There are also no buildings directly opposite on the south side of Allendale Road. The area around the appeal site is therefore not built-up, nor is it part of a built-up frontage. Accordingly, the proposal does not represent limited infilling in a village.
9. Whilst not limited infilling, Framework paragraph 149 g) also refers to 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. There is some dispute over whether the appeal site constitutes previously developed land. The appellant describes the land as part of the garden and driveway of the original Dukewilley House. Residential gardens outside a built up area are not excluded from the Framework definition of previously developed land. However, whilst the site would share access with Dukewilley House, the evidence before me suggests that the land is no longer part of its garden. Furthermore, at my site visit I saw that the land is physically separated by boundary walls and fencing from both Dukewilley House and 1 and 2 Dukewilley Orchard, such that it is not obviously connected to any

dwelling. Thus, it seems to me that the appeal site forms a separate planning unit from Dukewilley House.

10. That said, even if I were to take the appellant's view that the site is previously developed land, it would still be necessary to consider the effects of the proposal on Green Belt openness. Paragraph 137 of the Framework identifies the essential characteristics of the Green Belt as being its openness and permanence. Openness has generally been held to be the absence of development and it has both a spatial and visual aspect.
11. The development of a dwelling and detached double garage on land which is presently free of any buildings would by its very nature result in a loss of openness in spatial terms. In addition, whilst the screening currently provided by the roadside vegetation may help to reduce the visual impact on openness, it would not remove it. I observed that the ground levels are such that even at its current height, the roadside vegetation would be unlikely to completely screen the development from Allendale Road. Moreover, this vegetation could be significantly reduced in height through normal maintenance, or even removed, so it is not a factor which could be permanently relied on to screen the development. As a consequence, the proposal would result in this part of the Green Belt being less open than it is at present, both spatially and visually. It would therefore have a greater impact on the openness of the Green Belt, such that even if the site was to be treated as previously developed land, the exception under Framework paragraph 149 g) is not met.
12. Furthermore, as the site is located within the countryside and the proposal would result in the expansion of the existing cluster of development, it would fail to assist in safeguarding the countryside from encroachment, contrary to one of the purposes of including land in the Green Belt.
13. I therefore find that the proposal would be inappropriate development in the Green Belt. The proposal would also cause a loss of openness and harm to one of the purposes of including land in the Green Belt. As a result, it would conflict with Policy HNP1 of the HNP and the Framework. This is a matter of substantial weight.

Location

14. Policies H1, H3 and GD1 of the Tynedale Core Strategy 2007 (the CS) seek to direct new housing to the main towns, local centres and smaller villages where there are adequate services. As the site lies within the countryside beyond the built up limits of the town of Hexham the proposal does not comply with these policies. Despite their age, these policies have some consistency with the Framework's approach on sustainable patterns and locations of growth, and I attach moderate weight to the conflict with them.
15. My attention has been drawn to Paragraph 78 of the Framework, which supports housing in rural areas that reflects local needs. The HNP, in conjunction with the 2016 Housing Needs Survey for Hexham, identifies a local need for two bedroom houses and bungalows, which the proposal would help meet. However, supporting paragraph 6.1.37 to Policy HNP9 of the HNP clearly states that all new housing will be delivered within the built up area of Hexham. In addition, although the HNP makes an allowance for windfall sites, it is clear from Policy HNP8 that these are expected to be within Hexham, outside the Green Belt. The proposal therefore conflicts with this requirement. It is

significant that the HNP is recently adopted and there is no substantive evidence before me to support the appellant's assertion that its approach to housing within the main built up area will be difficult to achieve. I therefore attach full weight to the conflict with Policy HNP8.

16. I have had regard to the appellant's contention that the site is a sustainable location on account of being situated on a bus route, and within walking distance of Hexham which contains a wide range of services that occupiers of the proposed dwelling would need to access. However, the Council advises that the majority of shops and services within Hexham are around 1.5 to 2 miles from the site, and as I observed, the route back is mostly uphill. These factors are likely to be a deterrent for pedestrian and cycle movements, particularly those with young children or for the elderly. Thus, I do not consider these to be realistic options for all occupiers of the proposed dwelling who may wish to use these alternative modes of transport. Furthermore, according to the appellant the bus service is hourly, which I do not agree is 'regular' and would not provide a significant alternative to a reliance on the private car due to the relative convenience of these modes of transport. As a consequence, the proposal is likely to result in unsustainable travel patterns, such that it would not help to achieve sustainable patterns of development.
17. I therefore conclude, on this issue, that the appeal site is not a suitable location for residential development as the proposal would conflict with the overall strategy for the pattern of development set out in Policies H1, H3 and GD1 of the CS, Policy HNP8 of the HNP, as well as the Framework on sustainable patterns and locations of growth.

Living Conditions of Neighbours

18. The Council advises that the siting of the proposed dwelling in relation to 1 and 2 Dukewilley Orchard falls short of the required separation distances set out in Policy H32 of the TLP.
19. However, in this case the proposal is for a modest bungalow. The northern gable of the bungalow would be approximately 11.7m from the rear elevation of 1 and 2 Dukewilley Orchard, but it would be of limited height and width. It would also be set back from the solid boundary fencing, beyond the new driveway that would be created. Due to its inverted 'T-shaped' design, the main part of the bungalow would be located further back at around 17m. The garage would have a more immediate presence due to being located along the boundary. However, it too would be of a modest size, with a roof sloping away from the boundary. It would also be pushed into the corner of the site, such that it would not occupy a large proportion of the extent of the boundary. In addition, I am advised that the main outlook of the neighbouring properties is to the north, which I observed was open and extensive. Thus, even though the development would be visible in the rear outlook and gardens from 1 and 2 Dukewilley Orchard, I am content that its scale and siting would not be unacceptably dominant or overbearing.
20. Furthermore, the internal layout of the dwelling has been carefully designed to limit the number of windows in the north elevation. The only windows in this elevation would be to a dressing room, hallway, and kitchen. In any event, views between the windows would be obstructed by the boundary fencing. These factors are sufficient to ensure that the privacy of the occupiers of

1 and 2 Dukewilley Orchard, and equally the proposed dwelling, would be adequately safeguarded.

21. I therefore conclude, on this issue, that the living conditions of the occupiers of 1 and 2 Dukewilley Orchard would not be unacceptably harmed, with particular regard to outlook and privacy. In this regard, the proposal complies with Policies GD2 and H32 of the TLP, Policy HNP2 of the HNP, as well as the Framework, insofar as they seek to protect the living conditions of neighbouring occupiers.

Garden Space

22. Policy H32 of the TLP states that private and usable open space would normally be provided in accordance with minimum guidelines, including a rear garden depth of 10m. However, the use of the word 'normally' indicates some scope for flexibility depending on the specific circumstances of the case.
23. In this case, the dwelling would be set in a large plot with garden space to the rear and sides. Although the area of garden immediately to the rear of the dwelling would be less than 10m deep, the area to the east would be extensive and is not overlooked. In total, this would amount to more than adequate provision of private and usable garden space for this dwelling.
24. I therefore conclude, on this issue, that the development would provide its occupiers with suitable garden space. In this regard, the proposal complies with the overall objective of Policy H32 of the LP to provide a pleasant environment in which to live.

Other Considerations

25. As noted above, the proposal would meet a local need for two bedroom bungalows, and in turn would add to the mix and supply of houses in this area generally. There would be further social and economic benefits associated with the construction and occupation of the dwelling, including through support for the local community and patronage of services and facilities in Hexham and the wider surrounding area. However, the extent of these benefits would be limited by the small scale of the development and in the context of the Council's healthy land supply position. Thus, I attach no more than limited weight to these benefits.
26. The traditional style proposed would ensure that the dwelling would have an acceptable effect on the character and appearance of the area. Furthermore, I have no reason to disagree with the Council's assessment in relation to highway safety, ecology and archaeology matters, where no harm was identified. Nonetheless, any avoidance of harm and compliance with parts of the development plan and the Framework are not considerations which amount to a benefit in support of the appeal.

Other Matters

27. The Council has identified a need for a financial contribution of £2,176 towards outdoor sports and children's play facilities in the area. These have been identified and calculated on the basis of the specific development proposed and in accordance with Policies LR11 and LR15 of the TLP and the Council's 'New Housing: Planning Obligations for Sports and Play Facilities Supplementary Planning Document 2006' (SPD).

28. The appellant has indicated willingness for this contribution to be secured by a legal agreement, but there is no legal agreement before me. However, both the SPD and the 'Open Space, Sport and Recreation Strategy 2005' on which it is based are now of considerable age. I have no up-to-date information before me in relation to 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 as it would not alter the outcome of the appeal.

Green Belt Balance

29. The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would also result in a loss of openness and harm to one of the purposes of including land in the Green Belt. In addition, it would be contrary to the overall development strategy for housing.
30. In accordance with Paragraph 148 of the Framework substantial weight is to be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
31. On analysis of all the above, I find that the other considerations in this case do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

32. Harm would not arise in terms of impacts on neighbouring occupiers and provision of garden space. Nonetheless, the proposal would not accord with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons given I conclude that the appeal should be dismissed.

A Caines

INSPECTOR