



Appeal Decision

Site visit made on 5 January 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2022

Appeal Ref: APP/P2935/W/21/3277338

Water House, Redesmouth, Bellingham, Northumberland NE48 2ER

- 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 and Mrs N Hall against the decision of Northumberland County Council.
 - The application Ref 20/03777/FUL, dated 5 November 2020, was refused by notice dated 13 May 2021.
 - The development proposed is described as "change of use to dwelling with single storey extension and internal / external alterations (previously consented 15/01300/FUL)".
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Decision

1. The appeal is allowed and planning permission is granted for change of use to dwelling with single storey extension and internal / external alterations (previously consented 15/01300/FUL) at Water House, Redesmouth Bellingham, Northumberland NE48 2ER in accordance with the terms of the application, Ref 20/03777/FUL, dated 5 November 2020, and subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the provisions of sport and play facilities in the area.

Reasons

3. The Council have indicated that financial contributions are required towards the provision of sport and play facilities.
4. Policies LR11 and LR15 of the Tynedale District Local Plan (LP) indicate that land should be made available for sports or recreational uses and children's play space, with Policy GD6 of the Tynedale Local Development Framework Core Strategy (CS) indicating that planning obligations will be sought to mitigate the impact of a development.
5. The Council have indicated that a contribution of around £1,088 should be made towards sports and play provision and as well as the above Policies they have also referred to the Tynedale Local Framework Supplementary Planning Document New housing: Planning obligations for sport and play facilities 2006 (SPD). However, neither the SPD, the Council's delegated report or statement of case provides me with any detailed evidence to define the extent of any local deficiencies in sports, recreational or children's play space or the effect that the appeal proposal might have on them. Accordingly, I cannot be certain that the contributions sought would be necessary to make the development acceptable

or that they would be directly related to the development and fairly and reasonably related in scale and kind.

6. Consequently, insufficient evidence has been provided and it has not been demonstrated that it is necessary that a financial contribution is required towards sports and play provision. The proposal would not have a harmful effect on the provisions of sport and play facilities in the area. The proposal would not be contrary to Policies LR11 and LR15 of the LP, Policy GD6 of the CS, the SPD and the National Planning Policy Framework (the Framework).

Conditions

7. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of highway safety conditions are imposed in relation to access and hardstanding. To prevent undue risk to the local environment it is necessary to attach conditions relating to drainage, contamination and ecology. A condition relating to refuse storage is necessary in the interests of highway safety and to protect living conditions. In the interests of character and appearance of the area and to protect living conditions of nearby occupiers, a condition is reasonable in relation to external lighting.
8. A condition relating to materials was requested by the Council however this is not necessary as the materials are provided within the submitted documents. Given the scale of the development as well as what is shown on the submitted plans it is not reasonable for specific details of parking bays however, details of hard standing would be necessary. Due to the scale of the development and comments from the appellant on cycling parking provision, I am satisfied that a condition in this respect is not necessary.

Conclusion

9. The proposal would not conflict with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
10. Therefore, for the reasons given above, the appeal should be allowed.

Chris Baxter

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WH/09/LP/01; WH/09/LP/02; WH/09/EPBP/03; WH/09/EPBP/04; WH/09/EPBP/05; WH/09/PBM/08; WH/09/PBONB/09; WH/09/PSP2/10; WH/09/PTP/06.
- 3) Before the development hereby approved is occupied, the details of the foul drainage solution including precise location and dimensions of plant, capacity (in terms of persons), water source and flow rate, outflow location and percolation calculations of the ground at the outflow location and outflow rate, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and operational before the occupation of the development.
- 4) Before the development hereby approved is occupied, details of the vehicular access upgrade shall be submitted to and approved in writing by the Local Planning Authority. The access shall be constructed and retained in accordance with the approved details before the development is occupied.
- 5) Before the development hereby approved is occupied, details of surface water drainage to manage run off from private land shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be constructed and retained in accordance with the approved details before the development is occupied.
- 6) Before the development hereby approved is occupied, the refuse storage facilities shall be constructed and thereafter retained.
- 7) Before the development hereby approved is occupied, details of all hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 8) The development hereby approved shall not operate any external lighting unless it is operated using a motion sensing system. This system shall switch on when movement is detected and shall switch off after a period of no more than fifteen minutes once no movement is detected.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

- 10) The development hereby approved shall be carried out in accordance with all the recommendations for mitigation and compensation set out in the Ecological Impact Assessment and Bat Survey by Ryal Soil & Ecology (Ruth Haddon) dated August 2020 which details the methods for maintaining the conservation status of common pipistrelle bats, as modified by a relevant protected species licence. This includes:
- i) Retention of bat roosting features at the south and north gable apexes and main roof ridges.
 - ii) Within the roof structures, only use timber-treatment products suitable for use in or near bat roosts (see www.gov.uk for latest guidance).
 - iii) Works to be undertaken following a precautionary method statement for bat and nesting birds including barn owl.
 - iv) Prior to commencement of development, a barn owl tree-nesting box will be positioned in a tree south of the building and retained in that manner thereafter.
- 11) All works on site will adhere to the Pollution Prevention Guidance for Businesses provided by DEFRA and the Environment Agency <https://www.gov.uk/guidance/pollutionprevention-for-buisnesses>. The non-mains foul drainage system must meet the general binding rules for small package treatment plants.