



Appeal Decision

Site visit made on 26 January 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Appeal Ref: APP/P2935/D/21/3289655

The Red House, Fairmoor, Morpeth NE61 3JL

- 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 Adrian Bartle against the decision of Northumberland County Council.
 - The application Ref 21/03059/FUL, dated 30 July 2021, was refused by notice dated 15 October 2021.
 - The development proposed is erection of garage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of garage at The Red House, Fairmoor, Morpeth NE61 3JL in accordance with the terms of the application, Ref 21/03059/FUL, dated 30 July 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are whether the development is inappropriate development in the Green Belt and open countryside.

Reasons

Whether inappropriate development in the Green Belt

3. Policies C16 and C17 of the Castle Morpeth District Local Plan 2003 (CMDLP) relate to development in the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) also states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless the development falls within the exceptions list. This list includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
4. The proposed garage would be free-standing, it would be positioned within the curtilage of the property and close to the existing dwelling. Taking account of its domestic function, the immediate proximity to the existing dwelling and the clear and direct ancillary relationship with the main house, the garage could as a matter of fact and degree reasonably be treated as an extension in this particular instance. Thus, it falls within the exceptions list of paragraph 149 of the Framework.
5. The appeal property is a large building set within an expansive site. The proposal would not be a necessarily small building however it would have a volume less than the existing building as well as its height being significantly

reduced compared to the main house. The scale and massing of the proposal would therefore not result in a disproportionate addition over and above the size of the original building.

6. Consequently, the proposal would not be inappropriate development in the Green Belt. The proposal would not be contrary to Policies C16 and C17 of the CMDLP and it would comply with paragraph 149 of the Framework, and as such, an assessment on the effect on openness and whether very special circumstances apply is not required.

Open countryside

7. The appeal site lies outside any defined settlement boundaries. As described above though, the scale and massing of the proposed garage would be a proportionate addition to existing property and given its relationship to the main house can reasonably be treated as an extension.
8. The proposal would not have a harmful effect on the open countryside. The proposal would therefore accord with part F of Policy Set1 of the Morpeth Neighbourhood Plan (MNP), Policy H22 of the CMDLP and the Framework which seeks, amongst other things, to support appropriately designed extensions to dwellings and require proposals to be subordinate to the mass of the original dwelling. The proposal would also not contradict Policy C1 of the CMDLP and DES1 of the MNP which identifies settlement boundaries and seeks all development proposals to make a positive contribution to their surroundings.

Conditions

9. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings and confirming the proposal as ancillary to the main property, as this provides certainty. To prevent undue risk to the local environment it is necessary to attach conditions relating to ecology, vegetation and trees. A condition removing permitted development rights is reasonable in order to control further development within the Green Belt in this location.
10. Conditions relating to materials and planting schedule were requested by the Council however these are not necessary as these details are provided within the submitted documents.

Conclusion

11. 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.
12. 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: PL_898_001C; PL_898_101F; PL_898_301F; PL_898_302F; 100-001; 100-102; P18172B; G011_SK01 Rev D.
- 3) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 and the Town & Country Planning (Use Classes) Order 1987, as amended (or any order revoking and re-enacting those Orders with or without modification) the extension hereby approved shall only be used as ancillary and in connection with the use of the main property and shall at no time be converted into a self-contained unit.
- 4) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any subsequent Order amending, revoking or re-enacting that Order), there shall be no further building, structure or enclosure placed on the site unless an application for planning permission in that behalf has first been submitted to and approved in writing by the Local Planning Authority.
- 5) No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report (ECOLOGICAL APPRAISAL AND BAT SURVEY RED HOUSE, FAIRMOOR, NORTHUMBERLAND SEPTEMBER 2019, E3 Ecology Ltd., Version R02, 23.9.19 – submitted under 20/01560/FUL) including, but not restricted to, adherence to timing restrictions; adherence to precautionary working methods; adherence to external lighting recommendations and in accordance with Bats & Lighting in the UK Bat Conservation Trust/Institution of Lighting Professionals, 2018; use of bat friendly timber treatments (as specified); erection/inclusion of bat roosting and bird nesting features on site with types, numbers and locations to be submitted to and agreed in writing with the LPA before development commences; any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped; an updating in season ecological survey to be carried out in the event that works do not commence before the end of September 2021 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the LPA before works commence.
- 6) No removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no birds nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
- 7) No development shall be carried out other than in accordance with a tree protection plan as per the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations British Standards Institution, 2012 to be submitted to the LPA for approval in writing prior to the commencement of development and fully implemented as approved.