



Appeal Decisions

Site visit made on 25 January 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2022

Appeal Ref: APP/P2935/W/21/3284967

Land west of Roecliffe, Ladycutter Lane, Corbridge NE45 5RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robert Kane against Northumberland County Council.
 - The application Ref 21/01578/OUT, is dated 15 April 2021.
 - The development proposed is Replacement of existing buildings, removal of Tennis Court, creation of a new drive from existing access and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs has been made and is determined under separate cover.

Preliminary Matter

3. This is an outline proposal for the principle of development, with matters pertaining to layout, scale, appearance landscaping and access to be considered at reserved matters stage.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - If the appeal proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
 - The impact of the proposal on the character and appearance of the local area; and
 - Whether or not a financial contribution towards off-site sport and play facilities is required.

Reasons

5. The appeal site is paddock land associated with residential Roecliffe, an imposing Arts and Crafts style dwelling set in an elevated position. The site is accessed off Ladycutter Lane and within the Green Belt and open countryside.
6. There is an existing garage and stable block located approximately half-way along the vehicular drive from Ladycutter Lane towards the main house. This has been granted outline planning permission recently to demolish, and erect a new dwelling. The permission remains extant. A tennis court is located close to the vehicular access from Ladycutter Lane.
7. This proposal before me seeks to demolish the garage and stable block and tennis court in favour of erecting a new dwelling on paddock land to the west of the main dwelling.

Green Belt

8. From my assessment on the ground, the paddock land was distinctly separate from the main dwelling and some distance from it, and detached from the house by the access lane and boundary enclosure. It is grassed land and its characteristics are different to the manicured gardens closely related to the main house. It does not have the appearance of being directly associated with the main house, even if it is within the same ownership. I find it is not part of the curtilage of the main dwelling as it does not form part and parcel of it.
9. As the proposal is located on Green Belt land, the National Planning Policy Framework (the Framework) is specific in its findings that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.
10. There are exceptions to the construction of new buildings within the Green Belt. The appellant is of the view that the proposal would fall within Framework paragraph 149 g) that allows complete redevelopment of previously developed land.
11. On the basis of my findings that the land is not part of the curtilage of the dwelling house, the paddock land cannot be classed as previously developed land. Therefore, Framework paragraph 149 g) is not relevant to this appeal. On this basis, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The effect on the openness of the Green Belt

12. Turning to the matter of its effect on the openness of the Green Belt, the appellant is of the view that the proposal would not have a greater impact on the openness of the Green Belt leading to an improvement to its openness as a consequence of the removal of existing structures. The paddock area is currently open and free from development.
13. In terms of the Green Belt's spatial dimension, the new dwelling would be a significant distance away from built development. It would not be seen in the context of other buildings, therefore it would not spatially relate to other development. Thus it would stand out as a visually exposed, out of character feature in this environment.

14. As the Green Belt has a visual dimension to it, this also forms part of my consideration. There may be a net reduction in built form due to the removal of structures on site. However, when considering openness, as the tennis court is at ground level, with the surrounding enclosure of a transparent nature, has a minimal effect on the openness of the Green Belt, even in its current condition. In addition, the existing buildings are typical garage and stable buildings and in their general condition, I find they do not result in substantial harm arising to the openness of the Green Belt.
15. Despite the fact that precise detail of the dwelling would be considered as part of a reserved matters application, the new dwelling is proposed to be located on raised land in a prominent, 'hillside' and undeveloped location. Also, whilst part of a reserved matters consideration, the submitted plans indicate that the formation of a new access road required to support the dwelling would be extensive. It would thus increase built development further into the Green Belt, adding to the harmful visual intrusion into it. Despite the appellant's intention to provide landscaping, this would not mitigate against the domestic paraphernalia and light pollution that would also arise from development that would be highly visible from the surrounding area.
16. All things considered, there are no compelling factors that would outweigh the fact that a dwelling in this location would result in spatial and visual intrusion to the Green Belt. The proposed development would erode this characteristic openness.

Other considerations

17. Whilst the appellant considers they can exercise their permitted development rights to erect structures on the land, no comparison proposals have been presented. In any case, as I have found the paddock land is not curtilage land, this is unlikely to be a realistic prospect to the appellant. I therefore apply limited weight to this matter.
18. There may be a fall-back position in terms of extant planning permissions at the site that remains unimplemented. However, these relate to different proposals and are not the same circumstances as the proposal before me. Even if a condition could be imposed to prevent any extant permissions from being implemented, this would not overcome the harm I have identified to the openness of the Green Belt.
19. There may be private benefits associated with the scheme as the appellant could downsize their living accommodation. Other benefits may include a new single dwelling that could contribute to housing choice, job creation and potential local spend. It may be a more energy efficient building than a conversion development. Nonetheless, these benefits are small in the overall totality of consideration, and I apply moderate weight to them.

Green Belt Balance

20. The Government attaches great importance to Green Belts. Paragraph 147 of the Framework states that substantial weight should be given to any harm to the Green Belt. In this case, I have found harm to the Green Belt by reason of the appeal proposal's inappropriateness and harmful effect on openness.
21. Balanced against that harm are the other considerations described above. However, even when taken together, these do not clearly outweigh the harm to

the Green Belt. The very special circumstances necessary to justify the development therefore do not exist.

22. As such it would be inappropriate development in the Green Belt which would be harmful to the Green Belt and the very special circumstances needed to justify the development do not exist. Therefore, to conclude, the proposal would conflict with the Framework in its objectives to protect Green Belt land.

Character and appearance

23. Despite the appellant's claims that the site is not located within the open countryside, this has not been substantiated by evidence presented by them. The character of the area is one of fields with a verdant appearance akin to a typical countryside appearance, and a loose grain of built development of an organic nature. There is nothing before me to lead me to the view that policy NE1 of the Tynedale Core Strategy and Policy GD2 of the Tyneside Local Plan Policy do not apply.
24. Existing structures would be removed as a consequence of the proposal. However, this is assessed against the proposed new position of the dwelling. Rather than forming part of the existing built form, visually, physically and functionally, the proposal would be located in an area of land that is currently free from built development and contributes positively to the character and appearance of the countryside setting.
25. This proposal for a new dwelling would disrupt the field pattern around the appeal site, and despite the other houses located close to the road, it has the character of an open and green environment, with sporadic built development. A new dwelling in this location set well back into the site with its engineered features would not enhance the natural character of the environment.
26. Even though increased planting around the site and land restored to landscaping would be proposed, this would not mitigate the impact of extending intrusive development into the open countryside.
27. The development therefore would harmfully erode the rural character of the local area to which I apportion considerable weight. To that end, the development would not safeguard the countryside from harmful encroachment contrary to the Tynedale Core Strategy 2007 Policy NE1 and Tynedale Local Plan 2000 Policy GD2 in their combined aims to protect and enhance the natural environment.

Sport and play contributions

28. The Council supporting document New Housing: Planning Obligations for Sports and Play Facilities Supplementary Planning Document 2006 explains there is a deficiency in the amount of children's play provision and outdoor sports facilities within Tynedale. Where new developments contribute to additional numbers of residential homes, the increased population places demand on facilities, or exacerbates deficiencies. On the basis of increased population as a consequence of the proposal, the Council seek an off-site financial contribution towards off-site play provision and outdoor sports facilities. It could go towards new equipment, maintenance and management. I have no evidence provided from the appellant on the contrary.

29. Consequently, for the purposes of local policy, I consider that appropriate mitigation of these harmful effects is necessary in this case and directly related to the proposed development, to be secured through a planning obligation. The financial contribution would be fairly and reasonably related in scale and kind to the proposed development. For these reasons, a planning obligation to secure such mitigation is fully justified in this case.
30. The Council confirm the unilateral undertaking the appellant provided with the appeal would not be sufficient as a mechanism to secure the obligation as the Council are required to be party to the deed given there will be a covenant on the Council to repay any unspent monies. In addition, it would not allow a monitoring fee for monitoring the obligation in accordance with Tynedale Core Strategy Policy GD6.
31. To conclude, by virtue of no satisfactory means to secure off-site financial contributions towards the provision of sport and play and monitoring requirements, the proposal would conflict with Policy GD6 of the Tynedale Core Strategy, Policies LR11 and LR14 of the Tynedale District Local Plan, and the New Housing: Planning Obligations for Sports and Play Facilities Supplementary Planning Document 2006.

Other Matters

32. The appellant comments within their Statement of Case that the proposal meets other policies. Although this may be the case, the proposal is assessed against the development plan taken as a whole.
33. They point to other developments in the Corbridge area that they consider the same circumstances apply as well as other cases that support their proposal. However, the precise details and context of these decisions are not before me to allow me to comment. In any case, I have assessed the proposal on its own individual merits.
34. The appellant states that they could consider building a new dwelling on the tennis court land. However, I am obliged to consider the proposal before me.
35. There may be no objections raised to the proposal from local residents and it may be located away from wider public views. The Council may have raised no concerns regarding impact upon the living conditions of local residents or highway safety, to which I have no reason to disagree with these findings. However, these are neutral matters that weighs neither for or against the proposal.
36. Issues with regards to the Council's service provided to the appellant is not within my jurisdiction to comment upon and should be referred to the Council in the first instance.

Conclusion

37. I have found that the proposal amounts to inappropriate development within the Green Belt and would lead to harm arising to its openness which is the fundamental aim of the Green Belt to keep land permanently open. In addition, it would lead to harmful encroachment into the countryside and no appropriate mechanism to secure off-site contributions towards sport and play in an area where there are identified deficiencies.

38. The proposed development would lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR

