



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: 9 March 2022

Appeal Ref: APP/P2935/W/21/3274050

Land north of B6530, Corbridge.

- 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 Guy Munden of Northumberland Estates against the decision of Northumberland County Council.
 - The application Ref 20/01600/FUL, dated 5 May 2020, was refused by notice dated 21 January 2021.
 - The development proposed is described as “development of 9no. affordable houses, including access road, gardens, car parking and other ancillary works”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have provided an update on the Northumberland Local Plan (NLP) stating that the appointed Inspectors have concluded that with the recommended main modifications, the NLP is sound, compliant with the legal requirements and meets the duty to cooperate. The NLP will not be adopted until approval is provided by Cabinet and Full Council with these meetings not due to happen until 29 and 30 March 2022 respectively. On this basis, I will refer to policies of the NLP in this decision as emerging as the statutory development plans remain as the Tynedale District Local Plan (NDLP) and Tynedale Local Development Framework Core Strategy (TCS).
3. I have given the main parties the opportunity to comment on this update and the appellant has provided comments relating to specific emerging policies of the NLP. The Council have provided copies of the relevant emerging policies and given the current position of the NLP I will be attributing substantial weight to these emerging policies.

Main Issues

4. The main issues are:
 - i) Whether the proposal is inappropriate development in the Green Belt;
 - ii) Whether the proposal is in an accessible location;
 - iii) The effect of the proposal on the character and appearance of the surrounding area;
 - iv) The effect of the proposal on Grade 2 agricultural land; and

- v) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the proposals.

Reasons

Whether inappropriate development

5. Saved Policies NE7 and NE8 of the NDLP and emerging Policies STP7 and STP8 of the NLP relate to development within 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 limited affordable housing for local community needs under policies set out in the development plan.
6. Saved Policy H23 of the TDLP and emerging Policy HOU7 of the NLP allows residential development on land within, adjacent to or well-related to an existing settlement where, amongst other things, it is clearly demonstrated that there is an overriding local need for affordable housing. The appellant has provided evidence to demonstrate an overriding local need for affordable housing including a Housing Needs Survey, consultation with local Registered Providers, a sequential analysis plan with supporting statement and consultation with the Council's Housing Enabling Team (HET) utilising Homefinder data. The Council state in the delegation report that the HET are supportive of the scheme, advising that the proposed housing mix and tenure breakdown is in line with the County's identified needs.
7. The appeal site is an open field located outside the settlement of Corbridge. There are some residential properties immediately to the west of the appeal site however, beyond these it is some distance to buildings which make up the built form of the settlement of Corbridge. The appellants Landscape and Visual Appraisal, in referring to the settlement edge, states "*the properties along Crofts Avenue form a linear settlement edge boundary between the built up area and Corbridge and surrounding agricultural land, and Green Belt, to the east.*" Due to the distance from the existing built development of Corbridge the proposal would not be on land within or adjacent to an existing settlement. Given the location of the appeal site, the scale and layout of the development proposal and the scattered built form character in the immediate area of the site, the proposal would not relate well to the existing settlement, particularly in terms of pattern of development.
8. Whilst the Council's HET indicate that the proposal would provide affordable housing for local community needs, the appeal site is not within, adjacent or well related to an existing settlement and therefore the proposal would not accord with Policy H23 of the TDLP and emerging Policy HOU7 of the NLP.
9. Subsequently, the proposal would be inappropriate development in the Green Belt as it fails to meet the exception requirement of limited affordable housing for local community needs under policies set out in the development plan. The proposal therefore fails to accord with Policies NE7 and NE8 of the TDLP, emerging Policies STP7 and STP8 of the NLP and paragraph 149 of the Framework.

Accessible location

10. Due to its location and position with regards to surrounding built development, the appeal site is located in the open countryside. Corbridge is described as a 'local centre' which has a number of services and facilities including bus stops and railway station with good connections to the wider area. The appeal site would be within walking distance to services within Corbridge. On this basis, I am satisfied that the proposal, whilst being within the open countryside and not well related to the built environment of Corbridge, would be within an accessible location.

Character and appearance

11. The site lies within National Character Area 11: Tyne Gap and Hadrians Wall and is defined within the Northumberland Character Assessment as landscape character 31f Acomb to Ovington. The area surrounding the appeal site can be characterised as open countryside consisting of agricultural fields with visually prominent mature trees and a scattering of built development along the B6530 highway.
12. There are residential properties to the west and north east of the appeal site however, there are no buildings immediately to the east of the site and therefore the proposal would not be infilling a gap in existing built development. The scale of the proposal would introduce development that would appear incongruous and at odds with the scattered character of built form in the surrounding area. The proposed layout would also be contrived and not in keeping with the pattern of development in this location.
13. The appellants Arboricultural Impact Assessment details mitigation measures for the loss of existing trees through re-planting of trees on the site. This would not be adequate mitigation for the loss of mature trees that are adjacent to the highway and contribute positively to the character of this immediate locality.
14. The appellants Landscape and Visual Appraisal considers there would be no long term adverse landscape or visual effects once replacement planting and new stone wall have been installed. The proposed development would be visually prominent though, particularly from immediate views and surrounding properties, and would appear as a discordant development that, due to its scale and location, be an intrusive feature within the surrounding area.
15. The proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would not be in accordance with Policies GD2, H23 and H32 of the TDLP, Policies GD1, NE1 and BE1 of the TCS, emerging Policies HOU9, QOP1 and QOP2 of the NLP and the Framework which seeks development to respect the positive characteristics of the natural and built environment.

Agricultural land

16. The parties agree that the proposal would result in the loss of Grade 2 agricultural land. The amount of land that would be lost to the development would be around 1.2 hectares and comments from the appellant on the requirement for Natural England consultation are noted. However, given my findings with regards to whether the proposal is inappropriate development in

the Green Belt, I do not consider that it has been clearly demonstrated that there is an essential need for the proposed development which cannot be satisfactorily met elsewhere.

17. Accordingly, I find that the proposal would be harmful to Grade 2 agricultural land. The proposal would be contrary to Policy NE18 of the TDLP, emerging Policy POL3 of the NLP and the Framework which seeks to safeguard the best and most versatile agricultural land.

Other considerations

18. I have had regard to the appellants statement of case including reference to appendix 7¹ and appendix 13². A previous Inspector has described the TDLP and the TCS as "*of some vintage and both pre-date the publication of the Framework.*" This however, does not indicate that the Policies of these development plans are not consistent with the Framework. Policy H23 is a saved Policy which I have read in context as well as affording considerable weight to other material considerations including the NLP and the Framework when making my assessment of the proposal.
19. My attention has been brought to a prior pre-application enquiry³, a number of planning permissions⁴ and appeal decisions⁵, as well as a court decision⁶. However, insufficient information has been submitted on these and I cannot be sure the proposals subject of these enquiries, permissions and decisions are directly comparable to the appeal scheme, particularly with regards to location, scale of development and development plan policies. In any case, I have determined the appeal on its own merits.
20. The appellant also considers that a requirement for a sequential case is not in accordance with the Framework. This matter does not alter my findings above and the identified conflict with the development plans and the Framework.

Conclusion

21. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
22. I have found that the proposed development would be in an accessible location and it has also been identified that the proposal would provide affordable housing for local community needs. These benefits, given the scale of the proposal, would amount to moderate weight. The proposal would be harmful to the character and appearance of the area and Grade 2 agricultural land which weigh against the benefits of the scheme. The identified benefits would not clearly outweigh the harm that I have identified above, particularly given the importance the government gives to the protection of the Green Belt as reflected in the Framework.

¹ PINS Reference Number: APP/P2935/W/20/3247244

² Secretary of State Directive

³ LPA Reference Number: 17/00726/PREAPP

⁴ LPA Reference Numbers: 16/04680/OUT and 14/03086/OUT

⁵ PINS Reference Numbers: APP/P1560/W/18/3195663 and APP/P0240/W/3170248

⁶ Borough of Telford and Wrekin v Secretary of State for Communities and Local Government

23. For the reasons outlined above, therefore, other considerations do not clearly outweigh the harm to the Green Belt and any other harm. Consequently, the very special circumstances needed to justify the development do not exist.
24. The proposal would conflict with the development plan as a whole and for the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR