



Appeal Decision

Hearing (Virtual) held on 18 January 2022

Site visit made on 19 January 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/P2935/W/21/3276485

Land South of Church Lane, Riding Mill, Northumberland

- 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 Tom and Faye Sweeney against the decision of Northumberland County Council.
 - The application Ref 20/01932/FUL, dated 26 June 2020, was refused by notice dated 14 December 2020.
 - The development proposed is construction of single dwelling with annex and ancillary accommodation, c.6.5 metre high wind turbine, associated landscaping and highway works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the sake of brevity and clarity, I have taken the description of development and the appeal site address from the Council's decision notice and appellants appeal form.
3. The Statement of Common Ground states that the Council has withdrawn refusal reason 7 relating to noise matters. I have determined the appeal accordingly.
4. The Council have provided an update on the Northumberland Local Plan (NLP) indicating that the appointed Inspectors have concluded that 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 (TDLP) and Tynedale Local Development Framework Core Strategy (TCS).
5. 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. Given the current position of the NLP I will be attributing substantial weight to these emerging policies.
6. Following the update on the NLP, an updated Planning Obligation by Undertaking was received with alterations in relation to the requirement for commuted sums for sports and play provision.

Main Issues

7. The main issues are:

- i) Whether the proposal is inappropriate development in the Green Belt;
- ii) The effect of the proposal on the character and appearance of the surrounding area;
- iii) Whether the proposal is in compliance with Paragraph 80 of the National Planning Policy Framework;
- iv) The effect of the proposal on ecology; 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 proposal.

Reasons

Whether inappropriate development

- 8. Policy NE7 of the TDLP, Policy GD3 of the TCS and emerging Policy 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.
- 9. The proposed development does not fall within the exceptions list as described in paragraph 149 of the Framework and would therefore be inappropriate development within the Green Belt.
- 10. The appellant considers that Policy GD3 of the TCS is not consistent with the Framework however, accepts that a new house in the Green Belt would be contrary to Policy NE7 of the NDLP. I concur with this. The proposal would also fail to comply with emerging Policy STP8 of the NLP.

Character and appearance

- 11. It has been described that the site lies on the cusp between two Landscape Character Areas, Tyne Gap and Hadrian's Wall which is a 'narrow distinctive corridor centred on the River Tyne' and is part of a wooded landscape of deciduous, mixed and coniferous woodland; and to the south, the North Pennines which is characterised by a sense of remoteness and is largely undisturbed landscape. I concur with this character description of the wider area surrounding the appeal site.
- 12. In terms of the surrounding local area, the area is characterised by a mix of open fields and woodland over rolling countryside with a scattering of isolated buildings. The immediate area surrounding the appeal site is characterised by the open feel of the site and adjacent fields with a sense of containment from the woodland areas to the west and east, mature trees to the north and the slope of the land.
- 13. The proposal would be large in scale however, it would be positioned in an isolated location that would not differ from the character of the local area which has a scattering of isolated buildings in the open countryside. The proposed materials, including the use of metal cladding and glazing would be unique in

how it would be represented within the proposed design. The type of materials though are not uncommon features in the surrounding area and the use of these materials on the proposal would not detrimentally dominate or overpower the location. The proposal includes a landscape strategy which would introduce trees and woodland areas onto the site. The blend of proposed structures with natural landscape features would not be jarring or appear out of context with the surrounding woodland areas, open fields and dispersed built form in the local area. The proposed development would be sensitive to the defining characteristics of the local area and the surrounding landscape.

14. The appeal site has limited views into it, particularly from longer views due to the land form and mature tree coverage to the boundaries of the site. Given the existing screening surrounding the site and the landscaping proposed, it is unlikely that the proposal would adversely affect the character and appearance of the wider area. Therefore, any effects of the proposal would be mainly concentrated to its immediate setting.
15. Whilst the appeal site is classified as grade 3 grazing land, given its containment by the land slope and surrounding tree coverage, it does not offer any significant contribution in terms of visual attractiveness beyond its role as an open field. The proposal would be prominent from immediate views, such as from Church Lane and the adjacent public right of way (PROW). I am unconvinced with the design narrative of the development being a modern take on a farmstead. Nevertheless, the design, proposed mix of materials, and integration with the land slope and natural environment would introduce a development that subtly sits within its immediate setting yet would provide visually striking images of a unique structure when viewed from the nearby Church Lane or PROW. The proposal introduces built form into an open field and, given the blend of proposed built and natural features as well as the sporadic nature of buildings placed in the local area, this proposed development would not have an urbanisation feel that would be detrimental to the area.
16. Due to the location of the proposal and its level of containment, and the sensitive approach to the proposals design and inclusion of natural features, I find that the proposed development would significantly enhance its immediate setting and not adversely affect the experience or enjoyment of the countryside.
17. The Council had raised concerns over the size of the residential curtilage of the proposal and the extent of domestic land and features in the area. Assurances were provided at the hearing that the residential curtilage of the development would be tight around the proposed built form and not extend into the openness of the surrounding land.
18. The proposed wind turbine is relatively small scale and would be sensitively located in such it would not appear as an intrusive structure in the surrounding landscape. The proposed lighting strategy would ensure that the proposal would not be a structure that is highly illuminated and not a discordant feature in the surrounding landscape. The proposed access track would also not be a prominent feature that would detract from the character and appearance of the area. It is also noted that the proposal includes the removal of the overhead electricity line which would be a benefit.

19. Accordingly, the proposal would not have a harmful effect on the character and appearance of the surrounding area, it would be sensitive to the defining characteristics of the local area and would significantly enhance its immediate setting. The proposal would be in accordance with Policies GD2 and H32 of the TDLF and Policies BE1 and NE1 of the TCS which seeks proposals to be appropriate to the character of the site and its surroundings and protect and enhance the character and quality of the landscape.

Whether compliant with paragraph 80 of the Framework

20. Paragraph 80 of the Framework indicates, amongst other things, that planning decisions should avoid the development of isolated homes in the countryside unless the design is of exceptional quality, in that it:
- It is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
21. I am satisfied, given the location of the proposed development and surrounding environment that the proposal would be an isolated home in the countryside and therefore paragraph 80 of the Framework is applicable.
22. The proposal has been assessed by the independent North East Design Review Panel, who have general support for the scheme commenting that *"the Panel consider this scheme to be a true demonstrator project for future developments... the scheme, should it proceed, would be an exemplar to the northeast."*
23. The appellant explains that the proposal looks to set new design and construction standards, to positively impact the environment today and for future generations. The proposal focusses on embedded, intelligent and revolutionary solutions, with the architectural design of the scheme responding to these requirements, the sites landscape character and the local ecology.
24. The design concept is of a modern farmhouse set in the open fields which takes its reference from history in its concept but its inspiration is to its future in its form. The proposal incorporates a number of sustainable design principles and areas of innovation including UK Climate Projections 18 design parameters, Active Home strategy, inter-seasonal earth battery and dynamic thermal walls and positive ventilation strategy, installation of wind turbine as well as positive carbon footprint effects. The proposal would also see a commitment to research and data sharing by working with professional and educational institutions providing real world data and research opportunities to help improve futuristic design. The appellant has committed to data and technology sharing measures within a submitted planning obligation which includes matters such as publishing a case study, building performance data and annual summary of research activities, allowing visits to the appeal property to educational and research bodies and the general public.
25. The proposal, particularly in this location, would be of a unique design that would be typically modern in its appearance with a sense of grandeur. Whilst I struggle to connect the proposal with the evolution of farmsteads and large metal barns, the proposals design with its various material palette, roof form, massing and integration into the landscape would provide a visually striking

structure. The incorporation of the various sustainable credentials that would be embedded into the construction of the scheme, elevates this proposal to a high level of design quality.

26. The proposal would be truly outstanding, that would reflect the highest standards in architecture and would help raise standards of design more generally in rural areas. As can be seen from my findings in the section above, the proposal would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. The proposed development would therefore comply with paragraph 80 of the Framework.

Ecology

27. An Ecological Appraisal (EA) has been submitted which identifies a number of enhancement proposals including landscape planting, additional hedgerow, incorporation of bat and bird boxes, creation of hedgehog and amphibian hibernacula and introduction of a pond. The EA concludes that given these proposed enhancements as well as long term management, it is anticipated that the site would increase in value to wildlife and biodiversity in general in the medium and long term.
28. There were concerns over the effect of the proposal on Church Lane. Church Lane is described as Parish Value which given the floristic diversity, the historic nature of the lane and its interlocking features of drystone walls, ditches and diverse tree species it is seen as significant importance as a commuting corridor and habitat in its own rights.
29. The proposal would increase vehicle trip rate along Church Lane although given the scale of development and the width of Church Lane it is unlikely there would be significant conflict with vehicles meeting pedestrians or other vehicles, resulting in extensive trampling of the ground flora. Vehicles and pedestrians could pass without having a detrimental effect on the ground flora. Surveys and vehicle tracking of Church Lane have been presented indicating a number of passing places as well as increasing the width by around 20 centimetres would be sufficient to provide an acceptable access for vehicles, pedestrians and emergency vehicles. It was also explained that seeding and translocation for over planting of the middle strip of the lane would be introduced and this would provide some mitigation for the loss of flora from verges. The appellant also confirmed at the hearing that there would be no lighting proposed along Church Lane. From the evidence presented, I am satisfied that the proposal would not have an adverse effect on Church Lane and associated diverse ground flora.
30. Biodiversity net gain assessment have been submitted which provides figures showing net gains of around 42% habitat units on Church Lane, 174% habitat units on the site and an increase of approximately 156% hedgerow units. The Council expressed concerns over certain parts of the biodiversity net gain assessment including loss or degradation of habitats along Church Lane and the curtilage of the proposed dwelling. The Council did concede at the hearing that there would likely be a biodiversity net gain over the whole of the appeal site however, from the evidence submitted they were unable to confirm the amount and whether the net gain would be exceptional.
31. From the evidence that has been submitted, I am satisfied that the proposal would provide an overall biodiversity net gain and the proposal would not have

a harmful effect to ecology in the area. The proposal would accord with Policy NE27 of the TDLP and the Framework which seeks development to avoid harm to protected species.

Other considerations

32. Openness of the Green Belt has both spatial and visual aspects. As the proposal would not be replacing any structures, it is clear that, in spatial terms, the proposal would have an adverse effect on the openness of the Green Belt.
33. The appeal site is not distinctly elevated with no visibility of the proposal from the south. The use of dark materials on the proposed property as well as woodland and landscaping would reduce distant views of the scheme from the north. The landscaping would provide some screening however, the proposal due to its size and positioning would be visually prominent from immediate views, in particular from Church Lane and the PROW.
34. Consequently, the proposal would have a harmful effect on the openness of the Green Belt and given the scale and location of the proposal in relation to its surroundings, I consider there would be moderate harm to the openness.
35. The Council had indicated that financial contributions were required, in line with Policies LR11 and LR15 of the TDLP and the Tynedale Local Framework Supplementary Planning Document New housing: Planning obligations for sport and play facilities 2006 (SPD), towards outdoor sports facilities and children's play provision. 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. The appellant provided evidence to suggest that there was actually a surplus. 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. The proposal would not be contrary to Policies LR11 and LR15 of the TDLP. It is also noted that emerging Policy INF6 of the NLP indicates that there would not be a requirement for sports and play equipment for this proposal. The proposal would be neutral in respect of effects on sports and play provision.
36. The appellant considers that the proposal is neutral in terms of its effects on highways, archaeology, living conditions of neighbouring occupiers and sports and play provision. I concur with this assessment. The appellant also considers that in terms of flood risk the proposal would protect properties further north from surface water flooding, and as such, given the scale of the proposal, I attribute minimal weight to this matter.
37. My attention has been brought to a number of other schemes¹. Insufficient information has been provided on these schemes and therefore I cannot be sure that they are directly comparable to the appeal scheme, particularly with regards to location and green belt matters. In any case, I have determined this appeal on its own merits. I also note that the appellant has undertaken a lengthy site assessment process over the period of five years with the intentions of providing a home which is close to their family ties.

¹ The Lake House, Gylleheugh; The Praise, Hexham; Maidenhall, Gateshead.

Conclusion

38. The appellant states that the part of the Green Belt at the location of the appeal site only serves one purpose of designation and that it of preventing encroachment to the open countryside. 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.
39. I have found that the proposed development would be compliant with paragraph 80 of the Framework, provide some biodiversity net gain and not be harmful to the character and appearance of the surrounding area or ecology within the area. The design of the proposal would be of exceptional quality and the benefits of the scheme, taken as a whole, would amount to considerable weight in the planning balance.
40. The exceptional quality needed to meet the requirements in paragraph 80 of the Framework has been met however, the very special circumstances in paragraph 148 of the Framework is a different test that also needs to be met. The terms 'exceptional' and 'special' could be considered interchangeable when describing a scheme. For the purpose of this scheme, I have no doubt that the design credentials of the proposal can be described as either exceptional or special. The test in paragraph 148 of the Framework is for 'very' special circumstances to exist though and this is where I feel the proposal falls short. Whilst I attribute considerable weight to the benefits of the scheme, these considerations would not clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances needed to justify the development do not exist and the proposal fails to meet paragraph 148 of the Framework.
41. The proposal would conflict with the development plan and the Framework as a whole and for the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

R Thompson	Planning Consultant
N Allen	Counsel
S Laws	Landscape Architect
N Turner	Architect
T Sweeney	Appellant
C Sweeney	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

M Francis	Northumberland County Council
N Armstrong	Northumberland County Council
K Blyth	Northumberland County Council
A Deary-Francis	Northumberland County Council

INTERESTED PERSONS:

D. Symes	Local resident
P. Hawley	Local resident
D. Irwin	Local resident
J. Goddard	Local resident
R. Walker	Local resident