
Appeal Decision

Site visit made on 19 April 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal Ref: APP/P2935/W/22/3293644

Chattlehope Farm, Catcleugh, Byrness, Northumberland NE19 1TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Ms S Butterworth against the decision of Northumberland County Council.
 - The application Ref 21/04384/AGTRES, dated 5 November 2021, was refused by notice dated 22 December 2021.
 - The development proposed is prior notification for conversion of an agricultural building to form two dwellinghouses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the banner heading above is taken from the Council decision notice as no description of proposed works was provided by the appellant on their original application form. The Council description has been used on the appeal form and I have determined the appeal on that basis.
3. The Northumberland Local Plan 2016-2036 was adopted in March 2022. However, prior approval appeals should not be determined on the basis of the development plan and the parties have not made reference to either the former or current development plan within their correspondence, including that which post-dated the adoption of the plan.

Application for costs

4. An application for costs was made by Ms S Butterworth against Northumberland County Council. This application will be the subject of a separate Decision.

Preliminary Matters and Main Issue

5. Under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3(dwellinghouses) along with building operations reasonably necessary by the GPDO, subject to limitations and conditions.

6. The appeal relates to a modest stone building at Chattlehope Farm. The building, set on the southern side of Catcleugh Reservoir is accessed by vehicle from an accessway on the southern side of the A68, across the dam at the head of the reservoir and via a track adjacent to its southern shore.
7. Where development under Class Q is proposed, the developer must apply to the local planning authority for prior approval of the authority as to a range of matters. One such matter is the transport and highways impacts of the development - Q.2 Conditions(1)(A). It is in relation to this matter that the Council has concerns, both with regard to highways visibility at the access where it joins the A68 and with regard to the suitability of the access route to the building.
8. The transport and highways impacts of the development, in terms of whether the proposal would be prejudicial to the safety of users of the highway therefore forms the main issue.

Reasons

9. The evidence indicates that trips associated with the existing agricultural use of the buildings would merely be replaced with those associated with the residential use of the building.
10. However, the buildings do not appear to lend themselves to any form of intensive agricultural use by reason of their limited size and poor condition. The evidence references typical trips associated with agricultural use, but nothing details how such movements are associated with agricultural use at these particular buildings.
11. I therefore consider that the use of the buildings as two dwellings would result in a greater number of vehicle movements back and forth along the access and using the junction with the A68.
12. The evidence before me relating to traffic speeds and visibility splays where the access meets the A68 is limited. However, on my site visit on a weekday lunchtime I was able to observe mixed fast-moving traffic which would normally be associated with a principal inter-regional main road such as this.
13. Concern is focussed around the visibility of traffic moving in a westward direction. I was able to observe that the visibility splay suggested within the evidence is not achievable, as a result of the curvature of the road and vegetation both emanating from within the highways verge and adjacent land. This results in west-bound traffic moving towards anyone trying to leave the access onto the A68 far too quickly for comfort.
14. Therefore, the combination of the nature of the road, the speed of its traffic and the available eastward visibility mean that the creation of additional vehicular movements associated with the proposal would be prejudicial to highway safety.
15. I appreciate that in rural areas long accesses of single width are common. However, the long straight access across the head of the dam offers little opportunity for passing given the notable drops to the soft grass verges which would mean that a driver would be reluctant to leave the hard surfacing.

16. Were two vehicles to meet at the northern end of the access, there would likely be pressure on a vehicle to back up towards the A68 rather than have the opposing vehicle back all the way across the dam to any available passing place on the southern side of the reservoir. Given the nature of the A68, the potential for such a scenario arising would be to the further detriment of highway safety.

Other Matters

17. I have been rather exhaustively supplied with a range of decisions by the local planning authority relating to other schemes for the conversion of rural buildings which have met its approval. I have also been provided with a wide range of appeal decisions on similar topics relating to sites in various parts of the country.
18. However, I must determine this proposal on its merits and on the basis of the evidence and none of the schemes that have been drawn to my attention appear to exactly replicate the circumstances at this site, which are somewhat unique.
19. One of the closest sites identified is Catcleugh Farm, although accesses associated with those proposals are to the north side of the A68 and do not appear to be subject to the same visibility and other constraints as the access before me. I therefore afford these matters limited weight.
20. I also appreciate that planning permission has been granted in the recent past for an agricultural workers dwelling and other development at land east of Chattlehope Farm which would utilise the same access to the A68.
21. However, the highways issues associated with that proposal, on the basis of the evidence, appear to have been logically addressed at the time and this scheme does not therefore provide justification for the proposal. I therefore also afford this matter limited weight.

Conclusion

22. For the reasons given above, I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR