



Appeal Decision

Site visit made on 20 April 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/P2935/W/22/3292242

Warkworth Landscaping Services, Land North of Old Helsay, Warkworth NE65 0SN

- 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 Raymond Redhead against the decision of Northumberland County Council.
 - The application Ref 21/03042/FUL, dated 29 July 2021, was refused by notice dated 16 December 2021.
 - The development proposed is change of use from landscape contractors yard to residential, removal of existing buildings and erection of one no. dwellinghouse (C3 use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Northumberland County Council formally adopted the Northumberland Local Plan 2016-2036 (NLP) on 31 March 2022 during the appeal. The Council has confirmed that this replaces the Alnwick District Local Development Framework Core Strategy. I have therefore determined the appeal having regard to the relevant policies within the NLP. Both main parties have had the opportunity to comment on the implications of this for the appeal. I am satisfied that no interested party has been prejudiced by this approach.
3. The appellant, at appeal stage, has suggested an amendment to the scheme which would reduce the site area by altering the redline boundary. However, this amendment would notably alter the form of the development. If I were to determine the appeal based on the proposed amendment, it is possible that the interests of parties who might wish to comment would be prejudiced. Therefore, for the avoidance of doubt I have determined the appeal based on drawing no. 501 rev F.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposed development, having regard to national and local planning policies in respect of the distribution of development,
 - the effect of the development on the character and appearance of the area, with particular regard to landscape character, and

- the effect of the development on the integrity of coastal Sites of Special Scientific Interest and European protected sites (designated sites).

Reasons

Location

5. The appeal site is in an area known as Old Helsay broadly to the north-east of Warkworth. Old Helsay consists of a small group of dwellings and buildings surrounded by open countryside elevated above the River Coquet and accessed via a lane that rises from the A1068.
6. Whilst Policy STP1 of the NLP identifies Warkworth as a service village which is expected to provide for a proportionate level of housing and be a focus for investment in rural areas, the appeal site is located outside the settlement boundary for Warkworth and in the open countryside. The appellant's references the text of Policy STP1 which acknowledges that housing development beyond a boundary may be appropriate in certain circumstances. Consistent with this, Part G of Policy STP1 supports development in the open countryside where it can be demonstrated that it meets one of several criteria, including where it provides for residential development in accordance with Policies HOU7 or HOU8 of the NLP.
7. Policy HOU7 supports development of small rural exception sites. Policy HOU8 only supports isolated residential development in open countryside in certain circumstances. There is little before me to indicate that the proposed development would constitute a rural exception site or that, even if the site were termed isolated, any of the criteria in Policy HOU8 would be met. The proposal is to replace the existing buildings at the appeal site and therefore the development would not re-use redundant or disused buildings and could not meet the requirements of HOU8 1.c.
8. I acknowledge that on part of the appeal site there is a lawful use as a landscape contractor's yard and that this business is operating from the appeal site. The spatial strategy in the NLP supports economic growth. There is nothing before me to indicate that the business cannot continue to operate and contribute to the economy.
9. The appeal site is accessed via a rural no through road with limited traffic, it is reasonably surfaced and close enough to Warkworth to provide access for recreation purposes on foot and by bicycle. There may also be access to some bus facilities although the frequency of the service has not been provided. However, due to the nature of the road, its location at the end of a rural road and its topography, it is unlikely that for day to day needs a dwelling at the appeal site would be accessed other than by the car.
10. I accept that the proposed dwelling would be unlikely to generate additional traffic movements compared to the current business use, however, this is not a reason to support housing development that does not accord with the spatial strategy for the area.
11. Further, whilst the National Planning Policy Framework (the Framework) seeks to significantly boost the supply of homes, I have no evidence to suggest that adequate provision has not been made in the Council's development plan to meet the housing requirements for the area.

12. Therefore, overall, the appeal site would not be a suitable location for the proposed development, having regard to national and local planning policies in respect of the distribution of development. The proposal would conflict with Policies STP1, STP2, STP3, HOU2 and HOU8 of the NLP which collectively set out the Council's spatial strategy for Northumberland. It would also conflict with the Framework where in rural areas planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Character and appearance

13. The appeal site is within the Northumberland Coast Area of outstanding natural beauty (AONB). The Framework requires that in AONB's great weight should be given to conserving and enhancing their landscape and scenic beauty. Paragraph 174 of the Framework states that decisions should contribute to and enhance the natural and local environment. This is reflected in NLP Policy ENV1 and Policy ENV3 which establishes that development should conserve and enhance the AONB, and among other things requires that in assessing development the potential impact that small scale development can have on the landscape in sensitive rural areas will be assessed.
14. The appeal site is within Warkworth parish which is mainly a mixture of arable and grazing land with Warkworth in the centre and the River Coquet flowing through. Old Helsay comprises a small number of dwellings and buildings interspersed with areas of open land. Mature trees are a feature of the lane adjacent to the appeal site and the lane has a rural character and appearance.
15. The appeal site contains a range of low-lying storage buildings, mostly akin to domestic storage sheds. The front boundary is defined by stone walling and entrance gates. Helsay Manor Farmhouse is immediately to the north and to the south a field separates the appeal site from a range of stone buildings with a simple linear aesthetic in residential use.
16. The proposed dwelling would be sited on the front part of the plot. It would be of a limited eaves and ridge height, but it would be considerably higher than the buildings it would replace. The tree belt adjacent to, and elevated above the river, limits views of the appeal site from Warkworth. Nevertheless, the dwelling would be a prominent feature when viewed from the lane and the appeal site would appear more developed.
17. To the rear of the plot the boundaries of the appellant's land are defined. Even so, the land drops to a lower level and contributes to the open landscape that surrounds Old Helsay. The proposed rear boundary would cut across the plot subdividing the appeal site from the appellant's wider land ownership. The formation of boundaries to enclose a garden space, together with the proposed solar array within the rear area would result in a prominent intrusion of built form into the open countryside.
18. Taken together, the proposed dwelling and extended rear curtilage would result in a conspicuous encroachment of built development on to a site that currently has limited visible effect on the lane's appearance or the wider countryside. Consequently, the proposal would detract from the rural character and appearance of the area and would have a harmful impact on the distinctive landscape of the AONB which would not be ameliorated by the removal of the existing buildings or be mitigated by additional tree planting.

19. Overall, I conclude that the development would detract from the character and appearance of the area, with particular regard to landscape character, in conflict with Policies QOP 1, ENV1, ENV 3 and ENV5 of the NLP where these policies seek to protect local character and distinctiveness and the AONB. It would also conflict with the Framework.

European sites

20. The appeal site is within 10 Km of the Coast. It falls within the 'zone of influence' for coastal sites designated at a national and international level.
21. Within this zone, new residential development is likely to increase recreational disturbance or damage within designated sites. In accordance with the Conservation of Habitats and Species Regulations 2017, (the Habitats Regulations) planning permission cannot be granted unless it has been concluded through an Appropriate Assessment that the proposal, in combination with other plans and projects, would not have an adverse impact on the integrity of designated sites.
22. To address these effects, the Council has developed a strategic approach to mitigation in consultation with Natural England (NE) in the form of the Northumberland Coastal Mitigation Service. This is a developer funded scheme with a tariff-based approach which requires all new residential development to make a financial contribution towards the implementation of the mitigation measures. In this case the amount would be £615.
23. I consider that such an approach 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
24. The appellant has indicated that a contribution towards coastal mitigation would be made and heads of terms for an agreement have been provided. However, I have no legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 before me. Therefore, as the competent authority for the purposes of Regulation 61 of the Habitats Regulations, I cannot conclude that the adverse effect on designated sites can be mitigated.
25. Consequently, the proposal would have an adverse effect on designated sites and would conflict with the Policies ENV1, ENV2, ENV3 and ENV5 of the NLP which, in summary, seek to protect the Northumberland coastal area.

Other Matters

26. The appellant contends that the lawful development certificate to operate a landscape contractor's business on part of the site represents a fallback position. However, I have concluded that the proposal would have a greater visual impact than the existing business use. Further, there is no evidence that the level of traffic associated with the business is significantly different to that which would be associated with a domestic use of the site. The appellant refers to noise and disturbance to nearby residents due to the unrestricted nature of the current use, but the control of noise would be considered through other legislation and the need to be a good neighbour is not a reason to grant planning permission. Therefore, a fall back whereby the existing business would continue to operate on part of the appeal site is not a sufficient material consideration to determine the appeal proposal otherwise than in accordance with the development plan.

Conclusion

27. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations, including the Framework and the existing use of the site, that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR