
Appeal Decision

Site visit made on 20 June 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2022

Appeal Ref: APP/P2935/W/22/3297051

Land East of Ashcroft Guest House, Lantys Lonnen, Haltwhistle NE49 0DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Richard Sim against Northumberland County Council.
 - The application Ref 21/03400/OUT, is dated 18 August 2021.
 - The development proposed is outline with all matters reserved for the construction of eight dwellings consisting of 8 x dormer bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has submitted a statement which sets out its putative reasons for refusal. These constitute the matters of disagreement with the appellant which form the main issues in this case.
3. The application was made in outline with all matters reserved. Whilst this is the case, a proposed site plan has been submitted which shows the layout of the development along with access arrangements. There is no indication that this plan should be considered as indicative or illustrative and subsequently, I have taken this plan into account when considering the proposed scheme.
4. The appellant has submitted an amended site plan and swept path plan which amongst other things show revisions to the proposed access and turning head. These changes involve material alterations to the scheme subject to this appeal.
5. However, the Procedural Guide to Planning appeals (2021) at Annexe M states that the appeal process should not be used to evolve a scheme and it is important that I determine this appeal based on what was considered by the council, and on which interested people's views were sought. I have therefore determined the appeal on the basis of the plans that were before the Council.

Main Issues

6. The first main issue is whether or not the proposed development would make adequate provision for affordable housing. The second is the effect of the

proposal on the character and appearance of the Haltwhistle Conservation Area and the setting of Ashcroft Guest House.

7. The third is whether the proposal would result in the loss of protected open space and if so, whether that loss would be justified. The fourth main issue is whether a safe and suitable access can be provided to the development.
8. The fifth main issue is whether the location would be appropriate for residential development with particular regard to noise. The sixth main issue is whether the location would be appropriate for residential development with particular regard to flooding and drainage.

Reasons

Affordable Housing

9. The evidence indicates that the dwellings would be for market housing. There is a need for affordable housing within the County and none would be secured as part of this proposal which relates to a site of 0.79 hectares. Policy HOU 6 of the Northumberland Local Plan (2022) (NLP) requires that amongst other sites, those of 0.5 hectares or more contribute to this need at a level of at least 10% of the development.
10. No planning agreement accompanies the appeal to secure the required affordable housing provision. There are no exceptional circumstances before me which would justify the use of a negatively worded condition requiring a planning obligation or other agreement to be entered into.
11. The proposal does not therefore secure the provision of affordable housing as required and therefore conflicts with Policies HOU 6 and INF 6 of the NLP which require affordable housing from such proposals and which seek the use of planning obligations where conditions cannot be used to ensure that otherwise unacceptable development can be made acceptable.

Conservation Area & Ashcroft House

12. The appeal site falls within the Haltwhistle Conservation Area. It lacks development and has a tranquil character and meadow like appearance. A right of way (ROW), which allows the town to be approached on foot from the east runs through and along the boundary meaning that the site is prominent in public viewpoints from this ROW.
13. Along with the form, scale and materials of the buildings of the historic core of Haltwhistle, the significance of the Conservation Area also sits with the range of open spaces included within it, which afford the town an attractive and quiet semi-rural appearance and character and allow the countryside to penetrate towards the heart of the town. In light of its characteristics, the site makes a positive contribution to the significance of the Conservation Area.
14. Development of the site in the manner proposed would see the current meadow like appearance of the main part of the site lost and completely alter the character and appearance of the site which would become busier and developed. Subsequently, the proposal would detract from the heritage significance of the Conservation Area which sits in part with the open spaces which make up the Conservation Area. The level of harm would be less than

- substantial. The proposal would harm the character and appearance of the Conservation Area.
15. Ashcroft Guesthouse has been identified as a non-designated heritage asset within the evidence. Despite appearing to have been extended, the building retains an attractive appearance, built in traditional materials, and set within its own grounds on the edge of the core of Haltwhistle.
 16. The building largely turns its back on the body of the appeal site to its east and the visual characteristics of the main body of the appeal site make only a limited contribution to the setting of the building.
 17. However, the traditional and attractive boundary walling to the north of the vehicular entrance to Ashcroft House ties in with that further south on the eastern side of Lantys Lonnen, contributing positively to the setting of Ashcroft House. Here, the visual characteristics of the setting make a strong contribution to the significance of the building.
 18. A large section of the wall would be removed and replaced by a two-lane vehicular entrance, which would form a strong contrast with the existing surrounds of Ashcroft House. The proposal would therefore have a detrimental impact on the significance of Ashcroft House by failing to preserve its setting.
 19. The Framework advises at paragraph 202 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
 20. In line with paragraph 203 of the Framework, the effect of an application on the significance of a non-designated heritage asset should be taken into account. A balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
 21. There would be benefits associated with the proposal including the provision of market housing well located for the services and facilities of Haltwhistle in the form of bungalows which would benefit housing supply. However, limited detailed evidence is presented of the particular need for the type of dwellings proposed.
 22. There would be some further benefits of the type which would always be associated with developments of such a scale including employment during construction and spending associated with materials.
 23. The Biodiversity Impact Assessment and Enhancement Plan submitted alongside the application states that biodiversity net gain cannot be achieved within the site primarily due to the loss of grassland habitat. However, the evidence indicates that biodiversity could be enhanced within the design of the development through various measures which could be required through conditions. The evidence indicates that public access would be provided to some of the wider land within the site.
 24. However, given the degree of harm I have found that would arise from the appeal scheme and the statutory protection afforded to Conservation Areas, the public benefits are not sufficient to outweigh the harm.

25. The proposal would subsequently conflict with policies ENV 7 and ENV 9 of the NLP which amongst other things seek to protect heritage assets and their settings.

Open Space

26. The evidence indicates the site is designated as protected open space and therefore subject to consideration under Policy INF 5 of the NLP. It is stated that this designation did not cover the site when the application was submitted, however it is the Policy position at the time of my decision I must have regard to.
27. Whilst the land does not appear to be in public use and was fenced off at the time of my site visit, I have previously described the positive attributes of the site.
28. The supporting text to Policy INF 5 advises that many open spaces make an important contribution to the character and appearance of the built and natural environment. This is where the importance of the site as open space falls.
29. With this in mind, there is nothing within the proposal which indicates that the open space is surplus to requirements under limb 1a. of the Policy. Given the main reason for the designation of the site as open space, limb 1.b of the Policy has limited applicability to this proposal. The proposal therefore conflicts with Policy INF 5 of the NLP which amongst other things seeks to protect open spaces.

Access

30. The proposal would include a footway to the southern side of the access road. However, the evidence indicates that the footway would have a substantially reduced width adjacent to the stone wall which would be partially retained where the entrance would meet Lantys Lonnen.
31. The effect of this reduced width is likely to be that some users, potentially those with buggies or wheelchairs who require a footpath of reasonable width, would feel pressured to utilise the vehicular carriageway adjacent to the footway.
32. This would potentially bring those using the footpath into conflict with vehicular traffic on the carriageway. There is therefore nothing within the evidence to indicate that a safe and suitable access can be achieved to the development.
33. The proposal would therefore conflict with Policies TRA 1 and TRA 2 of the NLP which amongst other things require development to promote good design principles including in relation to inclusive access and provide effective and safe access and egress to the existing transport network.

Noise

34. The evidence indicates that the northern part of the site closely borders an existing business in the form of a vehicle body repair garage. Whilst the application is in outline with all matters reserved, I have had substantial regard to the site plan, which shows properties and their associated back gardens on plot 1 and plot 2 in close proximity to the business.

35. The close relationship that would ensue means that there is potential for the business to cause noise that would cause substantial harm the living conditions of future occupiers of the development. Permitting the development without a proper assessment of what mitigation may be required could also detrimentally affect the operation of the existing business.
36. The evidence does not include any form of noise assessment and therefore there is nothing within the evidence to rule out the possibility of significant adverse impacts relating to noise as a result of the close relationship that is proposed.
37. The proposal would therefore conflict with policies QOP 2 and POL 2 of the NLP which amongst other things seeks to ensure that sound conditions within developments are of an appropriate standard and that neighbouring uses are compatible and that there are no unacceptable adverse impacts from noise from neighbouring uses on development.

Flooding & Drainage

38. A flood risk assessment¹ is included within the evidence which indicates that the greatest flood risk at the site is associated with groundwater flooding, although the report includes mitigation measures which could address the issue. There does not therefore appear to be any in principle issues with the proposal with regard to flood risk.
39. Were I minded to allow the appeal, the drainage statement, which is not included within the evidence, could be requested via condition.
40. There is therefore nothing to indicate that the proposal would conflict with Policies WAT 2, WAT 3 or WAT 4 of the NLP which amongst other things require the adequate provision of sewerage infrastructure and which require proposals to address on and off-site flood risk and the incorporation where necessary of sustainable drainage systems.

Other Matters

41. I note the housing development at Orchard Gardens that is located closely to the east, however, overall that site has more tree screening from the south than the development before me would be likely to have and it bears some similarities to the form and layout of established patterns of development further to the east. I therefore afford this matter limited weight.
42. Regardless of whether the site has been previously included within the SHLAA, the evidence suggests that the site is not specifically allocated for housing development within the NLP.

Planning Balance and Conclusion

43. The proposal would cause less than substantial harm to the significance of the Haltwhistle Conservation Area and no public benefits would outweigh this harm. The framework requires that great weight should be given to the asset's Conservation. The proposal would also fail to preserve or enhance the character or appearance of the Conservation Area, a matter which I am required to pay special attention to. Further, the proposal would fail to preserve the setting of Ashcroft House, a non-designated heritage asset.

¹ GeoSmart Information Date 2021-04-01.

44. The proposal would fail to provide the required affordable housing and would result in the development of open space which makes an important contribution to the character and appearance of Haltwhistle. There is nothing to indicate that a safe and suitable access can be achieved to the development and the development could lead to conflict with an existing adjacent business.
45. It is stated that the dwellings would be finished to current buildings standards requirements and would use good quality, locally appropriate materials. However, these could reasonably be standard expectations for such a development and they therefore form a neutral matter. The lack of harm in relation to flooding and drainage is also a neutral matter.
46. There are therefore no material considerations to indicate that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR