



Appeal Decision

Site visit made on 22 August 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2022

Appeal Ref: APP/P2935/W/22/3300472

Amberley House, Stocksfield Post Office, Main Road, Stocksfield NE43 7HJ

- 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 Martin Nichol against the decision of Northumberland County Council.
 - The application Ref 21/03297/FUL, dated 20 July 2021, was refused by notice dated 10 December 2021.
 - The development proposed is change of use of the first floor to create two units of holiday accommodation and associated external alterations to the building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been altered slightly from the application form to the Council decision notice. That on the application form is adequate to describe the proposal and I have considered the proposal on that basis whilst acknowledging that the proposal also involves internal alterations.
3. The Northumberland Local Plan 2016-2036 (NLP) was adopted on 31 March 2022, in relation to this appeal replacing the Tynedale Core Strategy and the saved policies of the Tynedale District Local Plan. I am required to make my decision based on the policy in place at the time of the decision and the Council has provided me with policies from the NLP which they consider relevant to the proposal.

Main Issues

4. The first main issue is whether sufficient information is available to enable a determination to be made in relation to any impact on biodiversity with particular regard to bats or nesting birds. The second main issue is whether adequate levels of on site parking can be provided and the third is whether the positioning of air conditioning units would have any unacceptable impact on the living conditions of neighbouring occupiers and future occupiers at the appeal site.

Reasons

Biodiversity

5. The proposals involve various external works with roofing works including the insertion of roof lights, the inclusion of photovoltaic solar tiles to the southern

roof elevation and GRP roofing to the rear. Further works include a new porch, new signage and new windows. Substantial renovation works are therefore proposed to the building.

6. A Bat Risk Assessment¹ has been included within the evidence. It notes that the building is considered to be of up to moderate suitability for supporting roosting bats noting potential roosting features on the roof of the main structure and occasional gaps in the walls. The assessment recommends that two activity surveys be undertaken between May and September, however there is nothing within the evidence to suggest that both surveys have been undertaken and placed for consideration.
7. The presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before any planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
8. I therefore conclude on this matter that in the absence of the activity surveys, there cannot be any certainty as to whether the building is being used by bats and if it is in what number and on what basis. Consequently, it is not possible to ensure that any required mitigation measures would specifically address any potential harm. It would not therefore be reasonable to condition further surveys in this instance.
9. The proposal would therefore conflict with policies ENV1 and ENV2 of the NLP which amongst other things seek to conserve, protect, and enhance Northumberland's natural environments. Development proposals affecting biodiversity should minimise their impact and include mitigation or compensation.
10. The Bat Risk Assessment indicates there is no current evidence of nesting birds and that opportunities are limited. I do not therefore identify harm in this regard.

Parking

11. The parking spaces fall slightly short of the parking space width dimensions detailed within Appendix E of the NLP, which requires a dimension of 2.5m x 5m compared to that which would be provided of 2.4m x 5m.
12. However, the evidence suggests that parking spaces of 2.5m in width could be provided were the access door on this side of the premises to be inward opening. There is nothing to indicate that this adjustment could not be provided as a reasonably minor internal alteration to the scheme.
13. Were I minded to allow the appeal, this matter could be conditioned. The proposal would not therefore need conflict with policies TRA 2 and TRA 4 of the NLP which amongst other things which require developments to provide appropriate off-street parking in line with Appendix E parking standards and provide effective and safe access and egress to the existing transport network.

¹ Daytime Bat Risk Assessment Stocksfield Post Office, Northumberland, OS Ecology, July 2022.

Living conditions

14. I was able to note on my site visit that the existing air conditioning units are located on the flat roofed section to the rear of the main body of the building. During my site visit, I was able to observe the operation of the existing units, which were not especially noisy. There is no evidence of any problems with regard to living conditions on the basis of the current equipment and its position.
15. What would happen with the existing air conditioning units is slightly unclear, it is on one hand suggested that they would be moved slightly but it is also mentioned that improvements to the air conditioning units form part of the proposed works.
16. The evidence indicates that the revised position of the air conditioning equipment would be slightly further to the east on the flat roof. This would mean that it would be slightly nearer to the east facing first floor window to the rear of the off shoot on No.1 Mount View Terrace which adjoins to the south.
17. The equipment would also be placed just across the flat roof from the kitchen window of unit 2. However, there is nothing to indicate that the existing or improved units would have any significant adverse impact on living conditions.
18. The proposal would not therefore conflict with policies QOP2 and POL2 of the NLP which do not support development in locations where it would be adversely affected by noise and which require that development will be required to provide a high standard of amenity for existing and future users.

Planning Balance and conclusion

19. The proposal would bring about some economic and social benefits through the provision of holiday accommodation which would bring spending to the local area. However, there could be significant environmental dis-benefits as a result of the proposal, which have not been properly addressed, and which weigh against it.
20. Material considerations do not indicate that the decision should be taken otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

T J Burnham

INSPECTOR