



Appeal Decision

Hearing held on 5 October 2022

Site visit made on 6 October 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2022

Appeal Ref: APP/P2935/W/22/3295617

Land North of Longhirst Village, west of B1337, Longhirst, Morpeth NE61 3LT

- 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 Ronnie Baird of The Land Exchange/Enterpen Limited against the decision of Northumberland County Council.
 - The application Ref 21/04982/FUL, dated 22 December 2021, was refused by notice dated 4 March 2022.
 - The development proposed is described as "erection of five custom self build homes, with associated garages, car parking and landscaping".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the submission of further evidence, the Council confirmed that matters relating to flooding and drainage were resolved. Refusal reason seven of the decision notice is no longer in dispute between the main parties. I have assessed the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt;
 - Whether the site is in a suitable location for residential accommodation;
 - Whether the proposal preserves or enhances the setting, character or appearance of the Longhirst Conservation Area and surrounding area;
 - The effect of the proposal on archaeological heritage assets;
 - The effect of the proposal on protected species and habitats;
 - The effect of the proposal on highway safety with regards to layout; and
 - 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

4. Policies STP7 and STP8 of the Northumberland Local Plan 2022 (NLP) relates to the strategic approach to the Green Belt and development in the Green Belt respectively. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless the development falls within the exception list. This list includes limited infilling in villages and limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exceptions sites).
5. Policy HOU7 of the NLP relates to exception sites with criterion 2 of this Policy stating that the development of small Rural Exception Sites will be supported providing it meets a number of points including that there is justified and evidenced need for local affordable housing that can be secured in perpetuity by a legal agreement. Criterion 3 of Policy HOU7 also supports self-build housing projects if they meet the requirements of criterion 2.
6. The proposed scheme would be for self-build homes. However, insufficient evidence has been provided which indicates that the proposals would be affordable housing as defined in the Framework. The proposed properties would not be affordable homes and therefore would not comply with criterion 2 of Policy HOU7 and thus would not accord with criterion 3 of that Policy either.
7. The proposed development would not provide limited affordable housing and would be inappropriate development in the Green Belt. The proposal would be contrary to Policies STP7, STP8 and HOU7 of the NLP and paragraph 149 of the Framework.
8. The appellants statement of case comments on the development being infill development. There is existing built development to the south of the appeal site however there are no buildings directly to the north, therefore the development would not fill a gap between existing buildings. The proposal would not constitute limited infilling in a village and would not comply with paragraph 149(e) of the Framework.

Suitable location

9. The appeal site is open land with no built development, and I note the location of the Longhirst village sign and the traffic calming measures. Nevertheless, given the existing built form of the settlement of Longhirst and the existing appearance of the appeal site, the proposal would introduce development beyond the existing settlement, encroaching into the open countryside.
10. There are few public services and facilities within the village of Longhirst and future occupiers of the development would have to travel to other settlements for everyday essentials. Pegswood is the nearest settlement to the appeal site which could offer future residents a greater level of public facilities along with Morpeth and Ashington. The roads connecting the appeal site to these other settlements are uninviting to pedestrians with narrow footpaths and a lack of street lighting. As well as the proximity to these other settlements, it is unlikely that future occupiers of the proposal would walk or cycle to neighbouring settlements to seek public facilities and services. It has been described that an hourly bus service runs through Longhirst linking to other settlements,

nevertheless, it is likely that future occupiers of the development would be more reliant on the use of private vehicles.

11. It is recognised that development in one village can support services and facilities in other nearby villages in terms of social and economic vitality of rural areas. However, given the size of the development, the benefits to social and economic vitality would be minimal and not outweigh the environmental harm in terms of future occupiers' reliance on private motor vehicles.
12. Accordingly, the proposed development would not be suitably located. The proposal would not accord with Policies STP1, TRA1, HOU2, HOU5, HOU7, HOU9, QOP1, QOP2 and QOP6 of the NLP and the Framework which seeks to deliver sustainable development, promote sustainable connections, make the best and most efficient use of land, deliver balanced housing mix, have residential development contribute to a sense of place and deliver well-designed places.
13. My attention has been brought to major development at Longhirst Hall. I do not consider the developments at Longhirst Hall to be directly comparable to the appeal proposal, particularly with regards to scale of development. In any case, I have determined the appeal on its own merits.
14. Due to the proximity of the properties to the south of the site, the proposal would not be the development of isolated homes, therefore paragraph 80 of the Framework is not applicable.

Conservation Area and surrounding area

15. The appeal site sits outside but adjacent to Longhirst Conservation Area (LCA). In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 199 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. The LCA is described as a picturesque settlement dominated by modest stone houses framed by a good level of tree coverage with the historic core being linear form extending from the church to the southern end along the B1337 to the appeal site. The built form is varied in styles, design and materials although mainly one or two storey in scale. The area surrounding the appeal site is predominantly residential in character with a typical edge of settlement feel of open countryside directly adjacent to the built environment.
17. The settlement, by the appeal site, has a prominent established boundary particularly with the row of terraces directly south of the site. The built development provides a clear demarcation between the rural countryside and the settlement of Longhirst. The proposed development would be set back from the highway and with the properties described as being 1.5 to 1.75 storeys. Nevertheless, given the proposals scale and positioning it would be an encroachment into the countryside that would detract from the character of the existing built form of the settlement as well as compromise the rural appearance. The Longhirst village sign and the traffic calming measures do not delineate the edge of the settlement as this is defined by the existing buildings.

The proposal would therefore be an incongruous form of development that adversely effects the character and appearance of the rural landscape environment.

18. The proposed properties would be situated in linear form however, the properties would be detached with a new access road meaning the properties would be set back from the highway by some distance. The proposed properties, in particular the layout, would have a modern feel and the proposed internal access road and parking would be over engineered appearing excessive compared to other properties in the area. The proposed layout and form differs significantly from the existing properties in the village, particularly those to the west of the B1337. The design, materials and heights of the properties may not be out of keeping with the varied design elements of buildings in the LCA. Nevertheless, due to its layout, form and positioning, the proposal would introduce a modern form of development that would be intrusive and conflicts with the pattern of the existing built environment. The proposed development would not be a sympathetic scheme that would compromise the setting of the LCA as well as the character and appearance of the surrounding area.
19. The proposal would not preserve or enhance the setting of the LCA and would be harmful to the character and appearance of the surrounding rural landscape. The proposal would be contrary to Policies ENV1, ENV3, ENV7, ENV9 and QOP4 of the NLP and the Framework which seeks proposals to conserve heritage assets and the character of the landscape.
20. The proposal would be harmful to the setting of the LCA and thereby the significance of the heritage asset. Nevertheless, I consider the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
21. The appellant has detailed that the proposal is for speciality self build homes. The development of this type of accommodation, given its proposed scale, would have some public benefits of limited weight. However, these public benefits would not outweigh the harm to the setting of the LCA which I have identified above.

Archaeology

22. An Archaeological Geophysical Survey (AGS) has been submitted which identifies two systems of ridge and furrow cultivation of possible medieval date across the site as well as a feature that may have served as a track leading from a medieval village. The AGS also identified a linear anomaly possible underlying the ridge and furrow cultivation, suggesting a feature of early date.
23. The appellant indicated at the hearing that the medieval village is some distance from the appeal site and also stated that any further archaeological related works can be sought by the imposition of a planning condition.
24. The Council's concerns are that trial trenching and sample evaluation are required on the site prior to development and cannot be secured by planning condition as the proposal may have the potential to impact on archaeological remains.
25. At the hearing, the appellant explained, given correspondence with the Council on the likely recommendation of the application, why trial trenching had not been undertaken prior to the determination. There was a general acceptance

that trial trenching would be required though. From the evidence before me, in particular the results and summary of the AGS, I am not convinced that sufficient information has been provided to ensure that archaeological features would not be compromised as a result of the proposed development. The imposition of a planning condition would not be a reasonable approach to ensure archaeological features are not harmed.

26. The proposal would have a harmful effect on archaeological matters. The proposal would be contrary to Policies ENV1 and ENV7 of the NLP and the Framework which seeks proposals to conserve and enhance the significance, quality and integrity of Northumberland's heritage assets and their settings.

Protected species and habitats

27. The Council identifies the key issue being the presence of Habitat of Principal Importance (HPI) Lowland Fen along the burn which is to the west of the site and the effect the development would have on this habitat. A buffer zone has been proposed to the west of the site to mitigate the effects of the development on protected species and the HPI.
28. Insufficient information has been provided on how this buffer zone would be adequately managed in perpetuity to ensure that the land remains undisturbed and would prevent access into the sensitive habitat. The appellant has indicated that the buffer zone could be transferred to the Wildlife Trust, Council, Parish Council or a management company, however, no detailed commitment has been provided as evidence to indicate this transfer of land would happen. There is an existing footpath which runs across the site which allows unrestricted public access to the site, however, the development of the land for residential accommodation would increase pressure on protected species and the HPI.
29. I note that planning conditions relating ecological and environmental matters have been suggested. Given the uncertainty with regards to how the buffer zone land would be managed in the future though, I consider these planning conditions to be unreasonable.
30. The proposal would lead to undue harm to protected species and habitats. The proposal would not accord with Policies ENV1 and ENV2 of the NLP and the Framework which seeks proposals to minimise impact on habitats and species of principal importance.

Highway safety

31. The proposal would introduce two access points onto the B1337 with an internal access road within the site including a turning area for vehicles and parking areas for future residents and visitors.
32. There are bends in the B1337 road and at the hearing it was described to me that vehicles do travel at speed in this location. However, given the location of the proposed accesses, footpaths and hedgerows, as well as the positioning of the traffic calming measures, I am satisfied that adequate visibility could be achieved to ensure vehicles could enter and leave the site without creating a highway safety concern.
33. The Council consider that the internal access road is over engineered. Whilst I have commented on this point above in terms of effects on appearance, the

internal road would not create any adverse effects in terms of highway safety and sufficient amounts of parking would be provided for future users of the properties and other residents of the village.

34. Accordingly, the proposal would not have a harmful effect on highway safety. The proposal would accord with Policy TRA1 of the NLP which seeks transport implications of development to be addressed.

Other considerations

35. The appellant indicates that the proposed properties would be speciality, self-build homes that meet a need. The Council contest that there are sufficient planning permissions in place which ensures that demand for self-build homes is met locally. My attention was drawn to a number of documents including the Northumberland Self-Build and Custom Housebuilding Register Monitoring Report (SCHRMR) and the Councils Strategic Housing Market Assessment. The appellant argued that there are insufficient self-build homes available in Northumberland and that some self-build homes were being built by housebuilders on larger schemes. Using the data from appendix C of the SCHRMR the appellant detailed a number of sites equating to around 187 properties that would not be delivered as self-build homes. The Council maintain that there are sufficient self-build homes opportunities to meet need in the area.
36. The introduction of new homes would bring economic benefits including increased spending on household consumer goods and new household formation. Given the scale of the proposal I attribute minimal weight to this benefit.
37. I have had regard to the appellants statement of case, final comments statement and evidence presented at the hearing which include matters relating to the NLP Examination and statements and correspondence by the Examination Inspector as well representatives for the appellant. These matters do not alter my findings above.

Conclusion

38. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. I am also not satisfied that the proposal is not suitably located and would not harm archaeology features, protected species and habitats, and the setting, character and appearance of the LCA and surrounding landscape.
39. The proposal would not have an adverse effect in terms of highway safety, flooding and drainage. The appellant contends that the proposal would contribute to a need for self-build homes. If I were to accept that the self-build homes contribute to a local need, the benefits of the scheme, taken as a whole, would amount to modest weight in the planning balance.
40. Whilst I attribute modest 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. Baird	Appellant
J. Kitson	Walker Morris LLP - Counsel
G. McGill	Planning Consultant
T. Hewison-Robson	Walker Morris LLP
C. Fish	Heritage Consultant

FOR THE LOCAL PLANNING AUTHORITY:

R. Soulsby	Northumberland County Council
J. Murphy	Northumberland County Council
S. Robson	Northumberland County Council – Planning Policy
A. Deary Francis	Northumberland County Council – Ecology

INTERESTED PARTIES

M. Lediard	Local resident
C. Lediard	Local resident
M. Elphick	Local resident
A. Atkinson	Local resident
I. Pledger	Local resident
H. Douglas	Local resident
P. Coates	Local resident
C. Coates	Local resident
J. Mills	Local resident
P. McKenzie	Local resident
P. Lovering	Local resident
B. Squires	Local resident
D. Squires	Local resident
I. Frost	Local resident
J. Shakespeare	Local resident
A. Bolton	Local resident

P. Bolton	Local resident
R. Cansdale	Local resident

DOCUMENTS SUBMITTED AT THE HEARING:

1. Northumberland Self-Build and Custom Housebuilding Register Monitoring Report May 2022