



Appeal Decision

Site visit made on 4 January 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/P2935/W/22/3310533

Building And Land West of Roecliffe, Ladycutter Lane, Corbridge, Northumberland, NE45 5RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Robert Kane against the decision of Northumberland County Council.
 - The application Ref 22/00749/OUT, dated 27 February 2022, was approved on 2 November 2022 and planning permission was granted subject to conditions.
 - The development permitted is demolition of existing garage and stable block and construction of new dwellinghouse (all matters reserved).
 - The condition in dispute is No 5 which states that: *The dwelling hereby approved shall be located on the site of the existing brick-built garage block as identified on drawing no: AD-18-17 Rev 1: Existing Plans and Elevations (July 2018) and shall not exceed a single-storey in height.*
 - The reason given for the condition is: *To ensure that the development would not have a greater impact on the openness of the Green Belt than the existing development, in accordance with Policy STP 8 of the Northumberland Local Plan and the National Planning Policy Framework.*
-

Decision

1. The appeal is allowed and the planning permission Ref 22/00749/OUT for demolition of the existing garage and stable block and construction of a new dwellinghouse (all matters reserved) at Building and Land West of Roecliffe, Ladycutter Lane, Corbridge, Northumberland, NE45 5RZ granted on 2 November 2022 by Northumberland County Council, is varied by deleting condition 5.

Background and Main Issue

2. Planning permission for the construction of a new dwelling included a condition restricting the location of the dwelling to the site of the brick-built garage block and the scale of the development to a single-storey in height. The Council indicate that this is necessary to ensure the new dwelling would not be materially larger than the existing building in order to satisfy Green Belt policy set out in the development plan for the area and the National Planning Policy Framework (the Framework). The appellant objects to the condition as they consider that the dwelling should be located on the site of the brick-built garage, timber stables with brick-built lean-to, and not restricted to a single-storey.
3. Taking the above background into account, the main issue is whether the condition is necessary to ensure that the proposal is not inappropriate

development in the Green Belt, having regard to the Framework and relevant development plan policies for the area.

Reasons

4. The appeal site is located within the Green Belt, to which the Framework attaches great importance. Paragraph 147 is clear that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 149 lists a number of exceptions where development in the Green Belt would not be inappropriate. Of relevance to this case is Paragraph 149 g) that allows complete redevelopment of Previously Developed Land (PDL) where this would not have a greater impact on the openness of the Green Belt than the existing development. Policy ST8 of the Northumberland Local Plan (NLP) (2022) supports development which is not inappropriate in the Green Belt, as defined in national planning policy.
5. The Council's position is that only the brick-built garage within the red line boundary is PDL and that given that the application was in outline only with all matters reserved, it was reasonable to limit development to a single-storey to ensure the new dwelling would not be materially larger than the existing building. The Council imposed condition 5 to ensure a scheme at reserved matters meets the exception at Paragraph 149 g) of the Framework with regard to PDL and openness, and in doing so, ensure that the proposal is not inappropriate development in the Green Belt.
6. The appellant has drawn my attention to previous Council decisions and pre application advice to show that both the brick-built garage and timber stables with brick-built lean-to have previously been considered to fall within the definition of PDL set out in Annex 2 of the Framework. It is argued that the disputed condition should not restrict development to the site of the garage only. Moreover, it has been suggested that reference is made in the condition to the illustrative plan provided at the application stage, showing potential built form of the dwelling, and not restrict development to a single storey.
7. However, while an illustrative plan was submitted to the Council, there does not appear to have been any detailed assessment of it, other than to say it shows a larger scale development compared to the existing brick-built garage building. The appellant has been clear that the plan is only to be considered as illustrative and that all matters are reserved. As such, to impose a condition requiring that development be carried out in accordance with the illustrative plan as suggested by the appellant is beyond the scope of this outline application. Moreover, given the outline status, if I were to consider the plan as a firm proposal in the absence of detailed submissions from all parties, injustice could arise.
8. The Council contend that condition 5 is required to 'partially satisfy' the exception at Paragraph 149 g) of the Framework, and it is acknowledged that openness would be further assessed at reserved matters stage. However, the assessment of openness as required by the Framework can reasonably be left in its entirety to reserved matters. Furthermore, it has not been shown by the Council that a single storey building is the only way to ensure no greater impact on the openness of the Green Belt. As scale, appearance and siting are reserved matters, a full assessment against the existing and proposed buildings and the impact on the openness of the Green Belt can more appropriately be

carried out at the reserved matters stage. Accordingly, a condition restricting the scale of the new dwelling is not necessary.

9. Neither party has provided detailed submissions to justify their respective positions on PDL at the site. As such, I have little robust evidence on which to base a judgement on whether or not the timber stables with brick-built lean-to constitute PDL and if condition 5 should be varied on this matter as suggested by the appellant. Even if the condition was removed and development was not restricted to the footprint of the brick-built garage, the outline proposal would not result in inappropriate development in the Green Belt given that all matters are reserved. A full assessment of PDL can be undertaken at reserved matters, and therefore the condition is not necessary at this outline stage to make the development acceptable.
10. Overall, the condition is not necessary to ensure that the proposal is not inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies for the area. The outline permission without the condition would align with the provisions of the Framework at paragraph 149 g) and the proposed development would not be inappropriate in the Green Belt. Accordingly, it would be in accordance with Policy ST8 of the NLP.

Other Matters

11. The appellant has expressed frustrations with the Council's handling of the application. However, this does not affect my consideration of the planning merits of the case.

Conclusion

12. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

F Harrison

INSPECTOR