



Appeal Decision

Site visit made on 17 February 2023

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/P2935/W/22/3313106

Land south of Old Smithy, Widdrington Village, Northumberland

- 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 William Armstrong/BA Commercials against the decision of Northumberland County Council.
 - The application Ref 22/01675/FUL, dated 6 May 2022, was refused by notice dated 30 September 2022.
 - The development proposed is erection of 1 no. dwelling (C3 use).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the setting of the Church of the Holy Trinity, which is a grade I listed building;
 - whether the proposal would comply with the relevant local and national policies for residential development in the open countryside; and
 - the effect of the proposal on coastal mitigation in the area.

Reasons

The setting of the listed building

3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that, in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
4. The National Planning Policy Framework (NPPF) sets out that heritage assets should be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. The more important the asset, the greater the weight should be. Grade I buildings are particularly important buildings, and form only a small proportion of all listed buildings.

5. The NPPF says that significance derives not only from a heritage asset's physical presence, but also from its setting, and makes clear that significance can be harmed by development within the setting. It defines setting as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance

6. The core of the listed church dates from the late 12th century. The building was remodelled and extended in the mid-14th century, with subsequent additions and alterations. Its significance, in so far as is relevant to this appeal, is derived from its ecclesiastical purpose, age, architectural details, its evidential and also its communal value in serving the surrounding area.
7. The extracts from the maps of 1844, 1859 and 1896 show a very clear separation between the church grounds and the village to the north. The space is traversed by paths connecting the church and the village but the land was historically otherwise undeveloped.
8. The area to the east comprises an expanse of open agricultural land, with some more distant development in sight. The site of Widdrington Castle is also present, although nothing of the standing structure remains. On the west, between the church grounds and the main road is a strip of land also characterised by tree cover, and across the road, glimpses of the open farmland are available. The graveyard lies to the south of the building, beyond which views are curtailed by a dwelling and some intervening tree cover.
9. The relative isolation from the village speaks to the high status of the church, and also its function as a place of worship, set apart from everyday life. The undeveloped land around the church enhances the quiet, tranquil atmosphere of the church grounds. It also provides a peaceful backdrop for those visiting the graveyard. The views from the churchyard give a sense of expansiveness that contrasts with the relatively dense development of the village. The grounds and the surrounding open space therefore provide a setting that contributes positively to the understanding and experience of the church and its significance as a listed building.

Effect of the development

10. The proposal would create a new two storey detached dwelling with an access taken from Garth Lane. The appeal site forms part of the wider area that comprised the open land between the church and Widdrington village. This space has already been reduced by two new dwellings that are under construction. The proposal would extend the built form of the village south, encroaching even further into the open setting of the church.
11. The main approach to the church is from the car park and path to the north. From the car park, I saw that the west elevations of the two new houses are clearly visible across the intervening paddock area. The new house would add to and reinforce this line of development, reducing the remaining openness to the north of the church.
12. Furthermore, the gable of the southern-most of the two new dwellings already impinges on views from the church grounds. I saw that it was clearly visible

from the path adjacent to the west gable of the church. The new dwelling would be significantly closer, and so would further increase the sense of enclosure within the grounds. The sense of spaciousness, which adds to the experience of visiting the church, and to the understanding of its communal and historic value, would be substantially reduced.

13. The appellant argues that the impact of the new building would be screened by vegetation along the northern boundary of the church grounds. However, this appeared sparse during my visit in the winter, and did little to hide the existing gable. In the hours of darkness, the development would remain prominent due to the lighting in and around the building, and planting would do little to hide this effect.
14. In any event, the presence of soft landscaping could not be relied upon to mitigate the effects of the development as it could be removed at any time. The need for such mitigation measures serves to underline the inappropriate visual impact of such a development within the setting of the listed building.
15. From my observations on site, I do not agree that the area of hardstanding within the northern section of the church grounds would be sufficient to preserve the setting of the church. This is particularly the case when taking into account the previous sense of separation between the church and the village. The use of sympathetic materials in the new dwelling would do little to counteract the erosion of this important space.
16. I therefore find that the setting of the listed building would be unacceptably harmed by the proposed development. Accordingly, the development would conflict with the overarching statutory duties as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the environmental objective of protecting and enhancing the historic environment set out in the NPPF.
17. In addition, the appeal scheme would conflict with Policy ENV 7 of the Northumberland Local Plan (NLP), which seeks to ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings.
18. Although serious, the harm to the heritage asset in this case would be less than substantial, within the meaning of the term in paragraph 195 of the NPPF. Paragraph 196 requires that, where there is less than substantial harm, the harm should be weighed against the public benefits of the development.
19. The development would make a small contribution to the housing supply, and there would be some associated economic and social benefits, both during the construction phase, and through the support of future occupants for local services and facilities. Due to the limited scale of the scheme, I attach only moderate weight to these factors.
20. I therefore find that insufficient public benefits have been identified that would justify or outweigh the harm I have identified to the heritage asset. The scheme therefore conflicts with the NPPF, which directs, at paragraph 193, that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Residential development in the open countryside

21. NLP Policy STP1 sets out a spatial strategy for sustainable development across the county. Paragraph 1d of NLP Policy STP1 sets out that, in order to support the social and economic vitality of rural areas, and recognising that development in one village can support services and facilities in other nearby villages, Small Villages listed in Appendix A will support a proportionate level of development. Widdrington is listed as a Small Village within the South East Delivery Area in Appendix A to the NLP.
22. The village of Widdrington has a defined settlement boundary. The appeal site falls outside this and any other settlement boundary and is therefore in the open countryside for planning purposes.
23. The site is situated between the existing dwellings to the north and the Church of the Holy Trinity to the south, and so the appellant argues that it clearly lies within the built form of the village. He states that he does not consider the site to be in the open countryside as it forms part of a developed parcel of land directly adjoining the settlement.
24. I agree that the site is not physically remote from other development. However, different policies are engaged according to whether a development site is inside or outside of any development boundary. The location of a proposal site in relation to development boundaries is not open to interpretation, otherwise the system would quickly become unworkable.
25. The proposal is for the erection of a single dwelling and would not involve the reuse or subdivision of an existing building. It would not provide housing in connection with a rural business, and would not represent enabling development to secure the future of any heritage asset. From the proposed plans, I am satisfied that the design of the new dwelling would not be of exceptional quality. That being the case, none of the criteria within NLP Policy HOU 8 are engaged.
26. The two dwellings being built on adjacent to the appeal site were given permission, ref: 16/02756/FUL, in January 2018. I have been provided with the 2018 decision notice and a number of plans. However, the planning officer's report has not been provided, and so I am unable to be certain of the exact circumstances in which that proposal was found to be acceptable. In any event, that application was assessed against a local plan that has now been superseded, which limits the weight I can afford it in my assessment.
27. The appellant argues that because the 2018 red line boundary includes the current appeal site, it now lawfully falls within residential use. He contends that the 2018 development is an earlier phase and that he simply seeks to introduce a third dwelling unit on the site. However, the proposed new building needs planning permission and so it must be considered against the relevant policies that are now in force.
28. The proposal would not accord with the criteria of NLP Policy HOU8. With reference to NLP Policy STP 1, the development would not be supported in a made neighbourhood plan. Moreover, in view of the harm identified above, the proposal would not be sensitive to its surroundings, and so would conflict with the final paragraph of NLP Policy STP 1. I therefore conclude that the appeal

scheme would unacceptably fail to comply with the relevant local and national policies for residential development in the open countryside.

Coastal mitigation

29. NLP Policy ENV 2 states that developments should minimise their impact upon biodiversity and geodiversity and where possible, secure net gains. The Council has determined that a contribution of £615 is payable.
30. The appellant has submitted a Unilateral Undertaking (UU) with the appeal with the aim of meeting the Council's requirement. The Council make no objection to this document in principle, subject to the need for some further documentation. I am therefore satisfied that the measures in the UU would be necessary, related directly to the development and fairly related in scale and kind.
31. However, as I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the main parties. From the evidence before me, the UU would comply with NLP Policy ENV 2. However, this has not led me to a different conclusion on the main issues above.

Conclusion

32. For the reasons set out, the proposal would unacceptably harm the setting of the listed building, and would conflict with the relevant policies for housing in the open countryside. It is therefore contrary to the development plan as a whole and so the appeal is dismissed.

Elaine Gray

INSPECTOR