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## Appeal Decision

Site visit made on 28 February 2023

**by H Jones BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 May 2023**

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**Appeal Ref: APP/P2935/W/23/3314515**

**The Dyvels Hotel, Station Road, Corbridge NE45 5AY**

- 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 Mark Johnson (Punch Pubs & Co) against the decision of Northumberland County Council.
  - The application Ref 22/00394/FUL, dated 10 February 2022, was refused by notice dated 6 September 2022.
  - The development is formation of pergoda and decking within existing beer garden.
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### Decision

1. The appeal is allowed and planning permission is granted for formation of pergoda and decking within existing beer garden at The Dyvels Hotel, Station Road, Corbridge NE45 5AY in accordance with the terms of the application, Ref 22/00394/FUL, dated 10 February 2022, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, P2009058/01 and P2009058/02.

### Applications for costs

2. An application for costs was made by Punch Pubs & Co against Northumberland County Council. This is the subject of a separate decision.

### Preliminary Matters

3. The development description on the application form includes reference to the development being retrospective. I have removed this wording as this is not an act of development.
4. A pergoda and decked area is on site but there is some disparity between that which is on site and that shown on the proposed plans. On site, the pergoda roof has a slight slope and the structure is connected to the main hotel building via brackets. On the submitted plans the roof is flat and no connection to the hotel building is shown. At the eastern end of the decked area and partly enclosing it there is a section of close boarded timber fencing which is not shown on either the existing or proposed plans and I note that within their submissions, the Council reference that the application seeks

planning permission for boundary treatments and balustrades, the scope of which is contested by the appellant.

5. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans which show the detached pergola, the decking and expanses of handrail and spindle enclosure, and without regard to the features which deviate from this on site.

## **Main Issues**

6. The main issues are:

- Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- Whether, given the open countryside location of the appeal site, the development proposed is supported by the development plan's spatial strategy; and
- The effect of the development upon the character, appearance and setting of the Dyvels Hotel and upon the character and appearance of the area.

## **Reasons**

*Whether the development amounts to inappropriate development in the Green Belt*

7. The appeal site contains the hotel and public house building itself, a patio area beside with pedestrian access, a beer garden, a car park and an access track from the adjacent road. The beer garden is partly enclosed by a combination of hedgerow, trees and a stone wall. The car park and access track are enclosed by trees and by fencing, the latter of which meets the back of the hotel building.
8. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The Framework further identifies that the Green Belt serves five purposes. Policy STP7 of the Northumberland Local Plan, 2022 (LP) outlines the strategic approach to the Green Belt within the County and reflects the same five purposes within the Framework.
9. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. Policy STP8 of the LP applies to development proposals within the Green Belt and reiterates the advice of the Framework, amongst other matters offering support to proposals which would not constitute inappropriate development. One exception in paragraph 149 of the Framework includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
10. The Dyvels Hotel is a two storey stone-built property. Owing to its double fronted nature, it is of considerable width and is of even greater depth as a result of two dual pitched offshoots which project behind the frontage. Given

this combination of factors, the hotel is a relatively large property. The patio, beer garden, car park and access provide the hotel with a spacious plot.

11. Each comprising of a structure or erection, the pergoda, decking and the expanses of handrail and spindle enclosure proposed are buildings. Having regard to the Warwick District Council High Court Judgement<sup>1</sup> it is a matter of fact and degree as to whether such buildings can readily be considered to be extensions of other buildings even when they may not physically be connected. In this case, the proposed structures would be situated very closely beside the hotel building whilst in providing an external seating area for the hotel, would clearly serve an ancillary function associated with the use of the building. The Council submit that the Judgement suggests that the extension must be reasonably necessary for the continued operation of the public house. I find no such requirement within the Judgement and for the reasons given I am satisfied that the proposed development amounts to an extension to the building.
12. Incorporating a flat roofed design the proposed pergoda would be a relatively low structure, would reach a similar height as the top of the ground floor doors and windows within the hotel beside it and would, thereby, be far lower than the two storey pitched roof hotel. The decking area and enclosing sections of handrailing would be lower still. The proposed development would be far longer than it would be wide but nevertheless its overall size in terms of volume, floorspace and external dimensions would remain a modest addition to the property rather than large or dominant.
13. Aside from the planning history submissions, which show that planning permissions have previously been granted to extend the property, I have limited information before me in regard to the extent to which the original building may have been enlarged. On the basis of the evidence before me and my findings on site, I have no reason to conclude that the hotel building on site is not largely original.
14. In finding that the proposed extension would be a modest addition to the property and, given I have no substantive evidence before me which demonstrates that the original building has been substantially extended, the proposed development would not result in disproportionate additions over and above the size of the original building. As a result, the development would not be inappropriate development in the Green Belt, instead comprising of one of the exceptional forms of development identified within the Framework, that at paragraph 149 c). I also find that the development would comply with policies STP7 and STP8 of the LP. In finding that the exception at paragraph 149 c) of the Framework applies to the proposal, the effect of the development upon the openness of the Green Belt is implicitly taken into account.
15. In finding that the development would not amount to a disproportionate extension to the original building, there is no need for me to consider the development against any of the other exceptional circumstances in which the construction of buildings in the Green Belt do not amount to inappropriate development within it, including those at paragraph 149 b) of the Framework.
16. Finally, the Council allege that the development would conflict with policy ECN16 of the LP, however, clear reasoning including by way of specific

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<sup>1</sup> Warwick DC v SSLUHC & others [2022] EWHC 2145 (Admin)

reference to the content and criteria of that policy is not given. Policy ECN16 provides further support for tourism and visitor related development within the Green Belt subject to criteria. As that policy doesn't appear to prevent other tourism related Green Belt development that is not inappropriate in the Green Belt, I find that the proposed development would not conflict with this policy.

*The development plan's spatial strategy*

17. There is no disagreement between the parties that the appeal site is located within the open countryside. Within such a location, and amongst other matters, policy STP1 supports sustainable rural tourism and leisure development in accordance with policy ECN15. Policy ECN15 states that Northumberland will be promoted and developed as a destination for tourists and visitors including for food and drink. The policy further sets out that this will be achieved through the application of a series of principles.
18. Amongst these principles, criterion g. of policy ECN15 states that where there is a proven need to develop buildings within the countryside that would not be for the purposes of accommodation but would serve an established tourism or visitor attraction, the reuse of buildings is preferred. On the basis of the evidence before me the LP does not define or elaborate upon what constitutes a proven need or any particular demonstrations that may be required to establish one. Therefore, I consider that it is a matter of judgement given the circumstances of the case.
19. The appellant submits that customers' attraction to external seating areas remains despite the passage of the COVID-19 pandemic, and I have no reason to disagree. I also particularly note that the design of the pergoda incorporates a polycarbonate sheet roof covering and transparent plastic to the elevations which would provide some protection from inclement weather. The decking would provide a surface underfoot and similarly the area beneath the pergoda would be hard surfaced. The development would therefore provide a different external seating option from the beer garden, likely one that would be more attractive when the weather is, or has been, more inclement and in turn provide a form of consumer choice and aid in ensuring the business remains competitive.
20. Whilst it has not been shown to me that the business would be unviable without the pergoda, nor do I have substantive evidence before me of what specific effects upon the business may result without it, for the above reasons, I nevertheless find that the pergoda would make a very important contribution to the business. I am, therefore, satisfied that there is a need for the development proposed. Being a new-build, the pergoda would not, as is preferred under policy ECN15 g. reuse a building. However, that the new-build nature of the development may be less preferable under the provisions of policy ECN15 does not equate to the proposal being in conflict with it.
21. Given that it has not been shown to me that the pergoda is necessary in order for the business to continue to operate I accept that there would be some conflict with policy ECN13 of the LP as a result. However, the operation of policy STP1 of the LP is such that development proposals within the open countryside are required to demonstrate one, not all of the criteria, listed at g. i-vii. The conflict I have identified with policy ECN13 means that the development proposal does not comply with criteria g. i but this does not alter

that the proposal would nevertheless, and for the reasons given, comply with policy ECN15, criteria g. iii and the policy overall. Therefore, the development would comply with the development plan's spatial strategy. I also find that the development accords with guidance within the Framework, including that at paragraph 84 which states that planning decisions should enable the sustainable growth and expansion of all types of business within rural areas.

*Character, appearance and setting*

22. The Dyvels Hotel is a stone-built property with slate roof covering. It exhibits some ornate and traditional architectural detailing, including a number of chimneys, sliding sash windows and stonework quoining. On the front of the property there is a largely timber entrance porch. The hotel forms one of a grouping of traditionally designed buildings in the area, including the neighbouring Dyvels home and lifestyle building and an adjacent row of terraces to the north, and the Grade II listed Old Station building which is occupied by a restaurant to the south.
23. The appeal site and the nearest neighbouring buildings are separated from the built-up parts of Corbridge by fields and the River Tyne. To the rear of the appeal site are sports pitches. There are a number of mature trees and hedgerows in the area and together with the fields and the nearby river the local area has a verdant character.
24. The Planning Practice Guidance (PPG) emphasises that non-designated heritage assets should be clearly identified and that it can be helpful if local planning authorities keep a local list of non-designated heritage assets. The Council have confirmed that they do not hold such a list. Nevertheless, the PPG also states that in some instances non-designated heritage assets may also be identified during decision making processes and the supporting justification to policy ENV7 of the LP sets out further information on this approach.
25. The Council submit that the Dyvels Hotel was formally known as The Station Inn and has links with the nearby Corbridge railway station, and I have no reason to disagree. Given the host property forms part of a group of traditional buildings, has an association with the nearby railway station and given the architectural detailing it exhibits, I am satisfied that the host property has a degree of heritage significance which warrants its consideration as a non-designated heritage asset in my determination.
26. I have already found that the proposal would not amount to a large or dominant addition to the property. With particular regard to its low height, narrowness, and its light-weight and partly transparent appearance, I find that the proposal would be a modest and subservient addition to the property. Whilst I accept that the incorporation of polycarbonate and transparent plastic elements would not be traditional, much of the structure would be timber, and this is reflective of the windows, doors and porch within the property as well as some features at the nearby Old Station building. The Council submit that the incorporation of plastic to side elevations would have an enclosing effect, but due to being transparent I do not find that this would be the case.
27. From a number of viewpoints in the area the proposed development would be either hidden, inconspicuous or partially screened due to a combination of distance, the presence of mature landscaping or intervening buildings. This

would include from views from the A695, the adjacent sports ground and the road from which the property is accessed. I do find that a clearer view of the proposal would be available from the higher ground on the B6529 bank west of the site, and from this higher vantage point the polycarbonate material forming the flat roof would be more prominent than on the lower ground of many other nearby locations. Furthermore, in this view, the timber would be more screened from view. Therefore, in this particular view, the expanse of the polycarbonate material would appear somewhat unsympathetic to the host property and the immediate area. However, this view is only available for a relatively short stretch along this road and this thereby limits the degree of harm that would be caused.

28. Therefore, although I have identified a degree of harm in views from the bank to the west, more generally the proposal would be inconspicuous in appearance and would remain a subservient addition to the property. Furthermore, the significance of the hotel does not only stem from its appearance or architectural detailing but given that it forms a part of a wider group of buildings, a group which, as a whole, would not be harmed by the proposal. The significance and setting of the non-designated heritage asset would, therefore, be largely preserved and no unduly harmful effects upon the character and appearance of the area or the countryside the site is set within would result. Consequently, the development would accord with policies ENV1, ENV7, QOP1 and QOP2 of the LP. Amongst other matters, these policies require that development conserves and protects the significance of Northumberland's heritage assets, its historic and built environments, whilst being visually attractive. The development would also accord with advice within the Framework including that at paragraphs 84 and 130 which advise that planning decisions should enable sustainable rural tourism and leisure developments which respect the character and appearance of the countryside whilst all development should be sympathetic to local character, history and its surrounding built and landscape setting.

### **Other Matters**

29. Although the Council's delegated report sets out that there is the potential for the works to impact on the setting of the Corbridge Conservation Area (CA) and the Grade II listed Old Station building, and whilst the Council submit that the site is highly visible on approaches to and from the CA, there is no specific reference to harm being caused to these designated heritage assets within the reasons for refusal. Furthermore, the amplification provided within the Council's statement of case focuses upon harm to the host property and surrounding area whilst the updated comments from the built heritage and design officer contained within appendix 2 of that statement clearly conclude that no harm to the designated heritage assets would result. Having considered these submissions, the development and visited the site, I find that the development would preserve the listed building, including its settings, and that the significance of the CA and listed building would not be harmed by the proposal.

### **Planning Balance**

30. I have found that the development would not amount to inappropriate development within the Green Belt. Although I have identified that the development would conflict with policy ECN13 of the LP, it would comply with

policy ECN15 and would thereby remain compliant with the development plan's spatial strategy as set out within policy STP1. Finally, although I have identified a view where a minor degree of harm would be caused to the host property, and its immediate surrounds, I nevertheless find that, overall, its significance would be acceptably preserved whilst the development would also cause no unacceptable harm to the character or appearance of the area or countryside it is set within.

31. Therefore, the development would comply with the development plan taken as a whole and would also be consistent with guidance within the Framework. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan.

### **Conditions**

32. Given that I have identified some disparity between works on site and that on the submitted plans and, given that I have based my decision upon the plans, a standard commencement condition and a condition to ensure that the development is completed in accordance with the submitted plans are necessary.

### **Conclusion**

33. For the reasons given above, I conclude that the appeal is allowed subject to the conditions set out above.

*H Jones*

INSPECTOR