



Appeal Decision

Site visit made on 1 February 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2023

Appeal Ref: APP/P2935/W/22/3312462

Land opposite Hazeldene, B6295, Sinderhope NE47 9SF

- 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 Mrs Sylvie Vandereus against the decision of Northumberland County Council.
 - The application Ref 21/04208/FUL, dated 12 October 2021, was refused by notice dated 17 August 2022.
 - The development proposed is described as 'Erection of single self-build dwelling house on land opposite Hazeldene, Sinderhope.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the setting of the Grade II listed Sinderhope Bridge. I have therefore had regard to the statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to have special regard to the desirability of preserving the building, or its setting.

Main Issues

3. The main issues are:
 - whether the proposal would be in a suitable location for housing with regard to the spatial strategy of the development plan;
 - the effect on the character and appearance of the area with particular regard to the North Pennines Area of Outstanding Natural Beauty (AONB);
 - the effect of the proposal upon highway safety;
 - the effect on protected species and biodiversity; and
 - whether the proposal includes adequate provision for foul drainage.

Reasons

Suitable location

4. The appeal site comprises an area of grassland and hardstanding and is used for keeping a small number of livestock. The appeal site is directly accessed from the B6925 an unlit classified road with no pedestrian footways. This connects to the town of Allendale. The proposed dwelling would be built into

the sloping hillside between the road and the watercourse to the south and would include a widened access. There are scattered dwellings within the vicinity of the appeal site, including Hazeldene Cottage opposite on the northern side of the B6295. The appeal site and its immediate surroundings are undeveloped and positively contribute to the landscape character of the AONB within which the site lies.

5. The appeal site is in a rural location. While there are a few dwellings along the B6295, and Sinderhope Community Hall, buildings are sporadic in nature. The site does not fall within any clearly defined built form of settlement, there is no clearly defined hub of the village. As such I agree with the Council and have considered the proposal as being within the open countryside for the purposes of planning policies.
6. The development plan includes the Northumberland Local Plan 2016-2036 (NLP) (adopted in 2022) and the Allendale Neighbourhood Development Plan 2015 – 2031 (the Neighbourhood Plan) (Made July 2015). NLP policy STP1 sets out the approach to the distribution of development, focusing the majority of new development in the key settlements. Paragraph G of Policy STP1 supports development in the open countryside where it can be demonstrated that it meets one of several criteria, including where it provides for residential development in accordance with Policies HOU7 or HOU8 of the NLP. Paragraph H) of STP1 permits development where it is supported by the relevant policies in the Neighbourhood Plan.
7. 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 the development is well-related to local services and facilities. Criterion 3 of Policy HOU7 also supports self-build housing projects if they meet the requirements of criterion 2.
8. The appellant has stated that the proposal would be self-build. However, although there is a relatively regular local bus service, the Council advises there are no services on Sunday. The routes to services are unlit and would not be very safe or attractive to use. The proposed development would not provide good or suitable access to local services and facilities and there would be an over reliance on the private car and as such would not meet the requirements of this policy as a rural exception site.
9. Turning to HOU8, which reflects the guidance within the National Planning Policy Framework (the Framework) 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 fulfil the requirements in relation to supporting a rural business and would not represent enabling development to secure the future of any heritage asset.
10. While I understand that the appellant is a local stonemason, the evidence before me does not show that the dwelling proposed is required for business needs or to support community facilities. From the proposed plans, I am satisfied that the design of the new dwelling would not be of exceptional quality, which I discuss below. That being the case, none of the criteria within NLP HOU8 are engaged.
11. Turning to Policies ANDP1 and ANDP2 of the Neighbourhood plan, these permit individual dwellings that contribute to meeting the objectively assessed housing

needs of the Parish. In relation to ANDP1, the policy reflects HOU8 and Paragraph 80 of the Framework, and for similar reasons to those set out above would not fulfil this policy.

12. However, the Appellant has advised they currently reside in Sinderhope, but the property which they rent is to be sold. The Appellant contends that the dwelling will therefore meet an identified local need. Thus, the principle of an individual dwelling could be supported under ANDP2 in open countryside locations, subject to meeting several criteria.
13. Notwithstanding the email from the Council's Planning Manager in 2017, which suggests that the appeal site is located within a Hamlet or other settlement, and my conclusions against the Neighbourhood Plan Policy ANDP2, the Local Plan policy was adopted after the Neighbourhood Plan. In accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004 and paragraph 30 of the Framework, I give greater weight to the Local Plan policy and conflict with it.
14. In any event, for reasons explained later in this decision, I am not satisfied that there is compliance with ANDP2 due to the visual effect of the development. Accordingly, it does not constitute a reason to permit the development. For the reasons I have outlined above, I therefore conclude that the site is not in a suitable location for housing having regard to the spatial strategy of the development plan.
15. I recognise 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 and would not be a suitable location for a new dwelling.
16. Consequently, the proposed development would be contrary to NLP Policies STP1, HOU2 and HOU8 and Policy ANDP1 of the Neighbourhood Plan which collectively set out the Council's spatial strategy. The proposal would also be contrary to the aims of the Framework in relation to rural housing development.

Character and appearance

17. The site lies within the AONB and is visible from the carriageway approaching from the west and from over the listed bridge. At the time of my site visit, when I appreciate that trees are not in leaf, parts of the site were visible from several viewpoints from the roads opposite the site to the south.
18. Due to the topography of the land, the roof of the development would be roughly level with the road, designed so the dwelling is sunken into the ground with a grass roof. It is clear that the appellant is not attempting to replicate a traditional dwelling. It is appreciated that the design is based on the local history of the limekilns found within the AONB. However, the fenestration, chimney and external detailing would clearly identify the building as a dwelling. The development would also result in the introduction of domestic paraphernalia, and the proposed extensive hardcore access track of approximately 70m in length, parking and turning area, which would further emphasise the domestic nature of the development.

19. The proposal would also not relate to the existing, nearby dwellings in terms of their simple form, massing or external appearance. The proposed design of the dwelling would be incongruous in comparison to the restrained local vernacular identified within the North Pennines AONB Building Design Guide.
20. Notwithstanding the presence of the existing limited hardstanding and agricultural structures, taken together, the proposal would result in a conspicuous uncharacteristic encroachment of built development on to a site that currently has blended into the landscape. Given that the proposed development would be visible from the surrounding roads, this would not be ameliorated by the use of traditional stone, the green roof and planting.
21. I conclude that the development would detract from the character and appearance of the area with particular regard to the AONB. In accordance with the Framework, I attach great weight to conserving and enhancing the scenic beauty of the AONB. The proposal would conflict with Policies ENV1, ENV3 and ENV6 of the NLP. Combined and insofar as they are relevant to the proposal these policies seek to protect local character and distinctiveness of the North Pennines AONB. For similar reasons it would also conflict with the Neighbourhood Development Plan Policies ANDP1 and ANDP2. The proposal would also conflict with chapter 15 of the Framework where it seeks to conserve and enhance AONB's and section 12 where it seeks to achieve well-designed places.

Highway Safety

22. The existing entrance to the site is positioned on the inside bend of an unrestricted 60 mph road. The appellant contends the proposed widened site access would increase visibility, and the existing entrance has been used daily without incident. However, given my findings above, the reality is that most journeys would be made by private motor vehicle and in the absence of evidence regarding existing levels of use, there is a reasonable likelihood that a proposed dwelling would increase the use of the access. The increased use associated with residential development causes concerns for the Council's Highway Development Management section (the HDM) particularly as the appellant has also not provided any substantive evidence of existing or proposed vehicle speeds or visibility splays.
23. The nearby part of B6285, has a broadly straight stretch leading up to the bend which leads to Sinderhope Bridge, which would allow for vehicles to reach higher speeds. While I have not been provided with details of sight lines at the site the bend of the road, trees, wall and topography combine to restrict visibility in both directions from the site. Furthermore, the geometry of the road and aforementioned existing features would restrict visibility of drivers travelling on the road, who would also have to contend with a secondary road junction leading to Garret's Hill Bank, which is almost opposite the site entrance.
24. The Council's Highway section advises that to achieve a safe and suitable visibility splays at either 2.4m x 215m or splays based on an assessment of actual traffic speeds need to be provided. The appellants have not challenged this advice or suggested any alternative figures.
25. The drawings do not identify the scope of works required to the site entrance or whether the visibility splays fall within the appellant's ownership. Nor is

there any information on existing traffic speeds, which could inform a different visibility splay. In the absence of any evidence to show that appropriate standards of visibility could be achieved, the proposal could lead to increased potential for collisions between road users. I am therefore not satisfied that the access would be safe for the intensification that would arise from a residential use.

26. The appellant has suggested an amendment to the scheme to provide an alternative access point. However, I have no details before me. Consequently, the proposal would be harmful to Highway Safety. The proposal would be contrary to Policy TRA2 of the NLP. This policy seeks to ensure safe access. For similar reasons, the proposal would not align with paragraph 110 of the Framework where it seeks to provide safe and suitable access.
27. Although the Council has referred to policy TRA1 in its refusal reason related to highway safety, I do not find conflict with this Policy in respect of this issue. The policy seeks primarily to maximise opportunities for reducing the need to travel by car through promoting a wide range of transport choices.

Protected Species and Biodiversity

28. Although I have no evidence from either party to indicate the presence of protected species on the site itself, the Council advises that protected species including otter, water vole, white clawed crayfish and breeding birds are present nearby. The Council's ecologist advises that earthworks and excavation required for the development could impact upon water quality in the nearby Sinderhope Burn and River East Allen. The appellant has not provided any evidence to clearly contradict this. Thus, it appears to me that there is a reasonable likelihood of protected species being affected by the development. In view of this, it is important that an up-to-date ecological assessment is provided so that the impacts of the development can be properly understood.
29. It is noted that the appellants proposed to cultivate the land for wildflower meadows, manage the woodland and plant a full length of mixed native hedgerow along the boundary of the site. Whilst these could provide ecological benefits, without any ecological survey, and having regard to statutory obligations¹ that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, I cannot be certain that any harmful effects arising from the proposal could be adequately avoided or mitigated.
30. For the reasons given above I conclude that the proposal would not accord with the principles contained in the NLP Policies ENV1 and ENV2, which together seek to protect the natural environment, including features of ecological interest and biodiversity. For the same reasons, the proposal is contrary to the policies set out in Section 15 of the Framework which similarly require the conservation and enhancement of the natural environment.
31. The Council's Ecologist has identified that the site is within 1km of the North Pennines Special Protection Area (SPA) and Special Area of Conservation (SAC) and close to areas of Habitat of Principal Importance species rich grassland. The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on a European

¹ Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System

site (either alone or in combination with other plans or projects), the competent authority must, before any grant of planning permission, make an appropriate assessment (AA) of the project's implications in view of the relevant conservation objectives. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to undertake an AA, nor to consider this matter further.

Foul drainage

32. Whilst previously stating that drainage from a septic tank to ground is not likely to be acceptable so close to a sensitive watercourse, the Council's Ecologist has subsequently suggested that the use of such a system as the type proposed by the appellant can be conditioned. Whilst referring to the Ecologist's appeal stage comments, the Council has not expanded upon this within their statement. It appears to me that any remaining concerns relating to drainage could be suitably dealt with by condition as suggested by the Ecologist. I do not find that the proposed development would be contrary to NLP Policy WAT2 which requires satisfactory water sewerage infrastructure.

Other Matters

33. The Council has identified that the appeal site is within the setting of the Grade II listed Sinderhope Bridge. The significance of the bridge lies in its architectural and historic interest as an example of early 19th-century infrastructure and bridge engineering, passing the historic ford crossing, and as evidence of the development of the now B6925 as an arterial route through the valley. The Council considers that the scale and massing of the proposal preserves the setting of the listed bridge. On the basis of the information before me, given the distance to the listed bridge I concur with the Council's consideration of this matter, but this is a neutral factor in my assessment weighing neither for nor against the proposal.
34. Although planning permission was granted for a dwelling in 1987, this was on the basis of agricultural need and has lapsed. In any event no details of this earlier consent have been provided to me. Nor have I been provided with specific details of other nearby development. As such it has not been demonstrated that these matters are similar to the appeal proposal, but in any event, they would not be justification to allow development which I have found to be harmful.
35. I note that the appeal proposal had the support of Allendale Parish Council, but this does not override the harm I have found in respect of the main issues.

Planning Balance and Conclusion

36. I have had regard to the benefits of the development. The proposal would contribute to the local housing supply and provide benefits as it could be built out quickly. It would contribute to the local economy during the course of construction, and occupation of the dwelling. I acknowledge that the new planting and green roof would provide energy efficiency and biodiversity benefits. The proposal would also provide personal benefits to the appellant in terms of proximity to the community and family. Overall, the combined the scale of the benefits are limited and do not justify a need for a dwelling in this location. As such they are not sufficient to outweigh the harm I have identified and consequent conflict with the development plan policies.

37. The proposal would conflict with the development plan as a whole and there are no other considerations, either individually or in combination, that would outweigh the identified harm and development plan conflict. Therefore, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR