



Appeal Decision

Site visit made on 21 March 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2023

Appeal Ref: APP/P2935/D/23/3314856

Eland Close, Eland Lane, Ponteland, Northumberland NE20 9TP

- 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 David Dixon against the decision of Northumberland County Council.
 - The application Ref 22/01812/FUL, dated 18 May 2022, was refused by notice dated 18 November 2022.
 - The development proposed is a detached single storey garage and store with associated formation of driveway.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr David Dixon against Northumberland County Council. This is the subject of a separate decision.

Preliminary Matters

3. At the time of my visit, the appeal site was partly enclosed by heras fencing. The appeal site contains an existing detached garage and, immediately beside this, a hard surface leading from Eland Lane was in situ, the layout of which does not match any such surfaces shown on the submitted plans. I also noted, to the rear of the existing garage, some shed and storage structures which are not depicted on the plans. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.

Main Issues

4. There is no disagreement between the main parties that the proposal would represent inappropriate development in the Green Belt. I have no reason to disagree with that position.
5. Therefore, the main issues are:
 - The effect of the development proposed upon the Green Belt, with particular regard to the effect upon its openness;
 - Whether, having regard to the development plan's spatial strategy, the appeal site provides a suitable location for the development proposed and the effects that would be wrought to the character and appearance of the area; and

- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development proposed.

Reasons

The effect of the development upon the Green Belt

6. Eland Close is a detached dormer bungalow. It forms a part of a group of buildings, some residential and some agricultural, situated on the north-eastern fringes of Ponteland. These buildings are set either side of a road, Eland Lane, the appeal site being located to the south of this road. On the same side of Eland Lane and, bordering the site to the east, is garden land beyond which are residential properties.
7. In July 2021, planning permission was granted for the change of use of land to the east of the existing detached garage for the purposes of a garden associated with the property¹. It is on the land subject of that planning permission that the majority of the proposed development - a garage and store with driveway, would be sited.
8. I accept that the proposed garage building would be single storey, would have quite a low-slung appearance and would be set at a low level on sloping land. Furthermore, in some views the garage would be seen against the backdrop of other buildings, whilst in others, it would be screened by intervening landscaping. Such factors would assist in limiting its degree of visual prominence than otherwise might be the case. Despite this, by reason of its width and depth the garage building would nevertheless be of quite significant size and, in turn, would result in considerable land-take. The proposal would introduce built development into a location which otherwise would not contain such a development. Whilst it does contain some outbuildings, the garden land to the east of the appeal site is substantial and largely undeveloped. This garden land to the east, in combination with the garden serving the host property, provides for a quite extensive and largely undeveloped expanse of land between the existing garage at Eland Close and the houses to the east. The proposal would intrude into this expanse of land and would erode the gap between buildings that it provides.
9. Furthermore, whilst the garage building is designed to be able to house up to 3 classic cars, with the driveway proposed, the development would also allow for the presence of parked vehicles on the land to the front of the garage albeit, should this occur, it would be for temporary periods. As a result of the combination of these factors, a harmful loss of openness of the Green Belt would occur.
10. I accept that Eland Close is not set on its own, wholly divorced from built development. In effect, Eland Close forms one part of a larger island of built development in a countryside location and within the Green Belt. Nevertheless, for the above reasons I have identified that the development would result in a loss of openness.
11. As a result of the proposal there would be a marked change in how built-up this part of the Green Belt would be in comparison to how it is perceived at

¹ Planning permission reference 21/01538/COU

present. The aforementioned island of built development would become more built-up and, some encroachment into the countryside would therefore take place. Whilst the proposal may not be in conflict with all of the purposes of including land within the Green Belt as set out at paragraph 138 of the National Planning Policy Framework (the Framework), this encroachment would be in conflict with one of those purposes. Such encroachment would also conflict with the strategy of protecting the Green Belt set out within policy STP7 of the Northumberland Local Plan, 2022 (LP).

The development plan's spatial strategy and character and appearance

12. Within their reason for refusal, the Council cite policy STP1 of the LP which is a strategic policy which sets out a spatial strategy across the County. The Council have put to me that the proposal is unacceptable in principle and that the development would be insensitive to its surroundings. Within the Officer Report specific reference is made only to criteria h. and i. of that policy. It is therefore reasonable to conclude that the Council consider that those policy criteria are applicable to the development and that the proposal would conflict with one or both criteria. Both criteria h. and i. specifically relate to development within the open countryside. The appellant disputes that the site is within the open countryside.
13. If I were to accept that the development is within the open countryside, in summary, and amongst other matters, criterion i. of policy STP1 requires that development is sensitive to its surroundings. Criterion h. states that development in the open countryside will be permitted if supported in a made neighbourhood plan.
14. Whilst not referenced within the reason for refusal, in the assessment of the proposal upon the countryside and in regard to visual effects, the Council's Officer Report references policies PNP1 and PNP2 of the Ponteland Neighbourhood Plan, adopted 2017 (NP). Policy PNP1 states that a presumption in favour of sustainable development will be exercised and, so as to ensure that development is sustainable, the policy requires proposals to demonstrate certain principles would be met. Policy PNP2 requires that development is of high quality and of inclusive design, whilst respecting the character of the site and its surroundings.
15. Given this operation of policy STP1, if I accept that the site is within the open countryside, the proposal would not, as a matter of principle, conflict with the spatial strategy set out within policy STP1. However, conflict would arise if the effects of the development were insensitive to its surrounds or if the development did not represent high quality design having regard to the aforementioned relevant NP policies.
16. Nearby buildings include residential properties some of which are served by outbuildings and, also agricultural buildings some of which are likely used for storage. Therefore, as an additional garage and storage building which would serve an existing residential property, the character of the building is not at odds with those already within the area.
17. The proposed building would be quite a significant addition to the host property. However, I have already set out above that its siting, appearance and degree of screening, together with its backdrop of some other built development in some views, would all serve to mitigate the visual

prominence of the garage building and this is in spite of its considerable width and depth. The external materials proposed in the construction of the proposed building would be sympathetic to existing nearby buildings. As a result, I find that the proposed building would be acceptably designed, would not harm the character or appearance of the area nor would it be insensitive to its surrounds.

18. Alternatively, if I were to consider the proposed development formed a part of a settlement rather than being within the open countryside, criterion f. of policy STP1 applies. The proposed building would be situated on land next to the dormer bungalow. This land is garden land associated with the property. It would form a further building amongst the existing grouping I have described earlier as an island of built development on the fringes of Ponteland. The building would not be divorced from this building group. Therefore, if I determine that this building group is a settlement, for the above reasons, the proposal would remain within its built form in compliance with criterion f.
19. Consequently, irrespective of whether the site is within the open countryside or within a settlement the proposal would comply with policy STP1 of the LP and policy PNP2 of the NP. I find the broad sustainable development principles within policy PNP1 largely irrelevant to the specific effects I am considering in this issue. No conflict would therefore arise with its content. It follows that there is no conflict with the development plan's spatial strategy.
20. Whilst not referenced within the Council's reason for refusal, the appellant has drawn to my attention policy QOP1 of the LP. For the above reasons, the development would also comply with that policy, which amongst other matters, requires that development is visually attractive and makes a positive contribution to local character. I also find that the development would comply with advice contained within the Framework, including that at paragraph 130, which states that development should be sympathetic to local character and be visually attractive.

Other Considerations

21. In April 2022 the Council granted a lawful development certificate relating to the proposed erection of a single storey garage and store². I have no reason to conclude that there is not a greater than theoretical possibility that the development subject to the lawful development certificate could take place.
22. The scale and appearance of the garage and store building the subject of the appeal and the subject of the lawful development certificate would be the same. The land-take of the two schemes within the Green Belt would therefore also match. Their siting and orientation would, however, differ.
23. Given its orientation, I accept that the building the subject of the lawful development certificate would in views from the field to the south appear higher than the appeal proposal. That building would also come ever so slightly farther north on marginally higher ground. However, the proposed building the subject of the lawful development certificate would be sited closer to the dormer bungalow itself. The orientation of the building the

² Application reference 22/00583/CLPROP

subject of the appeal would mean that its considerable width, in excess of 14m, would be on a west-east alignment. Together with its proposed siting farther to the east, this would result in the appeal proposal more significantly eroding the largely undeveloped expanse of land between the garage at Eland Close and the houses to the east. Furthermore, in the views from Eland Lane which, given it is a road, would likely be more readily travelled upon than the field to the south, the existing garage would more effectively obscure the building the subject of the lawful development certificate.

24. For these reasons and, despite the building proposed being of the same dimensions, the appeal scheme would have a greater effect upon the openness of the Green Belt than that the subject of the lawful development certificate. It may be that the particular layout of the building in the appeal proposals has been deliberately chosen with regard to the dormer bungalow and the topography but, this does not alter the effects upon openness that I have identified would result. Consequently, the appeal scheme would be the more harmful development within the Green Belt and, accordingly, that an alternative and less harmful development could be undertaken does not weigh in favour of the appellant.
25. I note the appellant has expressed concerns with the service which they have received from the Council, however, this is unrelated to the merits of the case. Separately within my Costs Decision, I determine whether the Council have behaved unreasonably and caused the appellant to incur unnecessary or wasted expense in the appeal process.
26. Other effects of the development, including in relation to parking, may be acceptable but this lack of harm is a neutral factor in my determination.

Conclusion

27. The proposal constitutes inappropriate development in the Green Belt. The Framework, at paragraph 147, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 explains that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.
28. As set out above, the development constitutes inappropriate development and, furthermore, causes harm to the openness of the Green Belt and conflicts with one of the purposes of including land within the Green Belt. This harm receives substantial weight. Although I have identified that the proposal would not conflict with the development plan's spatial strategy, nor would it harm the character or appearance of the area, the absence of harm in relation to these matters is a neutral factor and weighs neither for nor against the proposal. In this case, the fallback scheme the subject of the certificate of lawful development, does not weigh in favour of allowing the appeal. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development, and as referred to within the Framework, do not exist.

29. The development would, consequently, be contrary to policies STP7 and STP8 of the LP, which amongst other matters, states that the Green Belt within Northumberland will be protected so as to safeguard the countryside from encroachment. These policies also state that inappropriate development in the Green Belt will not be supported unless other considerations clearly outweigh any harm caused by the development.
30. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR