



Appeal Decision

Site visit made on 5 September 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/P2935/W/23/3323159

Land west of 35 Station Road, Stannington NE61 6DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jason Miller against the decision of Northumberland County Council.
 - The application Ref 20/04096/OUT, dated 30 November 2020, was refused by notice dated 12 May 2023.
 - The development proposed is Outline planning permission for residential development for up to four dwellings (All Matters Reserved) with demolition of existing structures.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development for up to four dwellings (All Matters Reserved) with demolition of existing structures at Land west of 35 Station Road, Stannington NE61 6DX in accordance with the terms of the application, Ref 20/04096/OUT, dated 30 November 2020, subject to the conditions set out in the schedule at the end of this decision.

Applications for costs

2. The appellant has not made an application for an award of costs, but they have drawn attention to the fact that I could initiate an award if I consider that unreasonable behaviour has occurred. In that respect, they make specific reference to wording in an appeal decision from 2019¹. This deals with considerations relating to views of the open countryside, the cumulative impact of development and the impact that this has had on the rural and dispersed character of the settlement.
3. These are matters that I will address later in the decision. However, I am satisfied that the Council has set out clearly the reasons as to why it considered the proposed development not to be acceptable in the circumstances that prevail at the present time and that it has been able to substantiate these at appeal. I will not, therefore, initiate an award of costs.

Preliminary Matters

4. The description of development given on the planning application form includes wording that does not describe an act of development. I have therefore omitted that wording from the description contained in the banner header and the formal decision above.

¹ APP/P2935/W/19/3231462

5. The application is submitted in outline form with all matters reserved for later consideration. Therefore, whilst plans have been submitted suggesting how the proposed dwellings could be accommodated on the site and how an access could be formed to Station Road, these have been provided for indicative purposes only.
6. A number of representations made by interested parties refer to the appeal site being located within the Green Belt. However, the most recent development plan document, the Northumberland Local Plan 2022 (NLP), sets out inset boundaries where certain settlements are not covered by the Green Belt designation and therefore where Green Belt restrictions do not apply. The appeal site is within the inset boundary of the settlement of Stannington Station and therefore not within the Green Belt. I proceed on that basis.
7. My attention has been drawn by the Council and interested parties to the extensive planning history of the appeal site and to unauthorised uses that are said to have taken place on it. It is stated within those submissions that as of summer 2015 it was still in agricultural use, but that other uses have occurred subsequent to that. It does not fall within the remit of a section 78 planning appeal to determine the lawful use of land. But, in order to make my assessment of the main issue, it is necessary to adopt a base position against which to judge the impact of what is proposed.
8. In that respect I will proceed on the basis that the appeal site is agricultural land, and consistent with the findings of a previous Inspector, that the small-scale buildings upon it have agricultural origins.

Main Issue

9. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

10. The appeal site fronts onto Station Road, the main road which passes through the settlement of Stannington Station. The character of this road is varied, and includes older terraced cottages, more modern detached and semi-detached dwellings, bungalows and dwellings located in large plots with mature vegetation to their front boundaries. It is evident that much of the development that is now present has been undertaken relatively recently. The outer reaches of Stannington Station have a firmly rural and open character, but there is a much lesser sense of rurality and open character in the immediate area in which the appeal site is located. Whilst reference is made by the Council to the dispersed character of the surrounding area and to the agricultural feel of the settlement, this too is far less noticeable in the area closest to the appeal site.
11. The appeal site also has an established mature hedge of a substantial height along its frontage with Station Road. The presence of the hedge and the fact that it has only small-scale agricultural type buildings upon it means that it forms a gap within the street which is visually similar to those other sites in the wider area that are either undeveloped or which accommodate only a single dwelling on a more sizeable plot. However, it sits firmly in between the existing development to the west and dwellings further to the east, and this means that it does not have either a particularly rural or an open character. Furthermore,

whilst the presence of agricultural land in the street scene is characteristic along some parts of Station Road, it is not so on the specific section of the road on which the appeal site is located, where the gaps between the more densely built developments that do exist are instead associated with those dwellings on larger plots.

12. Whilst the proposed development would result in a change to the character and appearance of the appeal site, the indicative plans submitted suggest a scheme similar to that which has recently been built immediately to its western boundary. In that respect therefore, there is potential for a residential development on the site to assimilate within the street scene in an appropriate manner. The undeveloped gap in the street scene that the site provides would be lost, but other gaps would remain, notably as a result of the extensive frontage of 33 Station Road and a smaller gap between the appeal site and 35 Station Road. The visual loss of the agricultural land from this section of the street would not be harmful in the context that its presence is not characteristic of this section of the road. Even when considered cumulatively with other recent development, these factors mean that there would be no harm to the character and appearance of the street scene or to the dispersed character of the wider area.
13. Views across the appeal site from Station Road are restricted by the presence of the mature boundary hedge. It is possible that the proposed development would open up views across the appeal site and beyond. However, even if that occurred those views are terminated a short distance beyond the northern boundary of the appeal site by a high tree line that runs along the boundary of the adjoining land. The presence of this tree line means that there are no long-reaching views possible into the countryside. Such views are limited to more oblique angles, but in themselves are interrupted by the new dwellings to the west, and by the railway line, mature trees and pylons to the east. The proposal would not therefore be harmful in terms of its wider landscape impact or through an interruption of long views towards the countryside. There would therefore be no harm to the character and appearance of the area in these respects either.
14. My attention has been drawn to a number of previous refusals of planning permission at the appeal site and on sites elsewhere in Stannington Station. Those refusals have been made both by the Council and on appeal, although I have only limited information before me about each of them. However, they all pre-date the adoption of the NLP. The direct consequence of the new development plan for the appeal site is that it falls within the inset boundary of Stannington Station. Therefore, it is now outside of the Green Belt. As is consistent with the position that the Council has taken on the appeal case, proposed residential development on the site is no longer objectionable on that ground.
15. Instead, the pertinent matter is the impact that would be had upon the character and appearance of the area. In that regard I have found that there would be no harm. Therefore, it would appear that there are clear material differences between the appeal proposal and the circumstances that prevailed in those other cases to which my attention has been drawn. But irrespective of this, I have made my decision on the basis of the information that is before me, the planning policy framework including the new NLP that is in place at the current time, and what I observed on my site visit.

16. For these reasons, I conclude that the provision of up to four new dwellings on the appeal site would not result in harm to the character and appearance of the area. Consequently, the proposal would accord with Policy QOP1 of the LP and Policy 10 of the Stannington Neighbourhood Plan 2018, where they seek to promote good design and to safeguard character and appearance. There would also be no conflict with the aims of the National Planning Policy Framework, where it seeks to achieve well-designed places.

Other Matters

17. Interested parties have questioned whether the appeal site is previously developed land or not, in light of previous appeal findings. However, I have noted that it now falls within the inset boundary for Stannington Station, and the matter of whether it is previously developed or not is not determinative on the outcome of the main issue in the appeal. Whilst the Council considers that it has a healthy 5 year housing land supply and it can point to good levels of recent housing delivery, this in itself does not serve to prevent the provision of further dwellings.
18. Reference is made to there being only limited amenities and facilities in Stannington Station, and to there being no bus service. However, the Council draws attention in its Officer Report to criteria d) and e) of Policy STP 1 of the NLP. Criterion d) states that in order to support the social and economic vitality of rural areas, and recognising that development can support services and facilities in other nearby villages, Small Villages (of which Stannington Station is one), will support a proportionate level of development. Criterion e) states that sustainable development will be supported within Green Belt inset boundaries.
19. As has been established the appeal site lies within the Green Belt inset boundary. Although I am aware that there have been a number of other recent housing developments in Stannington Station, there is nothing substantive before me to demonstrate that this has been of an extent that could, when considered cumulatively with the appeal proposal, be considered to be disproportionate in the context of criterion d) or not sustainable in the context of criterion e). Therefore, I am satisfied that the location of the proposed development accords with the spatial strategy set out in Policy STP 1 of the NLP.
20. There is also no substantive evidence before me to suggest that the proposed development would, either in isolation or when considered cumulatively with other existing developments, give rise to traffic congestion, or cause air and noise pollution that would result in harm to living conditions. I have in those respects paid particular regard to the consultation responses made by the Highway Authority and by Environmental Protection.

Conditions

21. Conditions defining the reserved matters, setting out the period to submit these and to commence development, along with a condition confirming the approved plans are needed to provide certainty. Whilst the Council has included the Flood Risk Assessment and Drainage Statement in the approved plans condition, this is addressed in other conditions. Conditions relating to a ground gas report and a subsequent validation and verification report, along with details of land contamination and potential remediation, a verification report

and a protocol if unexpected contamination is found are needed to ensure that the proposed development is safe for its future residents.

22. A construction method statement is needed in the interests of highway safety during the construction phase. Details of methods to control dust during construction and to prevent undue noise from machinery and deliveries outside of defined hours are required to protect the living conditions of nearby residents. Conditions relating to the disposal of foul and surface water, the maintenance of sustainable drainage features, surface water during construction and a verification report are needed to ensure that appropriate drainage is put in place. A condition relating to ecological matters is needed to make sure that the proposal is carried out in a way that protects ecological interests.
23. The external facing materials to be used together with details of hard and soft landscaping, boundary treatments, car parking, vehicular access, proposed highway works, cycle parking and refuge storage all fall to be assessed at reserved matters stage. It is not therefore necessary to impose such conditions on an outline permission. An acoustic design scheme to ensure that habitable rooms have access to a window that can be opened away from the East Coast Main Line railway and Station Road can be provided at reserved matters stage, once details of the layout of the proposed dwellings has been finalised. The provision of electric vehicle charging points now falls under the remit of Building Regulations and it is not necessary to duplicate this requirement on a planning permission.
24. The Council provides no reasoned justification as to why permitted development rights for extensions, free standing buildings or structures should be removed and I see no reason why this would be reasonable or necessary in this case. Therefore, I will not impose a condition in that regard.
25. I have reworded and combined the Council's proposed conditions where appropriate, in the interests of precision.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR

Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan (labelled Proposed Site Plan and dated May 2022), drawing BS/JT/20508.
- 5) No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS 8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), has been submitted to and approved in writing by the Local Planning Authority.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases). The development shall thereafter be undertaken in accordance with the approved details.

- 6) The development shall not be brought into use until a validation and verification report, to the approved methodology in Condition 5, has been submitted to and approved in writing by the Local Planning Authority.
- 7) No development shall commence until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:
 - a) Further site investigations as recommended in the Geo-Environmental Ground Investigation (Phase I Geo-Environmental and Coal Mining Risk Assessment produced by 3e Consulting Engineers Ltd, Report Ref P17-508/DS (Issue 2) and dated 11/04/19) shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. This shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the site's existing status and proposed new use.

- b) A written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site.
- 8) The development hereby permitted shall not be brought into use until a full closure (Verification Report) report has been submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.
- 9) If during development contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a Method Statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then a signed statement shall be submitted indicating this to discharge this condition.
- 10) No development shall commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:
- a) details of temporary traffic management measures, temporary access, routes and vehicles;
 - b) vehicle cleaning facilities;
 - c) the parking of vehicles of site operatives and visitors;
 - d) the loading and unloading of plant and materials;
 - e) storage of plant and materials used in constructing the development.
- 11) No development shall commence until a scheme to control dust, to be implemented for the duration of the site works, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include methods to control dust from works and site management responses to incidents and complaints about dust arising from the site. The site works shall thereafter be undertaken in accordance with the approved details.
- 12) During the construction period, there shall be no noisy activity from mobile plant, pneumatic equipment, power tools etc. audible at the site boundary, on Sundays or Bank Holidays or outside the hours of:
- Monday to Friday - 0800 to 1800
- Saturday - 0800 to 1300
- 13) Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours of:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing by the Local Planning Authority.

- 14) No development shall commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
- 15) No development shall commence until a detailed scheme for the disposal of surface water from the development through the construction phase has been submitted to and approved in writing by the Local Planning Authority. Drainage through the construction phase shall thereafter be undertaken in accordance with the approved details.
- 16) No development shall commence until a detailed scheme to dispose of surface water from the development has been submitted to and approved by the Local Planning Authority. This scheme shall:
 - a) Adhere to the principles as set out in the drainage strategy from M Design reference MD1338 Moor Farm Estate Stannington Flood Risk and Drainage Assessment, where the site shall drain by infiltration following further testing in accordance with BRE Digest 365 and demonstrate there is at least 1m between the base of the soakaway and any groundwater
 - b) In the event that infiltration testing shows infiltration is not feasible, the design shall restrict discharge from the development to 5l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed in writing by the Local Planning Authority
 - c) Provide attenuation on site for the 1 in 100 year plus climate change event.
 - d) Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessmentDevelopment shall thereafter be undertaken in accordance with the approved details.
- 17) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:
 - a) As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
 - b) Construction details (component drawings, materials, vegetation);
 - c) Health and Safety file;
 - d) Details of ownership organisation/adoption details.
- 18) Prior to the first occupation of the development, details of the maintenance of all SuDS features shall be submitted to and approved in writing by the Local Planning Authority. A maintenance schedule and log,

which includes details for all SuDS features for the lifetime of the development shall be comprised within. Maintenance shall thereafter be implemented as approved and shall be undertaken as such in perpetuity.

- 19) No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report (Site Two, Moor Farm Estate, Stannington Station. Proposed Development. Extended Phase 1 Survey Report, February 2019) and this condition, including, but not restricted to:

a) Adherence to 'Bat Conservation Trust. Guidance Note 08/18. Bats and artificial lighting in the UK Bats and the Built Environment series'

b) No demolition, development, tree felling or vegetation clearance to be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed. Netting of hedgerows, trees or buildings is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of any netting shall be submitted to and agreed in writing with the Local Planning Authority prior to installation, should netting be absolutely necessary.

c) Installation of a minimum of one integrated bat box and one integrated bird box in each dwelling. Numbers, types and positions of which to be submitted to and agreed in writing with the Local Planning Authority prior to construction commencing and thereafter fully implemented as approved.

d) Root protection zones shall be implemented around all retained trees and hedgerows in accordance with the guidance given in BS5837

e) Adherence to timing restrictions to avoid the bat hibernation period (mid-November to mid-March inclusive).

f) Holes of 13cm x 13cm to be provided in the base of every boundary fence to allow for free movement of hedgehogs.

g) Production and implementation of a landscaping plan (including long-term management). To include native hedgerow planting and provision for an area of wildflower grassland. To be fully implemented during the first full planting season (November – March inclusive) and to comprise species native to Northumberland. To be submitted with the reserved matter of landscaping.

h) Any piles of stone or recycled materials to be removed outside the hibernation period (November to March inclusive) to avoid disturbing hibernating hedgehogs or amphibians.

i) An updated ecological survey to be carried out with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be submitted to and approved in writing with the Local Planning Authority before development works commence.

-----End of Conditions-----