



Appeal Decision

Site visit made on 30 May 2023

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/P2935/W/23/3316825

Land South of St Peter and St Paul's Church, Longhoughton

Easting: 424205 Northing: 615027

- 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 Northumberland Estates against the decision of Northumberland County Council.
 - The application Ref: 22/01297/FUL, dated 5 April 2022, was refused by notice dated 22 December 2022.
 - The development proposed is 4 no. residential dwellings including associated access, landscaping and all other ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site location address in the heading above is taken from the application form. This is different to that in the Council's decision notice¹. I am satisfied that they refer to the same site.
3. It is common ground between the parties that the appeal site (the site) lies within the setting of the Grade I listed building, Church of Saints Peter and Paul². With regard to the Council's first reason for refusal, under Regulation 5A(3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended), Historic England (HE) must be notified on development which the local authority think would affect the setting of a Grade I or Grade II* listed building. The Council confirmed that HE was not notified as part of the determination of the application. Consequently, this was undertaken as part of the appeal. HE submitted comments, to which the appellant was given the opportunity to respond and they duly submitted a reply³. I have taken the comments received into account in my determination of the appeal.
4. The site falls within the 'zone of influence' for coastal sites designated at a national level including Sites of Special Scientific Interest; and at an international level, including Special Protection Areas, Special Areas of Conservation and Ramsar sites⁴.

¹ Land North Of Junction Of Station Road South End Longhoughton, Northumberland.

² List Entry Number: 1303950.

³ HE Letter dated 12 April 2023; and Appellant's Letter dated 27 April 2023.

⁴ National Sites: Longhoughton Quarry SSSI; Northumberland Shore SSSI; and Howick to Seaton Point SSSI. International Sites: Northumberland Coast SPA; Northumberland Marine SPA; Northumberland Coast Ramsar; and Berwickshire & Northumberland Coast SAC.

5. The Council operates a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development within this zone, such as the appeal proposal. Contribution to the Coastal Mitigation Service in line with the details of this Service, enables a conclusion that there will be no adverse effect on the interest features of the protected national sites; and no adverse effect on the integrity of the protected international sites.
6. With regard to the Council's third reason for refusal, during the course of the appeal, the appellant submitted a signed and dated Unilateral Undertaking⁵ (UU) providing a contribution towards the Council's Coastal Mitigation Service and thus suitable mitigation in relation to this matter. The Council was given the opportunity to comment on the UU⁶ but no response was received.
7. The UU provides a contribution to the Council of £2,460 for four residential units at £615 each, payable on commencement of the development. From the information before me⁷, the UU would meet the requirements of the Coastal Mitigation Service and address the Council's third reason for refusal. In this regard, I note the Council's acknowledgement that, if a UU is submitted then the need for this reason for refusal would fall away.
8. Bearing the above in mind, as well as that I am dismissing the appeal for other reasons and that this provision relates to mitigation as opposed to constituting a potential benefit of the proposed scheme, it is not necessary for me to consider this matter in any further detail. I have therefore not included it as a main issue. I am satisfied that the parties' interests are not prejudiced by this approach.
9. In the submitted evidence there is reference to the emerging Longhoughton Neighbourhood Plan (the emerging NP). The Council states that the emerging NP is at an early stage. As such, I have given it little weight.

Main Issues

10. The main issues are: i) Whether the proposed development would preserve the setting of the nearby Grade I listed building, Church of Saints Peter and Paul; and ii) The effect of the proposed development on the character and appearance of the area.

Reasons

Appeal Site and Background

11. The site, known locally as 'Pond Field'⁸, is located at the southern end of Longhoughton, which is a small, rural, Northumberland village near the coast. It is a roughly square parcel of land, which was previously used for agricultural purposes (grazing) but is currently vacant.
12. The land is bordered by Station Road to the south; the Church of Saints Peter and Paul and associated graveyard to the north; the curtilage of an existing property to the east; and the sustainable drainage system basin for the

⁵ For £2,400 (4x£615), dated 6 April.

⁶ Email dated 11 April 2023.

⁷ Natural England consultee response dated 13 May 2022; and Appendix 1 Coastal Mitigation Service in Ecologist Consultee Response dated 31 May 2022.

⁸ Also referred to by the appellant as Ponds Field.

Chancel Place development to the west. It is largely enclosed by a combination of boundary treatments which include stone walling, metal railings, timber fences and established tree cover/hedges/vegetation.

13. The proposal is for two, semi-detached, two storey, two-bedroom houses, and two, detached, two storey, three-bedroom houses. They would be accessed via a route from Harper Crescent leading to a private drive at the rear of the properties. The rest of the site would be landscaped incorporating a sustainable drainage system (pond), public open space and pedestrian green routes.

Setting of Church of Saints Peter and Paul

Special interest and significance

14. The site lies near to the Church of Saints Peter and Paul and its graveyard which extends to the south and west. The Church is a Grade I listed building, a designated heritage asset of the highest significance. As required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
15. In considering this issue, I have also had regard to the definitions of 'significance (for heritage policy)' and 'setting of a heritage asset' in the Glossary of the National Planning Policy Framework, September 2023 (the Framework)⁹; and guidance by HE on the setting of heritage assets¹⁰, recognising that the importance of a heritage asset's setting lies in what it contributes to the significance of the asset or to the ability to appreciate that significance.
16. The submitted evidence states that the Church is one of the oldest churches in the area, being of Saxon origins. It was rebuilt in the late 11th century, incorporating some of the Saxon stonework. The imposing west tower, which is said to have been constructed for the purpose of military defence rather than religious use, was added in the early 12th century. Some remodelling was undertaken in the 18th and 19th centuries. It is constructed of stone (a combination of coursed rubble, large squared red and grey sandstone blocks, large rubble and squared stone with ashlar dressings) with a Welsh slate roof.
17. The Church occupies an elevated position within the Village when viewed from Station Road and the B1339 (North End), with the tower overlooking the, predominantly rural, surrounding landscape.
18. From the evidence before me, the Church's special interest and significance are mainly derived from its archaeological, historic and architectural interests. Important contributors in these regards are its evolution over time and surviving historic fabric; traditional construction and materials; and its ongoing ecclesiastical use and symbolism of faith which link to the local community.

⁹ The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting; and 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.

¹⁰ Historic England: Historic Environment Good Practice Advice in Planning: 3, The Setting of Heritage Assets, 2017.

19. Pertinent to the appeal, the building's special interest and significance also stem, in part, from its setting. Its immediate setting, comprising its large, enclosed graveyard has, to varying degrees, historic, functional, physical and visual links with the asset. This tranquil space allows the Church and its status and role within the Village to be experienced and contributes considerably to both its significance as an asset, as well as the ability to appreciate that significance.
20. Beyond this, the surrounding land to the north and south, which includes the appeal site, is mostly undeveloped and highly verdant. This generally open context maintains the historic relationship of the Church with the Parish it serves and the local rural landscape within which it sits; and conveys the building's enduring functional and communal importance. When approaching the Village from the west and south, mature tree cover and established vegetation screen the Church and graveyard to a large extent. Nonetheless, the general absence of built form in this part of the asset's broader context, provides a sense of arrival to the Village and, as acknowledged by the appellant, allows glimpsed views of the Church beyond¹¹.
21. These positive qualities of the Church's wider setting contribute in a meaningful way to its special interest and significance and reinforce its high status as a Grade I listed building of exceptional interest.
22. The appellant highlights that the listed building description references the Church's special interest being derived from its age, materials and architecture, rather than setting and views. However, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the building's special interest. Additionally, the Framework's definition of significance (for heritage policy) is clear that significance derives not only from a heritage asset's physical presence, but also from its setting.

Effects of the proposed development

23. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting and that this should have clear and convincing justification.
24. I accept that a large part of the Church's special interest and significance stem from its historic evolution and fabric as well as its spiritual and communal value, which would remain unaffected by the proposal. Furthermore that the immediate setting and most of the wider setting that contribute to the asset's special interest and significance would remain undisturbed by the proposed scheme. I also acknowledge that the positioning and scale of the proposed development within the site would permit the retention of a sizeable area of open green space within this part of the wider setting of the Church, and thus would not interrupt any of the 'glimpsed views' of the asset referred to above.
25. Nonetheless, the proposal would result in the introduction of substantial built form; extensive hard landscaping for the access and drive at the rear; and

¹¹ Design, Heritage and Access Statement, JDDK.

large enclosed garden areas at the front, all within this part of the Church's wider setting which, from the submitted evidence, has remained historically undeveloped¹². This would notably erode the open quality of the site, adversely altering a key characteristic of the asset's wider setting. In doing so, it would dilute the ability to appreciate the Church's historic relationship with the Village and the surrounding landscape and weaken the authenticity of this experience.

26. I recognise that the wider setting of the Church has changed and evolved over time, most recently as a result of the Chancel Place development. However, I do not know the details or circumstances which led to that scheme being granted permission, which limits the weight I can attach to it in my consideration of this appeal.
27. In any event, the proposed development would appear as a piecemeal intrusion into this undeveloped and verdant site. Whilst the properties would be read against the backdrop of the Chancel Place development when viewed from Station Road and the junctions with Boulmer Road and the B1339 (South End), it remains that by virtue of their bulk, form and use, they would fundamentally alter the character and appearance of this space and the relationship it has with the Church. This change would not be adequately mitigated or offset by the landscaping proposed.
28. I acknowledge that the appeal site is, to a large degree, visually separated from the Church by mature vegetation. However, the absence of a strong visual connection is not a determinative factor, as it is the physical presence and form of the proposal that would be harmful to the setting of the Church, diminishing the positive contribution the setting makes to the asset's significance. Moreover, it is more probable than not that this visual separation would be moderated in the autumn and winter months when leaf cover would be reduced.
29. Overall, in my judgement, the proposal would harmfully alter important attributes of the Church's wider setting and affect the authenticity of how the asset is experienced. In turn, this would lessen the positive contribution that the Church's wider setting makes to its significance, as well as reduce the ability to appreciate that significance.
30. Accordingly, I conclude that the proposed development would not preserve the setting of the nearby Grade I listed building, Church of Saints Peter and Paul. It would therefore fail to satisfy the requirements of section 66(1) of the Act and in doing so would cause harm to the significance of this designated heritage asset.

Heritage balance

31. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given that the proposal would affect only part of the asset's setting, I find that the harm would be 'less than substantial'.
32. The appellant contends that no harm would arise to the significance of the Church as a result of the proposed development within its setting. However, they add that, if harm is found, it would be 'at the lower end of less than

¹² Historic Maps, Page 4, Design, Heritage and Access Statement, JDDK.

- substantial'. Furthermore, that this harm would be strongly outweighed by a range of public benefits offered by the proposed scheme.
33. Decision makers are not obliged to place the harm that would be caused to the significance of a heritage asset, or its setting, somewhere on a 'spectrum' in order to give the necessary great weight to the asset's conservation. The Framework's division of harm into categories of 'substantial' or 'less than substantial' is adequate to carry out the weighted balancing exercise to determine whether a planning proposal is acceptable. In any event, a finding of less than substantial harm does not amount to a less than substantial planning objection and carries considerable importance and weight.
34. Paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use. Public benefits could be anything that delivers economic, social or environmental objectives as described in the Framework. They should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and not just be a private benefit¹³.
35. The proposal would contribute four houses to the overall housing supply in the area which, the submitted evidence indicates, would meet an identified need¹⁴. It is intended one of these would be offered as an affordable dwelling sold at discounted market value, and all would be sold as permanent occupancy.
36. Economic and social benefits would flow from their construction, incorporating the use of local materials, as well as from their occupation. It is also likely that future occupiers would support local services and facilities, potentially assisting the vitality and viability of the Village and its community.
37. The proposed scheme would also generate environmental benefits in the form of detailed landscaping¹⁵ including a wildflower meadow, pond and enhanced green networks to connect with the Church and to other parts of the Village; the incorporation of open and accessible public green space; and the restoration of the boundary wall.
38. In considering the above, I accept that these elements of the proposal would constitute public benefits. However, I am conscious that there is no mechanism before me that would secure in perpetuity some of the benefits advanced by the appellant, including the provision of an affordable unit, permanent occupancy of the properties, public green space and enhanced green networks. Furthermore, the extent of some of the benefits is tempered by the fairly modest amount of development proposed. Nevertheless, overall, I consider that they attract moderate weight in favour of the appeal.
39. I note the appellant's comments that the proposed development would enhance the area, by securing the optimum and most viable use for the site. They submit that its restoration would not be possible or viable without this proposal, and that without the positive interventions of the development and the benefits that it brings, will remain unmanaged and deteriorate.

¹³ Planning Practice Guidance: Paragraph: 020 Reference ID: 18a-020-20190723.

¹⁴ Council's Statement – Reference to Policy HOU 3 of the NLP and requirement for more housing to satisfy the minimum need for the area; and Appellant's evidence – Longhoughton Housing Needs Survey Final Report, July 2019, Produced for Longhoughton Neighbourhood Development Steering Group.

¹⁵ Landscape Plan (147478/sk7001) C.

40. However, the site as part of the Church's setting is not an 'asset' in itself, and its value lies in the contribution it makes to the significance of the Church as a designated heritage asset. Moreover, as referred to above, it has not been demonstrated how some of these benefits would be secured in perpetuity. In any event, in my judgement, the proposed development would cause greater harm to the setting and thus the significance of the Church than the alternative of the land not being developed and remaining as untended green space. As such, I ascribe little weight to this consideration in the balance.
41. Drawing the above together, the moderate weight that I ascribe to the public benefits arising from the proposal is not sufficient to outweigh the considerable importance and weight that I attach to the identified harm to the asset's significance.
42. Consequently, I conclude that the proposed development would not preserve the setting of the nearby Grade I listed building, Church of Saints Peter and Paul. This would result in harm to the building's significance from development within its setting, which would not be outweighed by the public benefits that would accrue from the proposal. This would fail to meet the requirements of section 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also be in conflict with Policy ENV 7 of the Northumberland Local Plan 2016-2033, adopted March 2022 (the NLP) in so far as it seeks development proposals to conserve and enhance the significance, quality and integrity of Northumberland's heritage assets and their settings.

Character and appearance

43. The site sits across from the junctions of Station Road with Boulmer Lane and the B1339 (South End) respectively. The land levels undulate across the site, sloping considerably from a higher point along the east and west boundaries with a low point running through the centre. The surrounding area comprises the buildings and spaces which form the rural village of Longhoughton, all situated within a generally spacious and verdant pastoral landscape.
44. It is common ground between the parties that, in addition to being part of the wider setting of the Grade I listed Church, the site represents a significant visual gateway into Longhoughton when entering the Village from the west and south. Its open and verdant qualities positively contribute to the character and appearance of the area and help to impart a sense of anticipation and arrival to the Village.
45. The appellant's Design, Heritage and Access Statement confirms that the Village was primarily a linear development either side of the B1339 which runs north-south through Longhoughton's centre, with distinct areas of development to the north and south of Station Road. More recent development has expanded the Village mainly to the north, east and west and with some limited expansion to the south. Generally the linear pattern of development has been maintained when facing the B1339, with grouped developments on the outskirts.
46. Within the historic core, the buildings vary in size, height and form. However, common characteristics include a set back from the highway with wide street facing frontages and large mature gardens; boundary treatments of low stone walls with hedging and planting behind; use of stone and slate; and features

such as dual pitched roofs with stone water tables, varying roofline details, stone chimneys, simple timber porches and sash and case windows.

47. I acknowledge that the proposed development has been designed in response to the constraints and opportunities of the site as well as the characteristics of Longhoughton. Nonetheless, as alluded to above, the introduction of built form, associated hard landscaping and formal enclosed gardens into the site would notably and detrimentally erode its pleasing open and soft landscaped character and appearance, causing the proposed development to appear as an incremental suburban encroachment into this important space.
48. The proposed development would possess a linear arrangement. However, its orientation at right angles to the highway, facing into the remaining open space, would be out of keeping with the prevailing pattern of residential development within the Village's historic core as set out above.
49. Additionally, whilst the proposed houses would be of a high quality, incorporating common materials and architectural features of traditional buildings within Longhoughton, their location on the outskirts of the Village would mean that they would not be read in the context of the historic core. Instead, their form, design and materials would be at odds with the backdrop of the modern Chancel Place development behind.
50. These harmful effects would undermine the positive traits of the site and area which are intrinsic to the character and appearance of the locale. Moreover, they would be readily perceived when viewed from Station Road and the adjacent junctions with Boulmer Lane and the B1339 (South End) and would not be sufficiently moderated by the detailed landscaping proposed.
51. Accordingly, the proposed development would have a harmful effect on the character and appearance of the area. This would conflict with Policies QOP 1, ENV 1 and ENV 3 of the NLP. Together and amongst other things these policies seek development proposals to integrate the built form of the development with the site overall, and the wider local area; conserve the character and/or significance of Northumberland's distinctive and valued natural, historic and built environments; and conserve and enhance important elements of landscape character. It would also not comply with the provisions within the Framework which seek to achieve well designed places.

Other Matters

52. I am aware that the appellant has liaised closely with the Parish Council (the PC) in developing the proposed development, and I note the PC's overall lack of objection to the proposal. Nonetheless, this weighs neutrally and does not alter my conclusions on the main issues.
53. I note that, subject to conditions, no objections to the proposal have been raised in relation to matters of ecology, highways, flood risk and environmental health. Moreover, Natural England has confirmed that it has no objection to the proposed development subject to appropriate mitigation which, as set out above, has been addressed by the appellant with the submission of a UU. However, these matters weigh neither for nor against the appeal.
54. The appellant highlights that the assessment undertaken by Environmental Services within the Planning Inspectorate states that 'The Proposed Development is located near to several Grade I and Grade II listed

buildings...Considering the nature, scale and location of the Proposed Development no significant effects on heritage features/listed buildings are likely to occur.¹⁶ However, this assessment is in relation to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, to determine whether the proposed development is Environmental Impact Assessment development. It is not an assessment against the statutory duty within the Act, the relevant provisions of the Framework and the relevant policies of the NLP. As such, any conclusions from the separate assessments may not be the same.

55. The submitted evidence refers to the presence of Grade II listed buildings within the vicinity of the site, including a signpost at the junction with Station Road and headstones within the adjacent graveyard. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving the settings of these listed buildings. The special interest and significance of these assets largely stem from their historic interest, but are also derived, in part, from their respective highway and graveyard settings. Given the position and nature of the proposed development, I consider that the settings of these designated heritage assets would be preserved and the contribution they make to the assets' significance would not be harmed. I note the Council had no concerns in this regard either.
56. The submitted evidence states that the site is located within the Northumberland Coast National Landscape (formerly Northumberland Coast Area of Outstanding Natural Beauty)¹⁷. I have had regard to the statutory purpose of this designation as set out within section 85 of the Countryside and Rights of Way Act 2000 namely, to conserve and enhance the natural beauty of the area and afforded this great weight. Having regard to the location and amount of development proposed, whilst it would be an incursion into an important area of open space within the Village and the setting of the Grade I listed building, I consider that it would not conflict with the purpose of section 85 of the Countryside and Rights of Way Act 2000. I note the Council raised no objections in this respect either.

Overall Planning Balance and Conclusion

57. The proposed development would not preserve the setting of the adjacent Grade I listed building. Moreover, it would harm the character and appearance of the area.
58. On this basis there would be conflict with Policies ENV 7, QOP 1, ENV 1 and ENV 3 of the NLP. It would also fail to meet the requirements of the Act. Additionally, it would not comply with the provisions within the Framework regarding the conservation and enhancement of the historic environment; and achieving well designed places.
59. Conversely, as set out above, the proposal would contribute four additional dwellings to the housing supply within the local area and generate associated economic, social and environmental benefits, in line with the Framework and Government objectives.

¹⁶ Letter from Environmental Services within the Planning Inspectorate, dated 12 April 2023.

¹⁷ On 22 November 2023 all designated Areas of Outstanding Natural Beauty in England and Wales became 'National Landscapes'.

60. Overall, I afford considerable importance and weight to the harm I have identified and the conflict with the development plan when taken as a whole. Whilst I afford moderate weight to the benefits which would accrue from the proposed development, material considerations do not indicate that the decision should be taken other than in accordance with the development plan.
61. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR