



Appeal Decision

Site visit made on 17 October 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal Ref: APP/P2935/W/23/3326826

Land to west of Grey Stones, Wallridge, Northumberland NE20 0SX

- 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 Judith Troidahl against the decision of Northumberland County Council.
 - The application Ref 22/04526/FUL, dated 6 December 2022, was refused by notice dated 7 February 2023.
 - The development proposed is the erection of single dwelling with associated access and residential garden.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single dwelling with associated access and residential garden at Land to west of Grey Stones, Wallridge, Northumberland NE20 0SX in accordance with the terms of the application, Ref 22/04526/FUL, dated 6 December 2022, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mrs Judith Troidahl against Northumberland County Council. This application is the subject of a separate decision.

Preliminary Matters

3. There is another appeal¹ currently under consideration relating to an application for a holiday dwelling on the appeal site. This will be the subject of a separate decision.

Main Issues

4. The main issues of the appeal are:
 - whether the appeal site is a suitable location for the development proposed having particular regard to the development plan's spatial strategy;
 - the effect of the proposed development on biodiversity, including protected species; and
 - the effect of the proposed development on trees.

¹ Appeal Ref: APP/P2935/W/23/3328792

Reasons

Location

5. The appeal site comprises part of a large field, which is situated between a belt of trees and woodland to the immediate west, and a storage building and dwelling known as Greystones to the east. The settlement of Wallridge comprises a number of dwellings in a linear pattern, situated to the northern side of the road. To the southern side of the road is Bryerley Stud, a large commercial stud farm. Whilst the belt of trees to the west forms a strong visual feature that separates these properties from the appeal site, the Courtyard and Wallridge Farmhouse are located on beyond the woodland on this side of the road, continuing the linear pattern of development which is a characteristic of the settlement.
6. The proposed development seeks approval for the construction of a detached, single storey three-bedroom dwelling with a double garage. The building would be constructed of a mix of natural sandstone and render walls, natural slate roof tiles, timber openings, cast iron rainwater goods, and a natural sandstone chimney stack.
7. Policy STP1 of the Northumberland Local Plan 2016-2036, adopted March 2022 (NLP) is a strategic policy which sets out a spatial strategy for development and establishes a settlement hierarchy. The NLP does not provide a defined list of which settlements within the County are "other settlements". Whilst Wallridge is not listed as an identified settlement under Policy STP1 nor Appendix A of the NLP it is, nevertheless, clearly a small settlement comprising a coherent group of dwellings in a strong linear formation.
8. Policy STP1(f) states that in other settlements not identified as Main Towns, Service Centres, Service Villages or Small Villages development will be limited to that within the built form of the settlement. Although the appeal site forms part of a larger field, the proposed development would be located at the front of the site which would reflect the existing pattern of development. The site is well-related to existing built development and would form a continuation of the linear pattern of development found on this side of the road. Furthermore, the proposed development would not extend the settlement into the open countryside.
9. As I have found that the appeal site is within a settlement, not within the open countryside, the development proposed would not provide for isolated dwellings in the countryside. Therefore, Policies STP1(g), HOU7 and HOU8 are not relevant in this case and that there would be no conflict with Paragraph 80 of the National Planning Policy Framework (the Framework).
10. I have had regard to Policies ST3, ST4, ST5 and TRA1 of the NLP in so far as they require development should be accessible by or be able to be made accessible by public transport, walking, or cycling where feasible, thereby reducing the need to travel for both people and goods, and the dependence on travel by private car. However, whilst the proposed development would most likely need to rely upon private car journeys for access to services and facilities, the NLP also recognises that a level of development is required with the rural areas to support social and economic vitality and that development in one village can support services and facilities in another nearby village.

11. My attention has been drawn to a previous planning application² on an adjoining plot of land to the east of the appeal site, which was granted planning permission for a single dwelling. The appellant claims that this permission has been lawfully implemented; however, the Council disputes this. I have not been provided with any conclusive evidence either way. Therefore, I afford this very limited weight.
12. My attention has also been drawn to a previous grant of planning permission³ on the site, which the Council states was approved under a different policy context and therefore a matter of very limited weight. However, notwithstanding this change, for the above reasons, I have found that the proposed development would comply with Policy STP1(f) of the NLP.
13. For the above reasons, I conclude on this main issue, that the site is within the built form of the settlement of Wallridge, and therefore a suitable location for the proposed development having regard to the development plan's spatial strategy. As such, the proposed development would comply with Policy STP1(f) of the Local Plan, which requires development outside of named settlements to be contained within the built form of the village.
14. Although Policies STP3, STP4, STP5, HOU8 and TRA1 of the NLP are also cited in the Council's reason for refusal, for the above reasons, I have found that the proposed development would not be in conflict with these policies.

Biodiversity

15. The appeal site comprises a plot of land within a wider agricultural field, which is semi-improved grassland. To the west is a shelterbelt of mixed trees, some of which have been storm damaged and a hedgerow to the roadside boundary. The proposed development would result in the loss of a small area of poor quality semi-improved grassland.
16. There are also two ponds located with 120 metres of the appeal site and a further pond approximately 420 metres away, these have been surveyed on a number of occasions between 29 April 2022 and 6 June 2022. The survey located a small population of Great Crested Newts in Pond 1, which is 120 metres from the boundary of the appeal site, no evidence of breeding was found.
17. An updated Ecological Assessment and Amphibian Method Statement have been provided with the appeal. The Ecological Impact Assessment concluded that the impact risk to protected species is low, given the presence of the woodland between the pond and the appeal site, which is considered suitable for dispersing newts. Nevertheless, the Amphibian Method Statement sets out the precautionary measures which will be undertaken on site to protect any amphibians encountered.
18. In addition to the above measures, the proposed development also incorporates a Woodstone Bat Box and two Sparrow Terraces, with further measures to control external lighting by motion sensors, sensitive only to large objects. Any new planting of trees and hedgerows will use native tree species such as Alder, Oak, Willow, Birch, and native shrub species such as Elder, Hawthorn and Field Maple.

² Planning Application Refs: 15/00684/OUT and 18/01256/REM

³ Planning Application Ref: 14/04221/FUL

19. Consequently, I am satisfied that there is sufficient information within the submission and that appropriate steps have been taken to establish the potential impact of the proposed development on biodiversity, including the presence of protected species. Furthermore, the Ecological Assessment and Amphibian Method Statement (Appendix 3) can be appropriately secured by condition and the development can be required to be carried out in accordance with mitigation and enhancement measures set out in these documents.
20. Therefore, I find that the proposed development would not lead to adverse harm to biodiversity, including protected species. It would therefore accord with Policies ENV1 and ENV2 of the NLP and the Framework which seek to minimise impact on habitats and species of principal importance.

Trees

21. A dense area of trees is located to the west of the appeal site, which comprises a mixed species plantation woodland, dominated by Scots Pine and has suffered some storm damage over the last few years. The appeal is supported by a revised Arboricultural Impact Assessment and Method Statement, which includes details of the root protection areas of the trees, and site-specific tree protection measures. I'm satisfied that a suitably worded planning condition can be imposed to require the works to be carried out in accordance with these documents.
22. Whilst the proposed development would involve the removal of small number of trees, these are categorised in the Arboricultural Impact Assessment as mostly Category U and C trees and as being either low quality or unsuitable for retention. The proposed development indicates that a number of replacement trees will be planted within the site, and this can be secured by imposition of a suitably worded planning condition requiring the submission, approval, and implementation of a detailed landscaping scheme for the site.
23. Therefore, I find that the proposed development would not result in any unacceptable harm to the adjacent woodland and trees. The proposed development would therefore accord with Policies QOP4, ENV1 and ENV2 of the Northumberland Local Plan which amongst other things, seek to ensure that there is no loss of existing trees which are valuable in terms of amenity, biodiversity or the landscape, except where this would be unavoidable and considerations in favour of the development would outweigh any harm resulting from the loss of trees; and the loss can be adequately mitigated through measures such as replacement planting where possible.

Conditions

24. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure the conditions comply with these documents.
25. I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2). It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.

26. I have imposed a condition requiring the development to be carried out in accordance with the Ecological Impact Assessment and Amphibian Method Statement for Great Crested Newts (3), which is required in the interests of protected species and biodiversity. A further condition (4) requiring the development to be carried out in accordance with the Aboricultural Impact Assessment and Method Statement is required to ensure the existing trees and woodland is protected during construction works.
27. Conditions in relation to the submission of details of the existing and proposed site levels (5), hard and soft landscaping proposals (6 & 7), materials including samples of stonework (8), windows and doors (10), boundary treatments (11) and a condition specifying the colour and materials of the rainwater goods (16) are required to ensure the satisfactory appearance of the site. Further conditions requiring the car parking (12) and vehicle access arrangements (13) are necessary in the interests of highway safety.
28. Policy QOP5 of the NLP seeks for new development to incorporate energy efficiency and sustainable construction and design features, and whilst the appellant has cited measures are included a condition (9) is necessary to secure the final details and their inclusion and retention in the development. The Council expects full broadband connection provision in new developments and a condition (14) requiring details of such together with its implementation is necessary to achieve the aims of Policy ICT2 of the NLP. A condition which restricts the construction hours (15) is necessary to manage the effects on neighbouring residents.
29. Further conditions, requiring submission of a scheme for refuse storage and an electric vehicle charging point are not necessary. There is sufficient space within the site for refuse storage, and the provision of electric vehicle charging points is covered under separate legislation, so it is not necessary to repeat this requirement.

Conclusion

30. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

K Lancaster

INSPECTOR

Schedule of 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:
 - Drawing No: 2622 L (9-)01F Revision F (Site Location Plan)
 - Drawing No: 2622 L (9-)04F Revision F (Site Plan)
 - Drawing No: 2662 Drawing No: 2662 L (2-)02 Revision F (Proposed Ground Floor Plan)
 - Drawing No: 2662 L (2-)12 Revision F (Proposed Elevations)
 - Drawing No: 2662 L (2-)11 Revision F (Proposed Elevations)
 - Drawing No: 2662 L (2-)04 Revision F (Proposed Roof Plan – Solar Panels)
 - Ecological Impact Assessment, Land at Wallridge, Northumberland prepared by Ruth Hadden of Ryal Soil and Ecology (September 2021)
 - Arboricultural Impact Assessment prepared by Tim Archment of All About Trees (April 2023)
 - Arboricultural Method Statement prepared by Tim Archment of All About Trees (April 2023)
- 3) All works are to be undertaken in accordance with the mitigation and enhancement measures detailed at Section 8 of the Ecological Impact Assessment, Land at Wallridge, Northumberland, September 2021 and the Amphibian Method Statement (Appendix 3) prepared by Ruth Hadden of Ryal Soil and Ecology.
- 4) All works are to be undertaken in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement prepared by Tim Archment of All About Trees, dated April 2023.
- 5) Notwithstanding the details submitted with the application, prior to the commencement of groundworks of the dwelling hereby permitted, annotated site plans should be submitted to and approved in writing by the local planning authority which includes details of:
 - Existing site levels
 - Proposed site levels; and
 - Proposed finished floor levels;

The development shall be constructed in accordance with the approval site levels.
- 6) Prior to the commencement of above ground works, details of both hard and soft landscape works, including management plan covering the existing trees and hedgerow have been submitted to and approved in writing by the local planning authority. These details shall include:
 - hard surfacing materials;
 - planting species, sizes, layout, and numbers;

- a programme for implementation; and
- management plan.

The landscaping works shall be carried out in accordance with the approved details and programme of implementation.

- 7) If, within a period of 5 years from the date of planting pursuant to Condition 6, any trees or plants die, are removed, or become seriously damaged or defective, they shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 8) Prior to the commencement of above ground works, details, to include a sample panel of the proposed stonework, of the materials to be used in the construction of the external walls and roof of the dwelling hereby permitted, have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be constructed in accordance with the approved details.
- 9) Prior to the construction of any building above damp-proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the residential units being brought into use where relevant, and shall be retained thereafter.
- 10) Notwithstanding the details submitted with this application, prior to first installation on site, details of all windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details. The windows shall be timber with a painted finish.
- 11) Prior to the installation of any new boundary treatments to the hereby approved development, precise details (to include materials) of the new boundary treatments shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the new boundary treatments shall be constructed in accordance with the approved details.
- 12) The development shall not be occupied until the car parking area indicated on the approved plans, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.
- 13) The development shall not be occupied until details of the vehicular access have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.
- 14) The development shall not be occupied until details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details

shall then be implemented and made operational prior to the occupation of the development.

Where an alternative broadband connection is proposed, prior to the occupation of the development, sufficient justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where no broadband connection is proposed, prior to the occupation of the development, sufficient justification for the lack of broadband provision shall be provided to and approved in writing by the Local Planning Authority in order to discharge this condition.

- 15) No external site machinery or plant shall be operated, no works of construction carried out and no deliveries received or dispatched from the site, except between the hours of:
- 0800 to 1800 on Monday to Friday and
 - 0800 to 1300 on Saturday.

No development shall take place on Sundays, Public or Bank Holidays unless agreed in writing with the Local Planning Authority.

- 16) Notwithstanding the details submitted with this application, all rainwater goods shall be cast iron and painted black.

End of Schedule