



Appeal Decision

Site visit made on 19 December 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/P2935/W/23/3331094

Shaw House Farm, C251 Shaws House to Newton Hall, Newton, Stocksfield NE43 7UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ben Kibler against Northumberland County Council.
 - The application Ref 23/01444/FUL, is dated 19 April 2023.
 - The development proposed is a change of use of land within former farmstead to provide resident and visitor car parking facilities in association with previously approved conversion of agricultural buildings to form 7no. dwellings (planning permission refs: 18/03543/FUL and 22/01590/VARYCO).
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Decision

1. The appeal is dismissed and planning permission for change of use of land within former farmstead to provide resident and visitor car parking facilities in association with previously approved conversion of agricultural buildings to form 7no. dwellings (planning permission refs: 18/03543/FUL and 22/01590/VARYCO) is refused.

Application for costs

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

Preliminary Matters

3. The appeal was made against the Council's failure to determine the planning application within the prescribed period. Nonetheless, I have had regard to the Council's stance on the application and both parties' submissions as part of the appeal in formulating the main issues and reaching my decision.
4. In reaching this decision, I have considered the revised version of the National Planning Policy Framework (the Framework) that was published on 20 December 2023 but as it does not involve changes to national policy affecting the proposal, I did not seek the parties' comments upon it.

Background

5. Planning permission was granted by the Council in 2019 for the conversion of traditional agricultural buildings to seven dwellinghouses with associated access and parking and the demolition of modern agricultural buildings (Ref: 18/03543/FUL) ('the planning permission'). The Council does not contest the appellant's point that the planning permission has been implemented. A further planning permission was granted by the Council to vary the wording of condition 3 of the planning permission, but this permission did not contain a condition concerning the commencement of development.

6. The approved plans for the planning permission show that the car parking for future occupants and visitors was to be provided to the north of the site after several existing buildings were demolished. The southern boundary of the site edged red for the planning permission extended across the rear of 1 to 4 Shaw House Cottages to the site's eastern boundary. The subsequent planning permission did not change the site edged red.
7. The site edged red for the appeal scheme broadly covers the same area of land as the planning permission. However, neither the slither of land directly to the rear of Nos 1 and 4 and the larger area to the side of No 4 were part of the previous site edged red.
8. The approved car parking has not been formed and the existing agricultural buildings remain on site. An area of hardstanding to the south of the appeal site next to No 4 has been formed and there is an earth bund across the southern boundary. No parking spaces have formally been laid out here, so I have considered the appeal based on the proposed plans.

Main Issues

9. The main issues in this case are: (a) whether the proposal would be inappropriate development in the Green Belt, having regard to the development plan and the Framework; (b) whether the proposal would accord with the Council's spatial strategy; (c) the proposal's effect on the living conditions of 4 Shaw House Cottage from the proposed parking, with regards to privacy and light pollution; (d) the proposal's effect on the character and appearance of the area, including whether it would preserve or enhance the setting of the listed farm buildings; and (e) if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

10. The appeal site is located in the open countryside and within the Green Belt to the south of the village of Newton and adjacent to the A69.
11. Policy STP 8 of the Northumberland Local Plan (Local Plan) states that development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal.
12. Engineering operations and material changes in the use of land are two of the listed other forms of development in Framework paragraph 150. Although the proposal seeks to provide resident and visitor car parking facilities for the same seven residential properties that formed part of the planning permissions, the proposed parking layout would result in the land next to No 4 used in a materially different manner to its prior agricultural use. The formation of the area of car parking is an engineering operation. In addition, the slither of land to the rear of Nos 1 to 4 would also be incorporated into the site's residential use and thus be used materially differently to its agricultural use.
13. In any event, the proposal needs to preserve the openness of the Green Belt and to not conflict with the purposes of including land within it for the appeal scheme to not be considered to be inappropriate development.

14. The hardstanding that would provide ten parking spaces to serve plot 6 and visitors is in a prominent location and visible from the A69 to the south. The hardstanding means the development has spread to the south of the buildings to be converted and next to Nos 1 to 4. The hardstanding will enable multiple vehicles to park in conjunction with the residential use of the site. This is a visual change to the openness of the Green Belt compared to its previous grassed/paddock state, albeit this is contained by the site's established boundaries. As such, the proposal would not preserve openness in this respect, particularly as there is no substantive evidence to support the appellant's point that this land was used for the storage of agricultural machinery and other associated equipment. However, due to the existing boundaries and the presence of Nos 1 to 4, I do not consider the proposal to cause encroachment.
15. The proposed parking spaces for plots 1 to 5 and 7 are part of the submitted plans. They would be next to the buildings to be converted or instead of a building which is to be demolished. Therefore, despite the change to the site's layout and appearance, these spaces would preserve the openness of the Green Belt and not conflict with the purposes of it given their location, number and distribution. Also, the boundary wall, access, and nearby buildings all enclose the land behind Nos 1 to 4. As no new built form is shown on that land, the proposed change in use would preserve the openness of the Green Belt and not conflict with its purposes.
16. As the appellant explains, the proposed parking layout would be instead of the previously approved parking area to the north of the site which was due to be formed once the agricultural buildings, which remain on site, were demolished. Providing that they are, and all the built form is removed from the land, this part of the site would be free of development, leaving an undeveloped gap between the site's northern access and the open fields beyond the northern boundary. Further, given the size, scale, and height of the agricultural buildings and their position on an elevated part of the site, there would be positive effects to the openness of the Green Belt and the development would not be as hard up against the site's northern boundary.
17. There are/would be both positive and negative effects of the proposal on the openness and purposes of the Green Belt. The positive effects can only be secured if the existing agricultural buildings are demolished; otherwise, they would not arise. Although one has not been suggested, a planning condition securing their demolition could be imposed. That would be necessary, as it leads me to conclude that, in overall terms, the proposal would preserve the openness of the Green Belt and not conflict with the purposes of including the land within it. As such, the proposal would not be inappropriate development in the Green Belt. I conclude that the proposal would accord with Local Plan Policy STP 8 given the scheme's compliance with Framework paragraph 150. On this basis, I will not go on and consider the other considerations.

Spatial strategy

18. Newton is not one of the defined settlements within Local Plan Policy STP 1 and it does not have a settlement boundary. The site is also not adjacent to the built-up area of Newton. As such, part (g) of Local Plan Policy STP 1 is relevant. This supports development in the open countryside if it can be demonstrated that the proposal accords with one of the listed criteria. None of the criteria are satisfied here, so the proposal conflicts with Local Plan Policy STP 1 despite the proposed parking layout being an alternative to the planning permissions

granted. However, the degree of harm arising from that conflict would be modest given other parts of the site would become free from development and as the parking would be dispersed across the site closer and more accessible to each dwelling.

Living conditions of 4 Shaw House Cottages

19. The parking spaces serving plot 6 and visitors would be positioned next to the side and rear of No 4 which has ground and first floor windows in the flank and rear elevations. The windows in the flank elevation appear to be secondary, with those in the rear elevation the primary openings. A tall boundary wall would help screen the headlights from vehicles using some of the spaces adjacent to No 4, but there is a gap between the wall and the property's rear elevation next to two visitor spaces. There is no screening between the parking area and the flank elevation. Hence, headlights could shine into the ground floor flank or rear windows causing harm to the occupants living conditions. Furthermore, headlights could spill across the parking area towards No 4 from vehicles using the visitor spaces on the eastern side of the parking area. Both would affect the neighbouring occupant's privacy.
20. The site's prior agricultural use would have potentially led to effects, but the parking of vehicles and light pollution are different effects. The proposal would facilitate potentially up to ten vehicles using the parking area and there could be no control imposed as to how frequent vehicle movements are. As such, I do not consider the site's previous use outweighs the harm that I have found.
21. For these reasons, the proposal would cause significant harm to the living conditions of the occupants of No 4, with regards to privacy and light pollution. Conflict is therefore caused with Local Plan Policies QOP 1 and QOP 2 which jointly seek, among other things, development to be compatible and not cause unacceptable adverse impacts and to ensure appropriate levels of privacy.

Character and appearance and listed farm buildings

22. To the east of the appeal site is Shaws Farmhouse, a Grade II listed building. Originally the building was used as an Inn, but it has been used as a farmhouse prior to 1988 along with its associated farm buildings. The farmhouse dates from the early to mid 18th century but it has been altered since. The building is constructed from traditional materials comprising of stone with a stone slate roof. The yard wall and gate piers to the farmhouse are part of the listing and are constructed from coursed rubble or tooled and margined cut stone.
23. The main parties disagree on whether the buildings within the appeal site should be treated as being part of the listed building by virtue of being within its curtilage. The buildings on the appeal site are physically separate from Shaws Farmhouse and they are now owned by different people, however, that has not always been the case, including at the point when the building was listed. Nevertheless, the alleged harm is to the setting of the listed building not the listed building itself (whatever that may comprise). That is what I shall have special regard to in fulfilling my statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
24. Multiple groups of parking bays next to each dwelling would reduce the space immediately around each property and introduce a traditional residential layout to the site. However, given the site's historic agricultural character, it is likely that farm vehicles and machinery would have been stationed or stored around the site even with the large modern agricultural buildings to the north of the

site beyond the traditional buildings to be converted.

25. The formation of hardstanding instead of the paddock area has changed the agricultural setting of the farmhouse in a rural landscape when viewed from the dual carriageway. The once open area of land within the farmstead and its setting has given way for development that facilitates a small car park associated with the residential use of the site. However, the proposed parking would be instead of that approved by the Council to the north of the site, and within the listed building's setting in an elevated position.
26. Following the demolition of the agricultural buildings, parking provision was to be laid out along the north and east boundaries. Although the scale and mass of the modern buildings would be removed, hardsurfacing would have remained to provide access to the spaces and for the spaces themselves. That would not appear dissimilar to the parking area now proposed to the south of the site even if the two layouts differ. I recognise that there would be a modest increase in the number of spaces but with a planning condition the area to the north of the site would become free from development and return a larger part of the site's agrarian character and setting to a rural state more akin to the expansive open rural character to the north.
27. When the appeal scheme is viewed in its totality, and from different points within or next to the site, the proposal would not cause harm to the character and appearance of the site, the street scene or the historic setting of the listed building. I therefore conclude that the proposal would preserve the setting of the listed building and not harm the character and appearance of the area. Accordingly, I do not find any conflict with Local Plan Policies QOP 1, QOP 2 and ENV 7. Jointly, these policies seek proposals to be of good design, make a positive contribution to local character and distinctiveness, creating or contributing to a strong sense of place so that they ensure the conservation and enhancement of the significance, quality, and integrity of Northumberland's heritage assets and their settings.

Other matters

28. I have noted the appellant's points about the proposed parking arrangements being beneficial to vehicular movements and highway safety. However, I consider these matters to be of neutral weight due to the residential use of the site and the number of homes. Furthermore, although there would be greater vehicle movements using the southern access rather than the northern access, in highway safety terms this would be no different.
29. I understand that a further planning application which seeks to vary condition 1 on the subsequent planning permission (Ref: 22/01590/VARYCO) to alter the car parking layout has been submitted to the Council for its consideration. Be as that may, I have considered the proposal on its own planning merits.

Conclusion

30. The proposal is not inappropriate development in the Green Belt, and it would not cause harm to the character and appearance of the area or harm the setting of the listed building. Balanced against this is the modest harm that I have found against the spatial strategy and the significant harm that would be caused to the occupants of No 4's living conditions. In this case, I consider the proposal's harmful effects outweigh the scheme's compliance in other regards.
31. I am mindful that parts of the revised parking layout would not affect the living

conditions of No 4, but as they are part of the overall parking provision proposed for the site, they are not physically or functionally severable. As such, I conclude that the proposal would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this.

32. For the reasons given above, I conclude that the appeal should be dismissed, and planning permission refused.

Andrew McGlone

INSPECTOR