



Appeal Decision

Site visit made on 18 December 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/P2935/W/23/3328792

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 failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Judith Troidahl and Gillian Elizabeth Anderson-Price against Northumberland County Council.
 - The application Ref 23/02030/FUL is dated 16 June 2023.
 - The development proposed is erection of holiday dwelling with associated access and residential garden.
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Decision

1. The appeal is allowed and planning permission is granted for erection of holiday 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 23/02030/FUL, dated 16 June 2023, subject to the conditions set out in the attached Schedule of Conditions.

Applications for costs

2. An application for costs was made by Judith Troidahl and Gillian Elizabeth Anderson-Price against Northumberland County Council. This is the subject of a separate Decision.

Preliminary Matters

3. The planning application form was amended and thereafter, the application was validated. Therefore, in the banner heading above, the date of application is taken from the amended form.
4. In December 2023¹, an appeal was allowed and planning permission granted for the erection of a single dwelling at the appeal site.
5. Also in December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The Council and the appellant have commented on the revised Framework. I have had regard to the revised Framework in my decision.

Background and Main Issues

6. Following the submission of the appeal against non-determination, the Council has clarified the decision it would have taken on the application if it had been determined within the statutory time period. The Council would have refused the application and the reasons why have been provided.

¹ Appeal Ref: APP/P2935/W/23/3326826

7. Given this context, the main issues are:

- whether the appeal site is a suitable location for the development proposed having particular regard to the development plan's spatial strategy; and
- the effects of the proposed development upon biodiversity, including protected species and trees.

Reasons

Location

8. The appeal site is a parcel of largely enclosed land, much of which comprises of semi-improved grassland but it also contains some trees. Further trees which form a small woodland are located to the west with a storage building and dwelling known as Grey Stones to the east. The appeal site forms a part of a field which extends to the north. In the south, the site meets the main road which runs past Wallridge.
9. The main appeal parties both refer to Wallridge as a settlement. With it being clearly signposted from the road and its buildings forming a coherent group in a strong linear formation, I have no reason to disagree.
10. The proposed holiday dwelling would be positioned close-by to the storage building next to Grey Stones. It would be set back by a similar distance from the road as the stretch of properties to the east of the appeal site. Situated at the southern end of the field it forms a part of and partly enclosed from it by fencing, the appeal site is well contained. The trees to the west form a strong visual feature. Even so, on the opposite side of them, the Courtyard and Wallridge Farmhouse continue the characteristic linear pattern of development on this northern side of the road.
11. For these reasons, the proposed development would be well-related to existing built development within its surrounds and would sympathetically and logically form a part of Wallridge. The proposed development would, therefore, be within the built form of the settlement and not within the open countryside.
12. The proposal would deliver just a single, 3 bedroomed holiday dwelling. It would be single storey only, with a quite low-slung appearance. The design incorporates a stepped roof profile and projecting gable ends which would serve to break down the mass of the building. Consequently, I find that the holiday accommodation proposed would represent a small-scale addition to the settlement in terms of both its occupancy and physical presence.
13. For the reasons given above, having particular regard to the development plan's spatial strategy, the appeal site is a suitable location for the development proposed. The proposal complies with Policies STP1 and ECN15 of the Northumberland Local Plan 2016-2036 (LP). Amongst other matters, these policies set out that development in other settlements not identified as Main Towns, Service Centres, Service Villages or Small Villages will be limited to that within the built form of the settlement. They further set out that in such locations, new permanent buildings for holiday accommodation should be small-scale. As the proposed development would not be within the open countryside, the criteria of Policies STP1 and ECN15 which specifically relate to the open countryside are not relevant. The proposed development also

complies with the advice within the Framework which supports a prosperous rural economy.

Biodiversity

14. The proposed development would result in the loss of a small area of poor quality semi-improved grassland. The woodland to the west and partly within the appeal site is identified as a habitat of principal importance but it is a mixed species plantation dominated by Scots Pine which has suffered from storm damage.
15. Surveys of several ponds within the vicinity of the appeal site identified a small population of Great Crested Newts within the closest of these. No evidence of breeding was found. The Ecological Impact Assessment (EIA) concluded that the impact risk to the protected species is low given the presence of the woodland between the pond and the appeal site which is considered suitable for dispersing newts.
16. Nevertheless, the Amphibian Method Statement, appended to the EIA, sets out the precautionary measures which would be undertaken to protect any amphibians encountered. This would include contractors being made aware of amphibians potentially being present. I am satisfied that these precautionary measures are sufficient to mitigate the residual risk of Great Crested Newts being present on the appeal site and they can be appropriately secured by condition.
17. Other biodiversity mitigation and enhancement measures are proposed within the EIA. These include the provision of a bat box and two sparrow terraces within the development, together with further measures to control external lighting by motion sensors, sensitive only to large objects. These too can be secured by condition.
18. Whilst the proposed development would involve the removal of a small number of trees including willow and alder, these are categorised in the Arboricultural Impact Assessment (AIA) as mostly Category U and C trees and as being either low quality or unsuitable for retention. The works to trees and hedgerows necessary as a result of the proposed development are clearly defined. To serve as mitigation and enhancement, tree and hedgerow planting is proposed within the submitted EIA and AIA with planting also shown on the submitted plans. The protection of those trees and sections of hedgerow to be retained is also detailed. Suitably worded conditions can ensure compliance with these details and the submission, approval and implementation of a detailed landscaping scheme.
19. For the above reasons, the effects of the proposed development upon biodiversity, including protected species and trees would be acceptable. The proposed development complies with Policies ENV1, ENV2 and QOP4 of the LP. These policies seek to minimise impacts on species and on habitats of principal importance and 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

20. I have had regard to the Council's suggested conditions and the comments of the appellant upon them. For clarity, I have amended some of the Council's suggested wording.
21. I have imposed standard conditions concerning commencement and compliance with the submitted plans which is necessary in the interests of certainty. In the main issues, I have found that the submitted EIA, inclusive of the Amphibian Method Statement for Great Crested Newts, provides for sufficient mitigation, enhancement and precautionary working practices in regard to biodiversity. To ensure the development is implemented in their accord, I have imposed condition 3. A condition requiring the development to be carried out in accordance with the AIA and the further Method Statement is necessary to ensure the existing trees and woodland are protected during construction works.
22. Conditions in relation to the submission of details of the existing and proposed site levels, hard and soft landscaping proposals, materials including samples of stonework, windows and doors, boundary treatments and a condition specifying the colour and materials of the rainwater goods are required to ensure the satisfactory appearance of the site. Further conditions relating to car parking and the vehicle access arrangements are necessary in the interests of highway safety.
23. Policy QOP5 of the LP seeks that new development incorporate energy efficiency and sustainable construction and design features. I have imposed condition 9 to secure the final details of these features and their inclusion and retention in the development. The Council expects full broadband connection provision in new developments and a condition requiring details of such together with its implementation is necessary to achieve the aims of Policy ICT2 of the LP. A condition which restricts the construction and delivery hours is necessary to manage the effects on neighbouring residents.
24. The planning application sought permission on the basis that the building to be erected would be utilised as holiday accommodation. I have assessed the acceptability of the proposed development on this basis. Therefore, to define such use, I have imposed condition 17.
25. Further conditions, requiring the 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

26. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

H Jones

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 and documents:
 - 2622 L (9-) 10G
 - 2622 L (9-) 01 G
 - 2662 L (2-) 02 F
 - 2662 L (2-) 04 F
 - 2662 L (2-) 11 F
 - 2662 L (2-) 12 F
 - AIA TPP
 - AMS TPP
 - Arboricultural Impact Assessment by All About Trees (April 2023)
 - Arboricultural Method Statement by All About Trees (April 2023)
 - Ecological Impact Assessment, Land at Wallridge, Northumberland by Ryal Soil and Ecology September 2021 Version V3.
- 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 by Ryal Soil and Ecology September 2021 Version V3 and the Amphibian Method Statement appended to it (Appendix 3).
- 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 and the accompanying plans AIA TPP and AMS TPP.
- 5) Notwithstanding the details submitted with the application, prior to the commencement of groundworks of the building 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 approved site levels.
- 6) Prior to the commencement of above ground works, details of both hard and soft landscape works, including a management plan covering the existing trees and hedgerows shall 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
- a management plan.

The landscaping works shall be carried out in accordance with the approved details.

- 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 of the materials to be used in the construction of the external walls and roof of the building hereby permitted shall have been submitted to and approved in writing by the local planning authority. These details shall include a sample panel of the proposed stonework. 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 and prior to the building being brought into use. The measures implemented 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 have been 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.
- 17) The holiday dwelling accommodation hereby permitted shall be implemented and occupied in accordance with the following:
- The accommodation shall be occupied for holiday purposes only;
 - The accommodation shall not be occupied as a person's sole, or main place of residence;
 - The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the accommodation, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.