



Appeal Decision

Site visit made on 7 February 2024

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2024

Appeal Ref: APP/P2935/W/23/3333256

Land West of West Burton, Burton, Bamburgh NE69 7AR

- 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 Peter Sutherland against Northumberland County Council.
 - The application Ref 23/03037/FUL, is dated 10 August 2023.
 - The development proposed is described as 2 new dwellings along with new access and parking to serve proposed dwellings along with existing adjacent cottages.
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Decision

1. The appeal is dismissed and planning permission is refused for development described as 2 new dwellings along with new access and parking to serve proposed dwellings along with existing adjacent cottages.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. During the course of the appeal, the Council provided a draft officer report which sets out the reasons why it would have refused the development, had it been in a position to do so. I have drawn on this, together with the other evidence before me, to form the main issues in this appeal.
3. Amendments of the National Planning Policy Framework (the Framework) were published in December 2023. These amendments do not materially alter the basis upon which this appeal has been assessed.

Main Issues

4. I consider that the main issues in this appeal are:
 - whether the appeal site is a suitable location for the proposed development having regard to the local development strategy for the area and the accessibility of services and facilities;
 - the effect on the character and appearance of the area; and
 - the effect on the integrity of designated sites of nature conservation.

Reasons

5. The appeal site is part of a larger agricultural field to the south of the U2009 adopted highway and is within the open countryside for planning purposes. The land to the northeast is part of the same field, but has planning permission

for 2no dwellings¹ (yet to be constructed) and beyond that is a tight cluster of 9no terraced cottages known as Burton. An unmade access track runs between the existing cottages and continues along the southeast boundary of the appeal site, which is formed by a drystone wall with post and wire fencing behind. This track is also a public right of way (PROW). The surrounding landscape is gently undulating with an open and highly rural character. The appeal site contributes positively to this character.

Location

6. The development plan for the area comprises the Northumberland Local Plan 2022 (the NLP) and the North Northumberland Coast Neighbourhood Plan 2018 (the NNCNP). The appellant's planning statement refers to the Castle Morpeth District Local Plan, but this has been replaced by the NLP, and so, no longer forms part of the development plan.
7. Policy STP1 of the NLP sets out the approach to the distribution of development across the County - focusing the majority of new development in the key settlements with smaller scale development allowed elsewhere under certain circumstances. In the countryside, such as the appeal site, development may be supported where it can be demonstrated that it meets one of several criteria. This includes where it provides for residential development in accordance with Policies HOU7 or HOU8 of the NLP, or is supported in a made neighbourhood plan.
8. Policy HOU7 relates to small rural exception sites. Policy HOU8 only supports isolated residential development in open countryside in certain circumstances, in line with paragraph 84 of the Framework. There is little before me to indicate that the proposed development would constitute a rural exception site under Policy HOU7 or that, even if the site were termed isolated, any of the criteria in Policy HOU8 or the Framework would be met.
9. In terms of the neighbourhood plan, Policy 15 of the NNCNP lists Burton as one of the hamlets where 'Principal Residence' housing could be supported subject to certain considerations. However, the wording of the policy only refers to 'single dwellings', which is not the case here. Moreover, there is no legal agreement before me to restrict the proposed dwellings to principal residence housing as required by the NNCNP. As such, and for further reasons set out later in this Decision, the proposal does not draw support from the NNCNP.
10. Also relevant is Policy TRA1 of the NLP, which promotes a spatial distribution of development that reduces the need to travel by car, and maximises the use of sustainable modes of transport. As Burton does not possess day-to-day services and facilities, occupants of the development would have to travel to other settlements for such purposes, the nearest of which are in Seahouses or Bamburgh at around 3km from the site. The distance, coupled with the absence of footways, cycle paths, and lighting for most of the way would be unlikely to encourage trips by foot or bicycle. While reference is made to a bus service along the B1342, I have not been provided with details of the frequency of the service or location of the bus stops. In any case, reaching the B1342 would still involve walking some distance along a narrow rural lane with no footways and lighting, and so, would not be a safe or attractive option,

¹ LPA ref: 20/03443/FUL

particularly for those with mobility issues or young children, and in the dark. The reality is that future occupiers would probably use a car for most of their journeys.

11. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Furthermore, the proposal would have a similar relationship to nearby services and facilities as the existing and approved properties. However, the clear thrust of national policy is to promote sustainable transport rather than to replicate existing patterns of development. Overall, it cannot be said it would be easy, and therefore likely, for essential and day-to-day services and facilities to be accessed without recourse to the car, which is the least sustainable option.
12. Therefore, having regard to the locational strategy for development and the accessibility of services and facilities, the proposed dwellings would not be suitably located. There is significant conflict with Policies STP1 and TRA1 of the NLP, and Policy 15 of the NNCNP in these regards. It is also contrary to the Framework with regards to achieving sustainable patterns of development. The Council's previous approval of dwellings on the adjacent site does not alter my findings.

Character and appearance

13. The appeal site sits on the crest of a hill, and despite the roadside hedgerows, is particularly prominent when approaching from the west. It can also be experienced at close quarters from the PROW that runs along the southern boundary where extensive views can be gained across the site, including towards the coast and Bamburgh Castle. The existing dwellings are tightly grouped and do not extend far from the road, so have only a limited influence on the surrounding rural landscape.
14. The proposed dwellings would reflect the scale, design, and materials of those that could be built on the adjacent site. Nevertheless, they would still be large and prominent features that would perpetuate a linear protrusion of built development further away from the main building group into the surrounding countryside. In addition, a new access road would cut arbitrarily across the field to a new access point some 70m west of the existing cottages, while the land between the access road and U2009 highway would be entirely hard surfaced for communal parking and manoeuvring purposes. The spread of development would be extensive relative to the existing, and together with associated activity, including the movement and parking of vehicles, would constitute a significant urbanising incursion into the open and undeveloped countryside in this location. This would seriously detract from the rural character and appearance of the appeal site and surrounding landscape.
15. I therefore find that the appeal scheme would have a significant adverse effect on the character and appearance of the area. As such, there is conflict with the relevant parts of Policies STP1, QOP1, ENV1, and ENV3 of the NLP, which amongst other things, require that development in the open countryside is sensitive to its surroundings and conserves and enhances landscape character. There is also conflict with Policy 15 of the NNCNP where it requires development to be of a nature and scale that respects the special character of the area in which it is situated. Additionally, there would be conflict with paragraph 180 of the Framework, which requires decisions to recognise the intrinsic character and beauty of the countryside.

Integrity of designated sites of nature conservation

16. The site is within the 'Zone of Influence' of the Northumbria Coast Special Protection Area (SPA) and the North Northumberland Dunes Special Area of Conservation (SAC), which are European Sites afforded protection under the Conservation of Habitats and Species Regulations 2017. The increase in population arising from the development, both alone and in combination with other development projects, can place extra recreational pressure upon the designated coastal sites and result in potential disturbance to the important seabird and plant species for which the habitat sites are designated. There would therefore be a likely significant effect on the SPA and SAC.
17. From the evidence, it appears that the Council has a coastal mitigation service. One potential mitigation strategy would be an appropriate financial contribution towards the coastal mitigation service to assist with the ongoing funding of a wardening presence on the coast. However, this would need to be secured through a completed legal agreement prior to planning permission being granted. It is not a matter which can be left to a planning condition.
18. I have noted the appellant's willingness to make the necessary contribution and the alleged difficulties in obtaining a legal agreement in the appeal timescales. Nonetheless, in the absence of a legal agreement to secure the mitigation for this scheme, there is no certainty that the development proposal would not prejudice the integrity of the SPA and SAC, contrary to requirements of the Habitat Regulations, as well as Policies ENV1 and ENV2 of the NLP; Policy 3 of the NNCNP; and Chapter 15 of the Framework.

Other Matters

19. The proposed development would provide two additional dwellings with some economic and social benefits derived from their construction and occupation. However, these benefits would be limited because of the modest number of dwellings proposed. Moreover, the evidence before me does not indicate that the Council is failing in its housing land supply and delivery requirements. Accordingly, this is not a situation where the presumption in favour of sustainable development is engaged.
20. The proposed access and parking arrangements would also benefit other local residents and I note the support from the Parish Council. Nevertheless, this and the other benefits of the scheme do not override the harm I have identified and the conflict that arises with the development plan as a whole.
21. For the avoidance of any doubt, even if I had been provided with a completed legal agreement to secure the principal residence housing and coastal mitigation contribution, this would not have altered my overall conclusion.

Conclusion

22. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, which indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR