



Appeal Decision

Site visit made on 7 February 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/M4510/W/23/3334063

Land to the East of 6 Morton Crescent, Callerton, Newcastle Upon Tyne NE5 1NY

- 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 Mr Malcolm Hogg against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2023/1492/01/DET, dated 3 October 2023, was refused by notice dated 28 November 2023.
 - The development proposed is the erection of 1 no. dwellinghouse (C3 use).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - the effect of the proposal on the openness of the Green Belt.
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the provision of open space; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site comprises an area of open space situated between a terrace of two-storey housing, known as Morton Crescent and a detached bungalow. To

the rear of the site is a large garden bordered by timber fence, beyond which there are a small number of single storey outbuildings. It is located within the Tyne and Wear Green Belt.

5. The proposed development would involve the erection of a 4-bedroom dwelling, three-storey dwelling with a brick finish, tiled roof, and uPVC windows. Vehicle access would be taken from Morton Crescent and would provide off-street parking for two vehicles, as well as a double garage which would be able to accommodate a further two cars. The front boundary treatment would consist of a 1-metre-high brick wall with intervening pillars and gates constructed to a maximum height of 2 metres. The front wall would be set back from the edge of the footpath by between 1 to 2 metres, and which would allow for the retention of the public bench, planters, litter bin and community notice board.

Whether Inappropriate Development

6. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
7. Paragraph 152 of the Framework states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Paragraph 154(e) of the Framework exempts limited infilling in villages.
8. Policy DM31 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030, adopted June 2020 (DAP) states that Woolsington is the only village within the Tyne and Wear Green Belt boundary. Callerton is not defined as a village in the DAP. The appellant has not disputed the Council's assertion that Callerton is not a village, therefore on the basis of the evidence before me, I can only reach the same conclusion as the Council.
9. There is no formal definition of what constitutes limited infilling within the Framework, and the Council do not provide a definition within the development plan. It is therefore a matter of fact and planning judgement for the decision maker. On this basis, it is reasonable to consider that limited infilling would be the infilling of a modest gap in an otherwise continuous built-up frontage. With this in mind, I have had regard to the nature and size of the development proposed, the location of the appeal site and its relationship to existing adjoining development.
10. The site is surrounded by existing residential development, which includes existing residential properties to either side of the site and a residential garden and outbuildings to the rear. The width of the plot is comparable to that of the adjacent detached bungalow and to the row of terraced properties (Nos. 1 to 6 Morton Crescent). Accordingly, I find that the proposed development of the plot would infill a modest gap between existing development and within a continuous built frontage and would therefore represent limited infilling.
11. However, even if the proposed development would be limited infilling, it would not be located within a recognised village. All aspects of Paragraph 154(e) must be met for a proposed development to benefit from the exemption. It has

not been put to me that the proposed development would meet any of the other exceptions listed in Paragraphs 154 or 155 of the Framework.

12. Consequently, for the above reasons, the proposal fails to meet any of the exceptions listed in the Framework and therefore the proposal would be inappropriate development in the Green Belt. It would also be contrary to Policy 19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, adopted March 2015 (CS) which states that the Green Belt will be protected in accordance with national policy, including by safeguarding the countryside from encroachment.

Openness

13. The Framework indicates that openness, which has a spatial as well as a visual aspect, is an essential characteristic of the Green Belt.
14. As outlined above, I have found that the site is within the open countryside. The erection of the proposed dwelling will inevitably affect the openness of the Green Belt in terms of the spatial aspect as it will introduce a permanent solid structure on land that is currently open and free from development.
15. The combination of the volume and mass of the building, and the residential use of the site, including the driveway and parking area, would represent an both a visual and spatial intrusion of residential development in the openness of the site.
16. Consequently, the development would lead to encroachment of development into the countryside and result in the loss of Green Belt openness. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced. Although in isolation the loss of openness would be limited, nonetheless, there would be a degree of harm arising from this.

Character and Appearance

17. The appeal site comprises an area of open space, which is currently mostly mown grass. There are existing residential dwellings to either side of the site, including a single storey bungalow and a terrace of two-storey dwellings. These are mostly of a modest scale and simple design. By contrast, the proposed development would involve the erection of a substantial dwelling, with an attached double garage.
18. The proposed design would include a large central gable, with pitched dormer windows to the front elevation of the main and garage roof slopes. These design features are not commonly found within the immediate area to the appeal site. These features also serve to visually increase the overall massing of the dwelling. Whilst the ridge height of the proposed development would match the height of the ridge line of the adjacent two-storey terrace housing, the proposed dwelling would, by virtue of its massing, scale, and appearance, fail to reflect style, design, and massing of neighbouring properties.
19. Furthermore, the proposed development would erode the open character of the site and appear as a prominent form of development. This would be detrimental to the character and appearance of the area.
20. Consequently, the proposed development would cause harm to the character and appearance of the area. It would therefore be contrary to Policies CS1 and

CS15 of the CS and Policy DM20 of the DAP. These policies require, amongst other things, high-quality design which demonstrates a positive response to the topography, natural and built landscapes, and improves the character and quality of an area.

Open Space

21. The appeal site is not designated within the DAP as public open space. I understand that this is due to the DAP having a minimum size threshold for designation of 0.15 hectares. Nevertheless, Policy DM30 of the DAP states that development which would result in the loss of open space not shown on the Policies Map but that contributes to the character and visual amenity of an area will not be permitted unless it can be demonstrated that the benefits of development clearly outweigh the loss.
22. The appeal site forms an attractive green gap, which is located between existing residential properties. It measures approximately 715m² and is an area of mown grass, which also accommodates a notice board, bin, and a bench. There are two trees within the appeal site including a commemorative oak tree.
23. Whilst the appellant states that the land is not publicly accessible, the presence of features such as the bench, notice board and commemorative tree indicate that the space is used, at least in part, for informal recreation by local residents. Furthermore, the Council's officer report states that the land, although privately owned, is maintained by the Council. Therefore, I find that the appeal site fulfils a role as an area of open space. It also contributes positively to the visual amenity of the area.
24. With the exception of a very small area along the front boundary of the site, where the community facilities would be retained, the proposed development would lead to the loss of the open space as both an area for informal recreation and visual amenity. I have not been presented with any compelling evidence that this loss would be outweighed by the benefits of the proposed development. As such, the proposal would result in the harmful loss of an area of open space.
25. My attention has been drawn to other areas of open space within the locality, including an area of open space located at the junction of the B6234 which is of a similar size and contains seating and trees, as well as further areas of open space to the south of the appeal site. However, whilst I acknowledge that other areas of open space may exist with the surrounding area, these do not alter my above findings.
26. For the above reasons, the proposed development would result in the loss of an area of existing open space, which positively contributes to the character and appearance of the area, and it has not been demonstrated that this loss would be outweighed by the benefits of the proposal. It would therefore be contrary to Policy DM30 of the DAP which states that development which would result in the loss of open space not shown on the Policies Map that contributes to the character and visual amenity of an area will not be permitted unless it can be demonstrated that the benefits of development clearly outweigh the loss.

Other Considerations

27. The proposed development would provide an additional dwelling, which would make a contribution towards housing supply in the area. However, as the increase in housing supply would be small, I attribute this limited weight.

Green Belt Balance

28. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
29. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness, and harm to the openness of the Green Belt. I have also found harm to the character and appearance of the area and through the loss of public open space.
30. Balanced against this are the other considerations discussed above. However, for the reasons given, I find that the other considerations in this case, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

31. For the reasons given, the proposal would therefore not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR