



Appeal Decision

Site visit made on 2 April 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/P2935/W/24/3338012

Saugh House Farm, Belsay, Northumberland NE20 0EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by GW Dodd and Sons against the decision of Northumberland County Council.
- The application Ref 23/03944/FUL was approved on 18 December 2023 and planning permission was granted subject to conditions.
- The development permitted is demolition of existing bungalow and construction of new bungalow.
- The conditions in dispute are Nos 3, 8, 9, 10 and 11 which state that:
 3. Development shall not commence until a Demolition and /or Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition/construction period. The Demolition and /or Construction Method Statement shall, where applicable, provide for:
 - i. vehicle cleaning facilities;
 - ii. the parking of vehicles of site operatives and visitors;
 - iii. the loading and unloading of plant and materials;
 - iv. storage of plant and materials used in constructing the development.
 8. No development shall commence above damp proof course level until precise details of the materials to be used in the construction of the external walls and roofs of the hereby approved development, 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. Notwithstanding the details submitted with this application, prior to first installation on site, details of all windows and 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.
 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and reenacting that Order with or without modification), no extensions, porches, dormer windows, roof lights or freestanding buildings, enclosures or structures shall be added to or constructed within the curtilage of the hereby approved dwellings without the prior grant of planning permission from the Local Planning Authority.
 11. Notwithstanding the details submitted with the application, prior to the construction of the hereby approved dwelling 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 dwelling being brought into use where relevant, and shall be retained thereafter.
- The reasons given for the conditions are:
 3. To prevent nuisance in the interests of residential amenity and highway safety,

in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

8. To ensure the satisfactory appearance of the development from the outset in accordance with Policies QOP 1, ENV 3 and HOU 9 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.
 9. To ensure the satisfactory appearance of the development from the outset in accordance with Policies QOP 1, ENV 3 and HOU 9 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.
 10. To retain control over the external appearance of the development in accordance with Policies QOP 1, QOP 2 and HOU 9 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.
 11. To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.
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Decision

1. The appeal is allowed in part and the planning permission Ref 23/03944/FUL for demolition of existing bungalow and construction of new bungalow at Saugh House Farm, Belsay, Northumberland NE20 0EZ granted on 18 December 2023 by Northumberland County Council, is varied by deleting condition 10 and substituting it for the following condition:
 - 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and reenacting that Order with or without modification), no rear dormer windows, or freestanding buildings, enclosures or structures shall be added to or constructed within the curtilage of the hereby approved dwelling without the prior grant of planning permission from the Local Planning Authority.

Background and Main Issues

2. The appeal site comprises of a detached bungalow set on land associated with Saugh House Farm alongside two residential properties. The site is accessed from the A696 via a single-lane track, which also serves the farm. Planning permission was granted on 18 December 2023 for the demolition of the existing bungalow and construction of a new bungalow on the appeal site, subject to 12 conditions. The appeal has been submitted to remove five of these conditions.
3. The main issue in this appeal is whether the disputed conditions are reasonable and necessary.

Reasons

Condition 3

4. This is a pre-commencement condition with the applicant's agreement. The requirement for a demolition and/or a construction method statement is to ensure nearby residents and highway safety are not impacted by either the demolition of the existing bungalow or the construction of the approved dwelling.
5. The appeal site is adjacent to a working farm with a number of outbuildings and barns and shares its access from the A696. The wider site has been edged in blue on the submitted Location Plan, indicating that it is under the control of the

appellant. Whilst the appellant controls land outside the appeal site, it is nevertheless a working farm, and it would be reasonable to expect a number of comings and goings per day. I have been told that the appellant lives on site and acknowledge that there is an area of hardstanding to the north. However, I have no substantive evidence to show where site operatives and visitors could park, or where materials could be safely stored, loaded or unloaded alongside the daily working practices of the farm.

6. It is reasonable to assume that the demolition and construction of the new dwelling would create debris. I saw that the access road and the A696 immediately to the site entrance contained mud, corresponding with tractor movements from fields on the opposite side. Even if the A696 is set some distance from the appeal site, without suitable vehicle cleaning facilities on site, any additional debris deposited on the access road and/or the A696 could become dangerous and a nuisance to users of the highway, especially in adverse weather conditions.
7. The condition serves a clear planning purpose and is reasonable and necessary in the interests of residential amenity and highway safety; and to ensure that the development complies with policy TRA2 of the Northumberland Local Plan 2016-2036 (Local Plan), which seeks to ensure all development suitably accommodates the delivery of goods and supplies; and minimise any adverse impact on communities and the environment. The condition also complies with the objectives of the National Planning Policy Framework (the Framework). Condition 3 should therefore be retained.

Condition 8

8. The requirement for details of materials to be submitted is to ensure that the proposed development would have a satisfactory appearance from the outset.
9. The proposed drawing SH/08/PE/07 and application form state the type of materials proposed for the external walls and roof. However, there is no indication regarding the texture or colour of the stone or the colour of the slate. Given the potential variances in both colour and texture, it is necessary for the materials to be controlled in order to harmonise with the surroundings.
10. I conclude that the condition is reasonable in the interests of maintaining the character and appearance of the surrounding area, consistent with the requirements of Policies QOP 1, ENV3 and HOU 9 which collectively seek, amongst other matters, that development creates or contributes to a strong sense of place and integrate the built form of the development with the site overall, and the wider local area; and the objectives of the Framework to create, amongst other things, high quality, beautiful buildings. Condition 8 should therefore be retained.

Condition 9

11. The requirement for details of all windows and doors, prior to first installation on site, is to ensure that the proposed development would have a satisfactory appearance from the outset.
12. The proposed drawing SH/08/PE/07 and application form state all windows would be UPVC and that the windows would be set 75mm from the outer face of the wall. Whilst this information is sufficient to ascertain the material and placement of all windows within the dwelling, it does not specify a colour. Furthermore, the information is unclear with regard to the proposed material relating to the door,

stating they would be “UPVC/timber”. This does not give certainty with regard to the material or the colour.

13. I conclude that the condition is reasonable in the interest of maintaining the character and appearance of the surrounding area, consistent with the requirements of Policies QOP 1, ENV3 and HOU 9 which collectively seek for development to create or contribute to a strong sense of place and integrate the built form of the development with the site overall, and the wider local area; and the objectives of the Framework to create, amongst other things, high quality, beautiful buildings. Condition 9 should therefore be retained.

Condition 10

14. This condition withdraws permitted development rights relating to extensions, porches, dormer windows, roof lights, free-standing buildings, enclosures and structures in order to retain control over the external appearance of the development. These elements are contained within Schedule 2, Part 1 Class A, B, C, D and E, and Schedule 2, Part 2 Class A of The Town and Country Planning (General Permitted Development) Order (the GPDO).
15. The appeal site is set back from the A696 within a modest plot and is visible from within the countryside. The Council assert that condition 10 is necessary to retain control over and protect the external appearance of the development given that the replacement dwelling would be larger than the one it replaces.
16. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance states that blanket removal of freedoms to carry out small-scale domestic and non-domestic alterations, that would otherwise not require an application for planning permission, are unlikely to meet the tests of reasonableness and necessity.
17. I have considered each element outlined by the Council based on the evidence before me.
18. Extensions – Given that the approved dwelling is single-storey, and the rear (south elevation) would be largely obscured by the hedgerow to the A696, an extension under permitted development would not result in harm to the external appearance of the development. It is therefore unreasonable to impose a restriction in relation to extensions.
19. Porches – The Council has not provided justification to restrict the erection of a porch. Given that porches, subject to permitted development, are restricted in size it is not reasonable or necessary to restrict this element.
20. Dormer windows – The rear roof slope (south elevation) of the existing dwelling is visible in its setting from the A696 above the hedgerow and seen within the surrounding countryside. As the roof of the approved dwelling would be higher, the rear roof slope would be clearly visible. A dormer under permitted development could result in an incongruous change to the external appearance of the dwelling resulting in harm to the character and appearance of the area. As such, it is reasonable and necessary to restrict the insertion of dormers to the rear (south elevation) roof slope. As the front roof slope of the property (north elevation) would face on to farm buildings and would be orientated away from the A696, there would be limited potential for harm, to the character and appearance of the area. As such

it is unreasonable to restrict the insertion of dormers to the front (north elevation) roof slope.

21. Rooflights – Even though the rear roof slope would be visible from the south, given that roof lights would be predominantly flush within the roof slope, their insertion would not harm the character and appearance of the surrounding area. I therefore do not consider the Council have provided justification for their restriction.
22. Freestanding buildings – Given the orientation of the dwelling, with the garden visible from the A696 and viewed within the countryside, it is likely that the erection of free-standing buildings beyond the building line of the larger new dwelling would appear cramped within the site. This would detract from the existing uncluttered and open rear gardens, harm the external appearance of the development, and appear inconsistent with the prevailing character of the area. I therefore conclude that it is reasonable and necessary to restrict free-standing buildings.
23. Enclosures or structures – The existing dwelling and the neighbouring properties are surrounded by a low stone wall. This is intrinsic to the character of the area. Any alteration to the height or materials of this existing boundary would create a stark and incongruous feature resulting in harm to the external appearance of the development and the prevailing character of the area. Furthermore, given the character of the locality, the erection of smaller structures would also erode the rural character. I conclude that it is reasonable and necessary to restrict the erection of enclosures.
24. Condition 10 should therefore be deleted and reimposed in a modified form as set out above. The replacement condition does not introduce a blanket ban on all permitted development rights but specifically refers to types of development. The amended condition is not, therefore, wider in scope than is necessary. Furthermore, the condition would only take effect once the planning permission is implemented. It cannot prevent permitted development rights being exercised on the host property before commencement of the planning permission.
25. Furthermore, the replacement condition does not preclude future development on the site but does ensure that it would be appropriate and subject to approval. The replacement condition is therefore reasonable in all other respects.
26. To the extent set out above, the exceptional circumstances required to justify the withdrawal of permitted development rights for the proposed dwelling exist.
27. I therefore conclude that condition 10 should be deleted and reimposed in a modified form as set out above, consistent with Policies QOP 1, QOP 2 and HOU 9 of the Local Plan which collectively seek that development create or contribute to a strong sense of place and integrate the built form of the development with the site overall, and the wider local area, and the tests set out in the Framework.

Condition 11

28. The condition requires demonstration of how the development will minimise resource use, mitigate climate change and ensure the proposal is adaptable to a changing climate to achieve sustainable design and construction.
29. This approach is consistent with Para 162 of the Framework which states that when determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the

applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

30. The supporting text to Local Plan Policy QOP 5 is clear in that it seeks to ensure development is environmentally sustainable and that applications demonstrate, amongst other matters, that they include for example, opportunities to incorporate passive design measures, renewable energy, water recycling and waste reduction. Therefore, whilst Building Regulations address technical standards in buildings, the Policy seeks to ensure that the principles form part of the design process and for the reasons stated.
31. In light of the climate emergency and the above, the condition is required in order to minimise demand on resources. The condition is, therefore, necessary to make the development acceptable in planning terms and meet clear planning objectives.
32. I conclude that condition 11 serves a clear planning purpose and is reasonable and necessary in the interests of sustainable design and construction. Condition 11 shall therefore be retained.

Other Matters

33. I have been directed by the appellant to a number of appeals and applications and have been provided with appeal decisions and decision notices for all but one planning application (22/04316/FUL). In these cases, I have been provided with the officer report, existing and proposed site layout and roof plans. Whilst all examples relate to the removal of permitted development rights either in whole or part, the circumstances in each case are likely to have varied and I cannot be certain that they are similar to those relating to the appeal before me. I have therefore considered the appeal on its own merits.
34. I acknowledge the attempts of the appellant to engage with the Council regarding conditions. However, in considering this appeal I have limited my considerations to the planning matters before me.

Conclusion

35. I have considered each of the conditions imposed by the Council and concluded that conditions 3, 8, 9 and 11 should be retained, and that condition 10 should be deleted and reimposed in modified form.
36. For the reasons given above I conclude that the appeal should be allowed in part, and the planning permission varied, as set out in the formal decision.

L Clark

INSPECTOR