



Appeal Decision

Site visit made on 17 July 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/P2935/W/24/3341614

2 Garden Cottage, Cresswell Village, Cresswell, Northumberland, NE61 5JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Longden against the decision of Northumberland County Council.
 - The application Ref is 23/04359/FUL.
 - The development proposed is the erection of 1 no. self-build dwellinghouse (C3 Use).
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Decision

1. The appeal is dismissed

Applications for costs

2. An application for costs was made by Mr Chris Longden against Northumberland County Council and is the subject of a separate decision.

Preliminary Matters

3. A screening direction was issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In exercise of the powers conferred by Regulation 14 (1) and 7 (5) of the EIA Regulations, the Secretary of State directed that the development is not EIA development.
4. A signed and completed unilateral undertaking (UU) made in accordance with Section 106 of the Town and Country Planning Act 1990 (as amended) (the Act) was submitted as part of the appeal. It makes provision for the payment of a financial contribution calculated in accordance with the Council's Northumberland Coastal Mitigation Service. I consider this matter further in my reasoning below.
5. The Council's second reason for refusal relates to the accuracy of the submitted plans, in particular the existing¹ and proposed² site plans. Article 7, Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO) states³ applications should be accompanied by a plan which identifies the land to which the application relates and any other plans, drawings and information necessary to describe the development which is the subject of the application. It also states⁴ that any plans or drawings required to be provided must be drawn to an identified scale and, in

¹ Drawing No.6 – Tree Positions

² Drawing No.2 – Aerial View

³ Paragraph 7.1c(i) and 7.1c(ii) of the DMPO

⁴ Paragraph 7.2 of the DMPO

the case of plans, must show the direction of North. Whilst the Council states that these plans do not provide the correct dimensions of the site, I have limited evidence before me to demonstrate whether this is this case, and this matter is disputed by the appellant. In any case, if the Council deemed that there were inaccuracies on the submitted plans, it could have invalidated the application, or sought additional information from the appellant. However, it did not and proceeded to determine the application based the plans submitted. I have therefore considered the appeal on this same basis.

Main Issues

6. The main issues are the effect of the proposed development on:

- the character and appearance of the area, including a non-designated heritage asset; and
- designated European Sites.

Reasons

Character and Appearance

7. The appeal site, 2 Garden Cottage is located centrally within the village of Cresswell. The appeal property forms part of a short terrace of dwellings, which are set back from the highway behind a large section of open space and enclosed by a low stone boundary wall. Whilst there is no uniform building line shared by the dwellings in the terrace, the dwellings themselves and their respective curtilage are set behind a consistent boundary wall.
8. The appeal is seeking full planning permission for the erection of a single storey dwelling, which would be constructed using traditional materials, including stone and slate. The proposed development would be located within the front garden of the appeal property, behind the low stone wall, which faces towards the highway.
9. The village of Cresswell has been identified by the Council as a Non-Designated Heritage Asset (NDHA). The Planning Practice Guidance (PPG) says that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications.
10. There is a disagreement between the parties as to whether the village of Cresswell should have been identified a NDHA. The appellant states that the Council has not provided sufficient justification to identify the entire village as a NDHA. In response to this, and in light of the planning history⁵ of the site, which includes previous applications where this matter was brought to the appellants attention, I sought further clarification on this matter from the Council. The appellant was provided the opportunity to comment on the additional evidence provided; however, no comments were received.
11. Based on the evidence before me, the village has an identifiable historic core, which includes that appeal site, and which is clearly visible on early edition OS Maps. The significance lies in its historic buildings, layout, and features within it. It was developed as a small estate village with an irregular layout. While having medieval origins its development during the 18th and 19th centuries owes much to the Cresswell Family (later known as the Baker-Cresswell's) who

⁵ Planning Application Refs: 20/00309/FUL and 20/04162/FUL

were responsible for the village's Church and School House. The architectural character of the settlement is one of small-scale buildings flanking a large Green. This is dissected by the main thoroughfare having stretches of finely constructed estate walls lining the road and the Green. The walls illustrate the history of the former Cresswell estate and are surviving features of the Hall (demolished in c.1930) and its Parkland, now in use as a Caravan Park. Therefore, whilst I note that the designation is disputed by the appellant, there is no substantive evidence before me that it is not a non-designated heritage asset and I have considered the appeal on this basis.

12. Paragraph 39 of the PPG states that non-designated heritage assets are buildings, monuments, sites, places, areas, or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.
13. Paragraph 209 of National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
14. Policy ENV7 of the Northumberland Local Plan, adopted March 2022 (NLP) states that development proposals will be assessed, and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings. Development proposals that affect the significance of non-designated heritage assets shall require a balanced judgement, taking into account the scale of any harm or loss and the significance of the heritage asset.
15. The proposed development would infill part of an existing walled garden which contributes positively to the historic layout and pattern of the village. Therefore, whilst I do not dispute that it would be located between existing buildings, it would by virtue of its siting, it would introduce a form development that fails to reflect the character and appearance of the area and in particular established and surviving historic building arrangement on the south side of the village.
16. My attention has been drawn to other more recent development within the village, including Red Gables, a large, detached, modern property located adjacent to the appeal site and on the opposite side of the appeal site at the entrance to Cresswell Towers Caravan Park, is a single storey, flat roof building. However, whilst I accept that these are modern additions to the village, the scale and design of this buildings are at odds with the historic character and appearance of the appeal site and wider area. In respect of Red Gables, this is also a prominent building within the street scene. Therefore, whilst I accept that some recent development has taken place within this part of the village, this has caused harm to its significance, and the existence of the buildings does not justify permitting further development that would further erode the historical layout of the village and cause harm to the character and appearance of the area.
17. The proposed dwelling would be single storey, traditional in its form and of a similar scale and height to neighbouring properties and I accept that it would

not project forward of adjacent buildings including Red Gables, which is prominently sited. However, whilst being prominently located does not always equate to being harmful, in this particular case, the proposed development would by virtue of its siting and prominence erode some of the heritage significance of the settlement, causing harm to the character and appearance of the area and a non-designated heritage asset.

18. The proposal would result in the loss of two trees at the site. The Council found that as the trees are not protected nor considered to be integral to the visual amenity value of the site or locality, that their loss would not result in adverse harm to the character and appearance of the area. Based on the evidence before me, I see no reason to disagree. However, the absence of harm in respect of this aspect of the scheme neither weighs for nor against the proposal and therefore does not alter my above findings.
19. The appeal site is also with the setting of five Grade II Listed Buildings, Church of St Bartholomew⁶, Church Cottages⁷, Fenham House⁸, The Old School House⁹ and the Roadside Wall from Parish Church to Old School House¹⁰. These buildings contribute positive to the NDHA. However, the Council found that by virtue of the linear form of the settlement and absence of intervisibility between the appeal site and these nearby listed buildings, that the proposed development would not cause harm to their setting. Thus, it would preserve the significance of these designated heritage assets. Based on the evidence before me and my own observations, I see no reason to disagree with this assessment.
20. I have had regard to the previous planning permission¹¹ for the appeal site, in so far as it is material to the consideration of this current proposal. However, I have only been provided with very limited details of this approval and due to its age, there have been a number of changes in both local and national policies since the planning permission was granted. Therefore, I can only afford this very limited weight.
21. I have also had regard to the appellant's statement that the proposal would be a self-build dwelling, providing an accessible single storey dwelling, which would be suitable for the appellant's future needs. However, whilst this is noted, there is little substantive evidence to support either of these claims. Accordingly, I therefore attribute these benefits limited weight.
22. Consequently, whilst I have found that the proposed development would not cause harm to the setting of nearby listed buildings, I find that it would cause harm to the significance of a non-designated heritage asset and to the character and appearance of the area. Thus, it would not comply with Policies HOU 9, QOP 1 and QOP 2 of the NLP. These policies require, amongst other things, development to contribute to a sense of place, be of a high-quality design and integrate the built form of the development with the site overall, and the wider local area, preserving the character of the area.

⁶ Listing Description Number: 1042146

⁷ Listing Description Number: 1371025

⁸ Listing Description Number: 1042147

⁹ Listing Description Number: 1236984

¹⁰ Listing Description Number: 1264315

¹¹ Planning Application Ref: CM/20020275

23. It would also fail to comply with Policies ENV1 and ENV7 of the NLP which seek, amongst other things, to conserve, protect and enhance historic and built environments, by ensuring that proposals which affect the significance of a non-designated heritage asset require a balanced judgement, taking into account the scale of any harm or loss and the significance of the heritage asset.
24. It would also be contrary to Paragraph 209 of the Framework, which requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

Designated European Sites

25. The appeal site lies within the zone of influence for the Northumbria Coast Special Protection Area (SPA) and Ramsar site. Within this zone, new residential development is likely to increase recreational disturbance or damage within coastal designated sites. In accordance with the Conservation of Habitats and Species Regulations 2017, (the Habitats Regulations) planning permission cannot be granted unless it has been concluded through an Appropriate Assessment that the proposal, in combination with other plans and projects, would not have an adverse impact on the integrity of European protected sites.
26. Northumberland County Council has developed a strategic approach to mitigation in consultation with Natural England in the form of the Northumberland Coastal Mitigation Service. This is a developer funded scheme. I consider that such an approach would be fairly and reasonably related in scale and kind to the proposed development. For these reasons, a planning obligation to secure such mitigation is fully justified in this case.
27. The appellant has submitted a completed Unilateral Undertaking, which the Council has confirmed is acceptable, subject to payment of their legal fees.
28. On the basis that appropriate mitigation could be secured by a planning obligation, I am satisfied that the proposed development would not have an adverse effect on the integrity of the Northumbria Coast SPA. It would therefore comply with Policy ENV2 of the NLP, which requires amongst other things, that development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for. It would also comply with Policy INF6 of the NLP which states that planning obligations will be used to secure mitigation as part of the Northumberland Coastal Mitigation Service.
29. However, as I am dismissing the appeal for other reasons, I have not considered this matter further.

Other Matters

30. It is not disputed that the appeal site is located within a recognised settlement boundary. The Council also found that the development would not result in a detrimental impact on neighbouring amenity or highway safety. Based on evidence before me, I see no reason to disagree with these conclusions.

However, these matters attract neutral weight and neither weigh for or against the proposed development.

Conclusion

31. For the reasons given, the development does 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