



Appeal Decision

Site visit made on 15 July 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/P2935/W/24/3343048

Greengates, Horsley Road, Ovingham, Northumberland NE42 6BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Paul and Wayne Stewart against the decision of Northumberland County Council.
 - The application Ref is 23/03034/OUT.
 - The development proposed a three bedroom dormer style bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of the development in the banner heading above to that used on the decision notice. This is a more comprehensive description of the proposed development than that given on the application form and ensures that it accurately captures the scope of the proposal.
3. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on this basis.
4. Illustrative layout and house type plans accompany the application and I have paid regard to them in so far as assessing the principle of development in land use terms.
5. For the purposes of clarification, additional details were requested from the Council relating to the settlement and Green Belt boundaries. Having regard to the Holborn Studios judgement which follows on from Wheatcroft the documents present no substantive or procedural concerns and that no interested parties have been prejudiced in the determination of this appeal. I have nevertheless taken account of the appellant's views in my decision.

Main Issues

6. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework) and the effect upon the openness;
 - whether the site is suitable for residential development having regard to the Spatial Strategy;
 - the effect of the development on highway safety;

- the effect of the development on land contamination; 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

Whether the proposed development is inappropriate development in the Green Belt and the effect upon openness

7. Policies STP7 and STP8 of the Northumberland Local Plan (2022) (LP) relate to development in the Green Belt and state that development proposals will be assessed in accordance with national guidance. STP8 states that in villages in the Green Belt, limited infilling of a small gap in an otherwise built-up frontage will be supported providing it would not constitute amongst other things, a. Development between loose-knit groups of buildings; b. Development between the built edge of a village and other buildings which are not physically and visually linked to the settlement.
8. The Framework states that the essential characteristics of Green Belts are their openness and permanence. Paragraph 154 states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless the development falls within the exception list. These include limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt.
9. What constitutes limited infilling in a village is a matter of fact on the ground and one of planning judgement for the decision maker. The situation on the ground may not necessarily reflect the settlement boundary outlined in the development plan.
10. The appeal site forms part of the garden associated with Greengates, with the area characterised by open countryside. The context of the immediate area contains a number of predominantly single-storey buildings set in wide plots and which are loosely arranged along Horsley Road. This section of Horsley Road is situated off a bend which leads onto Gallowhill Lane, with its northern boundary lined with a mix of hedgerow and trees, with open fields beyond.
11. The immediate context within which the appeal site is located has a looser grain than the built form of Ovingham village, with houses set to one side and open fields opposite and to the rear. Even though there have been buildings along this section of Horsley Road since circa 1914, the dwellings are physically separated from the service village by a field. It is also located a distance beyond the village sign which is an obvious boundary with the village and not visually linked to the village.
12. Based on my observations on site, given the physical and visual separation between the appeal site and the service village, the evidence before me does little to persuade me that it falls within Ovingham. As such, I have no reason to take a different view to that of the Council and deem the appeal site to be outside the service village. As such, for the reasons set out above the proposal does not constitute limited infilling of a village in my judgement.

13. Turning now to the second exception, the Framework defines Previously Developed Land (PDL) as being, amongst other matters, land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes amongst other matters land in built-up areas such as residential gardens.
14. The parties disagree on whether the appeal site constitutes previously developed land. Even if the appeal site does form part of an existing garden and was found to be previously developed land, the proposal would not have to have a greater impact on the openness of the Green Belt than the existing development.
15. Openness is an essential characteristic of the Green Belt, defined by an absence of buildings or other forms of development. Openness has both visual and spatial dimension and the effect, therefore, not only relates to a proposal's size or visibility from the surrounding area, but also its purpose and intensity of its use.
16. Whilst the proposed development is in outline, I have been provided with indicative plans to demonstrate its proximity and height to those neighbouring dwellings. In visual terms, the absence of buildings, and the difference in height between the appeal site and the fields beyond, results in the appeal site making a positive contribution to openness in this part of the countryside. As such, even if the dwelling would be a dormer-style bungalow which would retain space to either side, its presence would significantly reduce the existing undeveloped space that separates Greengates from Tudor Croft. It would therefore be more visually prominent, and thus have a more intense visual impact on the openness of the area in comparison to the existing arrangement. I find that in both spatial and visual terms, the proposal would have a greater impact on the openness of the Green Belt than the current situation.
17. I conclude that the appeal proposal would be inappropriate development in the Green Belt which is, by definition harmful. It would therefore be contrary to the Framework and Policies STP7 and STP8 of the Local Plan which, taken together, seek to resist inappropriate development in the Green Belt.

Location of new development

18. Policy STP1 of the Local Plan sets out the spatial strategy for the county, with the policy not supporting development in open countryside unless specifically permitted by other Local Plan Policies. Ovingham is identified as a service village within the settlement hierarchy. These third-tier settlements should provide a proportionate level of housing to support the retention of local retail, services and facilities.
19. There is no dispute that the appeal site is not isolated. There is however disagreement regarding whether the site is a suitable location within the Green Belt and open countryside. As set out above, the appeal site is outside the village with the immediate area predominantly characterised by a number of predominantly single-storey buildings set in wide plots loosely arranged along Horsley Road.

20. Local Plan Policy STP1, Criteria (e) supports sustainable development within Green Belt inset boundaries and within settlement boundaries. As outlined above, the appeal site lies outside of the Service Village, as such Criteria (g) iv of Policy STP1 is relevant. This supports residential development in open countryside where it accords with Policies HOU7 or HOU8.
21. Policy HOU7 relates to exception sites and supports the development of land, which is not otherwise allocated, adjacent to existing settlements to provide wholly for entry-level homes offering one or more types of affordable housing. I have nothing before me to demonstrate that the proposed development adjacent to an existing settlement, or evidence that it would be affordable and no mechanism to secure it as such.
22. Policy HOU8 relates to isolated homes in the open countryside. However, the site is not isolated and therefore although referenced in the decision notice, Policy HOU8 is not relevant to my assessment of the appeal proposal. In any event, there is no evidence that the proposal would meet any of the exceptions referred to in criteria 1 a. of that policy.
23. I conclude that the appeal is not a suitable location for housing. it would conflict with Policy STP1 of the Local Plan, which seeks to ensure new development is within settlement boundaries in accordance with the hierarchy set out in the spatial strategy.

Highway Safety

24. The Council contends that there is insufficient information to determine whether or not the proposed development would result in adverse impacts on the safety of all users of the highway, and the highway network and assets.
25. Policy TRA1 of the Local Plan states that “where applicable and appropriate” transport implications of development must be addressed as part of any planning application. Access to the appeal site would be via the existing single-track dead-end road currently used by those existing nearby dwellings. Given its width, it is unlikely that vehicles would travel at the maximum speed limit (60mph).
26. The appellant's indicative Proposed Site Plan identifies access to the site would be via an existing access to the westernmost part of Greengates. It also shows that two vehicle parking spaces could be accommodated to the north, with sufficient space surrounding the dwelling to ensure delivery of cycle parking. As this section of Horsley Road provides vehicle access to a number of other dwellings, it is considered reasonable that it is of sufficient width to effectively accommodate the access and egress of vehicles associated with the proposed development.
27. The Council has not produced any evidence to demonstrate that access from Horsley Road would be unsafe, or that the current situation on Horsley Road creates adverse impacts on highway safety for all users of the highway. As such, given that the application is in outline, I am satisfied that a successful scheme could be produced through a reserved matters submission which would avoid harm to highway safety.
28. I conclude that there would be no conflict with the proposed development with Policies TRA1, TRA 2 or TRA 4 of the Local Plan, insofar as they seek to ensure

that development, provides effective and safe access and egress to the existing transport network.

Land contamination.

29. The Council contends that there is insufficient information to determine whether or not the proposed development would result in adverse conditions with regard to land contamination.
30. POL1 of the Local Plan relates to unstable and contaminated land and states, amongst other matters, that proposals on land that is potentially contaminated be accompanied by an assessment and remedial measures to allow the development to go ahead safely. Whilst this is consistent with the Framework, the Planning Practice Guidance¹ also allows for a proportionate approach to be taken to outline applications with regard to the use of planning conditions.
31. I have nothing before me to suggest that the site is suspected to contain high levels of contamination. Given that the appeal site forms part of the garden of Greengates and is situated between existing residential dwellings, I am satisfied that if I were minded to allow the appeal, suitably worded conditions to address contamination could be imposed.
32. For the above reasons, I conclude that there would be no conflict with Policy POL1 of the Local Plan which seeks, amongst other matters, that remedial measures are needed to allow the development to go ahead safely. There would also be no conflict with chapter 15 of the Framework which seeks to ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination.

Other Considerations

33. My attention has been drawn to two Appeals² which the appellant contends demonstrate infill development within sensitive landscapes. With regards to Appeal Ref 3308688, the site is located within the Cotswolds National Landscape and not in the Green Belt. Whilst I acknowledge there are restrictions within the National Landscapes, these are not as restrictive as within the Green Belt.
34. The Inspector also notes that the proposed development would be seen against 'swaths of built form along Bushcombe Lane'. Given that the proposed development subject to this appeal is within the Green Belt and would be seen against the loose grain of built form on one side, I do not consider that this constitutes the same context as the appeal before me. With regards to Appeal Ref 3238776, whilst the appeal site is in the Green Belt, there is no dispute between parties that the site constitutes PDL. The appeal before me does not constitute PDL and as such, the circumstances of this example are not directly comparable.
35. In any case, every appeal must be considered on its own merits, as I have done. These examples do not lead me to reach a different conclusion on the matter.
36. Furthermore, even if the appeal site lies within a larger plot than others nearby, this does not outweigh the harm I have identified above.

¹ Land affected by contamination paragraph:008 Reference ID:33-008-20190722

² Ref APP/G1630/W/22/3308688 and APP/F2360/W/19/3238776

Green Belt Balance and Conclusion

37. 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 153 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances (VSC) 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.
38. The proposal would make a positive contribution to the supply of housing, albeit the benefits of a single dwelling would be very modest. It would also bring some limited economic benefits to the construction industry and thereafter through additional consumer spending in the local economy which I give moderate weight to. However, as set out above, I have found that the proposed development in this case amounts to inappropriate development in the Green Belt and the Framework requires that substantial weight is attached to the harm in that regard. It would also cause moderate harm to the openness of the Green Belt. I find that these, taken together, do not clearly outweigh the harm I have identified and consequently, the very special circumstances necessary to justify the development do not exist.
39. For the reasons set out above, the appeal does not succeed.

L Clark

INSPECTOR