



Appeal Decision

Site visit made on 14 October 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/P2935/W/24/3348573

Whitlow Farmhouse, Track to Whitlow, Alston, Northumberland CA9 3BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr J R Edgar against the decision of Northumberland County Council.
 - The application Ref is 23/03758/VARYCO.
 - The application sought planning permission for change of use of disused agricultural buildings to two holiday accommodation units and one permanent residence and associated external works without complying with a condition attached to planning permission Ref 17/01400/VARYCO, dated 19 June 2017.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:
Site Plan as Proposed, Drawing Number 100912/SPPA, received 16th June 2017
North West Elevation as proposed, Drawing Number 100912/P4C
First Floor Plan as Proposed, Drawing Number 100912/P2A
Ground Floor Plan as Proposed, Drawing Number 100912/P1B
Sections as Proposed, Drawing Number 100912/P5
South West and North East Elevations as Proposed, Drawing Number 100912/P6
South East Elevation as Proposed, Drawing Number 100912/P3B.
 - The reasons given for the condition is: To ensure that the approved development is carried out in complete accordance with the approved plans.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by J R Edgar against Northumberland County Council. This is the subject of a separate Decision.

Procedural Matters

3. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes (NL). There has been no change to the legal designation and policy status of these areas, but I have replaced the reference to the North Pennines AONB with the North Pennines NL (NPNL) in my decision to reflect this change.
4. Planning permission was first granted under reference 14/02303/FUL for a development comprising the change of use of disused agricultural buildings to two holiday accommodation units and one permanent residence and

associated external works. A fresh planning permission was subsequently granted under reference 17/01400/VARYCO for a variation to that permission in order to change layout, materials and add an extension (the 2017 permission). The application, which is the subject of this appeal, sought to vary the 2017 permission to allow changes to internal arrangements to become 1 no. three bed residential unit, 1 no. three bed and 2 no. two bed holiday accommodation units. The wording of the description of development in the banner heading above has been taken from the original permission as the description pertaining to the 2017 permission does not relate to an act of development under s55 of the Act.

5. The appellant's existing drawings 1199-3 and 1199-4 identify two extensions to the rear of the appeal site. However, at the time of my site visit, only one was present. This was timber-clad with a mono-pitched roof which abutted the end elevation, its projection from the rear appeared deeper than the width of the appeal property, and it spanned approximately one-third of the total rear elevation of the appeal building. Submitted plans show this extension would be demolished as part of the proposed changes to the 2017 permission. I have therefore determined the appeal on the basis of my observations on site and the evidence before me.
6. The Council's statement acknowledges that the appellant did not seek to discharge conditions within its application to vary conditions attached to the 2017 permission. Given that the approval of a S73 application grants a new planning permission, had I been minded to allow the appeal the same information could have been secured by condition. I have had regard to this in the determination of this appeal.

Main Issue

7. Bearing in mind the above, the main issue is the effect of the proposed extension on the character and appearance of the host property and surrounding area, including the NPNL.

Reasons

8. Paragraph 182 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing NL. It also states that the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
9. Policy ENV 6 of the Northumberland Local Plan 2016-2036 (Local Plan) relates to the NPNL and seeks to ensure, amongst other matters, that the special qualities of the NPNL will be conserved and enhanced, with particular considerations paid to the openness of the landscape and its sensitivity to development. Its supporting text identifies that even a single development, which is out of scale or character with the area, including those beyond the NL boundary, can have a widespread impact due to the open character of much of the NL.
10. The appeal site is located on an elevated and prominent site within the NPNL. The surrounding area is characterised predominantly by rural countryside interspersed sporadically with built development. I saw on site that public

footpaths provide walking access to Epiacum Roman Fort, a historic landmark, and the Pennine Way which passes nearby one of the boundaries of the appeal site, both of which provide clear views towards the rear of the appeal site. The elevated nature of the site also increases its exposure, particularly from the A689 and contributes to the intrinsic beauty of this designated area and sensitivity from short and longer-distance views.

11. The appeal property forms part of a linear building set within the farmstead of Whitlow Farm and is located between detached buildings. These are located forward of the appeal property and their staggered position allows clear views from the open fields to the west of its rear elevation.
12. From the evidence before me, the roof to the existing rear extension is consistent in height with the highest part set significantly below the eaves of the appeal building. Despite having a large footprint, the setting down of its overall height beneath the eaves results in the extension appearing subservient to the appeal property when viewed from the rear.
13. Even if the eaves facing Whitlow Cottage would be lower than the eaves of the appeal property, the eaves to the other side and ridgeline would be similar to those of the appeal property. Consequently, the mass of the proposed extension would be substantially increased when compared to the existing extension. The lack of subservience of the proposed extension would therefore dominate the rear elevation and would appear jarring against the existing simple linear form.
14. I acknowledge that the proposal would use a mix of materials similar to those previously approved. Whilst this would maintain the identity of the extension alongside the cluster of properties, this does not outweigh the harm I have identified above.
15. With regard to the Council's reliance on Policy QOP2 of the Local Plan, even if there would be no harm with regard to the living conditions of existing nearby residents, the supporting text of this policy is clear that, amenity is related to how people experience a place, building or space and how this is impacted upon by the type and design of new development. With this, Policy QOP2 of the Local Plan clarifies, amongst other matters, that development can affect the amenity of the wider local area.
16. The appellant does not dispute that the proposed extension would be more substantial than that previously approved but contends that it would project a similar distance from the main rear elevation and would occupy a similar footprint. Whilst this may be the case, I have not been provided with the details of that approval to make a comparison.
17. For the above reasons, I conclude that the proposed extension would fail to safeguard the character and appearance of the host property, the surrounding area and the NPNL. As such, there would be conflict with Policies QOP 1, QOP 2, HOU 9 and ENV 6 of the Local Plan which collectively seek to ensure that the special qualities of the NPNL are conserved. The proposal would also conflict with the Framework, insofar as it requires development to protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.

Other Matters

18. Even if the proposed extension would not result in harm to the outlook of the existing residential properties, this would have been a likely requirement of a well-designed development. I therefore give this matter little weight.

Conclusion

19. For the reasons given above, the proposal conflicts with the development plan when read as a whole, and material considerations do not indicate the decision should be made other than in accordance with the development plan.
Therefore, the appeal should be dismissed.

L Clark

INSPECTOR