



Appeal Decision

Site visit made on 28 January 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/P2935/D/24/3351404

Stelling South Cottage, B6309 Mowden Hall Cross Roads To Welton, Stocksfield, Northumberland NE43 7UU

- 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 and Mrs Taylor against the decision of Northumberland County Council.
 - The application Ref is 23/03914/FUL.
 - The development is construction of detached garage/car port and storage building (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The garage/car port and storage building (the garage) has been constructed and therefore I am considering this appeal retrospectively.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and is applicable to this appeal. I have considered the changes which are not material to the development, as such further comments were not sought from the parties.

Main Issues

4. The main issues are:
 - whether or not the development is inappropriate in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area; and
 - if the development is inappropriate, whether the 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 development.

Reasons

Whether inappropriate development

5. The appeal site falls within land defined as Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Framework paragraph 154 establishes that the

construction of new buildings is inappropriate in the Green Belt, subject to several exceptions. Policies STP7 and STP8 of the Northumberland Local Plan 2016 – 2036 (2022) (NLP) reflect the approach of the Framework, to the extent that they are relevant to this appeal.

6. My attention has been drawn to the exception at Framework paragraph 154 d), which allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The appellant indicates that there have previously been three outbuildings side by side at the appeal site occupying the area where the garage subject of this appeal now stands. Photographic evidence has been provided of a stone outbuilding and a timber garage to the side of the dwelling. There is no evidence of the third structure which is said to have been to the north of the timber garage.
7. I have no reason to doubt the historical presence of outbuildings at the appeal site, which have since been demolished. The photographs indicate the general scale and massing of the stone outbuilding and timber garage and the broad extent of their footprints. Nevertheless, there are no specific measurements or details of the volumes, heights, footprints or forms of the relevant buildings to enable me to make a comparison with the appeal development.
8. 'Materially larger' is not defined in the Framework, however in my view it is a matter of fact and degree that should reasonably be based on an assessment of qualitative as well as quantitative measures. Due to the differing orientation of the appeal development to the previous structures and lack of clarity regarding their size and form, it is not possible to determine whether or not the appeal development is materially larger than buildings previously on the site. Therefore, even if I were to find that the development is in the same use as previous buildings, I am unable to regard the development as a replacement building within the terms of Framework paragraph 154 d).
9. It has not been suggested that the appeal scheme meets any of the other listed exceptions at Framework paragraph 154, and there is nothing before me that would lead me to disagree. Consequently, the development fails to meet any of the exceptions set out in Framework paragraph 154 and it is therefore inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness

10. The general location of the development has previously been occupied by built development. However, given the prominent forward position of the appeal scheme and because it is very clearly visible from the adjacent highway, the development inevitably leads to loss of openness in a spatial and visual sense. The loss of openness is localised, nevertheless, the development results in a limited degree of harm to openness.

Character and appearance

11. The appeal site accommodates a stone-built cottage and garden, with a stone built outbuilding and agricultural storage building, now converted into ancillary living accommodation. It fronts the B6309 and is set within the open countryside and a predominantly agricultural landscape. The surrounding area, comprising an open

expanse of agricultural fields with sporadic dwellings and farm buildings constructed in traditional materials, has a harmonious character and appearance.

12. Domestic in nature and sited within an established residential curtilage, the garage is in the same general location where previous outbuildings have stood and utilises the existing drop curb access from the B6309. Reasonable garden space is retained and so the site is not overdeveloped. Nevertheless, the garage has an awkward relationship with the cottage by sitting prominently in front of the main elevation. While the garage has a shallow pitch roof to keep the height to a minimum, and despite being located adjacent to the cottage, the garage is not well related to it owing to the forward siting. The garage's orientation and the resultant extensive elevation proximate to the highway creates a dominant development, that does not relate positively to the cottage or the surrounding landscape.
13. Even though the garage is not as close to the road as the other outbuildings to the south of the cottage, the garage's prominence is exacerbated by the development's materials. The felt tiles reflect the cottage roof, however the continuous expanse of timber is unsympathetic to the stone-built cottage and existing outbuildings which have a more discreet and traditional appearance. While the use of timber can be appropriate in a rural location, at the appeal site it disrupts the prevailing character and appearance. Even allowing for landscaping, the use of timber draws the eye and is out of keeping and incongruous for this countryside location. It is suggested that the development is a visual improvement on the previous buildings at the site which are said to have been in a poor state of repair. Nevertheless, given the site's wider landscape setting the development represents a marked visual change and does not add to the overall quality of the area, nor is it sympathetic to local character, as sought by Framework Paragraph 135.
14. As observed at my site visit, this visual intrusion is readily apparent in long- and short-range views on approach in either direction from the B6309, particularly during winter when the hedgerows are not in leaf. Even if the timber weathers over time to soften its appearance, it is at odds with the predominant use of stone, harmfully unbalancing the harmonious character and appearance of the area. It is suggested the timber could be painted and additional tree and hedgerow planting implemented as mitigation, however clear details have not been provided and as such this is not something I can comment on further.
15. There is a similar garage nearby in terms of size and materials. However, it has a different orientation from the appeal scheme and is set back from the road and so does not undermine the character and appearance of the area in the way the appeal development does. The other example does not therefore lead me away from my above findings.
16. For the reasons given, the development is unduly harmful to the character and appearance of the area and conflicts with NLP Policies HOU9, QOP1 and ENV3. Amongst other things these policies require householder development to be well related to, and respect and complement the style and character of, the existing dwelling. Development should make a positive contribution to local character and distinctiveness, including the character of the landscape.

Other Considerations

17. Buildings incidental to the enjoyment of a dwellinghouse are permitted under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (the GPDO) subject to conditions and limitations. The development is located further away from the road than the ancillary living accommodation outbuilding to the south of the cottage. However, even if I were to consider the ancillary living accommodation to be part of the dwellinghouse, the garage is sited forward of the wall forming the principal elevation of the original dwellinghouse, contrary to E.1(c) of Class E. As such, it is not clear how the development as constructed could benefit from permitted development rights.

18. The garage could be relocated so that it would not be forward of the principal elevation of the cottage, and this is a fallback position. I have no reason to doubt that this fallback position would be pursued if the appeal is dismissed and as such there is a real prospect of a closely comparable form of development occurring. However, if the garage was set further back to satisfy E.1(c) of Class E, and provided it met the other limitations, then it would comprise permitted development under Class E and no harm would arise. Consequently, the suggested fallback position to have limited weight in the determination of the appeal.
19. While the appellant has expressed frustrations with the Council's handling of the case, this does not alter or outweigh my findings which are based on the planning merits of the case.

Green Belt Balance

20. I have found the development to be harmful to the character and appearance of the area, in conflict with the development plan, to which I attach significant weight.
21. The appeal scheme is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There is a limited reduction of openness which is harmful to the Green Belt. The totality of the Green Belt harm attracts substantial weight. 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.
22. I attach limited weight to the fallback position which makes up the other considerations. As such, the other considerations do not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the development fails to accord with the Green Belt aims set out in NLP Policies STP7 and STP8 and the Framework.

Conclusion

23. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR