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## Appeal Decision

Site visit made on 17 December 2024

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

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**Appeal Ref: APP/H4505/W/24/3350113**

**Thornley Bank Boarding Kennels and Cattery, Hollinhill Lane, Rowlands Gill, Tyne and Wear NE39 1BG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Karen Sedgwick against the decision of Gateshead Metropolitan Borough Council.
  - The application Ref is DC/24/00241/PIP.
  - The development proposed is application for permission in principle for the demolition of boarding kennels and cattery along with the associated residential dwelling, and the construction of between five and six dwellings.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (the PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. An update to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been given the opportunity to comment on the effect of the updated Framework for the appeal, and I have had regard to these comments in my decision.

### Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with specific regard to:
  - access to services and sustainable transport; and

- whether the proposal would be inappropriate development in the Green Belt, and if it would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations amounting to the very special circumstances necessary to justify the development.

## Reasons

### *Access to services and sustainable transport*

6. The appeal site lies in the countryside, to the east of Hollinhill Lane where it meets Garesfield Lane. It is currently occupied by a kennels and cattery operated by the appellant, alongside a dwelling where the appellant resides.
7. Policy CS13 of 'Planning for the Future', Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, Adopted March 2015 (the CS) seeks to ensure, among other objectives, that development which generates significant movement is located where the use of sustainable transport modes can be maximised, minimises car trips, and promotes and enhances public transport.
8. Policy MSGP15 of the Site Allocations and Development Management Policies – 'Making Spaces for Growing Places' – Local Plan Document for Gateshead, Adopted February 2021 (the SADMP) seeks, among other objectives, for development to give priority to access by sustainable travel.
9. Paragraph 84 of the Framework states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more specific circumstances apply. Paragraph 109 of the Framework requires transport issues to be considered from the earliest stages of plan-making and development proposals.
10. The closest settlements to the site are Barlow (approx. 0.8 miles), Rowlands Gill (approx. 1.1 miles), Winlaton (approx. 1.8 miles) and High Spen (approx. 2 miles). These settlements offer various services and amenities and are all served by bus. However, there are no public transport connections directly linking the appeal site to these or other settlements. The roads connecting the site to nearby settlements are narrow, winding, undulating, unlit and lack footpaths. While walking or cycling to access public transport is technically possible, the routes are either along the aforementioned roads or via unpaved and unlit footpaths.
11. The appellant notes that the business employs 3 staff and can be visited by up to 15 clients per day for dropping off and picking up pets, some of whom travel from a wide area. While these figures are based on previous booking records, demand is likely to fluctuate throughout the year, with the busiest times expected during peak holiday seasons. Additional vehicular activity is associated with the existing dwelling on the site.
12. The proposed development would provide up to 6 dwellings. Assuming permanent occupancy, it is reasonable to expect more consistent vehicle movements than the current use. Although the appellant notes that increased home-working could reduce traditional commuting patterns, prospective residents would still need to travel for essential services such as schools, healthcare, shopping and leisure. Given the site's limited access to public transport, such journeys would likely rely

on private vehicles. Even online shopping would generate vehicle movements through deliveries.

13. No technical assessments have been provided regarding current or projected vehicle movements. Nevertheless, based on the factors outlined above, it is likely that the proposed development would generate greater and more consistent vehicle traffic than the existing use. While the development has the potential to support services in nearby settlements, its physical separation from these settlements would further reinforce dependence on private vehicles.
14. Taking the above matters into account, the proposed development would conflict with the aims of the relevant development plan policies relating to sustainable transport. Furthermore, it would not meet any of the specific criteria outlined in paragraph 84 of the Framework for justifying isolated homes in the countryside.
15. For these reasons, I conclude that the location of the proposed development would be unsuitable for reasons of its isolated position, remote from settlements, services and sustainable transport links. It would therefore conflict with CS Policy CS13, SADMP Policy MSGP15, and the provisions of the Framework, the aims of which have previously been set out.

#### *Whether inappropriate development in the Green Belt*

16. The site lies in the Green Belt and consists of a generally flat parcel of land situated below the level of the adjacent road. It is largely screened to the north by mature evergreen vegetation. Although trees line the western boundary, their lack of leaf cover at the time of my visit allowed some visibility into the site from the road. The eastern and southern boundaries are more open, offering views to and from neighbouring fields and elevated long-distance views.
17. The site is roughly divided into two distinct areas. The northern section contains the main kennels and cattery buildings, which are low-lying single-storey structures with associated hardstanding. Near the centre of the site is the two-storey dwelling with an expansive garden wrapping around to the south, east and west, stretching to the site boundaries. This area also contains low-height sheds, outbuildings and greenhouses, some of which appear to be connected to the kennel and cattery operations.
18. Policy CS19 of the CS generally aligns with the provisions of the Framework in describing the purposes of the Green Belt, which include safeguarding the countryside from encroachment. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless certain exceptions apply. One such exception, at paragraph 154.g), permits the limited infilling or the partial or complete redevelopment of previously developed land, provided it would not cause substantial harm to the openness of the Green Belt.
19. There is no dispute between the parties that the appeal site comprises previously developed land, and the evidence and my site observations support this conclusion. Therefore, I must consider the effects on openness.
20. Although the precise number, location and design of the proposed dwellings are ultimately matters for the technical details stage, an indicative site layout has been provided for a development of 6 dwellings. However, even though the proposal could be reduced to 5 dwellings with a smaller overall footprint, it remains likely

that the built form would significantly encroach on to parts of the site not currently occupied by buildings, particularly to the east and southwest.

21. Whilst no illustrative elevations have been provided, the submission confirms that the dwellings would all be dormer bungalows. Although these would likely be lower than the existing two-storey dwelling, they would be significantly taller than the other low-lying buildings that form most of the site's current built form. As a result, the proposed dwellings would be more visible from the road to the west and from the adjacent open fields.
22. It is established that openness has both a spatial and visual dimension. For the reasons set out above, the proposed development would cause substantial harm to the openness of the Green Belt in both spatial and visual terms. It would therefore fail to accord with the exception set out at paragraph 154.g) of the Framework.
23. The latest version of the Framework establishes the concept of 'grey belt' land, defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to certain purposes of the Green Belt identified by paragraph 143. These purposes are: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; and (d) to preserve the setting and special character of historic towns. Given the site's remote location, it does not strongly contribute to these Green Belt purposes and can be considered grey belt land.
24. Paragraph 155 of the Framework allows for development on grey belt land if specific criteria are met. This proposal would be required to meet all of criteria a. to c.
25. The proposal would satisfy criterion a. as it is in a remote location and would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. However, my previous conclusions established that the development would not be in a sustainable location, meaning it would fail to meet criterion c. Although the appellant has questioned the Council's housing land supply under the terms of the updated Framework, the issue of whether there is a demonstrable unmet need for the proposed development type, as required by criterion b., is not determinative to this appeal, given the failure to satisfy criterion c. Therefore, the proposed development would not meet the exception under paragraph 155 of the Framework.
26. Accordingly, having regard to its location, the proposed land use and the amount of development, the proposal would be inappropriate development in the Green Belt and would fail to accord with Policy CS19 of the CS and the relevant provisions of the Framework, the aims of which have previously been set out.

#### *Other considerations*

27. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.

28. The appellant references a development granted in 2014 at the former Winlaton Care Village site for up to 33 dwellings. However, that application was determined against different development plan policies and is significantly closer to a settlement than the appeal site. Additionally, a key consideration in its approval appears to relate to the delivery of improvements to local cycling infrastructure. Accordingly, though I do not hold full details of this case, and I must assess the current appeal on its own merits, given these distinctions I am not persuaded the cases are significantly comparable.
29. The appellant has highlighted several potential benefits of the proposal, including contributing to the Government's objective of significantly boosting the supply of homes, increasing housing choice, creating employment opportunities during construction, increased tax and associated revenues to the Council, and additional residents' spending to support local services and facilities. These benefits carry some weight in favour of the proposal.
30. The appellant also submits that redevelopment would improve the site's aesthetics, as the existing buildings are dated and utilitarian. Whilst detailed design information is not provided at this stage, it is conceivable that an appropriate design could deliver some improvements to the site's appearance. However, any potential aesthetic improvements are diminished by the harm to the Green Belt.
31. Additionally, the appellant contends that the development would reduce traffic movements associated with the site. However, as previously discussed, I remain unconvinced that this would be the case. The argument that reduced noise from the current use would benefit residential amenity is also limited, given the site's remote location and that the only nearby dwelling is occupied by those operating the business.
32. Although I acknowledge some benefits linked to the proposal, they must be balanced against the substantial weight that the Framework directs must be given to any harm to the Green Belt. In these terms, the benefits carry limited weight. Accordingly, the other considerations do not, individually or cumulatively, outweigh the harm to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist.

### **Planning Balance**

33. Paragraph 11.d) of the Framework directs that where there are no relevant development plan policies, or the policies which are most important for determining an application are out-of-date, permission should be granted unless certain circumstances apply. One such circumstance, under paragraph 11.d) i. is where the application of policies in the Framework that protect areas or assets of particular importance; including Green Belt; provides a strong reason for refusing the development proposed.
34. The appellant has highlighted the criteria in footnote 8 of the Framework, including the Housing Delivery Test (HDT) and the requirement to demonstrate a five-year supply of deliverable housing sites. While the Council's latest HDT figures would not trigger paragraph 11.d), the appellant contends that the recent changes to the method for calculating housing requirements, as set out in the Framework, mean the Council is now unable to demonstrate a five-year housing land supply, thereby engaging paragraph 11 d).

35. However, I have found the proposal would conflict with the relevant policies of the Framework relating to Green Belt. Under the provisions of paragraph 11.d) i, this provides a strong reason for refusing the development. Therefore, even if the Council cannot demonstrate a five-year supply of deliverable housing sites, the proposal would not be supported under paragraph 11.d) of the Framework.

### **Conclusion**

36. For the reasons given above, the proposed development would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed

*P Storey*

INSPECTOR