



Appeal Decision

Site visit made on 3 February 2025

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/P2935/D/24/3356902

Ashgrove House, Tranwell, Morpeth, Northumberland NE61 6AF

- 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 Steve Hodgson against the decision of Northumberland County Council.
 - The application Ref is 24/00528/FUL.
 - The development proposed is two storey rear extension, single storey front extension, internal reconfiguration, erection of new garage, new retaining wall and new boundary wall.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Steve Hodgson against Northumberland County Council. This is the subject of a separate Decision.

Preliminary Matters

3. The site address in the banner heading is taken from the appeal form and omits the words 'C150 Bets Lane To Searles Factory Junction' which were used within the planning application form. This address is considered more concise.
4. An amended version of the National Planning Policy Framework (the Framework) was published in December 2024, with further minor updates in February 2025. In the interest of natural justice and to ensure neither of the main parties were prejudiced, I consulted both parties on the changes to the Framework, and this has informed my determination of the appeal.
5. The appellant's Existing Elevations plan Ref 004 Rev P1 refer to elevations with regard to compass points, while the Proposed Elevations plan Ref 103 Rev P5 refers to elevations in terms of Front, Rear and Side. I am satisfied that the compass points relate to the corresponding Existing Elevations and for consistency, I have used the appellant's compass points as references within my decision.

Main Issues

6. The main issues of this appeal are:
 - whether the proposal would comprise inappropriate development in the Green Belt having regard to the development plan and the Framework;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the host property and the surrounding area; 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 inappropriate development

7. The appeal site (Ashgrove House) lies within the Green Belt. Policy STP1 of the Northumberland Local Plan 2016-2036 (Local Plan) is a strategic policy and sets the spatial strategy for the county including land identified as Green Belt. Policy STP 8 of the Local Plan relates to development in the Green Belt and sets out the Council's approach to assessing development, which is broadly in accordance with the Framework
8. Paragraph 154 of the Framework sets out that development in the Green Belt is inappropriate other than in a few exceptions including Criterion c. the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The Framework does not define "disproportionate".
9. My attention has been drawn to what the Council contend to be disproportionate additions. It states that as a 'rule of thumb' this would be an uplift of 33% in the footprint or volume. The appellant submitted that the proposed development would result in a 27.4% increase in volume and a 21.69% increase in floor space. The Council, however, contends that there would be an approximate increase in volume of 38% and an approximate increase in floor space of 45%.
10. The Council's 'rule of thumb' is not local policy or guidance and, as such, I give this limited weight. An assessment of whether or not the proposal would comprise a disproportionate addition over and above the size of the original building is therefore ultimately a matter of planning judgement for the decision maker, with much depending on the individual circumstances of the proposal.
11. I have nothing to indicate that Ashgrove House as I saw it, is significantly different in size to the original. The evidence before me indicates that the proposed development would comprise, amongst other things, a two-storey rear extension, a single-storey front extension and a new triple garage. These, together with the roof, would collectively see both the volume and floor space of the original building increase substantially and this would contribute to a marked increase in the scale and mass of the dwelling. Given this and my observations on site, I am of the view that the proposed development, when compared to the host building, would result in a disproportionate addition over and above the size of the original building. As such, it would not meet the exception of Paragraph 154c) of the Framework.
12. The updated Framework has introduced the concept of grey belt land. Even if I were to accept that the appeal site does not strongly contribute to the purposes of the Green Belt relating to unrestricted sprawl, the merging of towns or the setting of historic towns, in order for development not to be regarded as inappropriate, Paragraph 155 of the Framework refers to the use of grey belt land satisfying a demonstrable unmet need for the type of development proposed. No evidence has been submitted to indicate that this is applicable in this appeal and consequently, this paragraph does not render the development not inappropriate.

13. For the reasons given above, I conclude that the proposed development would not constitute one of the exceptions listed in the Framework and would therefore be inappropriate development in the Green Belt. Accordingly, it would conflict with Policies STP 1 and STP 8 of the Local Plan and Policy Set1 of the Morpeth Neighbourhood Plan 2011-2031 (MNP) Together these policies seek, amongst other matters, to reflect the provisions of the Framework, which states that inappropriate development should not be approved except in very special circumstances. I shall return to this matter later in my Decision.

Openness

14. Openness has both a 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. However, openness in any particular case is a matter of planning judgement.
15. The appellant has drawn my attention to recent caselaw¹ and contends that the Council incorrectly considered openness in its assessment under Criterion c. of Paragraph 154 of the Framework. This judgment found, amongst other things, that matters of openness are only not relevant if the proposed development were not inappropriate.
16. As stated above, the proposed development would constitute disproportionate additions and would, therefore, by definition, be inappropriate. Submitted plans show that the proposed development would have a significantly larger volume and floor space than the existing dwelling. It would therefore have more of an impact on the openness of the Green Belt in spatial terms than the current situation.
17. The appeal site is partially screened by trees to its boundary with the road. Given the topography of the appeal site and surrounding land, it is predominantly obscured to the south and west. Whilst the ridge height of the property would maintain a similar height to the appeal property and the proposal would be within a large plot, Ashgrove House could be viewed from the road and the Public Right of Way (PROW) which is to the east. As such, the increased floor space and scale of the proposal would make Ashgrove House more prominent from the main road and the PROW when the trees are not in leaf. This would have a more intense visual impact on the openness of the area in comparison to the existing arrangement and would amount to moderate harm to the openness.
18. The proposed triple garage would be situated to the west of Ashgrove House. From the evidence before me it would be partially subterranean. Given its position next to Ashgrove House, the landform and the proposed boundary, it is unlikely that this would be visible from either the main road or the PROW. Consequently, the proposed garage would have limited harm on the visual aspect of the openness of the Green Belt.
19. For the reasons given above, I conclude that whilst the proposed garage would have limited harm on the visual dimension of the openness, there would be moderate harm to the visual and spatial dimension as a result of the proposed extensions to Ashgrove House. This would conflict with Policies STP 1 and STP 8 of the Local Plan and Policy Set1 of the MNP, which collectively seek to preserve the openness of the Green Belt. There would also be conflict with the requirements of the Framework.

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

Character and appearance

20. Ashgrove House is a detached dwelling located to the south of the main route through Tranwell. It occupies an elevated position when viewed from the east, south and west and is linked to the lower garden level through a stepped arrangement. The north elevation is stepped and provides access from the road. Given the orientation, only part of this elevation towards the access point is visible. The boundary to the road consists predominantly of an open boarded fence with trees and a low-stone wall with pillars and metal gates to each of its entrances. At the time of my site visit, the trees were predominantly without leaf and I could see its full western elevation and the southwest corner from several points along the road, and the south and southeast corner from the PROW to the east.
21. The proposed development would extend approximately the full southern facade of Ashgrove House and significantly beyond that which currently exists. Its projection, together with its elevated position, the overall mass of the subsequent roof, and the two-storey bay windows to the south and east elevations would further accentuate the excessive proportions of the proposed development. This increase in scale and massing would be particularly noticeable when viewed from the east and west.
22. Furthermore, the castellated roof above the enlarged sunroom would project above the finished floor level of the upper storey to the west. This would accentuate its height beyond that of a single-storey extension. Even if the materials and design of the proposed development would be similar to the original dwelling, this would do little to mitigate the lack of subservience which would dominate the original dwelling.
23. The proposed retaining wall to the south, east and west would facilitate vehicle access to the proposed triple garage. Whilst I have nothing before me which states the exact height of this structure, the appellant's illustrative visualisations within the Design and Access Statement show it in context to Ashgrove House and the proposed development. Whilst I acknowledge that these images are for illustrative purposes only, they are nevertheless a useful tool and I am satisfied that they, together with my observations on site, provide sufficient detail to assess the impact of the development. Whilst the wall would taper towards the east, it would be approximately full height at each of its corners and across the southern elevation. Its height, together with the materials similar in appearance to Ashgrove House, would result in the perception of the property appearing taller. This would accentuate the visual dominance of the appeal property when viewed predominantly from the east and the PROW.
24. The proposed detached triple garage would be situated to the west and would be partially submerged into the existing topography. From the limited information before me, the vast majority of its structure would not be visible above the boundary from the public domain. I am therefore not persuaded that this element would harm the character and appearance of the host property or surrounding area.
25. For the above reasons, the proposed development would result in a lack of overall design quality which would be harmful to the character and appearance of the host property and the surrounding area. It would therefore be contrary to Policy HOU9 of the Local Plan and Policy Des1 of the MNP which collectively seek, amongst other matters, to ensure household extensions are well-related and subordinate in size and massing to the existing dwelling; and respect and complement the character of the area. There would also be conflict with the requirements of the Framework which seeks, amongst other matters, to ensure that development adds to the overall quality of the area.

Other Considerations

26. The appellant has drawn my attention to case law² with regards to their right to exercise a fallback position. They have also drawn my attention to their Lawful Development Certificate (the LDC) Ref 23/02243/CLPROP for the proposed use of a detached outbuilding to house a swimming pool, a detached outbuilding to house a games room, a single-storey side extension, a single-storey rear extension, dormer windows within the roof slopes, and a porch to the front.
27. The consideration of a fallback position, including what could be erected under permitted development, is a well-established principle. As the appellants have an LDC, there is a greater than theoretical possibility that if the appeal is dismissed, the appellants might pursue the fallback scheme. For significant weight to be afforded to a fallback position, there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
28. Plans associated with the LDC submitted in support of the appeal show a considerable amount of built development attached to and built alongside Ashgrove House. Whilst the extent of outbuildings would represent an ad-hoc arrangement, I have nothing before me to demonstrate that these equate to a greater quantum of development than the development subject of the appeal. The LDC plans do show, however, that the extensions would be predominantly single storey, with an overall height similar to the first-floor, finished floor level of the appeal property. As such, given their height and positioning, it is likely that these would be largely screened behind the existing boundary. Even if the dormers were visible from the public domain, they would be set within the main roof slope, set down from the ridgeline and would not project beyond the façade of the dwelling. They would therefore retain a subservient appearance when viewed alongside the overall roofscape and proportions of the dwelling.
29. From the evidence, the effect of a series of single-storey extensions would likely have a limited effect on the openness of the Green Belt. In contrast, the proposed development would be predominantly two storeys and would be largely situated to the east and southern elevations, clearly visible from both the road and the PROW. As such, and without any substantive evidence to indicate otherwise, I do not find that the fallback position would be any more harmful than the appeal scheme.
30. Notwithstanding the above, there is a physical possibility that both the appeal scheme and elements of the fallback position could be carried out. I note the appellant's suggestion of removing Permitted Development rights to restrict the implementation of the LDC, however, a planning condition cannot be imposed to achieve the same end, as any such condition would only come into force upon the commencement of the new permission. It would not be able to prevent the prior implementation of the fallback scheme, followed by this planning permission.
31. Were I to allow the appeal proposal to go ahead, with no signed legal agreement or other mechanism to prevent it, there would be nothing to prevent the appellants from constructing parts of the LDC scheme before implementing the appeal proposal. This would result in a greater level of cumulative harm to Green Belt openness than the appeal proposal alone.

² Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314

32. As there is no suitable mechanism for my consideration and no means available within the terms of the present appeal, which would prevent elements of the fallback scheme from being implemented in the event of the appeal being successful, harm to the openness of the Green Belt from inappropriate development has not been overcome. In fact, the situation could be made worse.

Other Matters

33. Ashgrove House is situated within close proximity to the grade II listed building of Tranwell House. As such, I have a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Council does not appear to raise any particular concern in relation to the impact on its setting. The use of similar materials and design characteristics, together with the orientation of Ashgrove House and distance to Tranwell House, would result in the proposed development not having any direct impacts on the listed building. Therefore, based on the evidence before me and observations on site, I find no harm in this regard.
34. The appellant has drawn my attention to several planning applications³ and I have been provided with the Officer Reports. While each example exceeded the Council's 33% metric, the proposed extensions were considered subordinate to the original dwelling. Given my findings above, I do not consider these cases to be comparable to the scheme before me. Notwithstanding this, each case must be considered on its own merits.
35. The appellant has also drawn my attention to planning application Ref 22/01095/FUL relating to Howden Dene East Lodge. I acknowledge that this property is located within the Green Belt and that the Council considered the proposed extension to constitute a disproportionate addition. However, it contends the proposed extensions would be 'relatively limited' and, as such, the proposed development was considered acceptable in that instance. This scheme does not alter my conclusions on the main issues, as it is not comparable to the case before me, and only serves to demonstrate that each Appeal should be considered on its own particular merits, as I have done in this case.
36. Whether or not Ashgrove House has been subject to subsidence, or the proposed works would enable mitigation works to be carried out to facilitate the use of the dwelling, does not outweigh the harm to the Green Belt.

Green Belt Balance and Conclusion

37. The Framework requires that substantial weight is given to any harm to the Green Belt, including harm to its openness, and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
38. I have found the proposed development to be inappropriate development in the Green Belt for the reasons identified above. This, together with the harm I have identified to the openness of the Green Belt, amounts to substantial weight against the case before me. There would also be harm to the character and appearance of Ashgrove House and the surrounding area. The other considerations put forward do not clearly

³ 24/02533/FUL, 21/02118/FUL and 22/00651/FUL

outweigh the harm I have identified, by reason of inappropriateness, harm to openness, and harm to the character and appearance of the area.

39. Furthermore, given that no suitable mechanism has been provided to prevent elements of the fallback scheme from being implemented, as well as the appeal scheme, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist and unacceptable development cannot be made acceptable. The proposed development would therefore conflict with the development plan and requirements of the Framework that seeks to protect the Green Belt.
40. The proposed development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with it.
41. For the reasons given above, I conclude the appeal should be dismissed.

L Clark

INSPECTOR