



Appeal Decisions

Site visit made on 24 February 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal A Ref: APP/P2935/W/24/3345477

Oakwood Hall, C257 Holeyn Hall Road to Hexham Road, Wylam, Northumberland NE41 8BH

- 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 Peter McGirr against the decision of Northumberland County Council.
 - The application Ref is 23/04296/FUL.
 - The development proposed is 'Construction of detached garage building within curtilage of the listed building'.
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Appeal B Ref: APP/P2935/W/24/3357459

Oakwood Hall, C257 Holeyn Hall Road to Hexham Road, Wylam, Northumberland NE41 8BH

- 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 Peter McGirr against the decision of Northumberland County Council.
 - The application Ref is 24/02310/FUL.
 - The development proposed is 'Construction of detached three-bay garage within curtilage of the listed building'.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appeals before me relate to very similar proposals in the same proposed development location. Both are detached garages, with that subject to Appeal B having been reduced in length and width following the refusal of the application subject to Appeal A. For expediency, I have dealt with both appeals in the same decision letter.
4. On 12 December 2024, the Government released an updated version of the National Planning Policy Framework (the Framework). The main parties were invited to make additional comments on the changes, and these have been considered in the determination of the appeals where relevant.

Main Issues

5. The main issues in both appeals are as follows:

- Whether the proposals would constitute inappropriate development in the green belt having regard to the Framework and any relevant development plan policies;
- The effect of the proposals on the openness of the Green Belt;
- The effect of the proposals on the setting of a listed building;
- The effect of the proposals on biodiversity; and
- Whether any harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposed developments.

Reasons

Whether Inappropriate in the Green Belt

6. The proposed garages are ostensibly the same proposal in terms of their height, materials and general appearance. The 4-bay garage subject to Appeal A would measure 11.7 meters (m) by 7m internally, while the 3-bay garage subject to Appeal B would be 8.8m by 7m. Both would be constructed of random rubble sandstone with timber garage doors and pitched, slate roofs.
7. Paragraphs 154 and 155 of the Framework list exceptions to the presumption against development in the Green Belt. Of relevance to the proposals is the exception given in paragraph 154(c). This relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
8. Policies STP7 and STP8 of the Northumberland Local Plan 2016 – 2036 (LP) (adopted March 2022) generally align with the aims of Green Belt policy in the Framework, with the former seeking to adhere to the purposes of the Green Belt and the latter avoiding inappropriate development in the Green Belt subject to the given exceptions.
9. As the Council points out, there is no exception given in the Framework relating specifically to detached buildings within residential curtilages in the Green Belt. However, case law¹ has established that whether a building would be physically separated from the main house does not prevent them from being part of the dwelling. It is a matter of fact and degree in every case. Either proposal would be relatively close to the host building and, given their purposes, the proposed garages could be considered as an extension to the dwelling in either case. The test is therefore whether or not they would represent disproportionate additions over and above the size of the original building.
10. However, there are few details on this matter before me. I have no calculations on the size of the original building (i.e. as it stood on 1 July 1948). Furthermore, there appears to be a long history of developments on the site and evidently parts of Oakwood Hall have been sub-divided. It is therefore unclear in terms of a volumetric increase in size as to whether either would be disproportionate. From my observations on the site visit, Oakwood Hall is clearly a large and imposing

¹ Sevenoaks District Council v Secretary of State for the Environment and Dawe [1997] EWHC Admin 1012; & Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin).

building. However, even the reduced size of the 3-bay garage is a substantial structure in its own right. It would occupy a significant footprint with a height of some 5.52m, with the elevations drawing² demonstrating that the highest point of the garage would fall close to the eaves of the roof of the host building.

11. Based on the limited evidence before me in this regard, I conclude that the 3-bay garage would constitute a disproportionate addition to the host building. Logically, the larger 4-bay garage would also be considered in the same manner. As such, neither proposal would meet the exception given in paragraph 154(c) of the Framework and would therefore both constitute inappropriate development in the Green Belt. The proposals would also conflict with policies STP7 and STP8 of the LP.

Openness of the Green Belt

12. Paragraph 142 of the Framework is clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness in this context is taken to mean the absence of built development. Openness and permanence are essential characteristics of the Green Belt. As per the Planning Practice Guidance³, openness is capable of having both spatial and visual aspects – in other words, the visual impact of a proposal may be relevant, as could its volume.
13. The garages would be constructed in the same location, in the area of woodland off the forecourt accessed from the existing driveway and adjacent the host building. The smaller garage would be a significantly sized structure, and it stands to reason that spatially there would be a loss of openness. Visually, the site is secluded from public vantage points and there is an area of woodland between the site and the road. As such, it is unlikely that either of the garages would be viewed from these areas.
14. Taken together, there would be a limited loss of openness of the Green Belt overall. However, invariably this would result in harm to the Green Belt given its purposes, contrary to paragraph 142 of the Framework.

Setting of Listed Building

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a statutory duty on the local planning authority or, as the case may be, the Secretary of State, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
16. Oakwood Hall⁴ is a substantial grade II listed country house comprised of 3 main sections, with the earliest dating from the early 18th century. This phased construction has created a somewhat irregular pattern of development. Much of the exterior facing elevations are now rendered with stone detailing, while the property also includes traditional features such as sash windows. The Hall sits in large, landscaped grounds with long range, south oriented views, woodland and a burn.

² Status: S4 Revision: P05

³ Paragraph: 013 Reference ID: 64-013-20250225

⁴ List Entry Number: 1370461

17. From all that I have seen and read, the listed building derives its special interest and significance predominantly from its historic and architectural interests. Historic interest is drawn from its age, evolving architecture over time which would have reflected the aspirations and tastes of its owners, and ties with local wealthy landowning families. Architectural interest is derived in part from the late Georgian style of rural estate architecture, its use of traditional materials and surviving historic fabric, and the legibility of its historic plan-form.
18. Of particular relevance to these appeals are the wider gardens and parkland, which provide an open and verdant setting with which the building is visually, physically, historically and functionally associated and within which the building can be appreciated and experienced. The existing driveway which runs from the southwest towards the hall is shown on the appellant's historic mapping from 1895 and formed the main approach to the building, including a previous 'carriage sweep'. This runs through the adjacent woodland and past the burn and would have provided an intimate and impressive introduction to the estate for visitors. In these regards, the listed building's setting positively contributes substantially to its special interest and significance.
19. The proposed garages differ only in proportions and are generally constructed of, and finished in, similar materials to the host building. I agree that the introduction of a garage would be in keeping with the historic development of the hall as aspirations and needs of its owners evolve. It would also not be unusual for large rural estates to include service and ancillary buildings to serve the wider needs of the estate, such as gardener's cottages and storage buildings.
20. However, the proposed location of the garages would involve the incursion of modern built form into the woodland area. Rather than strengthen the connection between the hall and the woodland, this would harmfully interrupt the historic approach to the building through the grounds and woodland and draw the eye, challenging the listed building for primacy in these views and negatively impacting the experience of the receptor when travelling towards the hall.
21. Moreover, the Arboricultural Method Statement inc. Impact Assessment⁵ (AMS) details the requirement to fell 6 trees to facilitate the erection of the garage. Notwithstanding the arboricultural impacts of this, it would cause the harmful loss of trees which contribute positively to the significance of the listed building. Furthermore, as the appellant points out the location has been considered in part to be screened by trees. This would likely make the garage more visible in this approach. I take on board the constraints of other locations for the garage, but this does not make the proposed location acceptable as a result. In any event, whether something is visible is only one consideration of impacts to the special interest or significance of a listed building, which are safeguarded for their inherent architectural and historic interest.
22. Overall, I conclude that the proposals would not preserve the Grade II listed building or its setting or any features of special architectural or historic interest which it possesses. It would therefore fail to satisfy the requirements of sections 66(1) of the Act and in doing so would cause harm to the significance of the designated heritage assets. The proposals would also be contrary to policies ENV1 and ENV7 of the LP and paragraph 212 of the Framework. These make

⁵ Elliot Consultancy Ltd – Ref: ARB/CP/3211 May 2024

clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I shall return to this matter later in this decision letter.

Biodiversity

23. The proposed garages would in both cases be situated within the area of woodland to the west of Oakwood Hall. The woodland is evidently a Habitat of Principal Importance (HPI) under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006).
24. The appeal includes two Ecological Impact Assessments⁶. The earlier assessment was submitted during the planning application process and covers the site-wide regeneration which includes 9 separate proposals, while the later assessment was submitted with the appeal and is focussed on the 4-bay garage. I have had due regard to both, along with the aforementioned AMS.
25. The erection of the garages in either case would necessitate the removal of several trees. These are given in the AMS and show 3 to be removed close to the proposed development location and a further 3 to be removed to the south as part of the required drainage works. The AMS concludes that from an arboricultural perspective, the impact of these losses would be relatively low. I note the Council's ecologist does not disagree with the assessment from a purely arboricultural point of view.
26. However, the AMS does not include ecological or biodiversity impacts of the loss of trees but does recommend measures are taken to protect remaining trees during construction to protect further losses. I see no reason to conclude that a tree protection plan could not be secured by a suitably worded planning condition, as is commonplace in many development proposals.
27. As the Council points out, woodland habitats are more complex than trees alone. The later ecological assessment advises that habitat would be lost which cannot be avoided due to the requirement to place the garages adjacent the host property. Moreover, the assessment also advises that the surrounding woodland, stream, line of trees and grassland could all be negatively impacted by pollution, dust or litter for example. It goes on to recommend that a Biodiversity Net Gain (BNG) assessment and 30-year woodland landscape and environmental management plan be agreed to ensure that compensation is secured to offset potential habitat loss. I note the appellant accepts that there would be some ecological impacts arising from the proposed scheme, but such impacts could be more than satisfactorily mitigated through provision of a replacement planting strategy. This would replace trees, but there is nothing before me to indicate that other habitat features in the woodland, such as flora, could be adequately mitigated or compensated for.
28. I have had regard to the submitted Biodiversity Net Gain Assessment⁷. I understand that as householder proposals, both would be exempt from the requirements to demonstrate BNG. However, this covers the wider site and a total of 9 proposals, including the appeal proposals. While this appears to demonstrate that a suitable BNG could be achieved, it is unclear whether these other proposals

⁶ Arbtch – Reports dated 14/08/2023 and 13th December 2024

⁷ Arbtch – dated 15/07/2024

are likely to achieve planning permission and therefore the gains outlined. As such, these cannot be relied upon to provide mitigation for the proposals before me.

29. The later assessment also advises that bat roosts are present on the site, which are in close proximity to the development area. Any bat roosts within trees within the development area would be destroyed by the clearance of woodland that the development would entail. Any bat roosts in surrounding trees may be disturbed by the works. Furthermore, the site is identified as being within an amber warning zone for Great Crested Newts (GCN), and while a desktop survey was undertaken to assess potential impacts on GCNs, there does not appear to be an updated survey, with reference only to a 'below average' likelihood in 2020. Moreover, the assessment concludes that the presence of individual GCN within the development area for transient periods cannot be discounted.
30. Taken together, it has not been demonstrated that potential harmful impacts upon priority habitats and protected species have been sufficiently mitigated or compensated for based on the evidence before me. This would be contrary to policies QOP4, ENV1 and ENV2 of the LP. These seek, among other things, to ensure that development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for. The proposals would also conflict with the nature conservation aims of the Framework, including at paragraph 187 which recognises the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Balance and Conclusion

31. I have found that the proposal would constitute inappropriate development in the Green Belt, while it would also not preserve its openness. Paragraph 153 of the Framework is clear that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In turn, 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.
32. There are no other considerations submitted in favour of the proposals, although invariably this could include some limited economic benefit from construction of either garage. As such, it stands to reason that this would not 'clearly outweigh' the substantial weight which must be given to Green Belt harm and any other harm.
33. Furthermore, I have also identified less than substantial harm to the significance of the listed building due to harm caused to its setting. Paragraph 212 of the Framework is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to

the asset's conservation. Paragraph 215 goes on to advise that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. However, any benefits of the proposals would be private to the appellant rather than public and therefore do not represent clear justification required to outweigh the harm.

34. I must give substantial weight to the harm to the Green Belt, while the conservation of a designated heritage asset must be given great weight. Moreover, it has not been demonstrated that the proposals as presented would avoid or mitigate against harm to on-site biodiversity and ecology due to a partial loss of priority habitat and trees. Together, these matters with against the proposals considerably. The benefits do not clearly outweigh this harm. Accordingly, for the reasons given above, I conclude that the appeals are dismissed.

C McDonagh

INSPECTOR