



Appeal Decision

Site visit made on 6 March 2025

by **H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th April 2025

Appeal Ref: APP/P2935/W/24/3352233

Land to south of Tankerville Terrace, Wooler, Northumberland NE71 6DN

- 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 Rosemary Potterill against the decision of Northumberland County Council.
- The application Ref is 24/01882/FUL.
- The development was originally described as:
 1. Erection of 1no residential unit for registered disabled person.
 2. Dismantle redundant garage/store building and erection of garden equipment timber clad building.
 3. Erection of sunroom/timber terracing with raised flower beds. 2no store buildings (items 2 & 3 commenced).

Decision

1. The appeal is dismissed insofar as it related to the erection of 1 residential unit for registered disabled person. The appeal is allowed insofar as it related to the dismantling of a redundant garage/store building, erection of garden equipment timber clad building and the erection of a sunroom/timber terracing with raised flower beds and 2 store buildings. Planning permission is therefore granted to dismantle redundant garage/store building, for the erection of garden equipment timber clad building and the erection of sunroom/timber terracing with raised flower beds and 2 store buildings at Land to south of Tankerville Terrace, Wooler, Northumberland NE71 6DN in accordance with the terms of the application, Ref 24/01882/FUL, the plans submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the following condition.

- 1) The development hereby permitted to dismantle redundant garage/store building, for the erection of garden equipment timber clad building and the erection of sunroom/timber terracing with raised flower beds and 2 store buildings is as shown and identified on the following approved plans:

Location Plan APP02

Site Plan/Proposed 8

Proposed Sunroom, Decking & Raised Beds 03

Proposed Store 02

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered from that on the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed.

Accordingly, in my decision, the description I have used is based upon that given on the application form.

3. The garage/store building referenced in the description of the development has been dismantled and the garden equipment timber clad building, the sunroom/timber terracing with raised flower beds and 2 store buildings have been built. Therefore, I have determined these elements of the development on a retrospective basis.
4. On both the planning application form and the appeal form the appellant certified that they owned all of the land to which the appeal relates. Subsequently, the appellant has admitted that this was erroneous: the access track within the appeal site which meets Glendale Road is not within their ownership.
5. However, such certification and notification defects do not mean that the appeal must be deemed invalid and turned away for this reason. Discretion can be exercised, and the appeal can still proceed when it is considered appropriate for it to do so having regard to the circumstances of the case. Factors such as the extent and nature of any defects, the existence of any remedies and whether any party has been prejudiced are important considerations.
6. Since their acknowledgement that the access track is not within their ownership, the appellant has now certified that they have sought to identify, but have been unable to ascertain, the track landowner(s). As required, a publication has also been made within a local newspaper. Therefore, the appellant has taken steps to remedy the defects with the certification and notification process. I have no substantive evidence that the appellant's error was calculated or exhibited a reckless disregard for the statutory requirements, nor that any parties have been prejudiced by the appellant's actions. In the circumstances, I am satisfied that the appeal can proceed.
7. On 12 December 2024, a revised version of the National Planning Policy Framework (the Framework) was published. In making my decision, I have had regard to the revised Framework and any comments in respect to it submitted by the appeal parties.

Main Issues

8. The main issues are:
 - Whether the site access arrangements and the parking provision proposed are acceptable; and
 - The effects of the development upon the character and appearance of the Wooler Conservation Area (the CA).

Reasons

Access and parking

9. The access to serve the development the subject of the appeal incorporates a track which meets Glendale Road. The track is partly stoned, but it does not have a sealed surface, and it is uneven. As a whole the track is narrow, and certain sections particularly so because of the likes of telegraph poles along it and the presence and shape of areas of boundary wall and hedgerow. Glendale Road is

partly yellow-lined and owing to its proximity to Wooler's town centre, and that a number of properties accessed from it have no driveways, I expect that those parts of the road not subject to restrictions will be heavily parked much of the time.

10. Although they would take place for only a temporary period, the provision of the proposed dwelling would entail a considerable amount of construction activity. This would include the transportation of materials, visits by site operatives and, given the undulating nature of the land upon which the dwelling would be sited, significant excavation with appropriate plant/machinery. The submitted plans show that the land upon which the proposed dwelling would be sited would be lowered with the higher land to some of its surrounds retained by walls. Although it is submitted to me that the excavated material would be redistributed across the site, and exportation of it would not be necessary, the plans do not contain sufficient proposed site level detail to demonstrate that this would be the case.
11. In the absence of a construction method statement, there is very limited information before me in relation to precisely what construction management practices would be deployed in order to erect the proposed dwelling and implement the associated land remodelling. This includes little substantive information on the types of vehicles and plant necessary, what site delivery and dispatch arrangements would be put in place and which vehicles and plant would be capable of and would be required to use the access track.
12. On the one hand, because of the access track's narrowness and composition, I can well envisage disruption arising from larger vehicles seeking to utilise the access track and encountering manoeuvrability problems with harmful consequential effects upon the living conditions of the nearest local residents and those who utilise the access. On the other hand, an alternative approach may entail the access track being largely avoided and Glendale Road being used for vehicle and plant stationing. However, given the parking restrictions in force, and the parking that takes place elsewhere on the road, such an approach would also be likely to cause harmful disruption with the potential for inconsiderate parking, problematic parking displacement and potentially frequent movements by plant between locations on Glendale Road and the proposed position of the dwelling to the detriment of other highway users.
13. In many developments, it is appropriate for construction management matters to be resolved through the imposition of a condition requiring the submission of, and adherence to, an agreed construction method statement. However, in this case, my concerns in relation to the access arrangements and the repercussions of the construction phase of the proposed dwelling at this backland plot are so significant that to defer the matter to resolution under condition would be inappropriate as a material planning consideration would simply not have been properly addressed before making the decision to grant planning permission.
14. Beside the access track there are several garages/carports and, during my visit, I noted that a family-sized car was parked within a carport. Therefore, and despite no vehicle swept path analysis having been submitted, I am satisfied that a typical car would be able to drive up and down the track and, furthermore, the plans indicate space for cars to manoeuvre to the rear of the proposed parking spaces. This would enable cars to conduct those access track movements in forward gear.

15. Appendix E of the Northumberland Local Plan 2016-2036 (the LP) sets out parking standards. The proposed dwelling would be 3-bedroomed and the minimum parking standard requirement is for 2 parking spaces. The submitted plans show that this minimum parking space requirement would be met. The evidence before me indicates to me that the dimensions of the spaces proposed would not adhere to that advocated by the parking standards. However, had I been minded to allow the proposed dwelling, a modest adjustment to the design of the parking spaces to ensure compliance with Appendix E could be undertaken under condition.
16. As the former garage/store building has already been dismantled, and the garden equipment timber clad building, the sunroom/timber terracing with raised flower beds and 2 stores have been constructed, there are no construction access related matters to consider in relation to these elements of the overall development. I have no reason to conclude that any vehicles larger than a typical family-sized car would need to frequently travel along the access track to use the site in its present condition. Furthermore, visits to the site for recreational use of the likes of the sunroom, and to maintain its landscape features, are likely to be less frequent than would be the case with a new dwelling. Consequently, the access arrangements for those elements of the development in situ are acceptable and no formalised or dedicated parking area is necessary to serve it.
17. However, despite my findings on parking, and on the access arrangements for those elements of the development already on site, I have set out my reasons why the site access arrangements in relation to the construction phase of the proposed dwelling would be problematic and unacceptable. As a result, the proposed dwelling conflicts with Policies TRA 1 and TRA 2 of the LP. In summary, and amongst other matters, these policies set out that the transport related implications of development must be addressed as part of any planning application, that developments provide effective access and egress to the existing transport network and that they suitably accommodate the delivery of goods and supplies.
18. The Council's second reason for refusal cites conflict with Policy TRA 4 of the LP. Policy TRA 4 principally requires that parking provision meets the Appendix E parking standards or, where relevant, local standards within a neighbourhood plan. As I have identified that the parking proposed for the dwelling could be modestly amended under condition, and dedicated parking is not necessary to serve the remaining elements of the development, Policy TRA 4 is complied with.
19. Finally, since I have raised no objection to the access arrangements relating to the already completed features on site, these elements of the wider development comply with Policies TRA 1 and TRA 2.

The CA

20. The CA contains Wooler's town centre which exhibits an organic character in part owing to its varied building styles and building heights. Elsewhere in the CA, and in some contrast with the town centre, there are substantial areas of housing development which include more repetitive building styles. However, a strong sense of cohesion is maintained by the predominance of sandstone as a building material. Fine views of the nearby Cheviot Hills are readily available from within the CA, and the town's steep topography assists in creating some dramatic elevated vistas of the landscape to the surrounds of the town. Within the CA there are many

mature trees, and this creates a verdant character which makes an important and positive contribution to the character and appearance of the CA.

21. For these reasons, the significance of the CA as a whole mainly arises from its architectural and artistic interest, because of its aesthetics. The CA's significance is also derived from its historic interest as its collection of traditional buildings provides evidence of social, cultural and industrial development in Wooler.
22. Reflective of much of the CA, the appeal site contains some steeply sloping land and, from some of the higher parts of it, the hills and moors to Wooler's surrounds can be appreciated from within it. However, much of the appeal site is undeveloped grassland and, as such, it does not exhibit the attributes of the Wooler's townscape which contribute strongly to the CA's significance as a whole. Furthermore, and despite much of it being open land, the appeal site does not contain mature native trees found elsewhere within the CA. These characteristics, coupled with its largely backland position, means that the appeal site forms an unassuming and somewhat secluded parcel of land within the CA. Overall, I find any positive contribution made by the appeal site to the significance of the CA to be limited.
23. The appeal site now contains more built development by reason of the garden equipment building, the sunroom/timber terracing with raised flower beds and the stores. The proposed dwelling would, quite significantly, result in the appeal site becoming more built-up. However, no undeveloped land or landscape features which make an important contribution to the CA have been, or would be, lost. With the garages and carports to the site's surroundings already present, the structures already erected on site are of an outbuilding type character and thus very reflective of development already established in the area.
24. The dwelling proposed would be single storey with quite shallow roof pitches. Therefore, it would have a low-slung appearance. The land re-profiling proposed would also mean that the dwelling would be set at a low level within the site and beside boundary hedging. Firstly, this means that views of the backdrop of hills and moors from within the appeal site would still be available upon completion of the development. Secondly, in views of the site from Tower Hill, the grounds of St Mary's Church and in close proximity to them, the proposed dwelling would be partly obscured, and it would not feature prominently. The remaining structures the subject of the appeal are each quite modest features, and in the same aforementioned views of the site, a range of building types can be seen including various outbuildings. In these views, the development as a whole would sympathetically assimilate into the quite varied townscape before the viewer.
25. For the above reasons, the development which has taken place, and the proposed residential unit, would all preserve the character and the appearance of the CA. The development complies with Policies ENV 1, ENV 7 and ENV 9 of the LP which, in summary and amongst other matters, seek to ensure that developments preserve or enhance Northumberland's valued historic and built environments with all development expected to reinforce the local distinctiveness of conservation areas and respect their character. The development also complies with Policies 2 and 18 of the Wooler Neighbourhood Plan (the NP) which require developments to be of high quality which respond positively to, and enhance, local character and which require developments to preserve or enhance the character and appearance of the CA.

Other Matters

26. The strategic policies of the LP are less than 5 years old. Consequently, the supply position in respect of deliverable housing sites should be calculated against the housing requirement of those strategic policies, not against the local housing need figure even though that local housing need figure may be much higher. The evidence before me indicates to me that the Council can demonstrate in excess of 7 years' worth of housing supply. Therefore, the Council's housing supply position is quite healthy. Even so, this does not act as a ceiling to housing development. I am also mindful of the content of the Framework which sets out the Government's objective of significantly boosting the supply of homes. The proposal would, therefore, make a further beneficial contribution to housing supply but, with only a single dwelling proposed, it would be a very modest one.
27. Furthermore, it is submitted that the proposed dwelling would be a self-build home, and I am mindful of the support for self-build homes within the content of Policy HOU 5 of the LP and within policies of the Framework. Provided an appropriate mechanism was used to secure it as such, that the dwelling proposed would be a self-build home adds further weight to the benefit of the delivery of housing on the site.
28. It is also submitted to me that the development implemented, and proposed, benefits the appellant as a disabled older person. The Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 (the Act), sets out the need to eliminate unlawful discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share protected characteristics and people who do not. The Act sets out the relevant protected characteristics which include both disability and age.
29. As I am allowing the garden equipment building and the sunroom/timber terracing with stores, the appellant would be able to store their mobility scooter, and these buildings will support them in tending to the site's maintenance.
30. The layout of a purpose-built single storey dwelling would bring with it some benefit to a disabled and elderly person, and I note that, altogether, Policy HOU 11 of the LP and Policies 5 and 7 of the NP support the appropriate delivery of homes suitable for the elderly and the vulnerable. That said, factors such as the uneven access track and the need to navigate the change in levels down to the level of the bungalow, likely via the provision of a yet-to-be designed ramp, means that some of the dwelling's accessibility characteristics are not well resolved nor do they seem very conducive to occupation by an elderly disabled person. This tempers the amount of weight I can attribute to the suitability of the proposal for a disabled elderly occupant.
31. Through the implementation of the recommendations within the Ecological Impact Assessment, some modest biodiversity enhancements would be delivered through the dwelling being delivered.
32. Even so, the collective weight of the benefits of the proposed dwelling are not such that it would be sufficient to outweigh the harm which I have identified in my first main issue. In dismissing the appeal insofar as it relates to the residential unit, a dwelling for an elderly disabled person would not be delivered, however, this would be proportionate given the circumstances of the case and the harmful effects

identified relating to the construction phase site access arrangements. Therefore, it does not follow from the PSED that the dwelling proposed should be allowed.

33. It may be, in respect of a range of other planning considerations, that the dwelling would be acceptably designed and would not result in harmful effects. This may include it being designed in order to be energy efficient and it being given a well-landscaped setting. Even so, an absence of harm in respect of such matters is a neutral factor in my decision, and it does not outweigh the harm that I have identified.
34. St Mary's Church is Grade II listed. Much of the significance of the listed building stems from its architectural and artistic interest because of its traditional church architecture and aesthetics. It also exudes historic interest as it provides evidence of worship in Wooler. Its spacious churchyard with mature trees provides the listed building with a verdant immediate setting. Although development has taken place which is visible from these grounds of the church and the proposed dwelling would, likewise, be visible, as I have set out in my main issues, none of the development the subject of the appeal is or would be prominent. It would all sympathetically assimilate into the townscape before the viewer. Therefore, no harm to the significance of the listed building has resulted from the development that has taken place nor would result from the dwelling proposed.
35. Finally, in my preliminary matters, I have already dealt with the matter of land ownership in respect of the access track which is a matter which is raised within the public representations submitted to me. Some representations also query the appellant's rights of access along the track, however, this is principally a separate private matter, and it is of limited weight in my determination.

Conditions

36. As the development I am allowing has already taken place, a condition relating to the standard implementation period is unnecessary. However, in the interests of certainty, enforceability and the character of the area, I have imposed a condition which sets out the approved plans.
37. The Council has suggested a number of other conditions that it considers would be appropriate. However, I am only allowing part of the development the subject of the appeal, and this excludes the element which is proposed, and that which is the most significant: the residential unit. As a result, none of the suggested conditions relating to the use of materials, securing a self-build dwelling, a construction method statement, storage, tree and hedgerow protection, ecological mitigation and enhancement, unforeseen contamination and the installation of a broadband connection meet all of the tests for condition imposition. In some instances, the suggested conditions are not relevant to the elements of the development I am allowing, or they are not ultimately necessary to make those elements of the development acceptable in planning terms.

Conclusion

38. The effects of the implemented parts of the development comprising of the dismantling of a redundant garage/store building, erection of garden equipment timber clad building and the erection of a sunroom/timber terracing with raised flower beds and 2 store buildings are acceptable and accord with the development plan as a whole. These elements of the development are physically and functionally

severable from the residential unit also subject of the appeal and should, therefore, be allowed.

39. Whilst I have also concluded that the proposed residential unit would preserve the character and the appearance of the CA, this would not outweigh the harm that would be brought about as a result of the construction phase site access arrangements relating to it which would be problematic and unacceptable. The resulting conflict with the development plan policies I have identified leads me to conclude that, the proposed dwelling conflicts with the development plan as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed insofar as it relates to the residential unit.

H Jones

INSPECTOR