



Appeal Decision

Site visit made on 25 February 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/P2935/W/24/3353183

Land at Former Bellingham Auction Mart, Bellingham NE48 2BJ

- 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 Redfern Properties Ltd against the decision of Northumberland County Council.
 - The application Ref is 21/03910/FUL.
 - The development proposed is construction of new convenience food retail store (Use Class E) with associated access, parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of new convenience food retail store (Use Class E) with associated access, parking and landscaping at Land at Former Bellingham Auction Mart, Bellingham NE48 2BJ in accordance with the terms of the application, Ref 21/03910/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs in relation to this appeal was made by the appellant against Northumberland County Council. This application is the subject of a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to comment further. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area and the significance of non-designated heritage assets; and
 - the effect of the development on the living conditions of neighbouring occupants with regard to outlook.

Reasons

5. Bellingham is a small market town, which comprises of mainly late 20th Century housing, surrounding a historic core of buildings, constructed from traditional materials including local sandstone and slate. The centre of Bellingham is not a

Conservation Area, however, it is listed as a non-designated heritage asset (NDHA). This is in recognition of its historical importance and evolution as a market town and nearby ironworks, which are reflected in its spacious layout and high quality architecture.

6. The appeal site occupies part of the former Bellingham auction mart site, the remainder of this site was approved under planning application 21/03415/FUL for a residential development for 43 dwellings and 20 apartments. The submitted plans include details of this development, which was at an advanced stage of construction at the time of my site visit.
7. The Council state that the appeal site is within the setting of three non-designated heritage assets. Which include the historic core of Bellingham, a single arched road bridge that neighbours the site and the former union workhouse. The bridge is of historic significance as a surviving structure on the Border Counties Railway and the significance of the former union workhouse is derived from its use and its unique design which reflects the local vernacular rather than a standardised building of this type.
8. The Council assert that the appeal site is 'a gateway into the village'. However, there are several buildings before the appeal site when travelling along the B6320, including a housing development at Fairshaw Crescent. Although it is acknowledged that the appeal site occupies a prominent roadside position, it does not clearly form an entrance to the settlement.
9. The proposed development is for the erection of a new food retail store which would include a covered external service yard and parking area. The building would be of a simple rectangular built form and would share an access off the B6320 highway with the recently approved residential development detailed above. The principal elevations of the building that would front on to the highway and the proposed parking area would be finished in a mix of natural stone and timber effect cladding, while the remaining elevations would be finished in facing brick. The roof would be constructed with grey composite roof tiles.
10. The residential development surrounds the appeal site on three sides and given the advanced stage of this development, is a material consideration of significant weight in my assessment of the appeal. Upon completion it would form the wider context of the appeal site and therefore it would be unreasonable to consider the appeal scheme in isolation.
11. The design of the store would incorporate a palette of external materials that would reflect the approved residential development; which would include two storey dwellings as well as an apartment building. The apartment building would be much larger than the proposed building in terms of its scale and massing. It is acknowledged that its impact would be mitigated to an extent by its position and existing landscaping. However, it would be clearly visible alongside the proposed store within wider views. The comparative scale of the buildings would be particularly apparent when viewed from the bridge neighbouring the site, which is detailed above as a NDHA; where its elevated position would allow a view of both buildings side by side. Based on the evidence before me the height of the proposed retail store would be between that of the two storey buildings and the apartment building. Therefore, it would not appear overly dominant within this context and

would have due regard to building heights and the prevailing form, scale and massing of development around the site.

12. The simple design and proportions of the building reflect its proposed use as a larger food retail store. The two elevations that have a prominent frontage within the public realm would be broken up with the use of natural stone and timber effect cladding, this would add visual interest, and local stone is a traditional material that respects the character and appearance of the area. Further, as detailed above, local character is not defined solely by the towns historic core and the store has also been designed to reflect the neighbouring residential development that is currently under construction. Therefore, overall, the appeal scheme would make a positive contribution to local character and distinctiveness.
13. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Setting is not fixed and may change as the asset and its surroundings evolve. I noted on site that the proposed development would occupy a prominent position on the approach to the former union workhouse and the historic core of Bellingham and would be clearly visible when travelling over the railway bridge detailed above.
14. Having regard to the guidance in the Framework, I am therefore of the view that the appeal site forms part of the wider setting of all three of the identified NDHAs. Whilst the appeal site may have originally been part of a former auction mart, it appears relatively undeveloped. Its open nature contributes positively to the setting of the NDHAs by maintaining a gentle transition between the historic core of the settlement and the surrounding countryside and the unique features of the stone railway bridge are emphasised by its relatively isolated position. As such, it makes a positive contribution to the significance of each of the NDHAs identified.
15. In line with paragraph 216 of the Framework I am required to make a balanced judgment in assessing the effect of the development on the significance of the NDHAs, which should have regard to the scale of any harm and the asset's significance. The approved residential development acts to redefine the area immediately surrounding the appeal site. Given this, and the separation distance from the appeal site, it would result in a low degree of harm to the significance of the historic core of Bellingham and the former union workhouse as NDHAs.
16. The proposed building would be a prominent feature in views from and next to the stone railway bridge. However, as the appeal site is notably lower, this impact is mitigated to a degree resulting in a moderate degree of harm to its setting and the contribution this makes to its significance. Also, the approved residential development would add to the wider context of the site and would also feature prominently in views from and next to the bridge. I also note that the appeal scheme would not affect the structure of the bridge, its use, or its functionality which are key factors attributing to its significance.
17. For the reasons detailed above the proposed development would not have harmful impact on the character and appearance of the area and or result in a material degree of harm to the overall significance of non-designated heritage assets in the area. Therefore, it is in accordance with the requirements of Policy QOP 1, QOP 2 and QOP 6 of the Northumberland Local Plan 2016-2036 (the NLP) which requires that development proposals make a positive contribution to local character and distinctiveness, having regard to building heights and the form, scale and massing

prevailing around the site. They also require that the physical presence and design of the development preserves the character of the area and deliver well designed places.

Residential Amenity

18. The approved residential development detailed above is of a medium density and includes an apartment block as well as semi-detached, two storey dwellings with small front gardens and larger private gardens to the rear. Several of the properties would be near the proposed store. Flats 4 and 14 within the apartment building and the dwellings in plots 41 and 40 would include habitable rooms that directly face the proposed building. Also, the property boundary of Plot 43 would share a side boundary with the appeal site.
19. The proposed building would have a pitched roof and as detailed above; its height would be in keeping with the dwellings within the approved development. Based on the evidence before me the separation distance between the proposed store and the dwellings detailed above would be sufficient to ensure future occupants would benefit from a suitable outlook.
20. For the reasons detailed above the proposed development would not have a harmful effect on the living conditions of neighbouring occupants with regard to outlook. Therefore, it is in accordance with the requirements of Policy QOP 1, QOP 2 and QOP 6 of the NLP which require that development proposals do not cause unacceptable harm to the amenity of existing and future occupiers surrounding the development and does not have a visually obtrusive or overbearing impact on neighbouring uses.
21. Policy QOP 6 relates to the delivery of well-designed places and is not determinative in my assessment of the effect of the development on the living conditions of the occupants of neighbouring properties.

Other Matters

22. Under Policy HOU4 of the NLP the entire former auction mart site is allocated for housing, including the appeal site, with an indicative capacity for 50-65 dwellings. As detailed above planning permission was granted for a total of 63 homes and this development is currently at an advanced stage of construction. Paragraph 127 of the Framework recognises that flexibility is required in order to meet changes in demand for land and encourages the support of alternative developments that meet an unmet need. In light of the approved housing scheme on the wider auction mart site the Council considers that the proposed development would not undermine the purpose of the NLP with regard to housing allocation. Based on the evidence before me, I have no reason to disagree with the Council in this regard.
23. A range of other matters have been raised by interested parties. Concerns relating to the proposed design, external materials and the impact on heritage assets are addressed above as part of my assessment. Concerns were also raised regarding the impact of the signage indicated on the proposed plans. However, this permission does not give consent to any signage and advertisements that may be shown on the submitted plans. Separate consent would be required for any signage as part of the development.

24. Interested parties also raised concerns regarding a lack of information relating to landscaping, drainage, lighting and contamination. As detailed below, full details of landscaping, drainage arrangements and lighting are required by condition for the approval of the local authority. A condition has also been included to ensure that if any additional contamination is found during the course of the development it is managed appropriately.
25. Interested parties have suggested that the proposed development should have windows and solar panels on the southern elevation, is not necessary and should be located elsewhere. My assessment is based on the scheme before me, and it is not within the remit of the Inspector to evolve a development proposal. The position of the store reflects its shared access with the neighbouring housing development, which also includes pedestrian links with and through the wider former auction site. There is also no evidence before me to demonstrate that the proposed development would have a harmful impact on the viability of local shops and businesses.
26. I note concerns from an interested party regarding the validity of planning permissions granted for other developments on the wider Bellingham auction mart site including Councillor prejudicial interest, a failure to engage with the community and changing ownership of application sites. However, concerns regarding Councillor conduct and the assessment of other applications for planning permission do not fundamentally affect the outcome of this appeal. Concerns relating to conduct are best addressed through direct engagement with the Council, utilising any complaints procedure that they may have.
27. It is noted that the proposed electric vehicle (EV) charging bay is not allocated specifically for disabled users. However, this would restrict the usage of the charging facility. The proposed parking area is small and the EV charging area is a short distance from the entrance of the store, also allocated disabled parking is proposed as part of the scheme. Disability is identified as a protected characteristic for the purposes of the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010. In my assessment of this appeal, I have due regard to the three aims of the PSED, in this instance disabled parking would be provided close to the entrance of the store which would minimise the disadvantage disabled individuals face as part of their day-to-day life.
28. Within paragraph 2.2 of the Committee Report the Council refers to 'several Grade II listed buildings in the locality to the south and south-east of the site'. However, specific details of the listed buildings have not been provided. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving their settings. Given its location and the approved residential development surrounding the site, I consider that the appeal site does not form part of the setting of the buildings to the south and south-east due to the separation distance and intervening buildings.
29. The appeal site is close to Hareshaw Ironworks Scheduled Monument. An Archaeological Evaluation was carried out by Archaeological Services Durham University, dated September 2021, and found that the proposed development would not impact on the setting and significance of Hareshaw Ironworks Scheduled Monument. The Council has no concerns regarding the archaeological impact of

the development and given the location and nature of the scheme I have no reason to disagree on this matter.

30. The appeal site is close to the Northumberland National Park. I note that the National Park Officer does not object to the proposal and advises that as the application site is close to the Northumberland International Dark Sky Park it should be ensured that any external lighting is Dark Sky Compliant. Based on the evidence before, me given the location of the development, I have no reason to disagree with the Officer. As detailed below, a condition requires approval of any external lighting by the local planning authority prior to installation.

Conditions

31. I have considered the conditions put forward by the Council and the appellant's comments on them. I have included those conditions that meet the tests set out at paragraph 57 of the Framework, with some minor editing of the suggested wording for precision and enforceability.
32. I have attached conditions relating to the time limitations for the commencement of the development, compliance with the approved plans, proposed external materials and the provision, implementation and maintenance of a hard and soft landscaping plan in the interests of clarity and certainty and to protect the character and appearance of the area.
33. A condition requiring the submission of a Construction Method Statement has been included in the interests of highway safety and the residential amenity of the occupants of neighbouring properties in relation to noise and air quality.
34. In order to ensure appropriate management of surface water and mitigate flood risk, conditions have been included that require details of surface water drainage (both during and after construction), the adoption and maintenance of all SuDS features and the submission of a verification report to demonstrate that all sustainable drainage systems have been constructed as approved.
35. Conditions requiring the approval and implementation of an acoustic barrier, confirmation that air conditioning units have been correctly installed and also limiting the hours of construction, opening and deliveries, have been attached in the interests of residential amenity. Also, a condition requiring the submission of details of any external lighting has been included to protect the amenity of the occupants of neighbouring properties and to protect the special qualities of the Northumberland International Dark Sky Park.
36. In order to protect the health and safety of future user's, conditions have been included that require the suitable management of any ground gases and contamination not considered as part of earlier reports on the site.
37. In order to ensure the proposal would meet the needs of future users I have attached conditions relating to the provision of the proposed electric vehicle charging point and car and cycle parking
38. A condition restricting the use of the proposed building is required to ensure that the use remains compatible with surrounding land uses and residential properties in the area and to allow for further consideration of any alternative use.

39. In order to ensure the safe and efficient operation of the highway conditions have been included that require details of the proposed vehicular access, a Delivery, Servicing and Refuse Strategy and restricting the use of the development in relation to the construction of the access off the B6320 approved under the planning application for the neighbouring residential development.
40. Conditions requiring accordance with the mitigation and enhancement measures detailed within the Preliminary Ecological Appraisal Former Auction Mart, Bellingham (OS Ecology, July 2021) and the submission of a scheme to demonstrate how the development will minimise resource use and respond to climate change are required to enhance the ecological value of the site and ensure the development is sustainable.
41. Conditions requiring the submission of site sections and details of the proposed windows, doors and fencing are unnecessary as this information has been provided. A condition relating to details of permeable paving is also unnecessary as this information would be provided as part of Condition 5. Further, a condition relating to the submission of details of any retaining walls is also unnecessary as no retaining walls are proposed.

Conclusion

42. For the reasons given above the appeal should be allowed.

C Livingstone

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 342 – SArch – S3 – XX – DR – A - 1000 – P04 – Location Plan
 - 342 – SArch – S3 – XX – DR – A - 1001 – P08 – Proposed Site Plan
 - 342 – SArch – S3 – 00 – DR – A - 2000 – P07 – Ground Floor Plan
 - 342 – SArch – S3 – 01 – DR – A - 2001 – P04 – Roof Plan
 - 342 – SArch – S3 – 00 – DR – A - 2100 – P02 – Setting Out Plan
 - 342 – SArch – S3 – XX – DR – A - 3000 – P07 – Elevations
 - 342 – SArch – S3 – XX – DR – A - 3300 – P03 – GA Section
 - 342 – SArch – S3 – XX – DR – A – 1200 – P02 – Contextual Site SectionsCR3 Revision 00 (04.09.2023) - Refrigeration Plant Layout
Drainage Strategy (Ref: Bellingham DS - Shed - January 2022)
- 3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) details of temporary traffic measures, temporary access routes and vehicles;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities; and
 - vi) measures to control the emission of dust and dirt during construction;The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 5) No development above damp proof course level shall commence until details of the materials to be used in the construction of the external surfaces of the building, and any hard landscaping, hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- 6) No development shall be undertaken unless in accordance with the mitigation and enhancement measures proposed in the Ecology report 'Preliminary Ecological Appraisal Former Auction Mart, Bellingham (OS Ecology, July 2021)'.
- 7) No development above damp proof course level shall commence until a scheme of both hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all new planting, the species, size and number of trees, hedgerows,

shrubs throughout the development and use only Northumberland native species; the creation of areas of hardstanding and pathways, areas to be seeded with grass, and other works or proposals for improving the appearance of the development. The scheme should include an implementation programme, including the phasing of work where relevant.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme.

- 8) Before the development is brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. All landscaping shall be managed in accordance with the approved landscape management plan.
- 9) Prior to the commencement of any drainage works, a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall see surface water connect to the adjacent residential infrastructure if installed and operational. In the event that this option is not available then the disposal of surface water shall be in accordance with drawing C007 Rev P01 "Proposed Layout – Option 2" and shall thereafter be carried out in accordance with the approved details. The development shall thereafter be undertaken in accordance with the approved details.
- 10) Before the development is brought in to use, details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.
- 11) Before the development is brought in to use, a verification report carried out by a qualified drainage engineer, or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:
 - As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
 - Construction details (component drawings, materials, vegetation);
 - Health and Safety file; and
 - Details of ownership organisation/adoption details.
- 12) Construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays and at no time on Sundays or Public Holidays.

There shall be no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the Local Planning Authority.

- 13) If during redevelopment contamination not previously considered within any statement / report that has received the approval of the Local Planning Authority is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning

Authority. The written method statement must be written by a competent person. The building shall not be brought in to use until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

- 14) Prior to the installation of external lighting, full details including height, design, location, intensity and shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 15) With the exception of the delivery of newspapers. Deliveries or collections shall be taken at or despatched from the site only between 07:00 to 18:00 on Monday to Saturday, and not at any time on Sundays or on Bank or Public Holidays.
- 16) The development hereby permitted shall not be open for business outside the following hours: 07:00 to 23:00 Monday - Saturday and 07:00 to 22:00 on Sundays and Public or Bank Holidays.
- 17) Prior to the construction of development above damp-proof course level, a scheme for a robust, continuous acoustic barrier constructed along the south western boundary of the site, of a minimum height of 2.2 metres (measured from the ground level) and minimum surface density of 10 kilogrammes per square metre (kg/m²) together with scheme of maintenance, shall be submitted to, and approved in writing by the local planning authority.

All works which form part of the approved scheme shall be completed before the development is brought into first use. The barrier shall be maintained in accordance with the approved scheme and retained throughout the life of the development.

- 18) Before the development is brought in to use, a verification report shall be submitted for approval to the Local Planning Authority. This report shall provide confirmation from the installation contractor that all installed Air Conditioning Units have been installed within fixed enclosures as depicted on approved drawing "Refrigeration Plant Layout" Drawing Number: CR3, Revision 00 Dated 04.09.2023. The report must include photographs of all installed Air Conditioning Units and Enclosures.
- 19) No development above damp proof course level shall commence until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings) have been submitted to and approved in writing by the Local Planning Authority.

The report must also detail to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the building. Furthermore, the report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

- 20) The development shall not be brought into use until a validation and verification report has been submitted to the approved methodology in Condition 19 which has been approved in writing by the Local Planning Authority.
- 21) Notwithstanding the details submitted with the application, no development above damp proof course level shall commence until a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the building being brought into use where relevant, and shall be retained thereafter.
- 22) The premises shall be used for the display or retail sale of goods, other than hot food, and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 23) The development shall not be occupied until the car parking area indicated on the approved plans, including the EV, parent and child and disabled car parking spaces contained therein, have been hard surfaced, sealed and marked out in parking bays in accordance with the approved site plan reference '342 – SArch – S3 – XX – DR – A - 1001 – P08 – Proposed Site Plan'. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.
- 24) The development shall not be brought into use until details of the vehicular access, including dropped kerbs and tactile surfacing, have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.
- 25) The development shall not be brought into use until highway works to facilitate the site access to the B6320 and access road from this junction to the development access junction within the redline boundary have been constructed in accordance with the approved plans under planning reference 21/03415/FUL and its associated conditions.
- 26) The development shall not be brought into use until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.
- 27) The development shall not be brought into use until a Delivery, Servicing and Refuse Strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall include how the development will be accessed by delivery, servicing and refuse vehicles, the types of vehicles used (including dimensions) and the timings of vehicular movements to prevent larger vehicles being in conflict within the site and on the adjacent highway network.

The approved Delivery, Servicing and Refuse Strategy shall be implemented prior to the development being brought into use and shall thereafter operate in accordance with the approved details.

******* End of Conditions*******