
Appeal Decision

Site visit made on 18 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 29th May 2025

Appeal Ref: APP/P2935/W/24/3351827

Land west of Bramblings, Tranwell Woods, Morpeth, Northumberland

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Barry George against the decision of Northumberland County Council.
 - The application Ref is 23/04532/OUT.
 - The development proposed is for construction of 2 no. eco executive self-build houses (C3 use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity, I have taken the site address in the banner heading above from the appeal form.
3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes may materially affect the main issues in this case, the Council and the appellant were invited to make further comments. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.
4. The application was made in outline with all matters reserved for future determination. I have had regard to the indicative layout shown on the submitted drawings in reaching my decision but treated this as illustrative.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - whether the site is a suitable location for the development having regard to the housing policies of the development plan;
 - the effect of the development on the ecology in the area;
 - whether the site is suitable for development in regard to contamination and ground gas;
 - whether the proposed housing is in a sustainable location;

- whether the proposed development would result in, or increase, the risk of surface water flooding; and
- whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

6. The appeal site lies within green belt land designated in 1963 by amendment No. 16 to the County Development Plan. The strategic purposes of the Green Belt include checking the unrestricted sprawl of Tyne and Wear, safeguarding the countryside from encroachment, preserving the setting and special character of Morpeth, preventing the town from merging with neighbouring settlements and preventing the merging of rural settlements. Policy STP8 of the Northumberland Local Plan 2016-2036, adopted 2022, (NLP) defines the instances where development in the Green Belt would be supported which includes limited infilling in villages and in very special circumstances. The list of developments allowed under this policy predate those in the Framework.
7. Paragraphs 154 and 155 of the Framework list the types of development that are not inappropriate in the Green Belt, subject to certain conditions. These include limited infilling in villages (paragraph 154(g)) and the development of homes on sites that would utilise grey belt land where it would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan, where there is a demonstrable unmet need and is in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.
8. Development of grey belt land is not included within Policy STP8 of the NLP, which is the most important policy concerning this issue, making it inconsistent with the Framework and therefore out-of-date. While the remainder of the policy is broadly consistent with the Framework, the omission above, which is very much relevant to the issues in this appeal, limits the weight I can give to any conflict with Policy STP8.

Limited infilling in a village

9. While the definition of a village in the NLP is a relevant consideration. Neither 'village' nor 'limited infilling' are defined in the Framework. Caselaw¹, has established that whether a settlement is a village is a matter of planning judgement; and should be based on an assessment of the position on the ground and determined by the particular characteristics of the proposal, the site and its environment. This was also confirmed in the Tate judgment² in relation to a previous application at the appeal site.
10. The layout of development in the area is loose knit with most dwellings positioned within large plots. From what I could observe on my site visit, the dwellings are varied in terms of their built form, design and external materials. An absence of continuity of design, scale and materials has resulted in a lack of unity within the group. Further, while an absence of community services or facilities at Tranwell

¹ Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195 and

² R (Tate) v Northumberland County Council [2018] EWCA Civ 1519

Woods does not preclude it from being defined as a village, it is a contributing factor to an absence of identity or sense of place. Based on my observations, Tranwell Woods is a large loose-knit group of dwellings and is not a village for the purposes of the Framework.

11. My attention has been drawn to several past instances where Tranwell Woods has been assessed as a village and planning permission has been granted for housing developments there in the past based, in part, on that view. However, I do not know the precise circumstances at the time these decisions were made, there may have been a shop or community facilities which do not exist anymore. As such, I cannot be certain that the circumstances in those instances are the same. It is acknowledged that a village may be defined differently elsewhere or has been described as such by other decision makers in the past. Nevertheless, my assessment is based on my own observations and planning judgement.
12. The appeal site is a large area of woodland accessed via a shared private road off the C151. There are properties at either side of it, Westwood Cottage on one side and Bramblings and Silver Birches on the other. However, they are positioned within their plots and the gap between them is significant. It is also unclear from the submitted plans that the boundary of the appeal site runs up to the boundary of these properties. Based on my observations the appeal site could not be classed as an infill site. Given my findings on these matters it is not necessary to also consider whether the scale of the development would be limited.
13. The proposed development would not be located in a village and does not constitute an infill site, in the context of Paragraph 154e of the Framework. Therefore, the development does not comply with the requirements to be considered an exception under paragraph 154e. It also fails to comply with the requirements of Policy ST8 of the NLP in this regard, which remains a consideration.

Grey Belt

14. The updated Framework has introduced the concept of grey belt land. When making a judgement as to whether land is grey belt consideration should be given to the contribution it makes to Green Belt purposes as defined by criterion a,b and d of paragraph 143 of the Framework. The appeal site does not check the unrestricted sprawl of a large built up area, prevent the merging of towns or preserve the setting and special character of a historic town. Further, the site is not listed as an area or asset in footnote 7 to the Framework which provides a strong reason for restricting or refusing development. Therefore, I am in agreement with the appellant that the appeal site is grey belt land and complies with the requirements of criteria a of Paragraph 155 of the Framework. In order to be supported under the terms of paragraph 155 the proposal must also meet the requirements of criteria b and c.
15. Under the terms of criteria b of paragraph 155 there must be a demonstratable unmet need for the type of development proposed. Footnote 56 states that for the provision of housing this means a lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Test was below 75% of the housing requirement over the previous three years. There is no evidence before me to clearly indicate that there is a demonstratable unmet housing need in this instance. Consequently, this paragraph does not

render the development not inappropriate. Whether the development is in a sustainable location will be addressed in detail below.

Openness of the Green Belt

16. The concept of Green Belt openness has both a spatial and visual dimension. The appeal site is free from development. The erection of two houses, while only indicative at this stage, would introduce new built form into the Green Belt which would result in a spatial loss of openness. The proposal would also be seen from surrounding residential properties and from vantage points in the wider area. Introducing new built form would therefore also result in a visual loss of openness.
17. Compared to the existing situation openness would therefore, both spatially and visually, be reduced by the introduction of two dwellings at the appeal site. While the loss would be relatively localised, it would, nonetheless, impact on the openness of the Green Belt and would therefore conflict with the objectives of the Framework in keeping Green Belt land permanently open.
18. For these reasons, I conclude that the proposal would not constitute one of the exceptions listed in the Framework and is therefore inappropriate development in the Green Belt. Accordingly, the appeal site is not suitable in principle for residential development, having regard to its location in the Green Belt. The proposed development would also conflict with Policy ST8 of the NLP which is a consideration in my assessment and allows development in the Green Belt where it would fit in a small gap between buildings within a village.

Whether a suitable location

19. In order to ensure the delivery of sustainable development and support the vitality of communities the Council supports housing in the countryside only where it meets the criterion listed under part g of STP 1 of the NLP. The proposed development would fall to be considered under criteria iv of this policy, and there is no substantive evidence before me to demonstrate that the development would meet the requirements of any of the other criterion listed. Criteria iv supports residential development where it is in accordance with Policies HOU 7 and HOU 8 of the NLP.
20. Policy HOU 7 of the NLP allows the development of entry level, affordable housing, self-build, custom-build and community- led housing as rural exception sites. There is no evidence before me to demonstrate that the proposed dwellings would be affordable. Further, despite being described as such, an appeal for a self-build scheme should be accompanied by a planning obligation that secures the dwelling for this purpose. As there is no such obligation before me the appeal scheme does not meet the criteria to be considered as a self-build development. Policy HOU 8 allows for the development of isolated residential development in the open countryside. As detailed above the appeal site is located within a loose knit group of dwellings and in light of this is not in an isolated location.
21. For the reasons detailed above the appeal site is not in a suitable location for the development having regard to the housing policies of the development plan. It would therefore conflict with Policy STP 1 which defines the Council's spatial strategy and supports housing in the countryside only in specific circumstances.

Ecology

22. The appeal site comprises an area that the Council recognise as a woodland habitat of principal importance. Its concerns are centred on the loss of ground flora and potentially trees as a result of the development and the impact that this could have on local fauna.
23. An Ecological Impact Assessment carried out by Ruth Hadden, BSc. MCIEEM dated May 2023 was submitted in support of the proposal. This assessment found the clearing where the proposed houses would be located to have a low conservation value. This was based on a data search and an investigation of the site on the ground. They also recommended several conditions for the implementation of mitigation and enhancement measures that would maintain biodiversity over the existing site.
24. A Tree Survey and Arboricultural Impact Assessment by ajt Environmental Consultants, dated May 2023, found that no trees would be required to be removed as a result of the development. The survey also recommended mitigation measures that would protect trees during construction.
25. The information submitted in support of the application demonstrates that the development would not result in a material degree of harm to ground flora or trees. This evidence also suggests that the effect of the development on local ecology and biodiversity could be mitigated and controlled by condition. Notwithstanding this, there is no substantive evidence before me to demonstrate that the proposed development would meet the requirements of the Framework and Policy ENV 2 of the NLP in delivering a biodiversity net gain. If supporting evidence demonstrated that a biodiversity net gain could be achieved a suitably worded condition could be used to secure it. It is acknowledged that self-build and custom build developments are exempt from this requirement. However, as detailed above there is no evidence before me to demonstrate that the appeal scheme meets the criteria to be considered as a self-build development.
26. For the reasons detailed above it has not been demonstrated that the proposed development would achieve a biodiversity net gain. Therefore, it would conflict with the requirements of ENV 2 of the NLP and Policy Des1 of the Morpeth Neighbourhood Plan which seek to ensure that development enhances the natural environment and proposals affecting biodiversity, securing a net gain.

Contamination

27. The Council's Public Protection Officer raised concerns that the proposed development could potentially harm public health and safety due to ground gas and contamination. In light of these concerns, they requested further information including a desktop study, site walkover and a conceptual site model, a phase 1 contaminated land assessment, and a mine and ground gas risk assessment.
28. While it is acknowledged that the appeal site is currently an area of woodland, there is no substantive evidence before me to demonstrate that there have been no historical uses on the site in the past that could have resulted in contamination. Further, above ground conditions within the appeal site do not indicate an absence of below ground hazards including mining operations and ground gas build up.

29. On the basis of the Council's position there is a reasonable possibility that the site may be affected by contamination or ground gas, at least to the degree that it would be prudent to carry out appropriate investigation. The consequences to human health have the potential to be seriously adverse if an inappropriate design solution is chosen. In light of this, it would not be reasonable to request the required investigations by condition as this information is required to assess the suitability of the site. This approach is supported by Planning Practice Guidance³ which requires the decision maker to understand the condition of the site in regard to contamination and that, if necessary, any remediation is viable and practicable in order to allow planning permission to be granted in full at a later stage.
30. For the reasons detailed above insufficient information has been provided to understand the condition of the site in regard to contamination and ground gas. Therefore, the proposed development conflicts with Policy POL 1 of the NLP which requires that development proposals on land that is potentially unstable or contaminated to be supported by an assessment of the nature and extent of contamination or instability issues and the possible effects this may have on the development and its future users.

Whether a sustainable location

31. Paragraphs 110 and 115 of the Framework state amongst other considerations that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that it should be ensured sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
32. The appeal proposal is for two houses on a plot within a group of several other properties within Tranwell Woods. Future occupants would need to travel outside of the group to access the resources associated with everyday life. The closest town where there is good access to shops, services, facilities as well as public transport links is Morpeth. However, there is no street lighting within the immediate area or pedestrian or cycle paths linking the appeal site and this town. The most direct cycle route would, in part, be along a busy main highway. While traveling to Morpeth via cycle would not be impossible, due to the speed and busyness of the road it is likely that this option would be viable only for experienced cyclists and not children and the elderly or infirm. Further, in times of inclement weather or in the hours of darkness the viability of cycling as a sustainable travel option in this instance is further reduced.
33. Based on the evidence before me there are no bus or other public transport links within the group or, baring in mind a lack of paved footpaths, within an easily walkable distance from the appeal site. It is therefore highly likely that future occupants would access shops, services and facilities by private car rather than walking, cycling or via public transport as part of their everyday life. Who the future occupants are likely to be in terms of employment or status does not affect my concerns in this regard.
34. It is acknowledged that travel by electric car could be a viable travel option for future occupants. Notwithstanding this, there is no guarantee that they would travel this way. As such, electric car usage and also the potential energy efficiency of the

³ 008 Reference ID: 33-008-20190722

proposed dwellings does not address my concerns in regard to a lack of sustainable travel options available.

35. For the reasons detailed above the proposed development is not in a sustainable location. Therefore, it would conflict with NLP Policies STP 3, STP 4, STP 5, TRA 1 and TRA 2 and the Framework which seek to encourage development that is accessible, avoids dependence on travel by private car and promotes health and well being through active travel options and also ensure the safe and efficient operation of the highway network.

Drainage

36. The Lead Local Flood Authority objected to the proposed development as a sustainable drainage strategy was not submitted in support of the planning application and the development site is within an area with known surface water management issues.
37. The appeal site is in Flood Zone 1 which is indicative of a low risk of river or sea flooding. However, it does not mean there is no risk of flooding at all, and surface water flooding can still pose a threat. The appellant asserts that adequate drainage for the site is provided by large ditches protected by a legal covenant, the details of which were submitted as part of the application for planning permission. While this may be the case, there is no substantive evidence before me to demonstrate that the appeal scheme would not result in an increased risk of surface water flooding; or that the ditches are sufficient to effectively manage surface water.
38. In light of the Council's concerns there is a possibility that the appeal site is within an area at risk of surface water flooding. As part of this assessment it is important to establish that, as a more vulnerable use, the proposed housing would not be at risk of flooding and that there is also no increase in flood risk to others off-site. Therefore, it would not be reasonable to request this information by condition.
39. As the proposed development is not supported by a sustainable drainage strategy there is no evidence before me to clearly demonstrate that it would not result in an increased risk of surface water flooding.
40. For the reasons detailed above, there is insufficient evidence before me to demonstrate that the proposed development would not result in an on-site, and increased off-site risk, of surface water flooding. Therefore, the appeal scheme conflicts with Policy WAT 3 of the NLP which requires that development proposals demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources.

Other Matters

41. The appellant asserts that there are examples of villages listed within the NLP that do not meet the Council's definition of a village. While this may be the case, as detailed above, whether or not a settlement is considered a village is a planning judgement which is not tied to specific criteria.
42. The responses to a pre-application enquiry from 2016 (16/00163/PREAPP) and a complaint letter regarding planning matters at Tranwell Woods from 2009, were submitted in support of the planning application. As this advice was issued prior to the adoption of the current development plan I cannot be certain that the circumstances are the same as they were then.

43. A Flora Assessment from Newcastle University dating from 1989 was also submitted in support of the planning application. As this assessment was carried out several decades ago it cannot be relied on to provide an accurate picture of the flora present on the site currently.
44. Two letters of support were submitted in relation to the proposed development. The submitted comments relate to the planning history of the site, the principle of the development and whether it complies with Green Belt Policy, its impact on biodiversity, ecology and drainage; all of which are addressed above. My attention has also drawn to an instance where planning permission has been granted for the conversion of an agricultural building to a dwelling.⁴ However the change of use of an existing building or a small extension would not have the same effect on openness in the Green Belt as a new dwelling.
45. One of the letters of support also highlights that the Council raised no concerns regarding the proposed access that would serve the site. Based on the evidence before me I have no reason to disagree with the Council's assessment. However, an absence of harm in this regard is a neutral factor weighing neither for nor against the proposal.

The Green Belt Balance

46. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause limited harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 153 of the Framework. Also, as detailed above I have identified additional harm in respect of ecology, contamination and drainage, which was largely due to an absence of technical information and in light of this I only limited additional weight to these factors combined. I have identified that the development would not be in a sustainable location, despite this it would be no less sustainable than the other properties in the area and is a relatively short distance from Morpeth, as such I afford only limited harm in this respect.
47. The Government is seeking to significantly boost the supply of housing. The Framework recognises that small sites can make an important contribution to the Council's housing supply. Although the proposed development is for just two dwellings, this would contribute positively to the Council's housing land supply and would provide social benefits. As a windfall site on what is currently a clearing in an area of woodland the development would result in a more efficient use of the land. It is also acknowledged that small sites can be delivered quickly and efficiently. In this instance the development would provide high quality energy efficient housing, which is an important factor in addressing climate change. There would also be economic benefits in terms of the generation of economic activity during the construction of the houses and the provision of homes to residents who would contribute to the local economy. However, due to the small scale of the proposed development, these benefits would be moderate.
48. Cumulatively, while the other considerations put forward in favour of the proposed development have moderate weight, they do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, while limited weight

⁴ 22/04480/FUL

can be afforded to Policy ST8 of the NLP, it is still evident that the proposed development would not comply with the policies of the Framework, specifically Section 13 on protecting Green Belt land.

Conclusion

49. For the reasons set out above, I conclude the appeal should be dismissed.

C Livingstone

INSPECTOR