



Appeal Decision

Site visit made on 10 June 2025

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2025

Appeal Ref: APP/P2935/W/25/3358966

**Quarry House, Newton Quarry House Drive, Newton-By-The-Sea,
Northumberland NE66 3EG**

- 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 and Mrs M Wasti against the decision of Northumberland County Council.
 - The application Ref is 24/00220/FUL.
 - The development proposed is the demolition of storage buildings/stables and removal of various items including caravans and the erection of 1 no. 'self-build' dwellinghouse (C3 use).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellants have submitted a planning obligation which includes provisions regarding a financial contribution towards coastal mitigation and to secure primary occupancy of the proposal. I will return to these matters later in my decision.

Preliminary Matters

3. The appeal site lies within the Northumberland Coast National Landscape (NCNL), characterised by its dramatic natural coastline of rocky headlands and cliffs contrasting with extensive sweeping sandy beaches, wide seascape views and feeling of exposure and tranquillity. I have had regard to the statutory duty to seek to further the purpose of conserving and enhancing its natural beauty, and the provisions of Paragraph 189 of the National Planning Policy Framework (the Framework) to give great weight to conserving and enhancing its landscape and scenic beauty. All designated Areas of Outstanding Natural Beauty (AONB) have become National Landscapes (NL), their legal designation and policy status remains unchanged. While the main parties have used AONB, I have used NL in my decision.
4. During the appeal, a new version of the Framework came into effect but there are no material changes relevant to the substance of the appeal.

Main Issues

5. The main issues are whether the proposal:
 - is in a suitable location, having regard to the Council's spatial strategy; and
 - would be served by a suitable foul water drainage system.

Reasons

Location

6. The appeal site is a plot of land that forms part of the curtilage of a dwelling known as Quarry House and accommodates various out buildings and structures. It is separated from the road by an access track and is generally enclosed by mature tree planting. The site is surrounded by open fields. It is not disputed that the site is located in between High Newton-by-the-sea (High Newton) and Low Newton-by-the-sea (Low Newton) which are together identified in Policy STP1 of the Northumberland Local Plan 2016 – 2036 (2022) (NLP) as a small village that has no defined settlement limits.
7. Although the site is reasonably proximate to the clusters of built form that make up the separate entities of High Newton and Low Newton, the appeal site is separated from each entity by open fields. Furthermore, given the enclosed nature of the site the proposal would not be seen in the context of the built form of either High Newton or Low Newton. On this basis, the appeal site is physically separate and remote from the built-up areas of these entities. Despite the village church being opposite the site's access, and other sporadic development, the appeal site is not immediately adjacent to the built form of the village. Therefore, in line with NLP Paragraph 4.48, it meets the NLP definition of open countryside. The appeal site's location within the curtilage of Quarry House, proximity to this dwelling and the use of Previously Developed Land (PDL) do not alter my findings on this matter.
8. NLP Policy STP1 sets out the circumstances under which development in the open countryside will be supported, including at STP1(g) iv. where a proposal provides for residential development in accordance with NLP Policies HOU7 or HOU8. Policy HOU7 is concerned with exception sites and so is not relevant in this case. Policy HOU8 allows for the development of homes in the open countryside that are detached from existing settlements in certain circumstances, including at criterion e. where the design is of exceptional quality.
9. The test in NLP Policy HOU8 e) has two elements and reflects Framework Paragraph 84. Firstly, that the design is truly outstanding or innovative reflecting the highest standards of architecture and would help to raise the standards of design in rural areas. The second is that it would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. Both elements must be met to qualify for the exemption in respect of exceptional quality, which is a very high bar.
10. It is not disputed that the proposal encompasses a high-quality design driven approach. The evidence shows that a detailed assessment of the character of the site and surrounding area has been undertaken, including the defining characteristics of the NCNL, and that this analysis has informed the proposed development. The scheme has also been revised from a previous design, including the lowering of the ridge height and has received the support of the NCNL Partnership. The existing unsightly buildings and structures at the site would be removed, which would enhance the site's immediate setting and improve glimpsed views of the site from the nearby network of public rights of way.
11. The design inspiration has been taken from the local vernacular and would feature a courtyard arrangement to create a relationship with Quarry House and would share the same palette of materials. The proposal has been designed with

enhanced sustainability in mind and would exceed minimum energy efficiency requirements. In doing so it would increase resilience to climate change as required by the Framework. On this basis, the proposal follows well-established design for buildings in the countryside and sustainable design and construction.

12. The selected viewpoints in the Landscape and Visual Impact Assessment Visuals Analysis (2023) are representative of the visual effects of the development. From my site visit observations, I have no reason to disagree with the main parties that the scheme would sit comfortably within its surroundings and would not negatively affect the experience of the scenic beauty of the NCNL. While the proposal would meet the second part of the exemption, my attention has not been drawn to any features of the proposal that represent truly outstanding or innovative design. As such, it is my view that while undoubtedly of a high quality, the design of the scheme falls short of reaching the very high bar of being truly exceptional. Consequently, the proposal would not meet the exemption at NLP Policy HOU8 e).
13. Any policy compliance with other elements of the spatial strategy, including the provisions of NLP Policy STP1 i) does not negate the conflict I have identified with Policy HOU8. Even though the spatial strategy reflects the Framework and recognises that development in one village may support services in another nearby village, the proposal would be located within the open countryside and not within a village and therefore does not draw policy support in this regard.
14. I have considered other examples of development granted permission in the open countryside. However, the site at Rothley Lodge is not surrounded by open fields and would predominantly be seen in the context of other buildings. Similarly, in the Alnwick appeal decision the proposal would be seen within the context of the surrounding buildings. As such, the locations of the other examples differ to the context of this proposal, and they do not, therefore, lead me away from my above findings. The appellants have also drawn my attention to other apparently similar developments in the area, however there is no clear evidence to indicate that they are directly comparable to this appeal scheme. In any event, I have reached my own view based on the evidence before me.
15. Overall, in this location the proposed dwelling would not accord with the development plan's spatial strategy and there would be an 'in principle' policy harm resulting from the location of the proposal. In coming to this conclusion, I have taken account of Framework Paragraph 15 which sets out that the planning system should be genuinely plan-led. To conclude on this main issue, the proposal would not be in a suitable location, having regard to the Council's spatial strategy and would conflict with NLP Policies STP1 and HOU8.

Drainage

16. Foul sewage at the appeal site would be served by a package treatment plant. NLP Policy WAT2 requires such non-mains drainage systems to be employed only where the development is sufficiently remote from sewered areas and are the only solution. The appellants indicate that given the rural location of the site there is no direct access to mains drains, however this is not supported in evidence. Thus, it has not been clearly demonstrated that a connection to a public sewer is sufficiently remote and that the proposed foul drainage solution is the only viable option, as required by NLP Policy WAT2.

17. While a manufacturers brochure has been submitted there is no substantive evidence of how this would be implemented at the appeal site. The proposed site plan shows an indicative location for the sewage treatment plant. Nevertheless, NLP Policy WAT2 requires careful consideration to be given to the precise siting and design of a non-mains drainage system to ensure there are no adverse effects to groundwater, water quality or existing ecosystems. Natural England have recommended that information such as discharge points and a maintenance and monitoring certificate should be provided to determine whether the drainage system is adequate in relation to assessing the effect of the proposal on protected designated sites. As such, this is a matter which should be resolved before planning permission is granted rather than leaving it to a planning condition.
18. Overall, there is insufficient information to ascertain that the proposal would be served by a suitable foul water drainage system. The proposal would therefore be in conflict with NLP Policy WAT2, insofar as it requires non-mains drainage systems to be employed where it is the only solution, having given careful consideration to its precise siting and design.

Other Matters

19. The Northumberland coast is of national and international importance for its wildlife. The appeal site is located within the zone of influence of the Northumbria Coast Special Protection Area (SPA) and the Berwickshire and North Northumberland Dunes Special Area of Conservation (SAC), afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations) in recognition of the significance of their ecological features. The Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. Notwithstanding the appellants' agreement to make a financial contribution to mitigate the effects of the proposal on the SPA and SAC in terms of recreational pressure, as the scheme is unacceptable for other reasons, it is not necessary for me to consider the implications of the proposal upon the protected sites.
20. I have carefully considered the appellants' personal circumstances, however there is insufficient specific evidence for me to draw a clear conclusion that the proposal, is the only reasonable option available to meet the appellants' needs. In any event, the circumstances are largely private matters and therefore do not lead me away from my findings on the main issues. Similarly, while the appellants have expressed frustrations with the Council's handling of the application, this does not alter or outweigh my findings which are based on the planning merits of the case.

Conclusion

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposal would not be in a suitable location and there is insufficient information to determine that the proposal would be served by a suitable foul water drainage system. I give significant weight to the appeal scheme's conflict with the development plan taken as a whole. I will now consider whether there are material considerations that would indicate that my decision should be made otherwise than in accordance with the development plan.

22. The creation of high-quality, beautiful and sustainable buildings is fundamental to what planning should achieve; this would be the case for the appeal scheme which would meet the requirements of Framework Paragraph 135. Furthermore, the proposal would conserve the landscape and scenic beauty of the NCNL as required by both the NLP and the Framework. While I have not found the design of the proposal to be of exceptional quality, it would, nevertheless, reflect local design policies and government guidance on design, which is a clear benefit that attracts significant positive weight, in line with Framework Paragraph 139.
23. The NLP housing requirement is a minimum not a maximum and there is considerable support in the Framework for boosting the supply of homes and the use of PDL. The proposal would deliver one dwelling, utilising PDL in a relatively accessible location, taking account of its rural location and that while opportunities for sustainable travel patterns would be limited, they would nevertheless be sufficient for the scale of development proposed. The appellants' children currently attend local schools and various activities nearby and the proposed dwelling would be a permanent residence. It would therefore contribute to the objectives of the Framework that seek to support strong, vibrant and sustainable communities and has support from interested parties on this basis, including the Parish Council.
24. The appeal site falls within an area where second and holiday homes make up a large proportion of the dwellings which the Council put at 49.7%. The submitted planning obligation includes a provision relating to securing the occupation of the proposed dwelling as a principal residence in perpetuity which is necessary to meet the requirements of NLP Policy HOU10. An obligation must be complete before it can take effect and the obligation before me is undated and has not been signed by the Council. It could not therefore take effect and carries no weight. However, as set out in Policy HOU10 the restricted occupancy could be secured through the imposition of a planning condition.
25. The NLP identifies that the lack of permanent occupation is having an adverse impact on the social fabric of affected communities as a result of diminished support and demand for local facilities and schools. Given the scale of the village at High Newton/Low Newton and the large proportion of second and holiday homes in the area, the provision of a permanent residency that would be restricted in perpetuity attracts significant positive weight.
26. The proposal is for a self-build dwelling. The Council encourages the delivery of self-build housing, and Framework Paragraph 73 b) supports small sites to come forward for community led self-build housing. Nevertheless, there is no evidence about the supply of, and demand for, suitable sites for this type of housing. Furthermore, there is no mechanism to secure the type of housing proposed. Consequently, this matter attracts very limited positive weight.
27. The proposal would result in benefits, but it would also cause harm. Weighing the two up is not a mathematical outcome, it is an overall judgement. In this case, the benefits of the proposal are insufficient to outweigh the identified conflict with the development plan, read as a whole. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR