



Appeal Decision

Site visit made on 15 July 2025

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Appeal Ref: APP/H4505/W/25/3363657

Land to the South East of Weir View Cottage, Lintzford Road, Rowlands Gill NE39 1NB

- 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 David Wellstead against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref is DC/24/00798/FUL.
 - The development is the construction of an agricultural shed for the storage of a tractor and farm machinery associated with the adjoining agricultural unit, maintenance and associated ancillary uses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the application form, removing wording that is not an act of development. The address has been taken from the decision notice as this accurately describes the appeal site. The shed has been constructed, as such I am dealing with this appeal retrospectively.

Main Issues

3. The main issues are:
 - whether the risk of flooding from all sources has been sufficiently assessed and will be appropriately mitigated and managed;
 - whether or not the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - the effect of the development on the character and appearance of the area, bearing in mind it is within the Lintzford Conservation Area (LCA).

Reasons

Flood Risk

4. Areas at risk of flooding are those at risk of flooding from any source, including rivers, direct rainfall on the ground surface and rising groundwater. The Framework is clear that considerations of flood risk relate to both existing circumstances and any future risks, associated with for example climate change.

5. The appellant's flood risk assessment (FRA) concludes that the appeal site is at low risk of fluvial flooding, including consideration of climate change allowances. Consultation has been undertaken with the Environment Agency (EA) who did not raise an objection. Albeit the remit of the EA is different to that of the Lead Local Flood Authority (LLFA), who has concerns in relation to risks from other sources of flooding, resilient construction and flood warning arrangements. The site is identified as low risk from pluvial flooding, based on the EA's risk of flooding from surface water mapping. However, it is not clear whether or not this takes into account allowances for climate change. Therefore, consistent with the LLFA's concerns, the information on pluvial flooding is inadequate.
6. Although groundwater is not a primary source of flooding, it can influence the duration of flooding from other sources. The FRA relies on a groundwater vulnerability map which shows that in the appeal site location there is medium to low vulnerability to groundwater from a pollutant discharged at ground level. It is not clear how this information translates into a medium flood risk from groundwater sources, particularly given the results of the boreholes near to the site which indicate the presence of sand and gravel. While groundwater flooding is more likely where there is chalk under the ground it can also happen in places with sand and gravel, such as river valleys, as is the case at the appeal site location. As such, the effects of groundwater sources to flood risk at the site are uncertain.
7. I am therefore unable to reach a judgment on the effects of flood risk from all sources now or in the future, as required by the Framework. Anecdotal evidence from the appellant indicates that the location of the appeal building remained dry during a flood event in 2008. However, this does not consider any anticipated change to flood risk arising from climate change that may affect future flood risk.
8. To manage and mitigate flood risk the Framework requires development in areas at risk of flooding to demonstrate that it is appropriately flood resistant and resilient. The appellant indicates that it is accepted that water will enter the building in a flood event and that the development would dry out. Nevertheless, no details have been provided to set out what flood resilience measures have been incorporated into the design and construction of the building to minimise damage and allow faster cleaning, drying, repairing and re-occupancy of the building after a flood event.
9. Regardless of the appellant's personal knowledge of flooding in the area which is monitored in connection with the management of his livestock, it has not been clearly articulated what arrangements are in place to deal with any residual flood risk to ensure the appellant is not exposed to hazardous flooding. Given the limited evidence with regard to safe access and escape routes or flood response procedures it has not been satisfactorily shown that people and property would be safe for the lifetime of the development.
10. Overall, the submitted evidence does not show that the development accords with the national policy approach to assessing, mitigating and managing flood risk. Notwithstanding that buildings used for agriculture are categorised as 'less vulnerable', in taking a precautionary approach, particularly given that the Council have indicated that the EA's flood mapping has been updated since the appeal was submitted, this is a matter that should be resolved before planning permission is granted. Given the above uncertainties it would not be reasonable to impose a condition to secure the required information, which would fail to meet the prescribed tests.

11. To conclude on this main issue, it has not been clearly demonstrated that flood risk from all sources has been sufficiently assessed and will be appropriately managed and mitigated. It is therefore in conflict with Policy MSGP29 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021) (LPD) insofar as it requires flood risk assessments to consider current and future ground water levels.
12. The decision notice also refers to LPD Policy MSGP30. As this policy is primarily concerned with water quality and river environments it has not been determinative.

Whether inappropriate development

13. The appeal development falls within land defined as Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policy CS19 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015) (CS) reflects the approach of the Framework.
14. Framework Paragraph 154 establishes that the construction of new buildings is inappropriate in the Green Belt, subject to several exceptions, including at paragraph 154a) with regard to buildings for agriculture and forestry. As shown on the location plan the appeal site is part of a wider area comprising an access track and agricultural fields either side of the A694 that make up the appellant's land holdings. Irrespective of any interim use, the appellant has set out in their submissions that the appeal building is for agricultural purposes, and I have no compelling evidence to the contrary.
15. Regardless of any preference the appellant has for keeping the grass and shrubs surrounding the appeal site well maintained and the choice of internal finishes of the building, there is no clear evidence that the appellant does not intend to use the site for the storage of farm machinery, in connection with the farming of a fold of highland cattle that I observed in the adjacent field. The Council contend that the appellant has ample space to store agricultural equipment at the existing sheds however the Framework does not set out any limiting criteria in relation to need, size, internal and external finishes or any other matters.
16. There is no firm evidence to indicate that the building would not be for agriculture. The appeal scheme therefore falls within the exception at Framework Paragraph 154a). Accordingly, it is not inappropriate development in the Green Belt, and it follows that the development is not harmful to the openness of the Green Belt or to the purposes of including land within it.

Character and appearance

17. The appeal site is located in between a row of converted dwellings and an access track that leads to an adjacent field used for grazing livestock. It is also proximate to the River Derwent. The appeal site falls within the LCA. From my observations the significance of the conservation area, insofar as is relevant to this case, is primarily derived from the traditional design and appearance of the buildings and their relationship with the River Derwent and surrounding farmland. As a parcel of land adjacent to the river and an agricultural field the appeal site makes a positive contribution to the LCA.
18. The fence that separates the rear gardens of the converted dwellings from the agricultural field continues to the south of the appeal site. Nevertheless, the appeal

site does not fall within a residential curtilage and there is a clear delineation between West View Cottage and the parcel of land that the appeal site is located within by established vegetation. Despite the appellant choosing to cut the grass, maintain the vegetation and store a caravan in the area it does not appear as a domestic garden owing to the absence of formal planting, structured hard landscaping and domestic paraphernalia. It is my view, that the appeal site and surroundings reads as a verdant plot of land set within the rural and agricultural landscape along the banks of the River Derwent.

19. The appeal building is clad with vertical timber laths with a steel ridge profile roof. There is a roller shutter door and side timber door. Although modest in size and finished to a high standard the building does not have the appearance of a domestic outbuilding given the rural context of its surroundings. Moreover, it is too large to reasonably be considered a garden shed. The absence of a formal access track leading up to the roller shutter does not alter my findings in this respect.
20. It has limited visual connection with the adjacent cottages in short range views and owing to the dense vegetation I did not observe the appeal building in longer distance views from the bridge to the east. Irrespective of its visibility, and despite not matching the traditional materiality of the cottages, the appeal development is not incongruous given the surrounding agricultural landscape where buildings constructed of timber and steel might reasonably be expected to be found. Furthermore, the building's agricultural use in connection with the fold of cattle in the adjacent field maintains the historical agricultural character of this part of the LCA. On this basis, the development does not have an urbanising effect, even in combination with the other existing sheds on the appellant's land.
21. To conclude, the development does not harm the character and appearance of the area, preserving the LCA and its significance. The appeal scheme therefore accords with CS Policy CS15 and LPD Policies MSGP24 and MSGP25. Amongst other things, these policies require development to respond positively to local distinctiveness and character, supporting and safeguarding the historic environment, and ensuring that additions to heritage assets are appropriate in scale, mass, footprint, materials and architectural detailing which does not harm the significance of the asset.

Other Matters

22. The appellant has expressed frustrations with the Council's handling of the application. However, this does not alter or outweigh my findings which are based on the planning merits of the case.

Conclusion

23. While the development is not inappropriate development in the Green Belt and is not harmful to the character and appearance of the area, including the LCA, my above findings in relation to flood risk brings the development into conflict with the development plan, read as a whole. There are no material considerations that indicate a decision should be made otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR