



Appeal Decision

Site visit made on 24 June 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/P2935/W/25/3362789

Deragreen, Aged Miners Homes, West Sleekburn, Northumberland NE62 5UX

- 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 Mrs A Killoran against the decision of Northumberland County Council.
 - The application Ref is 24/04102/FUL.
 - The development proposed is the change of use of land to extend residential curtilage to form new garden area.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to extend residential curtilage to form new garden area at Deragreen, Aged Miners Homes, West Sleekburn NE62 5UX in accordance with the terms of the application, Ref 24/04102/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Site Plan, Proposed Fence Details.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting, substituting, amending, extending, consolidating replacing or modifying that Order), no incidental buildings or enclosures within Schedule 2 Part 1, Class E (a), and no gates, fences or walls within Part 2, Class A of the same Schedule, shall be erected on the land, except in the event that a further planning permission is expressly granted for that development.

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. I noted whilst on my site visit that the boundary fence of the rear garden has been altered and the garden area has been extended. I have no means of knowing whether this change of use accords with the submitted plans and therefore my determination of this appeal is made against the plans before me. These plans form the basis for the planning application in any event.

Main Issue

4. The main issue is whether the site is in a suitable location for the development and its effect on the character and appearance of the area.

Reasons

5. The appeal site is part of a long strip of land that runs alongside Wansbeck Terrace that is mostly planted with willow. The proposal is for the change of use of a small part of this land to form part of the garden ground of Deragreen a detached single storey dwelling.
6. Policy STP 1 of the Northumberland Local Plan 2016-2036 (NLP) sets out the overarching spatial strategy of the region. The Council assert that the appeal site is located outside of the settlement boundary of Stakeford and therefore falls to be considered as development within the open countryside.
7. Within its Delegated Report the Council notes that there is no provision within Policy STP 1 for the change of use of land in the countryside to domestic garden ground. On that basis the principle of the development was considered to conflict with the development plan. However, my attention has been drawn to examples of instances where planning permission has been granted for similar developments where the Council acknowledged that Policy STP 1 does not cover every possible type of development and instead the proposals were assessed against the general terms of Part 1 (i) of Policy STP 1 which states that 'development in the open countryside should be sensitive to its surroundings'.
8. Given the evidence before me, including the Council's Planning Appeal Written Statement it is reasonable to consider the principle of the development in relation to Policy STP 1 in regard to its sensitivity to its surroundings only.
9. The area of land to which the appeal relates is relatively small, in relation to both the housing development as a whole and the larger area of planting that would remain. The boundary fence clearly contains the garden area as extended. Further, mature planting has been retained adjacent to the side boundary and in front of the boundary of the extended garden area that faces the road. As such, in views from within the public realm, the green buffer and its positive visual impact would be largely retained.
10. No structures or ancillary residential buildings are proposed, and the land is mainly grassed. It is acknowledged that the effect on the open countryside might not be confined solely to permanent physical works and play equipment or other domestic paraphernalia in a garden might have some effect on the undeveloped nature of the site as existing. However, the modest size of the extended area also limits the extent of any ancillary equipment, and its permanence and movability are such that there would be no material effect on the character and appearance of the area.
11. For the reasons detailed above the site is in a suitable location for the development and it would not have a harmful effect on the character and appearance of the area. Therefore, there is no conflict with Policies STP 1, QOP 1 and QOP 2 of the NLP which require that development in the open countryside is sensitive to its surroundings, makes a positive contribution to local character and distinctiveness, and that development proposals preserve the character of the area and do not have a visually obtrusive or overbearing impact on neighbouring uses.

Conditions

12. A condition requiring compliance with the submitted plans has been included as the proposal has been assessed on those terms and in the interests of visual amenity.
13. The additional area of garden land proposed is sufficient to allow the erection of incidental buildings or enclosures, which would impact on the character and appearance of the area. A condition removing permitted development rights for incidental buildings, walls, fences and the like has been included in order to ensure the character and appearance of the area is preserved.
14. The Council suggested a condition relating to limiting the time for commencement of the development. However, as the development has commenced in this instance this condition is unnecessary.

Conclusion

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

C Livingstone

INSPECTOR