



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: 19th September 2025

Appeal Ref: APP/P2935/W/25/3362665

Land west of Vale View, Treetops, Callaly Road, Whittingham, Alnwick NE66 4SN

- 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 R Young, 808's The Winning Ltd, against the decision of Northumberland County Council.
 - The application Ref is 24/03224/FUL.
 - The development proposed is change of use of land for the extension of neighbouring lodge site, to facilitate the siting of 8 no. mobile home compliant park homes, together with drainage, hardstandings, access road and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Several amended plans and amended/additional information were submitted following the submission of the original application. This included a site plan showing an amended red line boundary, a planting plan, plans showing an amended swept path analysis and proposed traffic calming measures and an amended foul drainage assessment form.
3. The *Procedural Guide – Planning Appeals – England* advises at paragraph 16.1 that “the appeal process should not be used to evolve a scheme [and] it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage”. As the revised proposal has not been fully considered by the Council or subject to consultation, having regard to the advice in the Procedural Guide as well as the judgment in *Holborn Studios Ltd*¹ (which refined the well-known “Wheatcroft Principle”²), I have not taken the revised plans and information into account in my decision, as to do so may prejudice other parties.
4. My attention has been drawn to the planning application for Vale View which was approved at appeal³ and is a material consideration in my assessment.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for the development having regard to the housing policies of the development plan;

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823

² *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

³ APP/P2935/W/18/3199364

- the effect of the development on the safe and efficient operation of the highway;
- whether the proposed development would make adequate provision for Biodiversity Net Gain; and
- whether sufficient information has been submitted to demonstrate that the development is served by a suitable foul water drainage arrangement.

Reasons

6. The appeal relates to part of an area of land that formed the private grounds of Treetops a detached dwelling on the edge of Whittingham, which is identified as a small village within the Northumberland Local Plan 2016-2036 (NLP).
7. In order to ensure that the principle of the proposal is assessed against the correct policies within the development plan, consideration must be given as to whether the appeal site is within the open countryside.
8. In their assessment for Vale View the Inspector⁴ assessed the site to be separate from Whittingham. This assessment was not based solely on its location out with the historic core of the village and a belt of trees, at that time, between the appeal site and 'Treetops'. In paragraph 13 of their decision, they noted that the site had 'an open character and a rural appearance with open countryside to the south, west and immediately north of it'. Following the development of Vale View the circumstances, with regard to an absence of neighbouring development on three sides remains unchanged. The proposed development would also be neighboured by open countryside on three sides.
9. It is acknowledged that this existing park home site is separated from the village only by the curtilage of Treetops. However, the garden of this dwelling is larger than a typical garden in the area and the gap between Treetops and the nearest property in Vale View is considerable and, in terms of design and layout, they are both visually and physically separate.
10. Mature hedgerows and trees screen the properties within Vale View which do not front on to Callaly Road, unlike the closest dwellings within the village. Also, a footpath running from Vale View, terminates shortly after reaching Callaly Road and does not link to the existing public footpath network within Whittingham. Therefore, pedestrians travelling from the development site into the village would be forced to walk on the road, which is also unlit, for a significant distance. In addition, the proposed plans do not show that the pedestrian foot path within the development would link to the existing public footpaths within the village.
11. The appellant asserts that there is a regular bus service that serves the appeal site. However, there is no evidence before me to indicate that there is a bus stop close to the appeal site that is linked to it by a lit pedestrian footpath. This limits sustainable travel options for future occupants which, as a result, would be more likely to access shops, services and facilities by private car rather than walking, cycling or via public transport as part of their everyday life.

⁴ APP/P2935/W/18/3199364

12. Paragraphs 110 and 115 of the National Planning Policy Framework (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. The neighbouring site at Vale View may have been considered to be a sustainable location in the past. However, it is not clear that this assessment was made against the current development plan. Therefore, I am not certain that the circumstances before me are the same as when this assessment was made.
13. In summary the layout of Vale View and its relationship to its surroundings is discordant with the established built environment within the village. Further, it is visually and physically separate from its closest neighbour and is not connected to the settlement by a footpath or street lighting. As such, Vale View is outside of Whittingham and as the appeal site is located further away it is not considered to be adjacent to it.
14. My attention has also been drawn to a tree application⁵ for the removal of the trees close to Treetops where the Council Officer stated that the existing park home site forms the edge of the village. This application was focused on the condition of the trees and their impact on the character and appearance of the conservation area. Within paragraph 7.7 they comment that the development of Vale View has altered the landscape and state that 'the tree line used to represent the edge of the village, and this is no longer the case'. Due to the nature of this application there is an absence of any form of detailed analysis regarding why the officer made this judgement. On this basis it is not considered that the view of the Council Officer in their assessment of the removal of trees within the curtilage of Treetops is sufficient to outweigh my assessment or that of the previous Inspector.
15. 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 criterion 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 criteria listed. Criterion iv supports residential development where it is in accordance with Policies HOU 7 and HOU 8 of the NLP.
16. 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. The appellant states that park homes are an affordable housing option, and a general statement from a property company is provided to support this view. They also state that the pitches are below market value and that the park homes are owned by residents and could be removed from the site. However, detailed financial information has not been provided. Therefore, there is no substantive evidence before me to demonstrate that the proposed dwellings would meet the definition of an affordable home in the Framework which is 20% below market value.
17. Policy HOU 8 allows for the development of isolated residential development in the open countryside. As detailed above the appeal site is located close to Whittingham and in light of this is not in an isolated location.

⁵ 20/03745/FELTPO

18. It is acknowledged that the appeal site would largely be contained by existing mature hedging and trees and the appellant asserts that the appeal site is not currently in agricultural use and would be too small for any meaningful agricultural activity. However, this does not justify the development of housing in the countryside in this instance and I am not certain that the appeal scheme would be the only way to utilise the land within the appeal site.
19. 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 the Framework and Policy STP 1 of the NLP which defines the Council's spatial strategy and supports housing in the countryside only in specific circumstances.

Highway safety

20. The proposed development would be served by the existing access that serves Vale View off Callaly Road. Each of the eight units would have parking provision for two cars as well as additional visitor parking and a turning area would be provided within the site. The planning permission for Vale View included a condition requiring a [lit](#) path footpath connecting the existing park home site to the footpath network within Whittingham. Based on the evidence before me, including my site visit, this path has not been fully constructed, and the entire path is not shown on the plans before me.
21. The Council's Highways Development Management Technician (HDMT) objected to the appeal scheme on the grounds of insufficient information. Within their response they note that there is no footway or access to public transport within the immediate vicinity of the appeal site and that the submitted refuse vehicle swept path analysis shows that vehicle tracking crosses the verges of the internal road.
22. As detailed above the absence of a footpath connecting the appeal site to Whittingham as well as an absence of public transport links directly at the site of the development limits options for sustainable travel and increases reliance on the use of the private car. Further, the resultant conflict of vehicles and pedestrians travelling along Callaly Road puts the safety of pedestrians at risk and would disrupt the free flow of traffic. The position of the 30 mph speed limit is not sufficient to mitigate the harm identified as, given the narrow width of the road, the absence of a footpath would still result in a conflict between pedestrians and other road users. Further, in order to ensure the safety and efficiency of vehicular movements within the appeal site, a swept path analysis is required for the whole site that demonstrates that necessary vehicular movements can be made without conflict.
23. Para 116 of the framework states that development should only be prevented or refused if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road would be severe.
24. The lack of connectivity between the proposed scheme and Whittington not only limits opportunities for sustainable travel but puts the safety of pedestrians at risk. Further, it is not clear that all vehicles could safely enter and exit the proposed development. As such I cannot be certain that the appeal scheme would not have an unacceptable impact on highway safety.
25. The other areas where the HDMT has required additional information including the details of the closure of an existing access on Callaly Road and interactive speed

signs/gateway features could be requested by condition. Also, as every application should be determined on its own merits it is not clear that clarification of any intentions to develop the site further in the future would be necessary.

26. For the reasons detailed above the proposal would have a harmful effect on the safe and efficient operation of the highway. The application therefore conflicts with Policies TRA 1 and TRA 2 of the NLP which are consistent with the Framework in requiring that development reduces the need to travel by car and maximises the use of sustainable modes of transport, suitably accommodates the delivery of goods and supplies, access for maintenance and refuse collection.
27. Policy TRA 4 of the NLP relates to parking provision. Within their response the HDMT stated that the proposed parking provision was in accordance with the NLP. As such, Policy TRA 4 is not determinative in regard to the matters detailed above.

Biodiversity net gain

28. In England, Biodiversity Net Gain (BNG) is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (the BNG condition). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
29. The statutory framework involves the discharge of the BNG condition following the grant of planning permission. The determination of the Biodiversity Gain Plan (BGP) under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Therefore, development cannot commence until the BGP is approved.
30. On this basis, the Planning Practice Guidance⁶ (the PPG) indicates it would generally be inappropriate to refuse an application on grounds that the biodiversity gain objective will not be met. However, the PPG also states that decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged.
31. The proposal is supported by an Ecology Report (ER) and a Biodiversity Net Gain Plan (BNGP), both prepared by Falco Ecology in 2024. The BNGP states that a 10% net gain in habitat units is not achievable and the development requires a further 3.92 of offsite habitat units.
32. Notwithstanding the above, the Council's Ecologist has raised concerns as the area assessed as part of the ER and the BNGP is significantly smaller than the red line boundary of the application site. Considering this disparity, they raised concerns regarding the accuracy of the information provided; as well as noting the absence of required information necessary in order to ensure that the BNGP is accurate and valid, including a plan showing onsite habitat existing on the date of the application.
33. The appellant has stated that the red line boundary was extended in the initial stages of the application process. In light of BNG requirements, the red line

⁶ Paragraph: 019 Reference ID: 74-019-20240214

boundary was then reduced, and a plan with an amended red line boundary was submitted to the Council. However, as detailed above I cannot be certain that this amended plan was accepted. On this basis, I cannot be certain that the pre-development biodiversity value is an accurate figure on which to base an assessment on.

34. While a 30m buffer beyond the red line boundary of the assessment area may have been included, it is not clear that this buffer encompasses the entire red line boundary of the development site.
35. Consequently, insufficient information has been provided to be certain that the BNG calculations accurately reflect the baseline position, the development proposed, or that the BNG Condition is capable of being discharged. Therefore, I am not satisfied that the evidence submitted demonstrated that a BNG would be achieved in these circumstances. Thus, it has not been demonstrated that the proposed development would comply with Schedule 7A of the Town and Country Planning Act 1990 and the requirements of Policy ENV 2 of the NLP which requires that development secures a net gain for biodiversity as calculated, to reflect latest Government policy and advice.
36. The development would also conflict with the Framework, which states that if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.
37. Policy ENV 1 of the NLP does not specify that a BNG is required. However, this stance is overridden by the requirements of Schedule 7A of the Town and Country Planning Act 1990.

Drainage

38. The proposed development would be served by an existing sewage treatment plant that serves Vale View and is within the appeal site. The Environment Agency (EA) have objected to the proposed scheme as it would involve the use of a non-mains foul drainage system and a full assessment of the risks of pollution to the water environment has not been provided. The EA also raised concerns regarding the accuracy and the extent of information provided within the Foul Drainage Assessment.
39. Criteria 2 of Policy WAT 2 of NLP requires that non-mains drainage systems, such as package treatment plants should only be employed where the development is sufficiently remote from sewered areas. This policy also requires that careful consideration is given to the siting and design of non-mains drainage systems.
40. The appellant states that there was on an error on the foul drainage form that was initially submitted in support of the planning application and the concerns raised by the EA could be addressed via condition.
41. However, within their response the EA highlight several elements of missing information and inaccuracies in the drainage information provided. In view of the content of the information provided there is no clear evidence to demonstrate that the risk to controlled waters is fully understood and can be addressed through appropriate measures. As such it would not be appropriate to request this information via condition.

42. For the reasons detailed above there is insufficient information before me to clearly demonstrate that the risks of pollution to the water environment have been fully assessed and mitigated. As such it is not clear that the development is served by a suitable foul water drainage arrangement. Therefore, the development conflicts with Policies ENV2, WAT 1, WAT 2 and POL 2 of the NLP which, when read together, do not support development if it would have an adverse impact on water quality or the natural environment that cannot be suitably mitigated.

Other Matters

43. 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 would have capacity for only eight homes, this would contribute positively to the Council's housing land supply and would provide social benefits. It is also acknowledged that small sites can be delivered quickly and efficiently and would increase the number of residents in the area who may support local facilities and services. There would also be economic benefits in terms of the generation of economic activity during the construction of the site. However, due to the small scale of the proposed development, these benefits would be moderate.
44. The appellant also states that the housing would be limited to those over 45 and aimed at those over 60 who are seeking to downsize, which would bring larger family homes into the market. However, it is not clear how the age of future occupants would be controlled. I also cannot be certain that future occupants would be selling large family homes before moving to the proposed development.
45. A representation in support of the appeal scheme highlights the high quality of the site at Vale View which they consider is in keeping with the rural area. In light of this they welcome the proposed development. However, the living conditions of future occupants is not raised as a concern by the Council and I have no reason to disagree with this view. However, an absence of harm in this regard is a neutral factor weighing neither for nor against the development.

Conclusion

46. While the other considerations put forward in favour of the proposed development have moderate weight. I have identified conflict with the strategic aims of the housing policies of the development plan, which seek to ensure the delivery of sustainable development; I have also identified harm in respect of highway safety, biodiversity and drainage. The adverse effects in these respects are considerable and outweigh the benefits detailed above.
47. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

C Livingstone

INSPECTOR