



Appeal Decision

Site visit made on 4 November 2025

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/P2935/W/25/3368027

Land North of Chathill Station, C69 Chathill Main Road, Chathill, Northumberland NE67 5DF

- 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 Mike Worthington against the decision of Northumberland County Council.
 - The application Ref is 25/00491/OUT.
 - The development proposed is 6no. (2 bedroom) affordable houses with associated garden and parking provision.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. The description of development above is taken from the application form omitting wording that is not an act of development. The application was made in outline, with all matters reserved for future consideration. I have considered the appeal on this basis but had regard to the proposed plans, insofar as they are a potential way that the appeal site could be developed.

Main Issues

3. The main issues are:
 - whether the proposal would deliver mandatory Biodiversity Net Gain (BNG);
 - the effect of the proposal on the living conditions of future occupiers, with regard to noise;
 - whether the proposal would provide affordable housing;
 - the effect of the proposal on the setting of nearby listed buildings and non-designated heritage assets (NDHAs); and
 - whether the proposal would secure principal residence occupancy.

Reasons

Biodiversity

4. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the TCPA) introduced a statutory framework for BNG, under which, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC), which requires that at least a

10% increase in biodiversity value is met. The appellant has utilised the standardised BNG metric as a measure of the existing biodiversity value of the site and of the anticipated change in biodiversity units as a result of the proposal. The BNG Strategy is based on the site as existing, which the appellant indicates remains in a comparable condition to its state in previous ecological assessments, ensuring that no loss of biodiversity has occurred due to human activities or management interventions.

5. The Council's Ecologist has concerns about the accuracy of the pre-development biodiversity value of the site on the basis that a landscaping plan as part of a previous permission¹ at the site has not been delivered and that the landscaping features of this permission should form the baseline of the BNG calculation. While the appellant suggests that the planting scheme was completed in 2021, there is no substantive evidence to demonstrate this and on the basis of the very limited details before me about the previous permission I was unable to confirm at my site visit whether the landscaping has been delivered as required. In any event, no tree planting or native hedgerow is shown on the existing site plan and no explanation is given for why these landscape features have not been included in the baseline BNG assessment. In my mind this creates uncertainties about whether the current quality of the site is the correct basis for the BNG calculation.
6. The proposal is in outline with all matters reserved and so the implications for existing onsite habitats and the contribution to onsite gains may be uncertain. Furthermore, the statutory framework for BNG has been designed as a post-permission matter where a Biodiversity Gain Plan (BGP) must be submitted to discharge the BGC and so development cannot commence until the BGP is approved. On this basis, the Planning Practice Guidance (the PPG) indicates it would generally be inappropriate to refuse an application on the grounds that the biodiversity gain objective will not be met.
7. Nonetheless, the PPG² is also clear that to ensure the biodiversity gain objective is met and the BGC can be discharged successfully, it is important that BNG is considered throughout the planning process. The successful discharge of the BGC would be predicated upon a 10% increase in the site's biodiversity value relative to its pre-development value being achieved. Consequently, the pre-development biodiversity value of a site is a critical step in establishing whether BNG would be delivered. Given the uncertainties noted above, I cannot be confident that the pre-development biodiversity value is an accurate figure on which to base an assessment and so it is not clear that 10% BNG would be achieved. In coming to this conclusion, I have taken account of the site's limited scale and the availability of an unknown quantity of off-site credits that would likely be required.
8. It has not been robustly demonstrated that the development would comply with the TCPA. The proposal would therefore be inconsistent with the aims of Paragraph 187 of the National Planning Policy Framework (the Framework) that requires planning decisions to contribute to and enhance the environment by, amongst other things, minimising impacts on and providing net gains for biodiversity.
9. To conclude, the proposal would not deliver mandatory BNG, failing to comply with the TCPA. It would also be in conflict with Policy ENV2 of the Northumberland Local Plan (2022) (NLP) which amongst other things, requires development to

¹ Ref: 21/01108/COU

² Paragraph: 002 Reference ID: 74-002-20240214

minimise its impact on biodiversity and secure a net gain to reflect latest Government policy and advice.

Living conditions

10. The appeal site is adjacent to the East Coast Main Line, a major railway line. I observed several trains passing at speed during the course of my site visit, the sound from which would be clearly audible from the appeal site and a potentially significant source of noise and disturbance for future occupiers. It is not unusual for residential development to be located adjacent to a railway line and a Noise Impact Assessment (NIA) has been submitted to analyse the potential noise impact which was based on several computer sound model assumptions, including 2.5-meter closed board timber fences around the garden areas. The NIA concludes that mitigation would be required in the form of a sound insulation scheme to ensure internal noise criteria can be achieved and that future residents are protected from noise ingress from the external environment.
11. Measurements for the NIA were undertaken between 10:15am on a Friday to 10:15am on a Monday. The Council has concerns that this does not include continuous sound level measurements for a complete 16-hour period for a standard weekday daytime and indicate that this is when the maximum number of passenger trains run. I do not have any detailed evidence regarding the pattern of trains passing through and stopping at Chathill Station and so it is not clear whether or not the noise measurements in the assessment are reasonably representative or if there are variations in rail movements not accounted for that could result in fluctuations in ambient noise levels.
12. Noise can have significant effects on quality of life and so it is important that any technical data provides a sufficient quantity and detail of information to draw robust conclusions. Given the above, I cannot be certain that would be the case for the appeal scheme and as such, it is not clear whether an acceptable standard of living conditions for the future occupiers would be secured or whether the noise impacts can be effectively mitigated. The proposal would not therefore fulfil the provisions of the Framework which seek development that is appropriate for its location and a high standard of amenity for future users
13. The proposal would be in such proximity to the noise source of the railway line that it is appropriate to take a precautionary approach. As such this is a matter that should be resolved before planning permission is granted rather than leaving it to a planning condition to ensure that any required mitigation could be satisfactorily achieved within the site's context. In coming to this conclusion, I have taken account of the surrounding historic environment and the requirement of NLP Policy QOP2 that the physical presence and design of the development and possible mitigation measures preserve the character of the area and does not have a visually obtrusive impact on neighbouring uses.
14. Therefore, I conclude that the proposal would be harmful to the living conditions of future occupiers, with regard to noise, and would be in conflict with NLP Policies POL2, QOP2 and STP3. These policies include a requirement that development minimises its effect on, and provides a high standard of amenity for, future users of the development itself, ensuring that neighbouring uses are compatible and that there are no unacceptable adverse impacts from noise. Where pollution levels are

unacceptable and unable to be mitigated to acceptable levels, development will not be supported.

Affordable housing

15. There is considerable support for the provision of affordable housing in the Framework and the NLP. The appeal scheme proposes that all six dwellings would be affordable, but no planning obligation is before me to secure this. I am mindful of the advice within the PPG³ which sets out that ensuring that any planning obligation is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed.
16. The PPG further sets out that a positively worded condition requiring a Section 106 agreement to be entered into would be unlikely to pass the test of enforceability. Whilst a negatively worded condition may be acceptable, this would only be in exceptional circumstances and the heads of terms or principal terms of the agreement should have been agreed first. No such exceptional circumstances are before me, nor are any heads of terms or principal terms. Therefore, the imposition of a condition permitting a Section 106 agreement to be entered into after the grant of planning permission would be inappropriate in this case.
17. To conclude, the proposal would fail to provide any affordable housing and would be in conflict with NLP Policies HOU6 and INF6, which include a requirement that affordable housing provision is secured by a Section 106 agreement to ensure that on-site provision remains affordable in perpetuity.

Historic environment

18. The appeal site is proximate to several heritage assets. Reflecting Framework Paragraph 207, NLP Policy ENV7 requires decisions affecting a heritage asset to be based on a sound understanding of its significance and the impact of a proposal upon that significance. A heritage statement should be provided describing the significance of the asset and any contribution made to it by its setting with a level of detail that is proportionate to the assets importance, making use of, amongst other things, the Historic Environment Record (HER).
19. The proposal is in outline such that the layout and scale of development could evolve at the reserved matters stage and the appellant's assessment of the historic environment within the design and access statement is relatively brief and does not refer to the NDHAs or the HER. Nevertheless, in combination with the Council's submissions and my site visit observations, I have the level of detail necessary to understand the potential impact of the proposal on the significance of the heritage assets. Mindful of the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have had special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they possess. In accordance with the Framework, I have taken a balanced judgement in relation to the NDHAs, having regard to the scale of any harm or loss and the significance of the heritage asset.
20. The Grade II listed buildings known as Chathill Station and Down Platform, and Waiting Shed and Up Platform at Chathill Station, were designed by Benjamin Green for the Newcastle and Berwick Railway. The Grade II listed Signal Box at

³ Paragraph: 010 Reference ID: 21a-010-20190723

Chathill Station is constructed in rock-faced stone with Welsh slate roof with continuous glazing and small-paned fixed windows on the upper floor. All three listed buildings have special interest and significance that primarily stems from their historic interest as part of the Newcastle and Berwick Railway and their associated appearance. Pertinent to this appeal, it is also derived from the generally open setting to the north-east which permits views of the assets, particularly Chathill Station owing to its height and prominent position in the skyline. As such, the settings of these listed buildings include the immediate townscape of the settlement and the wider open countryside to the north-east. This includes the appeal site, which makes a positive contribution to their settings and significance by allowing the special interest of the assets to be understood and appreciated on approach from the north-east.

21. In addition, the appeal site is near to Chathill Post Office and Pant at Chathill located on either side of the level crossing. There are locally listed and NDHAs, said to be entries on the HER and identified as such in the emerging Ellingham Neighbourhood Plan. There is no substantive evidence that they are not NDHAs and I have no clear reason to disagree with the Council's view that they hold group value with the above listed buildings. Their settings include the built form associated with the railway and the surrounding streetscape and landscape within which they are located from where their architectural detailing and close association with the railway can be appreciated. While physically and largely visually separate from the NDHAs, the appeal site is seen in context with them on approach from the north-east and so forms part of their settings, making a positive contribution.
22. The submitted plans indicate the introduction of six dwellings located centrally within the site. Based on the indicative site plan and elevations and in line with the Council's view, I see no clear reason why the site would not be capable of being developed as proposed. The proposal would inevitably change the site's character and appearance. However, considering the site's previous connection with the railway, existing storage use and visual connection with the settlement, and that the proposal would reflect the general form and appearance of surrounding development, it would not reasonably be seen as being out of place within the local context and historic environment.
23. The proposed dwellings would be located away from the heritage assets to the extent that they would not visually compete with them. Given the scale and extent of the proposal, Chathill Station and Down Platform and Signal Box at Chathill Station would remain prominent in views on approach from the north-east. In comparison to the previous appeal scheme at the site⁴, owing to the site layout, the proposed dwellings would not obscure views of, or compete with the Waiting Shed and Up Platform at Chathill Station.
24. Notwithstanding the uncertainties with the noise assessment discussed above, which assumed a 2.5m closed board timber fence around the proposed garden areas, a more sensitive acoustic boundary could be secured through an appropriately worded planning condition. This would ensure that the Waiting Shed and Up Platform at Chathill Station would not be harmed by either the height of the boundary treatment or materiality. For the same reasons, it therefore follows that the proposal would also not detract from the setting of the NDHAs.

⁴ Appeal Ref: APP/P2935/A/14/2220446

25. Consequently, insofar as is relevant to this scheme, the settings of the listed buildings would be preserved and the contribution they make to the significance and special interest of the assets would not be harmed. The proposal would also not diminish the significance of the NDHAs. The proposal would therefore comply with the requirements of the Act and the provisions in the Framework regarding the conservation and enhancement of the historic environment.
26. I therefore conclude that the proposal would not be unduly harmful to the setting of nearby listed buildings and NDHAs and would be in accordance with NLP Policy ENV7. Amongst other things, this policy includes a requirement that development proposals conserve and enhance the significance, quality and integrity of Northumberland's heritage assets and their settings.

Principal residence occupation

27. The appeal site falls within a location where 20% or more household spaces have no permanent residents. Given my findings above that the proposal would fail to provide any affordable housing, the development would be for market housing available for sale on the open market. As such the provisions of NLP Policy HOU10 are applicable which requires new market dwellings to be restricted in perpetuity to first and future occupation as a principal residence. In line with the provisions of the Framework in relation to rural housing, this would ensure the proposal would be responsive to local circumstances, reflect local need and enhance or maintain the vitality of rural communities.
28. While there is no Section 106 agreement before me, Policy HOU10 sets out that the restricted occupancy could be also secured through the imposition of a planning condition. As this matter relates to the principle of development it would be appropriate to impose a suitably worded condition to any outline permission, to prevent an increase in second and holiday homes in the area.
29. Consequently, I conclude that the proposal would secure principal residence occupancy and would accord with NLP Policy HOU10. While referred to on the decision notice, NLP Policy INF6 relates to planning obligations and as such has not been determinative in relation to this main issue.

Other Matters

30. 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 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.
31. The appeal site is previously developed land, and the scheme would make a positive contribution to the supply of housing in the area on a small windfall site that the Framework recognises are often built out relatively quickly. It would also

deliver modestly size dwellings which would meet local needs. These are clear benefits which given the scale of the proposal collectively attracts limited positive weight. As there is no mechanism to secure the provision of affordable housing this matter carries no weight. As such, the above benefits are insufficient to outweigh the harm and conflict with the development plan identified under the main issues.

32. While the appellant has 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

33. There would be no harm to heritage assets, and the proposal would secure principal residence occupancy. However, my above findings in relation to ecology, the living conditions of future occupiers with regard to noise and affordable housing bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR