



Appeal Decision

Site visit made on 11 November 2025

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2025

Appeal Ref: APP/W4515/W/25/3371001

The Grey Horse, Front Street, Camperdown, North Tyneside NE12 5UT

- 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 Khan against the decision of North Tyneside Council.
 - The application Ref is 22/00371/FUL.
 - The development proposed is described as “conversion of pub (A4) into 4no retail units plus 6no apartments (C3) with 8no new build apartments to rear – 4no retail and 14no apartments in total with associated parking. Update to Application No: 20/01572/FUL”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have determined the appeal on the basis of the amended plans submitted during the course of the application. Although the description of development refers to the creation of four retail units, one of these would comprise retention of the existing hot food takeaway.
3. The Council’s decision notice refers to the absence of a completed planning obligation to secure various financial contributions. Although the appellant has expressed a willingness to enter into a legal agreement, no completed obligation has been provided. I have determined the appeal on that basis.
4. Planning permission was granted in 2021 for the conversion of the existing building into seven apartments and the erection of eight new-build apartments to the rear. That permission has since lapsed and, while it demonstrates that residential development has previously been considered acceptable in principle, it carries little weight because it can no longer be implemented.

Main Issues

5. The main issues are:
 - The effect of the development on a designated area of open space, having regard to local policies;
 - The effect of the development on the character and appearance of the area, including the effect on the significance of the Grey Horse, a non-designated heritage asset;

- Whether the development would provide its occupiers with acceptable living conditions, having regard to outlook, headroom, noise, servicing and garden space;
- The effect on highway safety, having regard to servicing arrangements;
- The effect on protected species;
- The effect on a designated wildlife corridor and biodiversity;
- Whether sufficient information has been provided to demonstrate that surface water drainage can be appropriately managed;
- Whether the necessary planning obligations have been secured to mitigate the impacts of the development.

Reasons

Open space

6. The grassed area to the east of the existing building forms part of a designated area of open space identified in the North Tyneside Local Plan (2017) (the LP). Policies DM5.2 and DM5.3 of the LP seek to safeguard such spaces, permitting their loss only in exceptional circumstances and where alternative provision of equivalent quality and accessibility is secured. These policies recognise the wider role of open space in supporting health and wellbeing, providing opportunities for recreation, and forming part of the green infrastructure network. Designated open spaces also assist in managing surface water, improving air quality and biodiversity, and offer visual relief that enhances the character of built-up areas.
7. The grassed area is separated from Fryers Millennium Green and the adjacent Waggonways national cycle route by a tarmac footpath and a line of trees. While these features weaken the sense of visual integration with the park and the wider green corridor, the site nonetheless provides visual relief within a built-up setting and contributes to the multifunctional role of the wider green infrastructure network.
8. The development would introduce hardstanding and built form across much of this space, including an access road, parking and bin store. Although other open spaces exist nearby, it has not been demonstrated that this space is surplus to requirements, nor is any equivalent compensatory provision proposed. The limited landscaping within the scheme would not offset the loss in terms of quantity, accessibility or visual contribution.
9. Consequently, the permanent loss of this designated open space, without evidence that it is surplus to requirements or provision of a suitable equivalent alternative, would undermine the LP's objectives for health, recreation and green infrastructure, resulting in clear and significant conflict with Policies DM5.2 and DM5.3 of the LP. Its removal would also accentuate the dominance of hard surfacing and built development within the site, a matter closely related to the effect of the development on the character and appearance of the area, which I address below.

Character and appearance

10. The appeal site occupies a prominent position on Front Street, which is characterised by modest one and two-storey buildings with simple pitched roofs

and restrained detailing. Materials such as brick, stone, render and slate predominate, giving the street a consistent and understated character.

11. The Grey Horse, dating from the 19th century with early 20th century alterations, stands out for its distinctive traditional pub frontage, red brick walls, slate roof and prominent chimney stacks. These features reflect the local vernacular and reinforce the historic identity of Camperdown. Although not statutorily listed, its age, architectural form and visual presence in the village centre give it local historic interest and townscape value. It is therefore appropriate to regard the building as a non-designated heritage asset, as suggested by the Archaeology Officer.
12. The proposed conversion would substantially alter the building's ground floor frontage through the introduction of multiple narrow retail shopfronts, extensive glazing and associated signage. These changes would erode the building's traditional appearance and disrupt its historic proportions. The symmetrical reconfiguration of the frontage, including the duplication of the pediment, would erode its architectural integrity.
13. To the rear, the proposed extensions and roof alterations would introduce an overly complex roof form that fails to respect the existing eaves and ridge lines, resulting in an incongruous addition that competes visually with the original structure. In addition, the introduction of timber louvred privacy screens over several windows would obscure original detailing and interrupt the visual coherence of the elevations, creating a discordant and intrusive feature that is at odds with the building's historic character.
14. The proposed apartment block to the rear would incorporate a large mansard roof, half-timber cladding and multiple louvred privacy screens. These elements bear little relation to the prevailing character of surrounding development and would introduce an incongruous and visually assertive structure into a context defined by modest, simply detailed buildings. Its bulk and height, combined with the tight positioning within the corner of the site and minimal separation to boundaries, would accentuate its dominance and create a cramped, overdeveloped appearance. This would jar with the established pattern of development and undermine the spatial quality of the site and its relationship with the historic pub building, resulting in a discordant and intrusive addition that fails to respect local character.
15. The internal layout would be dominated by hard surfacing for access roads and parking areas. The limited planting proposed would not provide sufficient visual relief or mitigate the harshness of the built form, leaving a stark and car-dominated environment. This effect would be exacerbated by the loss of the grassed open space, which currently softens the site and provides visual relief. The siting of the bin store adjacent to the site entrance and directly beside the public footway would introduce a prominent and discordant feature in the street scene, detracting from the setting of the historic pub building and the approach to the site.
16. Overall, the scheme would not conserve the significance of the Grey Horse as a locally valued historic building and would not respond positively to its context. The cumulative effect of the alterations and new development would diminish the contribution the building makes to the character and quality of the area. Having regard to paragraph 216 of the National Planning Policy Framework (Framework), I have made a balanced judgment and find that the harm to the building's local

historic interest and townscape value would be considerable. For the reasons set out later in this decision, the benefits of the scheme would not outweigh that harm. The proposal therefore conflicts with Policy DM6.1 of the LP and paragraphs 135 and 216 of the Framework, which together seek high-quality design and the conservation of heritage assets in a manner appropriate to their significance.

Living conditions

17. The development would provide 14 apartments, including three within the extended roof space of the existing building. While the submitted plans indicate that each unit would meet the minimum nationally described space standard in terms of overall floor area, several habitable rooms would rely solely on rooflights or small windows fitted with louvred privacy screens. This would severely restrict outlook, creating an oppressive and enclosed internal environment. The absence of any detailed evidence to confirm compliance with minimum headroom requirements for the roof space units compounds these concerns, raising a real risk that the roof space units would feel cramped and substandard. Taken together, these shortcomings would result in poor quality internal living conditions for future occupiers.
18. A noise assessment has been submitted which identifies road traffic on Front Street as the dominant source of external noise. It concludes that internal guidance levels for bedrooms and living rooms could be achieved through enhanced glazing and mechanical ventilation systems. However, the assessment does not address the internal transmission of noise between the retained hot food takeaway, the proposed retail units, and the residential accommodation above. Nor does it consider operational noise from plant, customer activity or deliveries associated with the commercial uses. These omissions are significant given the mixed-use nature of the scheme and the close relationship between sensitive residential receptors and active ground-floor uses. Without robust evidence, I cannot be satisfied that future occupiers would be protected from unacceptable noise and disturbance.
19. I have not been referred to any prescribed minimum standards for garden provision in the development. Nevertheless, Policy DM6.1 of the LP and paragraph 135 of the Framework emphasise the importance of creating places with a high standard of amenity for existing and future users. In this case, the absence of any meaningful private gardens or communal outdoor space for the occupiers would significantly diminish the quality of the living environment. While the site lies within walking distance of Fryers Millennium Green and other public open spaces, these facilities are shared and intended for general public use. They cannot replicate the sense of privacy, convenience and direct accessibility that residents reasonably expect as part of their home environment. Private gardens and communal spaces typically provide opportunities for informal recreation, outdoor dining, children's play, and the ability to dry clothes or tend plants in a secure and accessible setting. These functions cannot be achieved to the same extent in public spaces, where privacy and convenience are lacking. Reliance on off-site provision would therefore fail to compensate for the lack of on-site garden space, leaving future occupiers without adequate opportunities for outdoor relaxation and other day-to-day domestic activities.
20. The scheme proposes a single shared bin store for both residential and commercial uses, including the hot food takeaway. Mixed-use developments should provide separate refuse storage to avoid operational conflict, maintain hygiene standards,

and protect residential amenity. Commercial waste, particularly from food premises, is likely to include odorous and grease-contaminated materials requiring more frequent collection. Shared storage can lead to cross-contamination, overflow, and disputes over capacity. It also introduces potential for servicing conflicts, as commercial and residential waste may be collected by different contractors at different times. The absence of separate bin storage therefore undermines the functionality of the development and contributes to the overall concerns about the quality of accommodation and the adequacy of site layout.

21. I have considered whether these shortcomings could be addressed by conditions. However, the adequacy of living conditions is fundamental to the acceptability of the scheme. Conditions should not be used to defer consideration of matters that go to the heart of whether the development is acceptable in principle. In this case, many of the deficiencies identified are inherent in the design and layout and cannot be remedied without substantial alteration to the proposal. It would therefore be inappropriate to rely on conditions to overcome these concerns.
22. For all these reasons, the proposal would result in substandard living conditions for future occupiers, contrary to the relevant aims of Policies DM6.1 and DM4.9 of the LP and paragraph 135 of the Framework, which together seek to ensure that development provides high quality living environments and well-designed places that promote health and well-being.

Highway safety

23. The absence of suitable turning space for refuse vehicles within the site means that servicing would rely on kerbside collection from the B1515 Front Street, a classified road with steady traffic flows. The site lies on the outside of a bend where there are double yellow lines and an existing crossing point on the cycle route. The location of the bin store would require large communal bins to be wheeled to the highway on collection days, creating obstruction and operational hazards for pedestrians, cyclists and other road users. This would pose an unacceptable risk to highway and pedestrian safety.
24. In addition, the servicing strategy does not distinguish between residential and commercial waste, despite the presence of four retail units including a hot food takeaway. Commercial premises typically require more frequent collections and generate bulkier, odorous waste, increasing the number and duration of servicing visits. This would heighten the risk of conflict between service vehicles, cyclists and passing traffic, particularly given the constrained nature of the site and its proximity to the cycle route and crossing.
25. Although the swept path analysis demonstrates that vehicles could physically pass, it does not address the cumulative impact of repeated servicing or the safety implications of stopping on a bend. The arrangement would place refuse operatives and other road users at risk and fails to demonstrate that servicing could occur without compromising highway safety. It is also unclear whether this arrangement would be compatible with the position of the new cycle crossing required to replace the existing crossing that would be removed to accommodate the access road.
26. For all these reasons, the proposal fails to demonstrate that refuse collection could be carried out safely or that the development would provide suitable servicing arrangements. It therefore conflicts with Policy DM7.4 of the LP and paragraph 115

of the Framework, which require developments to provide safe and suitable access for all users.

Protected species

27. Survey evidence confirms the presence of a common pipistrelle roost within the existing building and bat foraging activity to the rear of the site. Although activity levels were generally low and no maternity roost was recorded, the most recent survey establishes that the building is used by bats. Bats and their roosts are strictly protected under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) and the Wildlife and Countryside Act 1981. It is an offence to damage or destroy a bat roost without a licence from Natural England, regardless of whether bats are present at the time of works.
28. The development would involve roof removal, wall alterations and internal works that would directly affect the confirmed roost. A licence from Natural England is therefore required before these works can lawfully proceed. However, neither the submitted survey nor the appeal submissions engage with the derogation tests set out in Regulation 55 of the Habitats Regulations. These require demonstration that there are imperative reasons of overriding public interest sufficient to justify the harm, that no satisfactory alternative exists, and that the action will not be detrimental to the maintenance of the species at a favourable conservation status. In the absence of any substantive evidence on these matters, I cannot be satisfied that the necessary licence would be granted.
29. Suggested conditions to install bat boxes and roost access features within the completed development would provide some compensatory opportunities, but they do not remove the legal requirement for a licence to undertake works affecting the existing roost. Furthermore, the mitigation hierarchy requires impacts to be avoided in the first instance, then minimised and, only as a last resort, compensated. The proposal does not demonstrate that avoidance has been considered at the outset, and this weighs against the adequacy of the mitigation strategy.
30. Accordingly, the proposal fails to demonstrate that harm to bats, a protected species, would be avoided or adequately mitigated. It therefore conflicts with Policy DM5.5 of the LP and paragraphs 187, 192 and 193 of the Framework, which require development to conserve and enhance biodiversity and safeguard legally protected species.

Biodiversity and wildlife corridor

31. Part of the site lies within a designated wildlife corridor. The submitted Biodiversity Net Gain (BNG) assessment records modified grassland, ruderal vegetation and mixed scrub as baseline habitats, which have since been cleared. These features provided structural diversity and contributed to the corridor's ecological function, albeit to a limited extent.
32. The development would permanently remove these habitats and replace them with hardstanding and built form, reducing opportunities for species movement and foraging within the corridor. On-site measures, including bat boxes, hedgehog holes and tree planting are proposed, but these are modest and do not offset the wider loss of habitat connectivity or protect or enhance the corridor's integrity.

33. Although the application predates the statutory BNG requirement, Policy DM5.7 of the LP and paragraphs 187, 192 and 193 of the Framework require development to conserve and enhance biodiversity and apply the mitigation hierarchy. The proposal does not demonstrate that avoidance has been considered in the first instance, nor that adequate on-site mitigation or compensation would be secured. While the BNG assessment predicts a net gain of 20.32%, this relies on off-site measures around 35 kilometres away in a different local authority area. Such measures would not maintain local ecological connectivity, and in the absence of a legal mechanism, their delivery remains uncertain.
34. For these reasons, the proposal fails to demonstrate that it would protect or enhance the wildlife corridor or deliver meaningful biodiversity improvements. It therefore conflicts with Policy DM5.7 of the LP and the relevant provisions of the Framework.

Surface water drainage

35. The site lies within Flood Zone 1 and is identified as being at very low risk of flooding from all sources. The submitted Flood Risk Assessment (FRA) contends that infiltration is not feasible as a primary disposal method due to impermeable ground conditions and proposes disposal via the public sewer network, subject to agreement with the statutory undertaker.
36. The indicative strategy includes a range of sustainable drainage measures such as permeable paving, flow control devices and rain gardens, with discharge restricted to greenfield rates. However, key details remain unresolved. No infiltration testing has been undertaken, attenuation storage requirements have not been calculated, and the point of connection to the sewer is not confirmed. These are not minor technical details but fundamental elements needed to demonstrate that the proposed system is deliverable and capable of managing runoff without increasing flood risk elsewhere.
37. The FRA assumes these issues can be addressed at a later stage, but without this information there is no certainty that the approach is feasible or compliant with the principles of sustainable drainage. Such matters cannot reasonably be deferred to a planning condition because they go to the heart of whether the development can be implemented safely.
38. Accordingly, the proposal fails to demonstrate compliance with Policy DM5.14 of the LP and paragraph 182 of the Framework, which require development to incorporate sustainable drainage systems and ensure that surface water is managed safely and effectively.

Planning obligations

39. The development would give rise to impacts requiring mitigation through planning obligations, including financial contributions towards affordable housing, education, play equipment and highways infrastructure. It would also increase recreational pressure on the Northumbria Coast Special Protection Area (SPA), necessitating a contribution to the Coastal Mitigation Service. These obligations are necessary to make the development acceptable and would comply with the Community Infrastructure Levy Regulations 2010 (as amended) and the Council's Planning Obligations and Coastal Mitigation SPDs.

40. However, no completed Section 106 agreement has been provided. Although the appellant has expressed a willingness to enter into such an agreement, in its absence the impacts of the development would remain unmitigated.
41. Conditions cannot secure these matters because they must meet the tests in paragraph 57 of the Framework and cannot require financial contributions or bind land interests, which only a planning obligation under section 106 of the Town and Country Planning Act 1990 can achieve.
42. Consequently, without a completed obligation, the necessary mitigation would not be secured. The proposal therefore raises further conflicts with Policies S5.4, S7.1, DM4.7, DM5.5, DM5.6, and DM7.4 of the LP, insofar as it fails to deliver essential infrastructure, affordable housing and measures to address recreational impacts on the Northumbria Coast SPA.

Other Matters

43. Neighbouring occupiers have raised concerns regarding impacts on privacy, outlook and loss of light. These matters did not form part of the Council's reasons for refusal. Given that the appeal is being dismissed on other substantive grounds, it is not necessary to consider them further in this decision.
44. Matters relating to land ownership and the appellant's ability to implement the development are for resolution between the relevant parties and do not influence my assessment of the planning merits of the proposal.

Planning Balance

45. It is common ground that the Council cannot demonstrate a five-year supply of deliverable housing sites. The evidence before me indicates a supply of around 3.37 years, reducing to 2.95 years when a 20% buffer is applied. This represents a substantial shortfall. Consequently, paragraph 11(d) of the Framework is engaged.
46. The scheme would deliver 14 dwellings and introduce retail units, supporting housing delivery, local services and the local economy. There would also be short-term economic benefits during construction. These benefits attract moderate weight, particularly in the context of the housing shortfall.
47. However, the development would give rise to several significant harms. It would fail to conserve the significance of the Grey Horse as a non-designated heritage asset and would not respond positively to the established character of the area. It would result in the loss of designated open space without justification or compensatory provision, and it has not been demonstrated that biodiversity net gain or adequate mitigation for protected species could be secured. The scheme would also provide substandard living conditions for future occupiers and lacks satisfactory servicing and drainage strategies, giving rise to unacceptable highway safety and surface water flooding risks. In addition, the absence of a completed planning obligation means that necessary mitigation for infrastructure, affordable housing and recreational impacts on the Northumbria Coast SPA would not be delivered.
48. Taken together, these harms and the resultant conflict with the relevant policies of the development plan attract substantial weight. Accordingly, even in the context of the housing shortfall, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

49. For the reasons given, the proposal would conflict with the development plan when read as a whole. The material considerations, including the housing shortfall, do not indicate a decision other than in accordance with the plan. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR