



Appeal Decision

Site visit made on 23 December 2025

by **P Hanna PGDip MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th February 2026

Appeal Ref: APP/P2935/W/25/3367785

Joiners Cottage, Widdrington, Morpeth, Northumberland NE61 5EA

- 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 James Grant against the decision of Northumberland County Council.
 - The application Ref is 24/02296/COU.
 - The development proposed is change of use from non-domestic land to residential gardens and siting of 7 timber structures - retrospective.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal development relates to the setting of a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - whether the appeal development is in a suitable location with regard to policies for residential development;
 - the effect of the appeal development on the character and appearance of the site and surrounding area, including whether the development preserves the setting of the nearby Grade I listed Church of the Holy Trinity (list entry no. 1371045);
 - the effect of the appeal development on the living conditions of the occupants of Church View and Meadow View, with particular reference to overlooking.

Reasons

4. The appeal site is a triangular shaped area of land located to the south of Joiners Cottage, separated from it by the garden of The Old Smithy and a shared access road serving several properties. The site is bounded to the north by the access road, and to the west by Church View, Meadow View, and an area of vacant land. The Grade I Church of the Holy Trinity is located at the southern tip of the site, and to the east lies an area of grassland largely enclosed by the agricultural buildings of Widdrington Farm beyond.
5. The site is currently used as a garden and the appeal seeks to regularise that use. The appellant advises that the appeal site has been used as such since purchase

of Joiners Cottage in 1996. However, I have not been provided with a certificate of lawful use to confirm continuous use over the relevant period.

Location

6. The spatial strategy of the Northumberland Local Plan (2022)(LP) seeks to steer the location of development, including by restricting development in the open countryside. Widdrington is identified as a village, but the appeal site is located outside of the settlement boundary and the built form of the village, and within the open countryside. Policy STP 1 indicates that residential development, which would include residential garden use, will only be supported where it accords with policies HOU 7 or HOU 8, amongst other things. These policies relate to exception sites and isolated residential development in the open countryside, and policy HOU 9 relates to householder development. However, none of these policies allow for the creation of new residential gardens in the open countryside. As such, the appeal development causes conflict with the spatial strategy.
7. Although neither the strategy nor the policies were in place at the time the garden is asserted to have been created, I am required to assess the appeal development against the most up-to-date policy framework. Consequently, the residential garden use is not in a suitable location with regard to policies for residential development due to the conflict caused with policy STP 1 of the LP.

Character and appearance

8. The Church of the Holy Trinity is late 12th century at its core and was subsequently extended and remodelled in the mid-14th and late-19th centuries. It is built mostly in squared stone with dressings, and slate roof, with a number of 14th century windows and 12th and 13th century features, including chamfered plinth, medieval door and cross slab lintel. To the east of the church lies the covered remnants of the 14th century Widdrington Castle, which was demolished in the 18th century and is now designated as a scheduled monument. At some time since the 1920s, the northern access lane to the church, which ran through part of the appeal site, was realigned, with the principal access now to the west of the church.
9. The significance of this Grade 1 listed building derives partly from its architectural design, with reference to its unusual proportions and features which provide a narrative of its chronology. Insofar as relates to this appeal, the relationship between the former castle, the churchyard, the church itself, and its pastoral agricultural setting to the east makes a valuable contribution to significance, although the extensive farm buildings and structures are a considerable detracting factor. Therefore, the appeal site contributes positively to the understanding and special interest of the significance of the Church and the ability to appreciate it.
10. The Framework defines setting as the surroundings in which a heritage asset is experienced and acknowledges that an asset's surroundings may evolve. Indeed, the setting of the Church of the Holy Trinity has evolved, as demonstrated by the realignment of the access road to the north and west of the appeal site. The grant of planning permission for Church View and Meadow View further alters this, such that this aspect of the Church's setting has now irrevocably changed. This alters the north-western part of the application site's relationship with the asset and, accordingly, I find no harm to the Church's significance, by way of impact upon setting, from here. Nonetheless, the southern part of the site and the eastern boundary continue to maintain a more direct relationship with the Church.

11. The effect of the appeal development is to introduce wooden sheds (in differing states of repair), other garden structures, and a variety of garden paraphernalia into the setting of this highly valuable heritage asset. There is a narrow but clear line of intervisibility between the Church, its churchyard, the site of the former castle, and the appeal site, notwithstanding some intervening landscaping. The appeal development detracts from the otherwise pastoral quality of land adjacent to the Church, such that harm is caused. I find that the appeal development fails to preserve the special interest of the listed building, by way of impact upon its setting. It therefore follows that there is harm to the character and appearance of the site and the surrounding area.
12. I have given consideration as to whether a condition requiring the provision of a landscaping strip along the eastern boundary of the site would be sufficient to overcome the harm I have found. However, the proximity of sheds and structures to this boundary is such that it is not certain to me that suitable landscaping could be achieved.
13. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost from development within their setting and that this should have a clear and convincing justification. Given the above, I find the harm to be at the low end of less than substantial in this instance but nevertheless of considerable importance and weight.
14. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the appeal development. The benefits of landscaping serving as a backcloth for weddings and funerals at the church car park are limited, as are the biodiversity benefits from the garden use. Even taken together these do not outweigh the harm found.
15. I conclude that, on balance, the appeal development significantly adversely affects the character and appearance of the site and surrounding area, and fails to preserve the special historic interest by way of impact upon setting of the Grade I listed building. This fails to satisfy the requirements of the Act, paragraph 210 of the Framework and conflicts with policies ENV 1, ENV 7 and QOP 1 of the LP. These seek, among other things, to ensure the conservation and enhancement of the significance, quality and integrity of heritage assets. As a result the appeal development is not in accordance with the development plan.

Living conditions

16. The Council's key concerns relate to overlooking and associated privacy concerns from Sheds B and C to the neighbouring properties at Church View and Meadow View.¹ However, both sheds and their social spaces have solid panels on their western elevations, and the mutual boundary is defined by a mix of bamboo fencing panels and screen landscaping. Although the increase in ground level height at the site allows some visibility over the existing fencing at points, the views from here look upwards to the first floors of the two dwellings and are consequently not intrusive. Overall, I conclude that the appeal development does not significantly adversely affect the living conditions of occupants of Church View

¹ The Council's site photographs show a roof terrace with balustrades, accessed by a wooden stair, on the roof of Shed B. These features do not appear on the submitted plans and, at the time of my visit, these features were not in place.

and Meadow View. The appeal development complies with policy QOP 2 of the LP and chapter 12 of the Framework, which together require development to provide a high standard of living conditions.

Other Matters

17. Householder permitted development rights apply only to the curtilage of dwellinghouses, regardless of land ownership. The appellant questions whether the advice they received from the Council to apply for planning permission instead of seeking a certificate of lawful use was correct. That is a matter between the parties but, either way, I am required to determine the current appeal on its merits.

Conclusion

18. For the above reasons I conclude that the appeal should be dismissed.

P Hanna

INSPECTOR