



Appeal Decision

Site visit made on 3 December 2025

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/T9501/C/25/3370569

Land on south east side of Sunday Sight, Bellingham, Northumberland, NE48 2JE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Jonathan Healey against an enforcement notice issued by Northumberland National Park Authority.
 - The notice was issued on 11 July 2025.
 - The breach of planning control as alleged in the notice is without planning permission: i) the construction of timber and blockwork buildings. ii) the installation of water storage and processing infrastructure. iii) the construction of an aggregate track. iv) the construction and development of a widened vehicular access, v) the laying of areas of aggregate for hardstanding, vi) the excavation of land, vii) the formation of a compound area including the siting of shipping containers, viii) the material change of use of part of the land from agricultural use to a Sui Generis use for a builder's yard.
 - The requirements of the notice and periods for compliance of the notice are set out in the Appendix this decision.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is corrected by: the deletion of the words "the material change of use of part of the land from agricultural use to a Sui Generis use for a builder's yard" from paragraph 3 (viii); and varied by the deletion of paragraph 5 and substitution with:

"Requirements

A) Within 6 months:

- a) Remove all the timber and blockwork buildings from the site
- b) Remove all partially subterranean water storage and processing infrastructure from the site
- c) Remove all shipping containers from the site

B) Within 9 months:

- d) Remove all aggregates which form the access track
- e) Remove all aggregates from the site which form the vehicular access onto the road
- f) Remove all aggregates which form areas of hardstanding
- g) Restore the site to its previous levels for all areas which have been excavated. To protect the sensitive ecology of the site, this should be done, wherever possible, using only materials currently displaced as a consequence of the unauthorised development of the site

- h) Restore the top soil on these areas referred to in requirement g) above. This should only be done after the removal of the aggregates from the site.

C) Within 21 months:

In the months of August to October only, reseed all areas of restored topsoil with a equally split mix of *Calluna vulgaris* (Heather), *Festuca ovina* (Sheeps Fescue, *Anthoxanthum odoratum* (Sweet Vernal Grass) and *Agrostis capillaris* (Common Bent). This reseedling should be done with an evenly distributed ratio of 4 grams per meter squared and should only be done after the restoration of the topsoil has been completed.”

2. Subject to the correction and variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (b)

3. This ground of appeal is on the basis that the matters alleged in the notice have not occurred. The appellant states that the alleged operational development has not taken place and is materially different to that described, and that the material change of use of the land to a builder's yard is factually incorrect.
4. It is clear from the evidence before me, and from my observations during the site visit, that the operations described in the notice are correct and sufficiently clear to enable the recipient to understand the alleged breach.
5. However, there is little evidence from either party regarding the current use of the site, and the Authority have provided no substantiating information regarding a use as a builder's yards other than the fact that there is a large amount of hardstanding now on the site and that the appellant works as a builder. This is not evidence of the actual use of the appeal site, and as such, I am not satisfied that the material change of use to a builder's yard has occurred.
6. The notice should therefore be corrected to remove point viii) of the alleged breach, so that there is no reference to a material change of use. This can be done without causing injustice to either party, and indeed was suggested by the appellant, as it does not affect the alleged operation development. Requirement a) of the notice will also need to be removed to reflect the change to the allegation.
7. Whilst the appellant has repeatedly stated in various documents that the site remains in an agricultural use he has not provided any details regarding the current use. If a material change of use were to occur, it would be open to the Authority to serve a further notice regarding any unauthorised development.
8. The appeal under ground (b) succeeds to the extent that the allegation should be corrected to remove reference to a material change of use to a builder's yard.

Ground (a) and the deemed planning application

9. The main issues are the effect of the development on:
- the character and appearance of the open countryside;
 - the special qualities of Northumberland National Park;
 - highway safety and the local road network; and

- biodiversity.

10. The appeal site is in Northumberland National Park. The National Planning Policy Framework ("the Framework") advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, and that the scale and extent of development should be limited. The Northumberland National Park Management Plan 2022 sets out the special qualities of the National Park as being: a distinctive landscape character; a place rich in biodiversity and geology; having a rich cultural heritage; and having a sense of tranquillity.

Character and appearance

11. The site is in open countryside in a sparsely settled area of the National Park which is surrounded by moorland and open pasture. The land, along with the surrounding upland moorland, is designated as open access land under the Countryside and Rights of Way Act 2000. This means that there are public access rights across much of the surrounding moorland, and there is also an adopted highway and public right of way along the eastern boundary of the site. Its elevated location contributes to both the visibility of the site and its extensive views across the landscape.
12. The previous lawful use is agricultural, although there is no information before me as to how or when the site has been used for agricultural purposes. Photographs show that there had been a corrugated iron shed next to the gate, and the route of a track can be seen on aerial photographs provided although it appears to have been grassed over. The entrance was previously slightly further to the north but was moved away from the tree line.
13. The development targeted by the corrected notice is the operational works consisting of a widened access, hardstanding including track, timber and blockwork buildings, water storage and processing infrastructure, excavation of land and formation of compound for the siting of storage containers. The land is undulating and so views onto the site are dependent on specific viewpoints but the development is highly visible from wide areas of open access land. The individual elements of the works are highly noticeable within the landscape individually and the effect is increased when considered together as a whole. The development significantly alters the appearance and harms the openness and perceived tranquillity of the area.
14. The development is therefore in conflict with Policy DM11 (Landscape, Tranquillity and Dark Skies) of the Northumberland National Park Local Plan adopted in 2020 ("the NNPLP"). Policy DM11 is in accordance with the Framework and advises that the natural beauty and heritage of the National Park will be conserved and enhanced, and that development which would adversely affect the quality and character of the landscape will not be permitted. Development must demonstrate that sense of openness is not reduced, and that visual impact is minimised. For the reason set out above, the development in this case does not conserve or enhance the natural beauty of the National Park or character of the landscape and is therefore in conflict with Policy DM11.
15. The appellant argues that these measures were conducted in good faith to support the agricultural management of the holding, including the secure storage of machinery and welfare provision for those working the land. However, he has not provided details of actual agricultural use or plans for the use of the site. Policy

DM8 (Agricultural Development) of the NNPLP advises that agricultural development must show that there is a functional need for a building to sustain existing primary agricultural activity, and that the scale is commensurate with the need and that the building is designed for the purposes of agriculture. In this case the chalet building at the top of the track is residential in appearance rather than agricultural, and it is also not clear that all of the items stored in the shipping containers are used solely for agricultural purposes. Overall, the primary agricultural activity of the site has not been explained, and there is no functional justification for the development in terms of an agricultural need.

16. As details of the intended agricultural use have not been stated it is not possible to assess whether the works meet the criteria set out in this policy and is in accordance with it, irrespective of the state of the land when acquired by the appellant.

Highway safety and roads

17. The concerns relating to highways relate to the use of loose chippings close to the adopted highway, and also the potential increase in traffic caused by a material change of use. As the notice has been corrected to remove the change of use from the allegation, the remaining issues relate to any physical effects associated with the chippings. Any material change of use in the future may raise highway safety issues.
18. The Highways Authority have raised concerns regarding the movement of the loose materials but have not stated that there would be an unacceptable impact on highway safety. As such, concern regarding the loose chippings alone is not such that development should be refused on highway grounds.

Biodiversity

19. The Authority's Ecologist has confirmed that the site is a listed priority habitat under Section 41 of the Natural Environment and Rural Communities Act 2006: It is an upland heathland habitat in mosaic with acid grassland. This has not been disputed by the appellant who has not submitted an ecology assessment or survey information, or indicated that any mitigating measures regarding the priority landscape have been implemented.
20. As the works were undertaken without a baseline assessment taking place it is not possible to state whether the development may also have been in proximity to protected species. However, the extent and nature of the works including the removal of vegetation and disturbance of the mineral and bedrock layers through excavations has had an adverse impact on the habitat. The works have been harmful to the priority habitat, and this has an impact on a special quality of the National Park i.e. it being a place rich in biodiversity and geology.
21. The development is therefore in conflict with NNPLP Policy DM10 (Habitats, Biodiversity and Geodiversity) which states that development should maintain and where appropriate enhance features of ecological value, and that mitigation measures to avoid or reduce harm should be incorporated.

Other matters

22. There will inevitably be waste if permission is not granted to allow the development to remain. Whilst some of the elements of the development will be able to be

reused elsewhere, this will not be possible for all of the materials. In addition, the physical works and transportation associated with removing the development will themselves have an adverse environmental impact. This is a material consideration to which I am attributing moderate weight but it does not outweigh the harm caused by the development as outlined above.

Conditions

23. The appellant has suggested various matters to be regulated by the imposition of conditions including: the number, location and cladding of the shipping containers; colour treatment of the buildings and structure; specification for the track; small native planting scheme; regulation of external lighting and removal of permitted development rights for additional containers and structures. However, none of these suggested conditions would overcome the material harm to the character and appearance of the area, special qualities of the National Park, or biodiversity as set out above.

Conclusion

24. The development causes harm to the character and appearance and biodiversity of the National Park, and its special qualities which is in conflict with the NNPLP and the Framework as set out above. As there are not any considerations to outweigh this harm the appeal on ground (a) fails and the deemed planning application is refused.

Ground (f)

25. Section 173 sets out that the purposes of an enforcement notice are a) remedying the breach by making any development comply with the terms of any planning permission (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or b) removing any injury to amenity which has been caused by the breach. The purpose does not have to be stated in the notice, but it is evident from the requirements that the purpose of this notice is to remedy the breach. The Authority are not seeking to “under-enforce” and leave some of the development in place and the notice requires that all the elements of the allegation are removed which will return the land to its condition before the breach.
26. The lesser steps suggested by the appellant are to retain the alleged development with some mitigating works, and have been considered already as part of the ground (a) appeal above and dismissed.
27. The advice in Planning Policy Guidance shows that a temporary permission is not appropriate in this case. The effects of the development on the area is already clear, and there is no suggestion that the planning circumstances will change during the next three years (the period suggested by the appellant for a temporary permission).
28. Any proposals coming forward for the site, including any development incorporating some or all of the existing works associated with a proven future agricultural use, will be best dealt with as part of a planning application. The appeal under ground (f) does not therefore succeed.

Ground (g)

29. The appellant seeks an extension of the compliance periods from 6 to 12 months with reseeded tied to the following planting season.
30. The development is harming the character and appearance of the National Park and its special qualities, and it is therefore important that the remedial works are undertaken within as short a period as possible. The works were undertaken between September 2024 and June 2025 and the buildings can no doubt be dismantled more quickly than they were built.
31. However, the required works to remove the aggregates and hardstanding, and to restore the original land levels including topsoil is a more sensitive task and additional time should be allowed to ensure it can be done properly and without causing further damage to the environment. As such, the timescales should be varied to reflect the different elements of the work to allow: i) up to 6 months to remove the buildings, infrastructure and shipping containers; ii) up to 9 months to remove the aggregates and restore the land to its previous levels before the breach took place; and iii) up to 21 months to ensure that the reseeded takes place between August and October.
32. These time periods are proportionate in the circumstances and reflect the national importance of the landscape as well as allowing sufficient time for the works to be properly organised and undertaken by the appellant. The appeal under ground (g) therefore succeeds.

Zoë Frank

INSPECTOR

APPENDIX

Requirements

- A) Within 6 months of the date of the Notice:
- a) Cease the use of the areas of the site in use as a builder' yard
 - b) Remove all the timber and blockwork buildings from the site
 - c) Remove all partially subterranean water storage and processing infrastructure from the site
 - d) Remove all shipping containers from the site
 - e) Remove all aggregates which form the access track
 - f) Remove all aggregates from the site which form the vehicular access onto the road
 - g) Remove all aggregates which form areas of hardstanding
 - h) Restore the site to its previous levels for all areas which have been excavated. To protect the sensitive ecology of the site, this should be done, wherever possible, using only materials currently displaced as a consequence of the unauthorised development of the site
 - i) Restore the top soil on these areas referred to in requirement h) above. This should only be done after the removal of the aggregates from the site.
- B) Within 15 months of the date of the Notice
- In the months of August to October only, reseed all areas of restored topsoil with a equally split mix of *Calluna vulgaris* (Heather), *Festuca ovina* (Sheeps Fescue), *Anthoxanthum odoratum* (Sweet Vernal Grass) and *Agrostis capillaris* (Common Bent). This reseedling should be done with an evenly distributed ratio of 4 grams per meter squared and should only be done after the restoration of the topsoil has been completed.