
Appeal Decision

Site visit made on 19 January 2026

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2026

Appeal Ref: APP/P2935/W/25/3375185

Land at Dewley Court, Cramlington NE23 6DT

- 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 Ray Mansell c/o Shenstone Properties Ltd. against the decision of Northumberland County Council.
 - The application Ref is 24/02301/FUL.
 - The development proposed is Provision of 5 no affordable dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs has been submitted by the appellant. My decision relating to this is made under separate cover.

Preliminary Matters

3. I have transferred the description of the development from the Council's decision notice into the banner heading as this accurately describes the proposal.
4. The Council raises no objection to the principle of five houses built in a terrace layout with parking provision on the land, their design and internal spacing. There is nothing before me to come to an alternative view on the matter.

Main Issues

5. The main issues with regards to this proposal are:
 - Whether or not there would be a highway and pedestrian safety issue;
 - The impact of development on designated sites within the Northumberland Coast; and
 - Whether or not affordable housing would be secured at the site in perpetuity.

Reasons

Background

6. The appeal site is a privately owned car park located within a modern and planned housing development of the new town of Cramlington built within the 1960's and is laid to Tarmac arranged with evidence of formally laid out parking bays. It is largely surrounded by St Paul's Catholic church, Dewley Court residential dwellings, open

space and two short parades of shops at Doxford Place. A small block of garages is positioned to the western corner out-with the appellant's ownership. Vehicular access is taken from the eastern side and is the sole vehicular access into the car park. The rear of the commercial units built in two blocks backs onto the car park and their frontage is onto Doxford Place.

Highway and pedestrian safety

7. Whether or not the car park was originally intended to facilitate park and stride arrangement for the local school, now demolished, to serve as parking for the local parade of shops or parking for the Catholic Church, has not been formally proved by the parties. Nevertheless, it is clear to me from the evidence presented by the Council, the strength of objections received from local residents and the facts on the ground, it was a car park laid out to facilitate parking for the local community.
8. Currently, it is a free car park with no parking restrictions and is used as a service area for deliveries and waste collection for the shop units within the parade. I noticed that the Nisa convenience store within the parade accepts deliveries from the rear of their building as the gate carried a sign to advise of drivers' vehicles not to obstruct the access gate.
9. To overcome servicing to the shops and provide access to the far garages, the appellant has designed the proposed layout with an internal service road incorporated into the scheme running off the site access and behind the rear of the shop units. They have evidenced that a wagon of approximately 11.6m long can access the appeal site and this is supported by a swept path analysis demonstrating this sized wagon can safely enter the site in a forward gear and exit in a forward gear. I am advised that a refuse wagon, even if on a private contract basis, would be no larger in size than around 11.6m. As there is nothing before me to contradict this, I am satisfied that this service road can facilitate a refuse wagon.
10. However, there is no evidence before me to specify the size of delivery wagons to serve the parade and as it is a third-party matter, the appellant cannot control this despite their assertion about the size of delivery wagons. Even if some of the businesses within the parade are permanently closed, irrespective of this, it is not to say that businesses will cease to operate from these premises in perpetuity and there remains a number of businesses at ground floor level and others at first floor that are open for business to members of the public. Furthermore, as I have noted earlier, the Nisa retail unit accepts deliveries from the car park. There is nothing before me to convince me these units do not have a right of access to use the car park or indeed the existing blocks of garages.
11. In accordance with the Council's adopted policy, the proposal should not lead to a highway and pedestrian safety conflict. There is no sufficient evidence before me to demonstrate that the internal service road would prevent such an issue from arising. Furthermore, I can only impose planning conditions to the proposal before me that are required to meet the tests of paragraph 57 of the National Planning Policy Framework (the Framework).
12. As part of my overall considerations, delivery potential taken from the front of the site has been explored. A cycle route leading to Cramlington town centre runs parallel to the front of the shops and the Doxford Place Methodist church opposite has its own car park. The signs within the Methodist Church car park state it is private land and parking is associated with church use only. Therefore, I cannot be

certain that servicing to the front of the shop units could realistically take place from here, or indeed safely from local estate roads. On that basis, the configuration of the internal service road facility becomes even more important, in the interest of ensuring highway and pedestrian safety is upheld.

13. At the time of my visit there was around fifteen to twenty cars parked within it and ample car parking space remaining. I observed people in cars coming and going to access the parade of shops in a relatively quick turn-around. There were other vehicles parked within the site for longer periods of time and some vehicles parked up but I could not identify their exact purpose for parking here.
14. Be this as it may, there is strenuous opposition to the proposal arising from the objectors and there have been a considerable number including those submitting photographs of indiscriminate parking within the local estate roads, the car park full of parked vehicles and private access drives blocked by cars. The strength of opposition to the scheme does indicate there is a genuine concern regarding the consequence of displaced parking and the resultant highway and pedestrian safety implications.
15. Further to the evidence submitted by objectors, without parking surveys submitted by the appellant to demonstrate the proposal would not generate a pedestrian and highway safety concern, there is nothing before me to indicate this would not arise. This is especially concerning as the local area is residential in character and a private nursery school located close by.
16. As a fallback position to the appellant, should the car park be closed off, the matter of displaced parking and servicing to the units cannot be controlled or prevented through planning legislation. However, I must consider whether or not this is a real fallback prospect to the appellant as a greater than theoretical possibility, in order to ascribe weight to his fallback position.
17. Given the language the appellant uses throughout their evidence with words such as the car park 'could be closed off'; 'could be enclosed', and 'possible' to close off public access, there is nothing of certainty within the evidence that leads me to the view he would do so. Throughout the pre-application stage, planning application and on-going appeal, the car park continues to function with no sanctions imposed. Therefore, all things considered, this fallback position cannot be construed as a genuine fallback and therefore I am not assessing the impact of this fallback on highway and pedestrian safety.
18. Nor can this scheme by preserving access to the garages be reasonably described as planning betterment as, according to the appellant, there is no third party right across the land. It is a private matter between the parties and not within my scope to comment on.
19. As I am not persuaded that the fallback position is a real prospect to the appellant, and further to the findings I have arrived at earlier with regards to providing safe access and egress for deliveries to the units, I must be satisfied that the proposal would not lead to detrimental highway and pedestrian safety impacts.
20. To conclude on this main issue, the proposal would not safeguard highway and pedestrian safety and therefore it is contrary to policy TRA 2 of the Northumberland Local Plan and the same objectives as the National Planning Policy Framework.

Coastal Mitigation

21. As this is a proposed residential development within 10km of the Northumberland coast, consideration is had to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites and increased recreational pressure on dune grasslands which are similarly protected.
22. When developers apply for planning permission for new residential development within the coastal zone of influence, the Council has a statutory duty to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on these designated sites.
23. The Council has introduced a scheme whereby developers can enter into a financial contribution as a strategic mitigation service to be used to fund coastal wardens who will provide the necessary mitigation.
24. The appellant has agreed to provide a legal obligation to fulfil this requirement. I am made aware that the Council did not request one through the application stage as they were intending to refuse the permission for another reason. This was in the interest of professional time and costs. The Council explain that only should the scheme be considered at appeal, a legal obligation would be negotiated by the parties.
25. Despite my attempts during the course of the appeal to request the obligation and deadlines set, this was not forthcoming by the parties. Therefore, in the interest of expediting an outcome of the appeal within a reasonably timely order, I have determined the appeal without this obligation.
26. To conclude on this main issue, the proposal fails to comply with the objectives of policy ENV2 the Northumberland Local Plan and CNP2 of the Cramlington Neighbourhood Plan that aims to minimise and mitigate the effects of development on protected sites. It would also not accord with the provisions of the National Planning Policy Framework to conserve and enhance the natural environment.

Affordable Housing

27. The appellant intends the development to be affordable housing in the form of three, 3-bed houses supplied on the basis of a discounted/shared ownership scheme and two, 2-bed houses for rented accommodation, in perpetuity. This would be secured through a legal obligation to ensure the development remains affordable in perpetuity. The Council supports affordable housing, and I have nothing before me to come to an alternative view on the matter.
28. No obligation has however been forthcoming and without such, I cannot be sure that an affordable housing scheme would be secured in perpetuity. I therefore apply the same principle as I have to the coastal mitigation situation above.
29. To conclude on this main issue, the proposal would conflict with Policy HOU6 in its objectives to deliver affordable housing, and Policy INF 6 of the Northumberland Local Plan to secure the mechanism to deliver affordable homes. Nor would it comply with the National Planning Policy Framework to deliver a sufficient supply of homes and paragraph 57.

Other Considerations

30. The appellant points to the benefit of the scheme by providing much needed local affordable housing. They also comment on the acceptable design solution to the finish of the houses and user accessibility of the houses, highway access into the site from the east and inclusion of on-site parking and a landscaping scheme for the development. They comment on the location of the proposed houses set amongst other residential dwellings and in a reasonably sustainable location close to local facilities and pedestrian linkages, and public transport options.
31. There is parking and visitor parking exclusively for the proposed houses. The site is within Flood Zone 1 and is not within an area that is a designated heritage asset, it does not affect public rights of way and has no known land contamination or structural stability issues. The proposal would lead to no living conditions issues.
32. Whilst I do not dispute the fact that affordable homes would be a benefit to the local community, this would be delivered only by way of a very small supply of housing units, and I ascribe only moderate weight to this. The site would be designed to an acceptable finish with adequate access and parking and located close to local amenities with linkages to open space. These things carry only minimal weight in the balance. There would be landscaping and biodiversity enhancements arising from the scheme although these could occur without the proposal before me. The site may be at low risk of flooding and not situated within an area of designated heritage asset status with no loss of open space. These things are neutral in the overall scheme of things and do not weigh for or against the proposal. As too is the effect upon the living conditions of existing and future occupants. Preserving access to the existing garages is a private matter and not within my scope to comment on in any case.
33. Overall, I afford these things in their totality only moderate weight that would not outweigh the harm I have identified.

Other Matters

34. The appellant points to issues including the pre-application response received from the Council, the private ownership status of the car park, rights of access across the land and the lack of planning obligation, amongst other things. Some of these have been addressed within my decision letter although as an award of costs application has been submitted by the appellant, these things will be tested for reasonableness.
35. I am aware that the appellant agreed to amend the scheme and extensions of time applications from the Council. This demonstrates willingness to negotiate with the Council and is welcome. Even if they did not receive a favourable outcome, it was the appellant's decision to submit a planning application and subsequent appeal.

Overall balance

36. There are some limited benefits I apportion to the proposal, notably ascribed to the addition of housing within the local area. I am aware that the land currently functions as a car park and based on the evidence before me I am not convinced there is a greater than theoretical possibility of the car park becoming closed to public use and have therefore discounted their fallback position.

37. The matters of coastal mitigation and securing affordable housing may be overcome via a planning obligation but that is not before me. Without a scheme that would overcome highway safety matters with regards to servicing the parade of shops, this weighs considerably against the proposal in the overall balance

Conclusion

38. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal is dismissed and planning permission is refused.

Alison Scott

INSPECTOR