



Appeal Decision

Site visit made on 18 February 2026

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal Ref: APP/P2935/W/25/3376434

Mill Square, High Street, Belford, Northumberland NE70 7NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Ms H Pearson and Mr D Whitelaw against the decision of Northumberland County Council.
 - The application Ref 24/02255/REM sought approval of details pursuant to condition 1 (reserved matters) of planning permission Ref 20/02961/OUT granted on 8 July 2021.
 - The development proposed is outline application for one proposed bungalow - all matters reserved.
 - The details for which approval is sought are access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The evidence indicates that the Council appear to be broadly accepting of the submissions on the reserved matters of access, appearance, landscaping, layout and scale.
3. The reserved matters submission was refused on grounds surrounding nutrient neutrality. Government advice is that the Habitats Regulations Assessment provisions can be applicable to post permission approvals such as reserved matters and that is the case here given that Natural England advice on nutrient neutrality in the area was issued after the original outline permission had been granted. The issue of nutrient neutrality is therefore relevant to the reserved matters application.

Main Issue

4. The main issue therefore is the effect of the proposal on the integrity of the Lindisfarne Special Protection Area (SPA) & Ramsar with regard to nutrient neutrality.

Reasons

5. The Lindisfarne SPA & Ramsar is amongst other things designated on account of its range of coastal habitats which support internationally important bird populations.
6. Natural England has updated the conservation status of the SPA & Ramsar. Concern over water quality in terms of nitrogen is identified. The appeal site falls within a relevant catchment and an impact pathway is therefore present.

7. Therefore, adopting the precautionary principle, and in the absence of any evidence to the contrary, I consider that as a result of the proposal, likely significant effects on the protected habitats site cannot be ruled out. I am therefore required to carry out an Appropriate Assessment.
8. Unless development which includes an additional residential unit such as that before me would demonstrably achieve nutrient neutrality, it cannot be concluded that it would not have an adverse effect on the integrity of the SPA & Ramsar.
9. The bungalow would be within the catchment of the SPA & Ramsar. Consequently, the proposal would contribute towards increased levels of nitrogen within the catchment via sewage flows. The evidence indicates that the total annual nitrogen load to mitigate is 3.41 kg TN/year.
10. The appellant proposes to cease agricultural activity on 0.24ha of land (currently in cereal production) and create woodland away from the appeal site elsewhere within the Lindisfarne SPA & Ramsar. The evidence indicates that this would remove 3.55 kg TN/yr from the catchment.
11. The mitigation detailed above appears to have been agreed between the main parties. It further appears to be the case that this mitigation, which would be provided off site, should be secured via a planning obligation and I agree with that position. Such an obligation would meet the tests¹.
12. I note that there are details of significant levels of correspondence pre and post appeal on the planning obligation and other matters including with reference to legal title. Whilst I accept that these matters can sometimes be complex, limited weight can be afforded to those matters and I must make a decision as to what is before me at this time.
13. I am in receipt of a signed planning obligation in the form of a Unilateral Undertaking (UU). However, the Council raises various concerns as to the drafting of that document. Included in those concerns is the suggestion that the agreement does not include the correct title reference for the whole of the application site.
14. Later correspondence from the appellant includes a draft UU which appears to incorporate the additional title reference and further suggestions by the Council. I afford that draft UU no weight as it is unsigned and in draft form.
15. Given that there appears to be a tacit acceptance from the appellant that the UU requires further work, this leads me to have serious concerns as to the legal soundness of the UU, such that I consider the obligation would be ineffective for its purpose. As a consequence, allowing the appeal would risk the delivery of the mitigation which would have the effect of undermining the integrity of the Lindisfarne SPA & Ramsar. I afford substantial weight to this matter.

Planning Balance

16. I accept that this decision may have repercussions as to the delivery of the dwelling at the site and that the benefits associated with the dwelling may not therefore present themselves.

¹ Set out within Paragraph 58 of the National Planning Policy Framework 2024.

17. However irrespective of the weighting I were to afford to that matter, given that I cannot be sure that the mitigation with regard to nutrient neutrality would be secured, the proposal would conflict with Policy ENV 2 of the Northumberland Local Plan (2022) which requires that development proposals affecting biodiversity demonstrate that adverse impacts will be adequately mitigated for.
18. The proposal would conflict with the development plan and there are no considerations which indicate a decision otherwise than in accordance with it.

Conclusion

19. For the reasons given above the appeal should be dismissed.

T Burnham

INSPECTOR