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## 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: 27<sup>th</sup> March 2026

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**Appeal Ref: APP/P2935/W/25/3376477**

**Guyzance Hall Estate, Acklington, Morpeth Easting (x) 421266 Northing (y) 603733**

- 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 Jonathan Dodd (Guyzance Hall Estate Ltd) against the decision of Northumberland County Council.
  - The application Ref is 25/01984/FUL.
  - The development proposed is new boiler house and wood chip store to serve Guyzance Estate and part of a garden storage area (10m<sup>2</sup>).
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for a full award of costs has been made by Mr Jonathan Dodd (Guyzance Hall Estate Ltd) against Northumberland County Council. The outcome of that application is the subject of a separate decision.

### Preliminary Matters

3. I have considered evidence submitted with the appeal which seeks to provide broader detail on the wider strategic vision for the estate. I accept that the development strategy for the estate as a whole appears well considered, embedding the principles of sustainability.

### Main Issue

4. The main issue is whether it was reasonable for the Council to require a Planning Obligation which would provide the mechanism for the appellant to pay the Council's costs for monitoring Biodiversity Net Gain (BNG) measures at the site which would be secured via planning condition.

### Reasons

5. The provision of BNG in association with developments is aligned with the objective to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. That the proposal before me is subject to that requirement is agreed upon by the main parties.
6. The BNG strategy appears to be agreed. BNG would be provided on site and would include the enhancement of woodland through the planting of different native tree species to those currently present and the enhancement of modified

grassland. Modified grassland would be created and trees provisioned for, along with the provision of a length of native hedgerow.

7. The Council consider that the enhancements would be significant. The BNG would include the enhancement of the condition of existing habitat, and large percentage gains in terms of habitat units and hedgerow units. The former point alone means that the on-site enhancements can be considered significant in line with the guidance<sup>1</sup>.
8. Further, the Council advises me that the woodland enhancement is particularly valuable, as the woodland is mapped as deciduous woodland, a habitat of principal importance, also known as priority habitat. I am also advised that the woodland forms part of a wider woodland area which includes ancient and semi-natural woodland and woodland forming part of the River Coquet and Coquet Valley Woodland Site of Special Scientific Interest.
9. A planning condition can be used to secure significant on-site habitat enhancements, and there does not appear to be disagreement on that matter. The principal disagreement has arisen as the Council required a Planning Obligation to secure the provision of a BNG monitoring fee, which the appellant was unwilling to pay.
10. A Planning Obligation would be an appropriate tool to secure any monitoring fee and the evidence indicates that a monitoring fee of £1248 is sought alongside £360 in legal fees. I accept that the appellant may have to separately fund their own legal fees.
11. The monitoring of conditions associated with planning approvals is often accepted to be part and parcel of the normal planning duties of a Council. However, BNG needs to be secured and then maintained for a period of 30 years. This is a significant period of time spanning into the future and therefore the requirements of BNG and its demands on Local Planning Authority resource, should monitoring be desirable, have the potential to be substantially different from regular planning conditions which would in most cases not involve such a forward time span.
12. I am unaware as to the extent that the Council guidance on BNG has been subject to public consultation, but given the recent nature of BNG I afford concerns over that matter with regard to this particular scheme limited weight.
13. I have considered the evidence and the guidance provided within online government advice on BNG. I have not identified anything within that guidance or within the evidence which convinces me that BNG cannot be secured via condition, with monitoring fees secured separately via a Planning Obligation.
14. My attention has also been drawn to information published by the Planning Advisory Service (PAS) which has been providing support and resources to assist Local Planning Authorities with regard to BNG. It is the case that PAS has drafted a template for a Planning Obligation which would aim to secure a monitoring contribution where maintenance and monitoring of on-site biodiversity is secured by a condition. That is reflective of the scenario before me.

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<sup>1</sup> Gov.uk Guidance - Make on-site biodiversity gains as a developer - How developers can create and enhance habitat on-site to deliver biodiversity net gain (BNG).

15. Decisions about whether it would be appropriate to secure monitoring fees via a Planning Obligation would clearly need to be undertaken on a case by case basis with regard to the specifics of any particular case which would be likely to differ in every scenario.
16. The Council has set out a convincing justification for its approach insofar as it relates to this particular site. It is therefore important that the BNG is secured throughout the required timeframe and the provision of a monitoring fee to the Council to assist it in ensuring its provision would be reasonable.
17. The monitoring fee does not seem excessive particularly having regard to the timespan over which monitoring would take place. A Planning Obligation would therefore meet the relevant tests as referenced within Paragraph 58 of the Framework<sup>2</sup>.
18. I conclude on this matter that it is reasonable for the Council to require a Planning Obligation to secure the Council's fees for monitoring Biodiversity Net Gain (BNG) measures at the appeal site.

### **Other Matters**

19. The appellant expresses concern that the contribution is sought via a Unilateral Undertaking (UU) rather than a Planning Agreement where the appellant and the Council would jointly enter into an obligation by agreement. Concern is also expressed about interest that may be accrued with regard to the monitoring fee.
20. It is the case that the most relevant PAS template appears to take the form of a Planning Obligation under S106 of the Town and Country Planning Act in the form of a bilateral agreement. Set against this, the Council have provided examples of templates from other Councils which have the purpose of securing BNG monitoring fees via a UU.
21. That leaves it open to consideration as to whether a bilateral agreement as opposed to a UU would be most appropriate. However, I have concluded that a monitoring fee can reasonably be required in this particular instance and I have concluded that an appropriate way to secure this would be via a Planning Obligation. Given that it is the case that I do not have any form of Planning Obligation before me in any form in any event, there is no need for me to reach conclusions on these matters.

### *Conservation area & listed building*

22. The site falls within Guyzance Conservation Area (CA). There is nothing to indicate that the proposal would not at least preserve the character and appearance of the CA.
23. The evidence suggests that the proposal would cause less than substantial harm to the setting of the Grade II listed Guyzance Hall, in simple terms due to the visibility of the flue from the development from the hall and its grounds. I agree with that conclusion but consider that the harm would be at the very lowest end of the spectrum of harm within that category.

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<sup>2</sup> National Planning Policy Framework 2024.

24. The evidence appears to indicate that the proposal would include the provision for housing for an auxiliary boiler as part of the district heating system (DHS) for the estate. If operating to support the wider district heating system the proposal would assist in the provision of more sustainable heating for the immediate area and public benefits would accrue.
25. Those public benefits would be sufficient to outweigh the less than substantial harm to the setting of Guyzance Hall. There would therefore be no conflict with policies ENV 7 or ENV 9 of the Northumberland Local Plan (2022) nor Policy ANP6 of the Acklington Neighbourhood Development Plan 2024-2036 which in broad terms seek the protection of heritage assets.

### **Planning Balance**

26. I note that there are benefits to the proposal which would provide housing for an auxiliary boiler and wood chip store to provide a boost to the DHS near to Guyzance Hall. Those benefits are deemed to outweigh the less than substantial harm that would arise to the setting of Guyzance Hall and in their own right can be afforded significant weight within the overall planning balance. The Framework offers support to low carbon energy.
27. However, the provision of BNG is now an integral part of the planning system and the Council has adequately justified why for this particular site, it is necessary that a monitoring fee, the level of which appears reasonable, should be provided so that it can assist in ensuring the provision of BNG over the required term.
28. Without that, the BNG provision over the term would not be certain and this is a matter which is not in favour of the proposal with the Framework requiring that planning decisions contribute to and enhance the environment by amongst other things providing net gains for biodiversity. This is afforded substantial weight and the benefits of the proposal would not therefore outweigh the harm.

### **Conclusion**

29. For the reasons given above the appeal should therefore be dismissed.

*T Burnham*

INSPECTOR