



Appeal Decision

Site Visit made on 28 October 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/P2935/W/20/3257084

Land North of 31 Station Road, Station Road, Stannington NE61 6DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission
 - The appeal is made by Messrs MW & JA Turner against the decision of Northumberland County Council.
 - The application Ref 20/01408/OUT, dated 14 April 2020, was refused by notice dated 7 July 2020.
 - The development proposed is erection of 4 no. dwellinghouses (C3 use) plus new access road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the proposed site plan and house type drawings as being indicative.

Main Issues

3. The main issues are:
 - Whether the site is within the Green Belt;
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - Whether the site would be an appropriate location for housing with regards to local and national planning policy;
 - The effect on the character and appearance of the area;
 - Whether sufficient evidence has been submitted regarding archaeology, protected species, and hydrology and flood risk; and
 - Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the Site is Within the Green Belt

4. The appellant's position is that the application should not be assessed against Green Belt policy as the Castle Morpeth District Local Plan 2003 (the Local Plan) identifies the site as being outside the Green Belt. The emerging Northumberland Local Plan identifies the site as being within the Green Belt, though the appellants submit that this should carry limited weight due to its stage of preparation.
5. Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration 2005 (JSP) identifies the general extent of an extension to the Green Belt and states that "Precise boundaries, including those around settlements, should be defined in Local Plans...". However, the Local Plan does not establish a precise boundary in the vicinity of the appeal site.
6. The appeal site is within the general extent of the Green Belt based on the description given in Policy S5 of the JSP and the associated diagram. Based on the evidence before me, Stannington Station does not have a defined settlement boundary within the Local Plan and, in respect of the current development plan, is therefore likely to be washed over by the Green Belt. This is reflected in the Stannington Parish Neighbourhood Plan 2018 (the Neighbourhood Plan) which sets out that, with the exception of Stannington Village, the whole of the Neighbourhood Plan Area is within the Green Belt.
7. My attention has been drawn to a number of appeal decisions which have considered whether appeal sites are within the Green Belt. These decisions have taken the approach that the lack of a defined boundary provides insufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt. Instead, the Inspectors determined if the site was within the Green Belt by assessing its contribution towards the Green Belt purposes, as set out in paragraph 134 of the National Planning Policy Framework (the Framework). It was considered enough for a site to contribute to one of these purposes for it to be within the general extent of the Green Belt.
8. The third of the Green Belt purposes is to assist in safeguarding the countryside from encroachment. The appeal site is located outside of the settlement boundaries in the Local Plan. The appeal site is part of an agricultural field which is part of the countryside. It is proposed to develop 4 dwellings on part of this field. Based on the evidence before me, the proposal would represent the encroachment of built development into the countryside.
9. The fifth Green Belt purpose is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The inclusion of the site within the Green Belt would direct development to urban areas, thereby contributing to urban regeneration albeit to a limited degree.
10. Drawing the above together, the site contributes to the third and fifth of the Green Belt purposes. On that basis, and having regard to the characteristics of the location, I conclude that the site is within the general extent of the Green Belt as established by Policy S5 of the JSP.

11. The appellants refer to an appeal decision¹ in the vicinity of this site where the Inspector found that the appeal site in that case was not in the Green Belt because the site was outside the Green Belt boundary as shown in the Local Plan. However, for the reasons stated above I disagree with the conclusions that my colleague Inspector reached. Moreover, the approach I have taken on this matter is reflected in numerous appeals that have been referred to by the Council.

Whether Inappropriate Development

12. The Framework sets out that new buildings within the Green Belt are inappropriate subject to a number of exceptions. Paragraph 145(e) of the Framework sets out that limited infilling in villages is such an exception.
13. The appeal site projects to the rear of a site which has previously been granted planning permission on appeal for 3 houses². The Inspector in that previous appeal concluded that the site in that case represented infill development as it completed an otherwise substantial built up frontage and was broadly aligned with nearby sites.
14. However, the proposal before me would project further into the countryside beyond the extent of the previously permitted development. It would therefore appear as a tandem site to the rear of the permitted housing development, rather than representing infill of an otherwise built up frontage. Whilst the appeal site would not project beyond the curtilage of 33 Station Road, the appeal proposal would project beyond the building line established by the dwelling at No 33 and as such would not appear as the consolidation of an area of built development.
15. I conclude that the proposal would not represent limited infilling in a village and would therefore not meet the exception of paragraph 145(e) of the Framework, or indeed any of the other exceptions in that paragraph. The proposal would therefore be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm.

Openness of Green Belt

16. The proposal would introduce built development onto an open field. It would be apparent as built development projecting into an area where no such development currently exists, and due to the scale and visibility of the proposal I conclude that it would have moderate harm to the openness of the Green Belt.

Location for Housing

17. The appeal site is located outside of settlement boundaries established by policy C1 of the Local Plan and is therefore considered to be in the open countryside. Policy H16 of the Local Plan sets out a number of criteria for housing in the countryside, particularly with regards to accommodation for rural workers. The proposal would not meet those accommodation requirements and would therefore conflict with policies C1 and H16 of the Local Plan.

¹ Appeal Ref: APP/P2935/W/19/3232589

² Appeal Ref: APP/P2935/W/19/3231462

18. However, these policies pre-date the Framework and do not reflect its provisions with regards to the sustainable development of housing in rural areas. The Framework supports housing in rural areas that reflect local needs, and promotes sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Residents of the proposal would have convenient access to services in Stannington Station which would meet many of their everyday needs, including shops and public transport.
19. However, there is no substantive evidence before me that the development of houses on this site would support specific rural housing needs and I am mindful that the Council has a substantial housing land supply. Whilst the Framework gives great weight to the benefits of using suitable sites for small and medium sized housing development, due to the harm to the Green Belt arising from this proposal I do not consider that this site is suitable for the proposed housing development.
20. The appellants refer to a number of other permissions granted for housing in this area, including the appeal decision to the front of this site. However, I have not been presented with sufficient information on the circumstances of these cases to enable me to determine if these represent a direct parallel to the appeal proposal, including in respect of housing land supply and harm to the Green Belt. In any event, I have determined this appeal on its own merits.
21. I conclude that there is no substantive evidence to support this housing development outside defined settlement boundaries and within the open countryside. The proposal therefore conflicts with policies C1 and H16 of the Local Plan and the Framework with regards to the provision of rural housing.

Character and Appearance

22. The Neighbourhood Plan describes Stannington Station as a dispersed, rural settlement with open views to the countryside. The Council refers to the cumulative impact on rural character arising from other development within Stannington Station. This development has also been referred to by the appellants, and the extent of recent and ongoing residential development in the area was apparent at my site visit.
23. However, the appeal site is located to the rear of a site which has been granted permission on appeal for 3 dwellings. Whilst the appeal proposal would project further into the countryside than the adjoining permitted scheme, it would be viewed within the context of that scheme as well as development in the vicinity which has eroded the dispersed rural character of this settlement. There are also dwellings further to the north which limit the contribution that the site makes to open views of the countryside.
24. I acknowledge that the proposal will change the character of the appeal site from part of an open field to built development. However, within the context of extant and permitted development, I do not consider that this change would be of a degree that would lead to material harm to the rural character and appearance of the area. On that basis, the proposal would not conflict with Policy 10 of the Neighbourhood Plan or policy H15 of the Local Plan with regards to design and character. The proposal would also not conflict with the Framework with regards to achieving well-designed places or recognising the intrinsic character and beauty of the countryside.

Evidence

25. On the matter of **archaeology**, the appellants submit that nothing of interest was found when trenching works were undertaken on an adjacent site. However, the County Archaeologist has commented that the relevant historic environment record has not been searched and that there is evidence of archaeological assets in close proximity to the appeal site. On that basis, I conclude that appropriate evidence in respect of archaeology has not been submitted in relation to this proposal, contrary to paragraph 189 of the Framework which requires appropriate desk-based assessment and, where necessary, a field evaluation where a development site may include heritage assets with archaeological interest. A watching brief as proposed by the appellants would not meet this requirement.
26. With regards to **protected species**, the appellants refer to an ecological assessment³ which concludes that none/negligible effects are foreseen in respect of designated sites. However, there is a brick building within the site which would be demolished, and the ecological assessment sets out that this may be accessed by bats and birds. The assessment states that no access was available to this building, and that this should be provided so that it can be ascertained if bat surveys should take place. There is no evidence that this has been done. I conclude that it has not been demonstrated that the appeal scheme would avoid or adequately mitigate unacceptable harm to protected species. The proposal would therefore conflict with policy C11 of the Local Plan with regards to the effects on protected species and the Framework in respect of conserving and enhancing the natural environment.
27. In respect of **flood risk**, the appellants emphasise that the site is in Flood Zone 1 and that it would be no different in respect of ground conditions compared to the adjacent approved site which has a Drainage Strategy. However, the Lead Local Flood Authority states that the site is within an area at high risk of surface water flooding and has required a drainage strategy for the appeal development. I am mindful that this is an outline application and that some drainage issues could be addressed by condition or at the reserved matters stage. However, due to the sensitivity of the site in respect of surface water flooding and taking a precautionary approach, I consider that some substantive evidence should be provided to demonstrate that the site can be suitably drained for the form of development proposed. This evidence has not been provided and I conclude that the proposal would therefore conflict with the surface water and service infrastructure requirements of policies RE5 and RE6 of the Local Plan. The proposal would also be contrary to the Framework in respect of site-specific flood-risk assessment.

Other Considerations

28. The proposal would add to the mix and supply of houses in a location which has convenient and sustainable access to services. However, given the Council's substantial supply of housing land this carries only very limited weight in favour of the proposal.

³ Preliminary Ecological Appraisal, RH Ecological Services, October 2018.

Planning Balance and Conclusion

29. I have concluded that the proposal would be inappropriate development within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also concluded that the proposal would lead to moderate harm to the openness of the Green Belt.
30. The substantial weight to be given to Green Belt harm, as well as the significant weight to the harm arising from the location of development, lack of appropriate evidence and the moderate harm to openness, are not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances. The lack of harm in relation to character and appearance also does not outweigh the harm in respect of the other main issues. The proposal would therefore conflict with Policy S5 of the JSP and the Framework with regards to protecting Green Belt land, and would conflict with the development plan and the Framework as a whole in respect of achieving sustainable development.
31. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR