



# Northumberland

## County Council

### STRATEGIC PLANNING COMMITTEE

DATE: 4 DECEMBER 2018

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### PLANNING APPEALS

**Report of the Interim Executive Director of Place**

**Cabinet Member:** Councillor JR Riddle

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#### **Purpose of report**

For Members' information to report the progress of planning appeals.

#### **Recommendations**

To note the contents of the report in respect of the progress of planning appeals that have been submitted to and determined by the Planning Inspectorate.

#### **Link to Corporate Plan**

This report is relevant to all of the priorities included in the NCC Corporate Plan 2018-2021 where identified within individual planning applications and appeals.

#### **Key issues**

Each planning application and associated appeal has its own particular set of individual issues and considerations that have been taken into account in their determination, which are set out within the individual application reports and appeal decisions.

#### **1. Appeals Received**

<b>Reference No</b>	<b>Description and Address</b>	<b>Appeal Start Date and Decision Level</b>
17/00884/FUL	Conversion of existing Grade II listed building to accommodate 13 No. self contained residential apartments (C3 use class) and development of 4 dormer bungalows (3no. 3 bed and 1no.	21 May 2018  Committee Decision - Officer

	<p>4 bed) within former car parking area - 94 Newgate Street, Morpeth</p> <p>Main issues: impact on amenity of neighbouring residents; and harm to heritage assets</p>	<p>Recommendation: Approve</p>
17/02847/FUL	<p>Proposed holiday accommodation (2 luxury tree house glamps) - land north-west of Southern Wood, Morpeth</p> <p>Main issues: unacceptable development in the open countryside and Green Belt, and insufficient information to assess ecological impacts.</p>	<p>6 September 2018</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
17/02595/OUT	<p>Outline Application for 10 self build dwellings with all matters reserved, except for access (revised description, 18th August 2017) - Land south-east of Parkside Place, West Woodburn</p> <p>Main issues: development outside of the settlement within the open countryside, and impacts on highway safety.</p>	<p>7 September 2018</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
18/01598/FUL	<p>Change of use/conversion of existing garage block/outbuilding to create 2no residential dwellings - Land north-east of Waren Lea Hall, Waren Mill</p> <p>Main issues: detrimental impact of dormer windows on rural setting and AONB.</p>	<p>26 September 2018</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
18/01165/FUL	<p>Development of land to build American style timber barn incorporating stables with external hard standing, outdoor fenced horse riding arena and 3 bedroom static caravan - land south-west of Hill View, Longhorsley</p>	<p>26 September 2018</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	<p>Main issues: unacceptable development in the open countryside and Green Belt.</p>	
18/00672/FUL	<p>Development of 14 Dwellings; Conversion of Allerburn House to 3 Apartments including demolition of later extensions and Refurbishment of Lodge - Amended 27/03/18 - Allerburn House, Denwick Lane, Alnwick</p> <p>Main issues: adverse impact upon residential amenity; adverse visual impact; adverse impact on setting of non-designated heritage asset.</p>	<p>26 September 2018</p> <p>Committee Decision - Officer Recommendation: Approve</p>
17/02225/FUL	<p>Change of use of ground floor to retail. Upper floor extension to provide single maisonette - Workshop, Chantry Place, Morpeth</p> <p>Main issues: proposal would result in significant visual intrusion and unacceptable loss of daylight, sunlight and outlook to adjacent property; lack of information on flood risk; eaves and roof design along with timber cladding and loss of stonework would result in harm to the setting of the Conservation Area; and lack of satisfactory pedestrian access to dwelling and service access to retail unit.</p>	<p>2 October 2018</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
18/00074/OUT	<p>Outline application for construction of a 4 bedroom detached dwelling house (All Matters Reserved) - land west of St Philip &amp; St James Church, Whittonstall</p> <p>Main issues: by virtue of its location, layout and setting the development would erode the rural character of the site and its surroundings. The construction of a dwelling in this location would appear incongruous and would not relate to the form of the village, extending development further</p>	<p>12 October 2018</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	into the surrounding countryside; this would detract from the character and appearance of the site and surrounding area.	
18/00404/FUL	<p>Proposed demolition of existing redundant workshop/storage building. Proposed construction of 3no. detached 1 1/2 storey dwelling houses - land north-west of Braeside, Branxton</p> <p>Main issues: development would be out of character and would have a detrimental visual impact due to design, scale, location and density.</p>	<p>15 October 2018</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
18/02047/FUL	<p>Proposed internal alterations to existing dwelling and including conversion of roofspace to provide additional floorspace - Cruel Syke, North Road, Haydon Bridge</p> <p>Main issues: extension would result in a disproportionate addition to the original house; would not be sympathetic to the character of the existing building and would be detrimental to visual amenity, rural character and street scene; and detrimental to amenity of adjacent residents.</p>	<p>29 October 2018</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
18/02102/FUL	<p>Removal of existing porch roof and rebuilding with new porch and orangery (previously approved) - Moore House, Whalton</p> <p>Main issues: proposal would result in an incongruous and inappropriate addition upon a non designated heritage asset with the loss of the existing canopy resulting in the loss of a sympathetic feature and harm to the host property.</p>	<p>1 November 2018</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

18/01174/FUL	<p>Erection of a single family home with garden, garage and parking - land south of Laburnum House, Acomb</p> <p>Main issues: backland development out of character with existing development; subdivision would not reflect existing character of the site and would have an adverse effect on the character and appearance of the area; harm to the character and appearance of the Conservation Area; and unsuitable means of access.</p>	<p>13 November 2018</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
17/03367/OUT	<p>Outline application for 2 no. 2.5 storey dwelling houses with garages all matters reserved (re-submission of withdrawn outline planning application 17/00666/OUT) - Plots 5 and 6, land north of Dyke House, The Avenue, Medburn</p> <p>Main issues: increase in vehicular traffic and safe and suitable access cannot be achieved along The Avenue; and not a sustainable location for new development.</p>	<p>15 November 2018</p> <p>Committee Decision - Officer Recommendation: Approve</p>

## 2. Appeals Withdrawn

None

## 3. Inquiry and Hearing Dates

Reference No	Description and Address	Inquiry/Hearing date and Decision Level
16/04486/FUL	Detailed planning proposal for 53 residential dwellings and associated infrastructure - land North of The Garth, Pottery Bank, Morpeth	<p>Inquiry date: 4 - 7 June 2019</p> <p>Committee Decision - Officer</p>

	Main Issues: insufficient information submitted to assess whether the development will not have a severe residual cumulative impact on highway network; site is not designated for housing development; insufficient information to demonstrate the development will not increase the risks of flooding; and by virtue of its design, height and massing the development would have an adverse impact on residential amenity	Recommendation: Approve
17/01799/FUL	Development of 12no. Mobile Home Act compliant Twin Unit Residential Lodges/Bungalows (as amended 13/12/17) - land west of Treetops, Allally Road, Whittingham  Main issues: development would not reflect local character or distinctiveness of Whittingham and its Conservation Area and would have an adverse impact on the setting of a historic rural village.	Hearing date: 30 January 2019  Committee Decision - Officer Recommendation: Refuse

#### 4. Planning Appeals Dismissed

Reference No	Proposal and main planning considerations	Award of Costs?
17/00389/FUL	Change of use to caravan storage including erection of boundary fence and access roads as supplemented by drainage strategy plan received 18/05/17 and amended by site layout plan received 08/06/17 together with cabin details - Land between A189 and B1505, Cramlington  Main issues: potential to generate a significant increase in traffic with insufficient evidence to demonstrate impact, and	N

	<p>potential for the development to give rise to severe impacts on the highway network to the detriment of road users and general highway safety; and the proposal would result in overdevelopment, would be out of keeping with the character of the area and represents a significant visual intrusion to the detriment of the amenity of the area.</p> <p>Committee Decision - Officer Recommendation: Approve</p> <p>Comments: The Inspector found that the proposal would cause harm to the character and appearance of the area. It has been demonstrated that the scheme would not have a harmful effect on traffic levels or highway safety. Also found that the scheme would have some modest benefits to both the local economy and the environment. Nevertheless, whilst these benefits taken together weigh modestly in favour of the scheme, they do not outweigh the harm found in relation to the main issue.</p>	
17/02492/OUT	<p>Outline permission for change of use of land for the development of a small holiday chalet site to include approximately 7 pitches plus a site manager's chalet - land north-west of Shortlaw, Alnwick</p> <p>Main issues: not a sustainable form of development due to isolated location within the open countryside and limited accessibility; new residential development in the open countryside and no justification to demonstrate an essential need for such accommodation; not a suitable access direct from A1 trunk road; insufficient information to assess harm to priority habitats and insufficient mitigation with harm to biodiversity; and insufficient information to be able to assess impact of road traffic noise</p>	N

	<p>from the A1 trunk road on the manager's accommodation.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
18/00567/FUL & 18/00568/LBC	<p>Construction of single storey garden room to North elevation - The Old Cottage, 4 West Wharmley Cottages, Hexham</p> <p>Main issues: the design, siting and layout of the extension are not considered to be in-keeping with the character of the existing building; by virtue of the modern design of the extension, the proposed development would fail to harmonise with the building and would cause substantial harm to the character and setting of the Grade II Listed Buildings; and the use of modern materials, architectural style and extensive modern glazing would be out of keeping with the character of the property, in turn imposing harm to its appearance, setting and relationship with adjoining buildings.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	N
18/00038/COU	<p>Proposed change of use from agricultural land to garden land - The Grange, Farnley Farm, Corbridge</p> <p>Main issues: encroachment into the countryside and inappropriate development in the Green Belt.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	N

## 5. Planning Appeals Allowed

Reference No	Proposal and main planning considerations	Award of Costs?
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<p>16/03778/OUT</p>	<p>Outline permission for up to 16 dwellings with all matters reserved apart from access - land north of The Avenue, Medburn</p> <p>Main issues: increase in vehicular traffic along The Avenue and access from the C345, which presents visibility issues - a safe and suitable access could not be achieved; site is not located within the developed part of Medburn and is not on previously developed land or infill, and would represent overdevelopment; not a sustainable location for new housing due to being poorly served by services/facilities and limited public transport; no appropriate contribution to affordable housing provision; and no appropriate contribution towards education.</p> <p>Committee Decision - Officer Recommendation: Approve subject to S106 Agreement towards off-site affordable housing provision and education</p> <p>Comments: With regard to the location of development the Inspector concluded that the conflict with Local Plan Policy MBH2 carries limited weight whereas the fact that a significant amount of other housing development in Medburn has been found to be acceptable without any evident change in circumstances carries considerable weight in favour of the development. These considerations indicate that a decision other than in accordance with the development plan should be taken in this respect and in this instance.</p> <p>With regard to highway safety the Inspector found that as there would not be an unacceptable impact on highway</p>	<p>Partial award of costs due to failure to produce evidence to substantiate each of the first three reasons for refusal on appeal being unreasonable as was preventing development which should clearly be permitted, having regard to its accordance with national policy and other material considerations.</p>
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	<p>safety or severe impacts on the road network the development would avoid the only circumstances which the NPPF advises that development should be prevented or refused on highways grounds.</p> <p>With regard to character and appearance the Inspector concludes that as it has not been demonstrated that the development would result in poor design that fails to take the opportunities available for improving the character and quality of an area, the development would avoid circumstances where the NPPF anticipates rejecting development on design grounds.</p>	
18/01072/FUL	<p>Erection of 2 detached dwellings and 2 detached garages and associated infrastructure - land east of East Lea, Humshaugh</p> <p>Main issues: loss of amenity open space resulting in harm to amenity of residents and undermine high standard of design of approved scheme.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> <p>Comments: The Inspector states that the reason for refusal is specifically loss of amenity open space and they conclude that this area was not intended to form part of this provision. As such it does not fall within the definition of public open space contained in Saved Policy LR3 from the Tynedale Local Plan, 2007 which refers to loss of public or private playing fields, parks, children's play areas or amenity open space. Also, it would not be contrary to paragraph 127 of the NPPF relating to a development's contribution to the character and</p>	N

	appearance of the area and the need for an appropriate amount of green and public space.	
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**6. Planning Appeals Split Decision**

None

**7. Planning Casework Unit Referrals**

None

**8. Enforcement Appeals received**

None

**9. Enforcement Appeals Dismissed**

None

**10. Enforcement Appeals Allowed**

None

**Implications**

<b>Policy</b>	Decisions on appeals may affect future interpretation of policy and influence policy reviews
<b>Finance and value for money</b>	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
<b>Legal</b>	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
<b>Procurement</b>	None
<b>Human Resources</b>	None
<b>Property</b>	None
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Planning applications and appeals are considered having regard to the Equality Act 2010

<b>Risk Assessment</b>	None
<b>Crime &amp; Disorder</b>	As set out in individual reports and decisions
<b>Customer Consideration</b>	None
<b>Carbon reduction</b>	Each application/appeal may have an impact on on the local environment and have been assessed accordingly
<b>Wards</b>	All where relevant to application site relating to the appeal

**Background papers:**

Planning applications and appeal decisions as identified within the report.

**Author and Contact Details**

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