



Northumberland County Council

Appeal Update Report

Date: June 2020

Planning Appeals

Report of the Executive Director of Regeneration, Commercial and Economy

Cabinet Member: Councillor JR Riddle

Purpose of report

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

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.



Recent Planning Appeal Decisions

Planning Appeals Allowed (permission granted)

Reference No	Proposal and main planning considerations	Award of costs?
19/02085/OUT	<p>Resubmission: Outline application for development of approximately 40 dwellings - amended 09/08/19 - land south of Lightpipe Farm, Longframlington</p> <p>Main issues: location; scale and design of development; and impacts on the character of the village.</p> <p>Appeal against non-determination</p>	No
19/01026/VARYCO	<p>Variation of Condition 2 (Approved Plans) and removal of Condition 8 (Highways Works) pursuant to planning application 18/03203/FUL - Acton Caravan Site, Felton</p> <p>Main issues: unacceptable impact on the highway network.</p> <p>Committee Decision - Officer Recommendation: Approve</p>	Yes - claim allowed
19/03043/VARYCO	<p>Retrospective variation of condition 12 (materials) pursuant to planning permission 16/04246/FUL - land west of Masons Arms, Stamford Cottages, Stamford</p> <p>Main issues: development will not achieve a high standard of design, will not reflect local character and will have an unacceptable impact on the local vernacular</p> <p>Committee Decision - Officer Recommendation: Approve</p>	No
18/03231/FUL	<p>Construction of 58 residential units with associated access, landscaping and amenity space - land north of Fairfields, Longframlington</p>	No

	<p>Main issues: detrimental effect on the character of the local area and the proposal would destroy the character of the village; and the design is alien to a rural village and out of character with its surroundings.</p> <p>Committee Decision - Officer Recommendation: Approve</p>	
19/01348/VARYCO	<p>Removal of conditions 10 (Highways), 11 (Permitted Development), 15 (Permitted Development) and 16 (Permitted Development) pursuant to planning permission 13/01837/FUL - The Old Farm Byre, East Thirston</p> <p>Main issues: design; residential amenity; and access.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No - claim refused

Planning Appeals Split Decision

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
18/03529/FUL	<p>Proposed new dwelling & associated works - Blue House Farm Cottages, Blue House Farm Road, Netherton Colliery</p> <p>Main issues: development in the open countryside; failed to address concerns in respect of highway safety and access; and lack of information to assess ecological impacts.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

18/04418/FUL	<p>Proposed new single-storey dwelling adjacent to Westfield, Hepscott (amended plans 11.07.2019) - Westfield, Hepscott, Morpeth</p> <p>Main issues: not appropriate subdivision of the site resulting in detrimental impact to the character of Hepscott; and loss of amenity to existing and future occupants.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
18/03873/OUT	<p>Outline planning permission with all matters reserved for the demolition of an existing garage and erection of a single residential unit - land south-west of Barmoor Farm, Barmoor</p> <p>Main issues: development in the open countryside; and inappropriate development in the Green Belt.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
19/01668/FUL	<p>Conversion of existing hemmel to a single residential unit - Hemmel south of Fieldhead, Causey Park</p> <p>Main issues: isolated dwelling in the countryside and inappropriate development in the Green Belt.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
19/00519/FUL	<p>Proposed two storey side extension - 1 South View, Lesbury</p> <p>Main issues: the extension would not be subservient to the existing dwelling and would have an overly dominant appearance within the streetscene</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
19/02141/FUL	<p>Replace existing timber sash windows with sympathetic uPVC sash windows of similar proportions - 15 Chains Drive, Corbridge</p>	No

	<p>Main issues: less than substantial harm to the Conservation Area with no public benefits to outweigh the harm</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
19/00882/COU	<p>Change of Use from A1 retail to the rear area of the ground floor and upper floors to Sui Generis to accommodate a House in Multiple Occupation (HMO) comprising 19 residential units and ancillary communal areas, with the front section of the ground floor to be retained in A1 retail use (as amended) - 27-29 Waterloo Road, Blyth</p> <p>Main issues: development in the primary retail hub would conflict with priorities and vision for the future regeneration of blyth town centre, and would undermine the aspiration for recovery, vitality and growth in the town centre by introducing restricted quality residential accommodation within a prominent and centrally located building</p> <p>Committee Decision - Officer Recommendation: Approve</p>	No
19/02182/FUL	<p>Proposed erection of raised decking to the rear of the property (retrospective) - 11 Riding Terrace, Mickley</p> <p>Main issues: detrimental to visual amenity due to scale and design; and detrimental impact on residential amenity</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
19/01955/FUL	<p>Erection of a 2.1m High Double Slatted Fence Panel and a 2.7m High Close Board Fence and change of use of agricultural land to residential garden to 'plot one' in relation to 16/03777/FUL - land west of Dyke House, The Avenue, Medurn</p> <p>Main issues: detrimental impact on visual amenity; and would not protect, improve and extend green infrastructure</p>	No

	Delegated Decision - Officer Recommendation: Refuse	
19/01785/ADE	<p>Advertisement consent: Proposed two product banners on building - North East Press Ltd, 32 Bondgate Without, Alnwick</p> <p>Main issues: detrimental impact on visual amenity affecting Conservation Area and setting of listed buildings</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
18/04170/FUL	<p>Construction of 6 dwellings - land east of Furrow Grove, Station Road, Stannington</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; detrimental impact within the countryside; cumulative impact of development along Stannington Station; and lack of information to assess archaeological impact.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
18/01724/FUL	<p>New one bedroomed single storey cottage in garden as ancillary accommodation to main cottage, new parking and turning area - 22 Links Road, Bamburgh</p> <p>Main issues: adverse impact on residential amenity.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
19/02137/FUL	<p>Proposed erection of an enclosure to rear of property to existing flat roof (retrospective) (Amended Plans received 11.09.2019) - 105 Front Street, Newbiggin-by-the-Sea</p> <p>Main issues: less than substantial harm to the property and Conservation Area with no public benefits to outweigh the harm; and impact on residential amenity</p>	No

	Delegated Decision - Officer Recommendation: Refuse	
19/01170/VARYCO	<p>Variation of condition 2 (habitation period) of application 18/01745/VARYCO to allow 12 month habitation period (amended description) - Blue Sky Resorts Ltd, Heathergate Country Park, Lowgate, Hexham</p> <p>Main issues: loss of amenity for local residents; and insufficient justification for year round accommodation.</p> <p>Committee Decision - Officer Recommendation: Approve</p>	No
19/01171/VARYCO	<p>Variation of condition 2 (habitation period) of application T/20050948 to allow 12 month habitation period - Blue Sky Resorts Ltd, Heathergate Country Park, Lowgate, Hexham</p> <p>Main issues: loss of amenity for local residents; and insufficient justification for year round accommodation.</p> <p>Committee Decision - Officer Recommendation: Approve</p>	No
19/03756/FUL	<p>Construction of ground floor rear extension - Lorrain, 11 Lynemouth Road, Ellington</p> <p>Main issues: significant adverse impact on amenity and outlook of neighbouring dwelling and detrimental to the character of the original dwelling</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
18/04097/FUL	<p>Construction of three dwellings - land south of Strathmore, St Mary Lane, St Mary Park, Morpeth</p> <p>Main issues: unacceptable development in the open countryside; and inappropriate development in the Green Belt</p>	No

	Delegated Decision - Officer Recommendation: Refuse	
19/00033/VARYCO	<p>Variation of Condition 4 (Workers Dwelling) pursuant to planning permission T/20030773 to remove restrictive planning condition and discharge the S106 agreement associated with T/20040574 - Smalesworth Farm, Tarsset, Hexham</p> <p>Main issues: application fails to convincingly demonstrate that there is no longer a need for the dwelling to be restricted to the use of a rural worker and if the condition was to be removed it would result in the creation of an isolated dwelling in an unsustainable location.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No - claim refused
19/01251/FUL	<p>Residential development (use class C3) for one dwelling and the provision of a garage for the existing property - land around Talstead, Fairmoor, Morpeth</p> <p>Main issues: inappropriate development in the Green Belt and no very special circumstances to outweigh the harm</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
19/02221/FUL	<p>Proposed dining room extension - The Dairy, High Callerton</p> <p>Main issues: out of character with farm steading and impact on the High Callerton Conservation Area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
18/02349/FUL	<p>Change of use and conversion of the Railway Inn Public House (Class A4) to a single residential dwelling (Class C3) - The Railway Inn, Fourstones, Hexham</p>	No - claim refused

	<p>Main issues: failure to demonstrate that the pub is no longer viable and no longer serves the need of the community - loss of a community facility.</p> <p>Committee Decision - Officer Recommendation: Refuse</p>	
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Planning Casework Unit Referrals

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date and decision level
19/00716/HED	<p>High Hedge Complaint: Problems with the height of neighbouring hedge, with no action from neighbour following requests - The Haven, Back Crofts, Rothbury</p> <p>Main issues: impact of the hedge on the site and wider area</p>	<p>3 September 2019</p> <p>Delegated Decision: remedial notice issued requiring reduction in height of hedge</p>
19/01097/FUL	<p>Proposed construction of nine new build dwellings along with associated highways access, vehicle parking and landscaping. Red line boundary extended to include access to site (Amended Description 18th June 2019) land west of Westacres, Wark</p> <p>Main issues: development in the open countryside; harmful impact on the character and appearance of the site and setting of the village; insufficient information to assess ecological impacts; and no acceptable provision for affordable housing.</p>	<p>17 September 2019</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

19/00823/FUL	<p>Erection of 1 No. dwellinghouse (C3 use) plus new access - land south-west of Chesterhill Farm, Leamington Lane, Swarland</p> <p>Main issues: development in the open countryside; and impact on landscape character.</p>	<p>9 December 2019</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/00007/FUL	<p>Convert loft space to 2 bedrooms - 4 Prospect Close, Felton</p> <p>Main issues: design, impact upon the Conservation Area and residential amenity.</p>	<p>9 December 2019</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
18/03984/OUT	<p>Outline planning permission with all matters reserved for the construction of 5 no dwellings, associated gardens, amenity space and infrastructure - land north of Beachside, Low Hauxley</p> <p>Main issues: lack of information to assess impacts on archaeology and Section 106 agreement required in respect of Coastal Mitigation Scheme</p>	<p>23 December 2019</p> <p>Appeal against non-determination</p>
18/03493/FUL	<p>Change of use of land to accommodate holiday lets (retrospective) - land rear of Inglenook Cottage, Mill Lane, Haltwhistle</p> <p>Main issues: increase in vehicle movements at substandard junction prejudicial to highway safety; and adverse impact on the character of the area and amenity of residents.</p>	<p>20 January 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/01508/FUL	<p>Proposed erection of 4 no bungalows - land south of Dunstan Hall, Dunstan</p> <p>Main issues: incursion into the open countryside; fails to protect and enhance landscape character; and proposal does not reflect local character in traditional design and materials.</p>	<p>28 January 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

19/00247/FUL	<p>Construction of a publicly accessible landmark, commissioned to commemorate Queen Elizabeth II and the Commonwealth - land at Cold Law, Kirkwhelpington</p> <p>Main issues: development in the open countryside which fails to recognise the intrinsic character and nature of the countryside.</p>	<p>28 January 2020</p> <p>Committee Decision - Officer Recommendation: Approve</p>
19/01550/FUL	<p>Proposed extension and conversion of garage to create two bedroom dwelling - 10 Wellfield Gardens, Alnmouth</p> <p>Main issues: significant adverse impact on residential amenity; and out of character and detrimental visual impact on surrounding street scene.</p>	<p>3 February 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/02175/FUL	<p>Agricultural barn (retrospective) - land east of Clover Hill, Lambley</p> <p>Main issues: The LPA consider this to be an invalid application based upon the proposed use and current activities taking place and the fee that has been paid with the application.</p>	<p>4 March 2020</p> <p>Appeal against non-determination</p>
19/01263/CLEXIS	<p>Certificate of Existing Lawful Use: Use of Buildings for the purpose of Agriculture - buildings north-east of Thurm Mill Farm, Rothbury</p> <p>Main issues: inadequate supporting information to demonstrate that there is a lawful use for agriculture.</p>	<p>9 March 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/01482/VARYCO	<p>Variation of condition 2 (approved plans) on approved planning application 18/03766/LBC in order to include internal WC - 12 Hide Hill, Berwick-upon-Tweed</p> <p>Main issues: detrimental impact to Grade II listed building.</p>	<p>10 March 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

18/01382/OUT	<p>Outline application for eight detached one and a half storey detached dwellings (All Matters Reserved) - land south of The Manse, Powburn</p> <p>Main issues: location and scale of development; not a sustainable form of development; incursion into the open countryside; and impact on landscape character.</p>	<p>11 March 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/03982/FUL	<p>Detached dwelling (resubmission) - land north of Cairncroft, Memory Lane, Willow Green, Otterburn</p> <p>Main issues: encroachment into the open countryside and harmful impact on character and appearance of the site and surrounding area.</p>	<p>12 March 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/03460/FUL	<p>Retention of temporary site entrance and access track for a period of twelve months - land west of Heathery Hill, Lowgate, Hexham</p> <p>Main issues: inappropriate development in the Green Belt and very special circumstances have not been demonstrated; and encroachment into the open countryside with harmful impact upon the character and appearance of the site and surrounding area.</p>	<p>24 March 2020</p> <p>Committee Decision - Officer Recommendation: Refuse</p>
19/01525/ADE	<p>Advertisement consent for halo illuminated letters, projecting sign and rear sign - 19 Main Street, Ponteland</p> <p>Main issues: illumination causing harm to the Ponteland Conservation Area.</p>	<p>26 March 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04333/FUL	<p>Provision of french doors, decking, two vertical side panels (composite) and one glass front panel with central glass panel access gate - Charlton House, Front Street, Wark</p>	<p>21 April 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	<p>Main issues: not in keeping with the character of the existing building or the surrounding area and detrimental to visual amenity; and detrimental impact on residential amenity of neighbouring properties.</p>	
19/04829/FUL	<p>Resubmission: Proposed siting of 1no. chalet and part change of use of 1no. Barn - land north of Heugh Mill Farm, Stamfordham</p> <p>Main issues: no essential need for a full time rural worker to live at the site; inappropriate development in the Green Belt; detrimental to the appearance and character of the countryside; insufficient information on water supply; insufficient information to assess the risk of Radon gas; and insufficient information to assess the risk of contamination.</p>	<p>11 May 2020</p> <p>Appeal against non-determination</p>
19/04592/ADE	<p>Advertisement consent for 2 x illuminated projecting signs (retrospective) - 6-8 Bello Villas, Ponteland</p> <p>Main issues: visual clutter and harm to the visual amenity of the host building and wider locality.</p>	<p>11 May 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/03898/FUL	<p>Replacement dwelling and removal of stables - Fairfield, Lowgate, Hexham</p> <p>Main issues: inappropriate development in the Green Belt.</p>	<p>11 May 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/00568/FUL	<p>Proposed conversion of residential swimming pool into holiday accommodation including extension - land east of Croft Holme, North Road, Haydon Bridge</p> <p>Main issues: site is located in the open countryside and the building requires</p>	<p>12 May 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	significant extension to provide habitable living space.	
19/04461/FUL	<p>Proposed construction of a 2 bedroomed bungalow - land north east of 4 Oxford Road, Stakeford</p> <p>Main issues: detrimental impact to the character of the street scene; would not provide and retain an adequate level of amenity space for the proposed and existing dwellings; and no completed planning obligation to secure a contribution to the Coastal Mitigation Service.</p>	<p>13 May 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/00974/FUL	<p>Change of use from agricultural to C3 unit leisure development and associated ground works, as part of a farm diversification (Amended Description 09.10.2019) - land north-east of Black Lough, Alnwick Moor, Alnwick</p> <p>Main issues: fails to address concerns on highway safety in relation to vehicular access; unsustainable location with no services or facilities; detrimental impact on the open countryside; fails to protect and enhance the distinctive landscape character of Black Lough and wider area; and fails to demonstrate how it would protect and enhance the biodiversity and geodiversity of the area.</p>	<p>13 May 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/02402/FUL	<p>Erection of 1no.new dwelling and associated parking, bins, cycle store and erection of boundary fence (retrospective) - Bayview, Beachway, Blyth</p> <p>Main issues: a Section 106 Agreement has not been entered into in respect of remedial works and ongoing maintenance of the sea wall east of but outside of the application site, as such the dwelling has not been</p>	<p>14 May 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	satisfactorily safeguarded against coastal flood risk and erosion.	
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Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
18/01524/LISTED	Church View, Slaley Main issues: solar panels installed in 2006 without planning permission - requests for removal have been unsuccessful.	2 December 2019
18/01344/ENDEVT	Bridgend Caravan Park, Wooler Main issues: one Enforcement Notice appealed by three parties in respect of operational development to provide extra bases for residential static caravans with associated services	3 December 2019
18/00033/NOAPL	98 Millerfield, Acomb	3 December 2019

	Main issues: development has been undertaken based on plans refused under planning application 17/00072/FUL	
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Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
18/04476/OUT	<p>Outline application (all matters reserved) for rural workers dwelling to serve Heddon Stables Ltd. - land south of Birks Cottage, Birk Road, Heddon-on-the-Wall</p> <p>Main issues: inappropriate development in the Green Belt and development in the open countryside</p>	<p>Hearing date: 17 March 2020 (postponed)</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/01055/FUL	<p>Proposed erection of rural worker's dwelling - land south of Woodside Cottage, Bardon Mill</p> <p>Main issues: lack of justification of essential need for new dwelling in the open countryside and concerns over location of new dwelling</p>	<p>Hearing date: 7 April 2020</p> <p>Appeal against non-determination</p>

Implications

Policy	Decisions on appeals may affect future interpretation of policy and influence policy reviews
Finance and value for money	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
Legal	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
Procurement	None
Human resources	None

Property	None
Equalities (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Planning applications and appeals are considered having regard to the Equality Act 2010
Risk assessment	None
Crime and disorder	As set out in individual reports and decisions
Customer consideration	None
Carbon reduction	Each application/appeal may have an impact on the local environment and have been assessed accordingly
Wards	All where relevant to application site relating to the appeal

Background papers

Planning applications and appeal decisions as identified within the report.

Report author and contact details

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