



# Northumberland County Council

## Appeal Update Report

Date: August 2020

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### Planning Appeals

**Report of the Executive Director of Regeneration, Commercial and Economy**

**Cabinet Member:** Councillor JR Riddle

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#### **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?
19/03982/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>Delegated Decision - Officer Recommendation: Refuse</p>	No
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>Delegated Decision - Officer Recommendation: Refuse</p>	No
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>Delegated Decision - Officer Recommendation: Refuse</p>	No

## 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?
18/03984/FUL	<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>Appeal against non-determination.</p>	No
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: not in accordance with settlement hierarchy and development strategy; not a sustainable form of development; incursion into the open countryside with harmful impact on character; and harmful impact on landscape character.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
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>Delegated Decision - Officer Recommendation: Refuse</p>	No
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</p>	No

	<p>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>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 significant extension to provide habitable living space.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
19/01263/FUL	<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>Delegated Decision - Officer Recommendation: Refuse</p>	No
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>	No

	Delegated Decision - Officer Recommendation: Refuse	
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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	High Hedge Complaint: Problems with the height of neighbouring hedge, with no action from neighbour following requests - The Haven, Back Crofts, Rothbury  Main issues: impact of the hedge on the site and wider area	3 September 2019  Delegated Decision: remedial notice issued requiring reduction in height of hedge
19/01097/FUL	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  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.	17 September 2019  Delegated Decision - Officer Recommendation: Refuse
19/01508/FUL	Proposed erection of 4 no bungalows - land south of Dunstan Hall, Dunstan	28 January 2020

	<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>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>
19/02175/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>
19/01482/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>
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</p>	<p>11 May 2020</p> <p>Appeal against non-determination</p>

	information to assess the risk of contamination.	
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>
19/02402/FUL	<p>Erection of 1 no. 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 satisfactorily safeguarded against coastal flood risk and erosion.</p>	<p>14 May 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04753/FUL	<p>Retrospective: Construction of wall within rear yard - 5 North Street, Amble</p> <p>Main issues: construction of the wall within the rear yard would result in harm to the listed building.</p>	<p>19 May 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04754/LBC	<p>Listed Building Consent for retrospective retention of a wall within the rear yard - 5 North Street, Amble</p>	<p>19 May 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	<p>Main issues: construction of the wall within the rear yard would result in harm to the listed building.</p>	
18/04527/OUT	<p>Outline planning application for the development of approximately 41 dwellings including access, open space, SuDS and associated infrastructure with all matters reserved except for access (Including 50% Affordable Housing) (Amended Description 14.06.2019) - land north of Lesbury, Alnwick Road, Lesbury</p> <p>Main issues: development in the open countryside; fails to protect and enhance the valued landscape; harmful impact upon the special qualities of the AONB; and no Section 106 Agreement completed to secure affordable housing, primary healthcare and ecology coastal mitigation contributions.</p>	<p>20 May 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/03768/FUL	<p>Change of use from residential (Class C3) to residential home for children and young people (Class C2) with minor external alterations (As amended 09.12.2019) (amended red line boundary received 16.10.2019 to include access) - East Farm Cottage, Guide Post, Choppington</p> <p>Main issues: fails to address concerns to highway safety in respect of parking and movement of vehicles and pedestrians; fails to provide an appropriate level of parking provision for future occupants and visitors and additional vehicles and intensified use would have an adverse impact on neighbouring amenity; and the proposal would result in unacceptable level of disturbance and increase the fear of crime to the detriment of residential amenity, quality of life and cohesion of the local community.</p>	<p>2 June 2020</p> <p>Committee Decision - Officer Recommendation: Approve</p>



20/00825/FUL	<p>Erection C3 Dwellinghouse with associated access and surrounding garden/curtilage lands - land east of 1 Clare Lea, Hedley</p> <p>Main issues: inappropriate development in the Green Belt</p>	<p>2 June 2020</p> <p>Appeal against non-determination</p>
20/00421/AGTRES	<p>Prior approval for change of use from an agricultural building to C3 use - land known as Heritage Yard south of Plough Inn, Eachwick</p> <p>Main issues: building operations go beyond what is reasonably necessary to convert the buildings and as such the proposal is not permitted development.</p>	<p>4 June 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/00273/VARYCO	<p>Variation of conditions 2 (Materials and Finishes) and 3 (Approved Plans) pursuant to planning permission 15/01665/FUL: Changes to the external appearance of the garage together with an increase in the resultant width and ridge height(s) - Kirkville, Cottingwood Lane, Morpeth</p> <p>Main issues: the increase in scale would result in less than substantial harm to the setting and significance of heritage assets.</p>	<p>5 June 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/00064/FUL	<p>Proposed rear extension to dwelling, replacement front porch, addition of 2 front and 1 rear dormer, internal works with repositioning/replacement of existing windows and facing of property in natural stone - Eland Close, Eland Lane, Ponteland</p> <p>Main issues: appeal against condition 3 imposed on the grant of planning permission that removes permitted development rights for the erection of outbuildings within the curtilage of the dwelling.</p>	<p>15 June 2020</p> <p>Delegated Decision - Officer Recommendation: Approve</p>
19/03930/FUL	<p>Demolition of redundant agricultural sheds and storage bay, with development of 4no. holiday cottages including access road, car</p>	<p>23 June 2020</p>

	<p>parking, private garden areas, and other ancillary works - land south-west of Carterside Farm, Whitton</p> <p>Main issues: development in the open countryside in an unsustainable location; and unacceptable impact on landscape character and rural setting.</p>	<p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04203/FUL	<p>2 bedroom cottage - land east of 1 Bywell Avenue, Hexham</p> <p>Main issues: harmful impact upon the character and appearance of the site and surrounding area; and overdevelopment of the site.</p>	<p>24 June 2020</p> <p>Committee Decision - Officer Recommendation: Approve</p>
19/03973/FUL	<p>Outline permission for up to 18 dwellings (including 7 self-build plots), including affordable housing and access - land west of Westacres, Wark</p> <p>Main issues: development in the open countryside; harmful impact on the character and rural setting of Wark; and insufficient information to assess impact on protected species.</p>	<p>10 July 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

## 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?
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None		
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## 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  Main issues: development has been undertaken based on plans refused under planning application 17/00072/FUL	3 December 2019
18/00489/ENDEVT	Land at Moor Farm Estate, Station Road, Stannington  Main issues: unauthorised waste reclamation yard and siting of multiple shipping containers	9 March 2020

## Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
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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: 8 September 2020 (virtual hearing)</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: 25 August 2020 (virtual hearing)</p> <p>Appeal against non-determination</p>

## 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> <b>(Impact Assessment attached?)</b> <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
<b>Risk assessment</b>	None

<b>Crime and 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 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.

## **Report author and contact details**

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