



# Northumberland County Council

## Appeal Update Report

Date: October 2022

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### Planning Appeals

**Report of the Director of Planning**

**Cabinet Member:** Councillor CW Horncastle

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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?
21/02591/FUL	<p>Installation of a glass pane to former door entrance and installation of artwork panels – Town Hall Office, Fenkle Street, Alnwick</p> <p>Main issues: harm to the Grade I listed building with no justifiable public benefits to outweigh the harm.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/02592/LBC	<p>Listed building consent for installation of a glass pane to former door entrance and installation of artwork panels – Town Hall Office, Fenkle Street, Alnwick</p> <p>Main issues: harm to the Grade I listed building with no public benefits to outweigh the harm.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/00078/FUL	<p>Construction of a single storey detached garage – Shield Law, Bellingham</p> <p>Main issues: appeal against imposition of condition 6 on the grant of permission that removes permitted development rights for further outbuildings.</p> <p>Delegated Decision - Officer Recommendation: Approve</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?
21/03400/OUT	<p>Outline with all matters reserved for the construction of eight dwellings consisting of 8 x Dormer Bungalows – land east of Ashcroft Guest House, Lantys Lonnen, Haltwhistle</p>	No

	<p>Main issues: development on protected open space, harm to designated and non-designated heritage assets and currently objections and insufficient information to assess noise, highway safety, flood risk and drainage and ecological impacts.</p> <p>Appeal against non-determination</p>	
21/01668/LBC	<p>Listed Building Consent for replacement of sash windows throughout and replacement of front door – Brockburn, Monkshouse, Seahouses</p> <p>Main issues: harm to the listed building with no public benefits to outweigh the harm</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/01503/FUL	<p>Upwards extension of existing first floor bedroom, with removal of low level tiled pitched roof and replaced with proposed high level tiled pitched roof, including proposed Juliet balcony to west elevation – 25 Fontside, Mitford</p> <p>Main issues: the extension would not be subordinate to the original dwelling and does not represent good design.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/01188/FUL	<p>Two-storey extension at the front of the house – 13 Church Avenue, West Sleekburn</p> <p>Main issues: unduly prominent and incongruous addition to the property.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/03297/FUL	<p>Change of use: Retail to holiday accommodation on first floor with associated internal and external alterations to the building – Amberley House, Stocksfield Post Office, Main Road, Stocksfield</p> <p>Main issues: lack of information to assess noise from air conditioning units and impacts on residential amenity; lack of information to assess impacts on bats or nesting birds; and lack of information to demonstrate adequate car parking provision can be achieved.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

21/04527/FUL	<p>Construction of 3 bungalows – land south of Leylen House, Main Street, Red Row</p> <p>Main issues: unacceptable in principle due to development in the open countryside beyond the settlement boundary and affecting protected open space.</p> <p>Appeal against non-determination</p>	No
22/01946/AGRGO	<p>Prior notification for the siting of a 10ft shipping container to store equipment and tools for forestry purposes – land to the rear of 19 Sycamore Grove, Prudhoe</p> <p>Main issues: the proposed development would not be permitted development.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

## 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
20/03389/FUL	<p>Proposed residential development of four dwellings (as amended 21.12.2020) - land south of Centurion Way, Heddon-on-the-Wall</p> <p>Main issues: development would appear as an incongruous and over dominant addition to the street scene resulting in significant harm to the visual amenity of the locality.</p>	<p>4 January 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/01457/CLEXIS	<p>As amended: Use of land to the west of School House Farm, Kiln Pit Hill (as outlined in red on amended location plan received 16/9/21) as a Motocross Track with associated visitor parking, catering van, portable toilet, security gates and sign in</p>	<p>9 February 2022</p> <p>Delegated Decision - Officer Recommendation:</p>

	<p>shed. Operating times throughout the year (excluding every Tuesday together with Christmas Day, Boxing Day and New Years Day when it is closed) are 8am-5pm (bikes allowed on tracks from 10am-4pm only) with additional opening hours of 4pm-7pm on Monday, Wednesday and Friday during the months of May, June, July, August and September (amended 29/9/21) - Motorcycle track west of School House Farm, Kiln Pit Hill</p> <p>Main issues: the submitted evidence fails to demonstrate that the lawful use is as described in the application.</p>	Refuse
21/04426/CLEXIS	<p>Certificate of lawful development of existing vehicular access from the B6318 – land on Hadrian's Wall remains south of Black Pasture Cottage, Brunton Bank, Wall</p> <p>Main issues: lack of information and evidence as submitted to grant certificate.</p>	<p>28 April 2022</p> <p>Appeal against non-determination</p>
19/01687/FUL	<p>Change of use of land for the siting of up to 60 static caravans, along with associated infrastructure and hard and soft landscaping. Archaeological report received 09.2.2021 and amended site location plan received 26.02.21 - land north west of Springwood, Coast View, Swarland</p> <p>Main issues: obtrusive development in the rural landscape that would adversely affect the rural setting and visual relationship between Swarland and wider countryside setting.</p>	<p>1 June 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>
21/04587/FUL	<p>Proposed construction of a first floor dormer extension to the rear elevation and installation of rooflights to the front and rear elevations – 29 Leazes Street, Amble</p> <p>Main issues: incongruous and inappropriate form of development that would be out of scale and character with the existing property and would have a harmful impact upon the character and appearance of the site and surrounding Conservation Area.</p>	<p>24 June 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04673/FUL	<p>Resubmission: Single-storey, flat-roofed, garage to rear of back garden (revised to now be 3 metres high) - 7 First Avenue, Blyth</p> <p>Main issues: incongruous addition to the rear garden of the property, represent an addition that is neither subordinate nor well related to the subject property and would have a negative impact on visual amenity.</p>	<p>7 July 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03532/FUL	<p>Restore and re-build existing derelict</p>	<p>16 August 2022</p>

	<p>dwelling to create single dwelling house with attached holiday-let and erection of ancillary workshop/agricultural storage building – land south west of Woodbine Cottage, Carrshield</p> <p>Main issues: significant works required to existing structure therefore conversion is unacceptable as a matter of principle; design would not respect historic character of the building and would affect the character of the North Pennines AONB; new outbuilding would be inappropriate in size and scale in the open countryside with impacts on the landscape and the AONB; insufficient information to assess ecological impacts of the proposals; and insufficient information to assess archaeological impacts.</p>	<p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02904/FUL	<p>Remove green keepers compound and erection of 48 dwellings (including 10 affordable houses) plus upgrade of access road, electric substation, SUDs, domestic package treatment works and domestic gas storage.- Amended description – land north west of Burgham Park Golf Club, Felton</p> <p>Main issues: inappropriate development in the Green Belt; unnecessary and unjustified development in the open countryside and unsustainable location; and lack of completed S106 Agreement in respect of affordable housing, education, health and a Habitat Maintenance and Management Plan</p>	<p>17 August 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>
21/02377/FUL	<p>Retrospective: Construction of carport in existing car park to provide cover for three car parking spaces and provide shelter for diners during COVID – Feathers Inn, Hedley, Stocksfield</p> <p>Main issues: inappropriate development in the Green Belt; and the design and materials adversely impact on the character of the site and its surroundings.</p>	<p>23 August 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01800/FUL	<p>Home officer first floor extension over existing detached garage – 3 Keston Drive, Cramlington</p> <p>Main issues: disproportionate addition to the original garage resulting in harm to the character and appearance of the property and the street scene.</p>	<p>31 August 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04652/FUL	<p>Single storey extension to kitchen; two storey extension to rear; provision of dormers to new extension - Size of existing garage footprint and roof increased and provision of</p>	<p>31 August 2022</p> <p>Delegated Decision - Officer</p>

	dormers to garage to form storage area – Wooderfield, Grange Road, Widdrington  Main issues: development would appear incongruous and out of character with the existing dwelling resulting in significant harm to visual amenity.	Recommendation: Refuse
20/02026/COU	Change of use of 8no. Holiday cottages to residential dwellings – 1 - 4 Bamburgh Cottages and 5 - 8 Craster Cottages, Northumbrian Hills, Burgham Park, Felton  Main issues: unnecessary and unjustified residential development in the open countryside	1 September 2022  Delegated Decision - Officer Recommendation: Refuse

## Recent Enforcement Appeal Decisions

### Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
19/00170/ENDEVT	Construction of an access track – School House Farm, Kiln Pit Hill, Consett	No

### 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
20/01383/ENDEVT	Material change of use of the land from use for agriculture to a vehicle parking area – School House Farm, Kiln Pit Hill, Consett  Appeal against Enforcement Notice and linked with appeal submitted against refusal	9 February 2022

	of 20/01457/CLEXIS (see above).	
22/00022/NOTICE	Unauthorised dwelling – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
22/00023/NOTICE	Unauthorised stable buildings – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
18/01525/ENDEVT	Change of use of the land for the stationing of 2 caravans including a linking structure for residential purposes - School House Farm, Kiln Pit Hill, Consett	29 April 2022
18/01525/ENDEVT	Erection of a building used to house parrots and other animals; the erection of a corrugated steel barn; the erection of 2 timber structures to accommodate birds; and the construction of a hardstanding area - School House Farm, Kiln Pit Hill, Consett	29 April 2022
19/01230/ENDEVT	Material change of use of the land from agricultural use for the siting of a shepherd's hut for use as holiday let accommodation - land south east of Closehead, Otterburn	29 June 2022

## Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
21/04982/OUT	<p>Resubmission: Erection of 5no. custom self build homes, with associated garages, car parking and landscaping – land north of 30 Longhirst Village, Longhirst</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; detrimental impact on the rural character of the site and wider landscape; harm to the setting and significance of the Conservation Area; insufficient information to assess</p>	<p>Hearing: 5 and 6 October 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>



	archaeological impacts; insufficient information to assess impacts on protected species; and fails to address disposal of surface water.	
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## 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 (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**

Elizabeth Sinnamon  
Development Service Manager  
01670 625542  
Elizabeth.Sinnamon@northumberland.gov.uk