



# Northumberland County Council

## Appeal Update Report

Date: April 2023

### 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? |
|--------------|--|-----------------|
| 22/01413/FUL | <p>Dormer window to roof slope on principal (south) elevation – 3 Dene Park, Darras Hall, Ponteland</p> <p>Main issues: design, scale and massing would not be subordinate to the dwelling and would be out of character in the street scene.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>   | No              |
| 20/02094/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>Committee 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?    |
|--------------|--|--------------------|
| 22/00393/FUL | <p>Siting of 'Timber Living Trailer' - land south of Jubilee Cottages, West Woodburn</p> <p>Main issues: site is in the open countryside and not in a sustainable or accessible location; and adverse impacts on the open countryside and landscape.</p> | No – claim refused |

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|--------------|--|--------------------|
|              | Delegated Decision - Officer Recommendation:<br>Refuse   |                    |
| 21/04958/FUL | <p>Resubmission - Retrospective application for outdoor dining facilities within car parking area to front. Material amendment to roof covering and part timber cladding – Percy Arms, Chatton</p> <p>Main issues: development results in harm to the character and appearance of the Conservation Area; and substandard access to rear car park.</p> <p>Committee Decision – Officer Recommendation:<br/>Approve</p>  | No                 |
| 21/03532/FUL | <p>Restore and re-build existing derelict dwellings 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:<br/>Refuse</p> | No – claim refused |
| 21/04002/FUL | <p>Proposed 6no. Yurts and associated structure for holiday and tourism – land south-east of Alnham House, Alnham Main Road, Alnham</p> <p>Main issues: the site is not in an accessible location; and results in incursion into the open countryside and fails to respect the intrinsic character and beauty of the area.</p> <p>Delegated Decision - Officer Recommendation:<br/>Refuse</p>  | No                 |

## Planning Appeals Withdrawn

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

## 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  |
|-----------------|---|---|
| 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>                        |
| 19/04687/OUT    | <p>Outline permission for development for up to 43 residential dwellings (Use Class C3), demolition, infrastructure, access, open space and landscaping (All matters reserved except for access) - land north of Eilansgate, Hexham</p> <p>Main issues: inappropriate development in the Green Belt; lack of information in relation to ecological impacts; loss of woodland and larger trees would impact the setting of the Conservation Area; lack of information in relation to drainage and flood risk; and the application does not secure necessary planning obligations in respect of affordable housing, healthcare and education.</p> | <p>27 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 21/03396/FUL    | <p>Construction of 3no. residential cottages with associated garages, access, car parking and landscaping and demolition of existing outbuilding(s) and extension(s) to 4 &amp; 5 Front Street with replacement extension(s) and</p>  | <p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation:</p>          |

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|                | <p>internal alterations - 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals are not commensurate with the size of the settlement and encroach into the open countryside, adversely impacting on the setting and appearance of the settlement and surrounding countryside; proposals result in harm to the heritage assets and their setting without clear and convincing justification of this harm or public benefits to outweigh the harm; layout, scale and design as well as pattern of development would be detrimental to local vernacular and character; lack of information on car parking, access arrangements, refuse, drainage and opportunities to promote walking, cycling and public transport; and proposals result in biodiversity net loss.</p> | Refuse  |
| 21/03397/LBC   | <p>Listed Building Consent for demolition of existing outbuilding(s) and extension(s) to 4 &amp; 5 Front Street with replacement extension(s), internal alterations and alterations to boundary walls – 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals result in harm to the heritage assets without clear and convincing justification of this harm or public benefits to outweigh the harm.</p>   | <p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 21/02696/S106A | <p>Variation of S106 Agreement relating to planning permission A/2004/0323 dated 3rd February 2005 – Hawkshaw, Old Swarland, Swarland</p> <p>Main issues: the S106 continues to serve a useful purpose and insufficient information has been submitted to demonstrate that there is no longer a requirement for discount market value accommodation for a local person(s) in the area.</p>   | <p>7 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 22/00913/FUL   | <p>Resubmission of approval 18/03632/REM for the construction of two detached dwellings and associated works – land to north west of Blue House Farm Cottages, Blue House Farm Road, Netherton Colliery</p> <p>Maini issues: isolated residential development in the open countryside; and no planning obligation secured in respect of a contribution to the Coastal Mitigation Service or other alternative mitigation.</p>  | <p>7 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 21/04208/FUL   | <p>Proposal to erect a single self-build dwelling house – land south west of Hazeldene</p>   | <p>7 December 2022</p> <p>Delegated</p>   |

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|                 | <p>Cottage, Sinderhope</p> <p>Main issues: isolated development in the open countryside in an unsustainable location; fails to conserve and enhance the natural beauty and scenic qualities of the North Pennines AONB; visibility splays from the access are inadequate; insufficient information to assess ecological impacts; and insufficient information regarding foul water drainage.</p>   | <p>Decision - Officer Recommendation:<br/>Refuse</p>                                   |
| 22/00262/FUL    | <p>Demolition of existing extension and rebuilding an extension – 1 Sandridge, Newbiggin-by-the Sea</p> <p>Main issues: unacceptable design with detrimental loss and alteration of a historic building group with harm to the Conservation Area.</p>  | <p>8 December 2022</p> <p>Delegated Decision - Officer Recommendation:<br/>Refuse</p>  |
| 22/01675/FUL    | <p>Erection of 1 no. Dwelling (C3 use) - land south of Old Smithy, Widdrington Village</p> <p>Main issues: development in the open countryside; harm to the setting of a Grade I listed building with no public benefits; and no unilateral undertaking has been completed to secure a contribution to the Coastal Mitigation Service.</p>   | <p>19 December 2022</p> <p>Delegated Decision - Officer Recommendation:<br/>Refuse</p> |
| 22/03313/AGTRES | <p>Prior notification for change of use and conversion of agricultural building to single dwelling – The March Barn, Welton</p> <p>Main issues: the proposal involves significant building operations that go beyond what is reasonably necessary to convert the building and therefore it is not permitted development.</p>   | <p>21 December 2022</p> <p>Delegated Decision - Officer Recommendation:<br/>Refuse</p> |
| 21/01833/FUL    | <p>Development of 60 no. Pitches for holiday accommodation comprising touring caravan/campervan pitches and tents – land at Elwick Farm, Belford</p> <p>Main issues: unsustainable major tourism in the open countryside; lack of information in relation to impacts on wildlife; lack of information in respect of a nutrient calculation relating to the Lindisfarne SPA; and lack of information relating to surface water drainage and highways.</p> | <p>10 January 2023</p> <p>Delegated Decision - Officer Recommendation:<br/>Refuse</p>  |
| 22/00394/FUL    | <p>Retrospective: Construction of pergola and decking within existing beer garden – The Dyvels Hotel, Station Road, Corbridge</p> <p>Main issues: inappropriate development in the Green Belt with no demonstrated very special circumstances to outweigh the harm;</p>  | <p>13 January 2023</p> <p>Delegated Decision - Officer Recommendation:</p>             |

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|                 | and harm to the character and appearance of the building and the surrounding area.  | Refuse  |
| 22/01812/FUL    | Proposed detached single storey garage and store with associated formation of driveway – Eland Close, Eland Land, Ponteland<br><br>Main issues: inappropriate development in the Green Belt and the open countryside.   | 24 January 2023<br><br>Delegated Decision - Officer Recommendation: Refuse  |
| 21/02287/FUL    | Convert and extend redundant cow byre to residential use (C3) for holiday let – Waterside Cottage, Acklington<br><br>Main issues: development in an unsustainable location within the open countryside; insufficient information to justify non-mains foul drainage; insufficient information to demonstrate the proposal would not sterilise and identified sand and gravel resource; absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC; and loss of ancient woodland with no exceptional circumstances or suitable compensation strategy. | 25 January 2023<br><br>Delegated Decision - Officer Recommendation: Refuse  |
| 22/03609/AGTRES | Notification of Prior Approval to convert an existing but now redundant agricultural building on the Guyzance Estate for permanent residential use – land south of Waterside Cottage, Acklington<br><br>Main issues: impacts on adjacent ancient semi-natural woodland and River Coquet and Coquet Valley Woodland SSSI; and absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC.   | 25 January 2023<br><br>Delegated Decision - Officer Recommendation: Refuse  |
| 22/03324/FUL    | Erect a feed barn for storage of animal feed – Eastside, Partnership Field, Springwell, Ovington<br><br>Main issues: inappropriate development in the Green Belt.   | 13 February 2023<br><br>Delegated Decision - Officer Recommendation: Refuse |
| 22/04634/FUL    | Demolition of detached garage and construction of side extension – Middlesteads Farm, Longhirst<br><br>Main issues: design does not respect the character of the existing dwelling or its locality, would fail to remain subordinate and would result in unacceptable adverse impact  | 16 February 2023<br><br>Delegated Decision - Officer Recommendation: Refuse |

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|                 | on the character of the dwelling and its setting.  |  |
| 22/01297/FUL    | <p>Development of 4 no. residential dwellings including associated access, landscaping and all other ancillary works – land north of junction of Station Road, South End, Longhoughton</p> <p>Main issues: would fail to preserve the setting of the Grade I listed Church of St Peter and St Paul; harmful impact on the character and appearance of the area; and absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC.</p> | <p>21 February 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 22/02704/CLEXIS | <p>Certificate of Lawful Development – Existing use for the siting of a caravan for residential purposes – land north of east of South Linden House, Longhorsley</p> <p>Main issues: it is not possible to conclude that the building has been used for a continuous period of 4 years as a dwelling.</p>  | <p>27 February 2023</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? |
|--------------|-------------------------|-----------------|
| None         |                         | No              |



## Enforcement Appeals Withdrawn

| Reference No | Description and address | Award of costs? |
|--------------|-------------------------|-----------------|
| None         |                         |                 |

## Enforcement Appeals Received

### Appeals Received

| Reference No    | Description and address  | Appeal start date                              |
|-----------------|--|--|
| 22/00022/NOTICE | Unauthorised dwelling – Horsley Banks Farm, Horsley  | 6 April 2022<br>Hearing date: 22 November 2022 |
| 22/00023/NOTICE | Unauthorised stable buildings – Horsley Banks Farm, Horsley  | 6 April 2022<br>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                                  |
| 22/00571/ENDEVT | Unauthorised siting of a caravan – land south-west of Hartburn Bridge, Morpeth   | 1 February 2023                                |
| 20/00481/ENDEVT | Change of use of a forestry building for use as residential - English/Wheelings Wood, Corbridge  | 2 March 2023                                   |

# Inquiry and Hearing Dates

| Reference No | Description and address | Inquiry/hearing date and decision level |
|--------------|-------------------------|---|
| None         |                         |   |

# Implications

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|---|---|
| <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<br/>(Impact Assessment attached?)</b><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><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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