



Northumberland County Council

Appeal Update Report

Date: February 2024

Planning Appeals

Report of the Director of Planning

Cabinet Member: Councillor CW Horncastle

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?
22/04526/FUL	<p>Erection of single dwelling with associated access and residential garden – land south-east of The Courtyard, Matten</p> <p>Main issues: unsustainable and isolated location within the open countryside; insufficient information to fully consider the ecological impacts of the proposal; and insufficient information to fully consider the impact on existing trees.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused
23/01729/FUL	<p>Extension to garage forming gym and office above – Khalsa Manor, Tranwell Woods</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

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?
22/01297/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</p>	No

	<p>Site and the North Northumberland Dunes SAC.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
22/03923/FUL	<p>Proposed first floor extension to dwelling house (as amended 25.05.2023) - 14 Castle Street, Norham</p> <p>Main issues: the development fails to conserve and enhance the Norham Conservation Area and results in harm to the Conservation Area that is not outweighed by public benefits.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
23/01232/OUT	<p>Outline Application - all matters reserved for a new dwelling in garden of existing dwelling (Self-Build) - West Grange Bungalow, Scots Gap, Morpeth</p> <p>Main issues: unacceptable and unjustified form of housing development in the open countryside and will not support sustainable modes of transportation.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
23/01444/FUL	<p>Change of use: agricultural land to residential car parking facilities associated with residential dwellings – land north of Shaws House Cottages, Newton (Bywell)</p> <p>Main issues: inappropriate development in the Green Belt and no very special circumstances to outweigh the harm.</p> <p>Appeal against non-determination</p>	Yes – partial award.
22/04104/FUL	<p>Change of use, conversion and alteration of the existing buildings to create 6 holiday let units, including landscaping and boundary treatments – 58-60 Middle Street, Spittal</p> <p>Main issues: lack of detail in respect of parking and ecology; and design has not been informed by a structural survey and results in harm to heritage assets.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/02077/FUL	<p>Proposed construction of 13no dwellings (including 2no affordable dwellings), creation of new access, car parking and soakaways (amended description) - land south east of The Manor House, Riding Mill</p>	No

	<p>Main issues: harm to the character and appearance of the site and surrounding area and curtilage listed boundary wall; harm to residential amenity; does not make sufficient provision for affordable housing on the site; insufficient information to fully assess the impacts of the proposed development on ecology and biodiversity and net gain for biodiversity; does not secure necessary planning obligations in respect of affordable housing, open space and education.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
21/03915/LBC	<p>Listed Building Consent for demolition of a section of existing curtilage listed boundary wall to create access for residential development – land south east of The Manor House, Riding Mill</p> <p>Main issues: loss of historic fabric and unacceptable alteration of the historic curtilage listed boundary wall.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
23/01363/CLPROP	<p>Certificate of Lawful Development for proposed extension to the rear of existing residential property – Ashleigh, 26 Cade Hill Road, Stocksfield</p> <p>Main issues: the proposed extension would not be permitted development.</p> <p>Delegated Decision - Officer Recommendation: 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
21/03396/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 & 5 Front Street with replacement extension(s) and 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>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03397/LBC	<p>Listed Building Consent for demolition of existing outbuilding(s) and extension(s) to 4 & 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>
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>
22/01012/FUL	<p>Conversion of agricultural buildings to create one dwelling including a link extension and detached garage – development site at</p>	<p>17 May 2023</p> <p>Delegated</p>

	<p>Barley Hill House Barn, Kiln Pit Hill, Consett</p> <p>Main issues: design fails to reflect the character or appearance of the listed farm building and results in harm to the character and appearance of the listed building.</p>	<p>Decision - Officer</p> <p>Recommendation: Refuse</p>
22/04676/LBC	<p>Listed Building Consent for alterations comprising inserting one window with shutter in South facing gable wall, and the replacement of existing window with fully glazed panel and shutter on West elevation (Amended Description) - The Cottage, Riding Home Farm, Acomb, Hexham</p> <p>Main issues: less than substantial harm to the character and significance of the listed building that has not been justified.</p>	<p>27 June 2023</p> <p>Delegated Decision - Officer</p> <p>Recommendation: Refuse</p>
22/04546/CLEXIS	<p>Certificate of existing lawful development for the siting of a twin unit caravan for ancillary residential use as an annexe within the existing residential curtilage – Old Field, Catton, Hexham</p> <p>Main issues: the caravan is not within the residential curtilage so would require planning permission and would have a significant degree of permanency constituting development – the caravan would not be lawful.</p>	<p>24 August 2023</p> <p>Delegated Decision - Officer</p> <p>Recommendation: Refuse</p>
21/04346/FUL	<p>Replace existing building (3no flats/14 no bed sit spaces) with 3no detached houses with 18 bed spaces to be used as holiday accommodation (as amended 20th April 2023) - On the Beach, Harbour Road, Beadnell</p> <p>Main issues: the proposed units would not enhance and reinforce the local distinctiveness of the conservation area and would not integrate with the surrounding built environment; and identified harm is less than substantial but it has not been demonstrated the public benefit outweighs the harm.</p>	<p>29 August 2023</p> <p>Committee Decision - Officer</p> <p>Recommendation: Approve</p>
23/01093/FUL	<p>Proposed single storey rear extension, extend above roof above and rear dormer addition – Pethfoot Lodge, Cragside</p> <p>Main issues: incongruous and inappropriate form of development that would be out of character with the existing property and have a harmful impact upon the character and appearance of the site and surrounding area.</p>	<p>5 September 2023</p> <p>Delegated Decision - Officer</p> <p>Recommendation: Refuse</p>
23/02030/FUL	<p>Proposed erection of holiday dwelling with associated access and residential garden – land south east of The Courtyard, Matfen</p>	<p>15 September 2023</p> <p>Appeal against</p>

	Main issues: development in the open countryside; and insufficient information to fully consider the ecological impacts of the proposal.	non-determination
23/01801/FUL	Proposed two storey front extension and roof alterations – Close House, Whalton Main issues: scale, massing and design would result in disproportionate and unsympathetic additions that would adversely affect the existing dwelling, the character of the Conservation Area and the setting of listed buildings; and insufficient information to assess the ecological impact of the proposals.	19 September 2023 Appeal against non-determination
23/00673/FUL	Retrospective: construction of single storey garden room and steps to rear – Newton Post Office, Newton, Stocksfield Main issues: harm to the character and appearance of the dwelling, site and the Newton Conservation Area.	19 September 2023 Delegated Decision - Officer Recommendation: Refuse
22/04617/FUL	The erection of 3no. cyclist accommodation units, associated extension to West House Farm Cottage, installation of solar panels, and associated landscaping and infrastructure – West House Farm Cottage, Shilvington Main issues: poorly accessible and unsustainable location in the open countryside; and inappropriate development in the Green Belt with no very special circumstances to outweigh the harm.	20 September 2023 Delegated Decision - Officer Recommendation: Refuse
23/01478/FUL	Construction of second story rear extension, single storey rear extension with glass roof, proposed dormer extension to rear and dormer window to front – 10 Front Street, Newbiggin-by-the-Sea Main issues: scale, design and positioning would result in an incongruous addition and detract from the character of the Conservation Area; and adverse impact on residential amenity due to loss of sunlight and visual outlook.	21 September 2023 Delegated Decision - Officer Recommendation: Refuse
22/03027/FUL	Retrospective Application for the Erection of Storage Sheds – Mickley Bank Farm, Stocksfield Main issues: inappropriate development in the open countryside and the Green Belt and no very special circumstances to outweigh the harm.	26 October 2023 Delegated Decision - Officer Recommendation: Refuse

23/01742/FUL	<p>Proposed development of 1 no. dwelling with associated access and amenity space – land west of 20 Park Road, Swarland</p> <p>Main issues: development in the open countryside in an unsustainable location; size, scale, layout and subdivision of the plot would be out of character with the surrounding area and unacceptable impact on the street scene; and unacceptable impact on the landscape and character of the immediate and wider area;.</p>	<p>30 October 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/02794/FUL	<p>Erection of 1 no. dwelling (C3 Use) - Westfield, Cramlington</p> <p>Main issues: fails to positively contribute to and respect the character of the area and the Cramlington Village Conservation Area; and no planning obligation has been completed to secure contributions to the coastal mitigation service or any other satisfactory alternative mitigation.</p>	<p>31 October 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/02134/FUL	<p>Front 2 storey extension and side extension above garage – 6 Dunsdale Road, Holywell</p> <p>Main issues: design, height and visual appearance is out of character in the street scene with detrimental visual impact; and unacceptable impact on residential amenity.</p>	<p>8 November 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/02038/FUL	<p>Replacement of fence to south of driveway – Oakwood Hall, Wylam</p> <p>Main issues: less than substantial harm to the setting of the Grade II listed building; insufficient information to assess the ecological impacts of the development; and inappropriate development in the Green Belt.</p>	<p>22 November 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/03790/FUL	<p>External render removal from North wall. New double door with juliet balcony at street level. Refurbishment of basement level & external area to make secure & improve appearance. No change of use – Jacksons Hairdresser, 1 Wansbeck Street, Morpeth</p> <p>Main issues: harm to the setting of a listed building, the character of the property and its setting within the Conservation Area.</p>	<p>23 November 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/03037/FUL	<p>Proposed 2no. new dwellings along with new access and parking to serve proposed dwellings along with existing adjacent cottages – land west of 10 West Burton Cottages, West Burton Cottages, Bamburgh</p> <p>Main issues: development in the open countryside in an unsustainable location; harm to the landscape and character of the</p>	<p>24 November 2023</p> <p>Appeal against non-determination</p>

	area; 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 lack of information to assess proposed outbuildings.	
23/02500/FUL	<p>Extension to home office – 1 Low Middle Moor House, Stannington, Morpeth</p> <p>Main issues: would extend beyond the residential curtilage and encroach into open countryside; and inappropriate development in the Green Belt.</p>	<p>5 December 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/03700/FUL	<p>Change of use from 11 bedroom supported living, care and short-term accommodation (use class C2) to 11 bedroom house in multiple occupation – 86 Regent Street, Blyth</p> <p>Main issues: inadequate size of bedrooms resulting in substandard living conditions and detrimental impact upon the amenity of future occupiers; and alterations would result in a high chance of a disproportionate increase in anti-social behaviour undermining quality of life and community cohesion.</p>	<p>12 December 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03426/FUL	<p>Change of use of existing hotel to 12no. residential units with associated internal alterations – Northumberland Hospitality, Coquet Vale Hotel, Station Road, Rothbury</p> <p>Main issues: insufficient information in relation to highway safety, ecological impacts; and lack of financial contribution to education provision and open space provision.</p>	<p>13 December 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/03755/FUL	<p>Siting of timber bin store (retrospective) - Black Swan Inn, 2 Union Street, Seahouses</p> <p>Main issues: scale and appearance lead to less than substantial harm to the Seahouses Conservation Area.</p>	<p>14 December 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/01175/FUL	<p>Demolition of 2no semi detached bungalows and construction of three storey dwelling with garage and associated landscaping – 8-10 Runnymede Road, Darras Hall, Ponteland</p> <p>Main issues: design, siting and scale would create an incongruous, dominant and overbearing building out of character with its</p>	<p>19 December 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	surroundings; detrimental impact on the residential amenity of neighbouring occupants; and loss of protected trees.	
21/03496/FUL	Proposed new detached dwelling – Westlea Bed and Breakfast, 29 Riverside Road, Alnmouth Main issues: design, scale, massing and loss of burgage plot would not preserve or enhance the character and appearance of the Alnmouth Conservation Area; and detrimental impact on residential amenity.	3 January 2024 Committee Decision - Officer Recommendation: Approve
21/03781/FUL	Change of use and re-development of Shadfen Park Farm agricultural barn, buildings and land to form new multi-purpose development – land west of Shadfen Park, Shadfen Main issues: unacceptable development in the open countryside; and inappropriate development in the Green Belt.	8 January 2024 Delegated Decision - Officer Recommendation: Refuse
23/02008/FUL	Change of use from staff and holiday accommodation to residential dwellinghouse – outbuilding west of Cragside Stables, Park Lane, Bardon Mill Main issues: creation of new dwelling within the open countryside with insufficient justification; and insufficient information has been provided in respect of car parking provision and vehicle movement to demonstrate adequate parking and safe access.	9 January 2024 Delegated Decision - Officer Recommendation: Refuse
23/02898/CLEXIS	Certificate of Lawful Development - Existing development: Commencement of planning permission 14/03746/FUL for the creation of 2no. dwellings – land at 23-25 Western Way, Darras Hall, Ponteland Main issues: insufficient evidence to demonstrate that development had commenced before the expiry of the planning permission.	11 January 2024 Delegated Decision - Officer Recommendation: Refuse
23/02636/FUL	2 story rear extension with alterations to access and parking to the front – 3 Normandy Terrace, Longhorsley Main issues: design would be an incompatible addition and incongruous with	16 January 2024 Delegated Decision - Officer Recommendation:

	the existing dwelling and terrace; and lack of bat risk assessment to assess potential impacts on protected species.	Refuse
23/03240/FUL	Change of use of stable building to 1no. residential dwelling, with associated access and parking – land east of Horsley Banks Farm, Horsley Main issues: inappropriate development in the Green Belt and open countryside; design is not in keeping with the traditional character of the area and results in a harmful impact on the Horsely Conservation Area and the rural landscape; and lack of useable outdoor amenity space.	16 January 2024 Delegated Decision - Officer Recommendation: Refuse
23/04122/FUL	Siting of 'Timber Living Trailer' - land south of Jubilee Cottages, West Woodburn Main issues: development in the open countryside in a location that is not sustainable or accessible.	17 January 2024 Delegated Decision - Officer Recommendation: Refuse

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
20/01209/BRCOND	Construction of unauthorised rear extension – Ashleigh, 26 Cade Hill Road, Stocksfield (N.B. The appeal was made under ground (g) only; that the time given to comply with the notice is too short. The Enforcement Notice is upheld but the appeal succeeds in respect of varying the period of compliance from three months to eight months.)	No – claim refused

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
21/00418/ENDEVT	Erection of decking within the car parking area - The Percy Arms, Chatton	No

20/00481/ENDEVT	Change of use of a forestry building for use as residential – English Wood, Corbridge	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
21/00080/ENDEVT	Installation of hardcore - land to north of Kiln Cottage, Newton-on-the-Moor	13 June 2023
23/00315/ENFCOU	Material change of use of the land from agricultural use to a storage, distribution (B8) and manufacturing (B2) yard – land north of All Saints Church, Ryal	11 December 2023
20/00504/ENDEVT	Installation of hardstanding for access and 6no. pitches, installation of electricity and water points, installation of a septic tank and erection of building – land north-east of Fieldholme, Embleton	18 December 2023

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
19/01362/REM	Reserved matters application for appearance, landscaping, layout and scale for proposed 150 residential dwellings (use class C3) including 30% affordable housing, countryside park including car park, pursuant to approved outline planning application	Hearing – 30 August 2023 Committee Decision - Officer Recommendation:

	<p>16/00078/OUT (revised description 8th August 2022) - land west of Lancaster Park, Pinewood Drive, Lancaster Park, Morpeth</p> <p>Main issues: by virtue of the layout, scale and appearance, the design fails to preserve or make a positive contribution to local character and distinctiveness and the site's surroundings and does not demonstrate high quality sustainable design; and there is no effective and safe access and egress to the existing transport network.</p>	<p>Approve</p>
<p>22/00566/OUT</p>	<p>Outline planning application with all matters reserved except for access, for construction of up to 30no. bungalows for over 55s (Use Class C3) - land west of Furrow Grove, Station Road, Stannington</p> <p>Main issues: residential development in the open countryside; fails to respect the rural, dispersed and open character of the site and surrounding area; inappropriate development in the Green Belt; lack of housing needs assessment or evidence to justify 100% specialist housing scheme for older persons in this location; unsustainable location with no services or facilities and access would be reliant on the private car; insufficient information to fully assess hydrology and flood risk; insufficient information to fully assess archaeological impact and mitigation; and lack of completed planning obligations securing specialist housing, affordable housing, open space contribution, healthcare contribution and Coastal Mitigation Service contribution.</p>	<p>Hearing – 5 March 2024</p> <p>Delegated Decision - Officer Recommendation: Refuse</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

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