



# Northumberland County Council

## Appeal Update Report

Date: April 2021

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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?
19/05017/OUT	<p>Outline permission for change of use of agricultural land and construction of 9 no. residential dwellings (including 22% affordable housing) - land east of Greycroft, West Thirston</p> <p>Main issues: development in the open countryside; adverse impact upon the historic character of the village; and would fail to preserve the West Thirston Conservation Area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

## Planning Appeals Split Decision

Reference No	Proposal and main planning considerations	Award of costs?
20/00581/VARYCO	<p>Variation of conditions 2 (approved plans) and 4 (materials) pursuant to planning permission 17/03658/FUL in order to amend the flue position (to the front) and window materials (to be UPVC) and to remove the shutters. Removal of conditions 5 (landscape planting), 8 (boundary treatments) and 9 (refuse strategy) - land south east of Lifeboat House, Haven Hill, Craster</p> <p>Main issues: design and materials are out of character with the street scene; and harm to the character and appearance of historic buildings and the Northumberland Coast AONB.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> <p><i>N.B. The appeal is allowed in part and the planning permission Ref 17/03658/FUL is varied by deleting and substituting conditions 2 and 5, and deleting Condition 4.</i></p>	No

## Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
20/01233/VARYCO	<p>Removal of Condition 3 (holiday use) pursuant to planning permission 16/03879/COU in order to allow use as principal dwellinghouse – The Coach House, Fenwicks Close Farm, Earsdon</p> <p>Main issues: would result in an isolated home in the countryside and would not be sustainable development.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
20/01940/FUL	<p>Construction of single-storey dining room within courtyard – The Hemmel, Beal Bank, Warkworth</p> <p>Main issues: harm to the character and appearance of the existing building.</p>	No

	Delegated Decision - Officer Recommendation: Refuse	
20/01814/FUL	<p>Proposed alterations to site layout with parking changes, secure tool (and nursery materials) store position, hardstanding and size amended, new security gates and polytunnel amended – The Coop, Eachwick</p> <p>Main issues: inappropriate development in the Green Belt; store building is harmful to the rural character of the area; and fails to address concerns raised in respect of land contamination.</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
19/04938/FUL	<p>Resubmission of approved planning application 17/02932/FUL Erection of new building comprising of 12 self-contained 1 bedroom apartments (use class C3) for specialised independent supported living with associated external works and car parking – land between 86-90, Front Street East, Bedlington</p> <p>Main issues: appeal against non-determination due to invalid application (no fee paid).</p>	<p>29 September 2020</p> <p>Appeal against non-determination</p>
20/00395/FUL	Change of use from former garden nursery to	23 December

	<p>2 detached residential houses and associated access road – Fir Trees Nursery, Widdrington Station</p> <p>Main issues: harmful encroachment into the open countryside and rural character of the woodland plantation; lack of completed planning obligation to secure financial contribution to the Council's Coastal Mitigation Service or other alternative mitigation; and insufficient information to assess risk from ground contamination and ground gas.</p>	<p>2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/00716/FUL	<p>Change of use of application site to equestrian use with erection of 10no stables, paddock area and gates/fencing to site frontage – land to south of Hartford Drive, Hartford Bridge</p> <p>Main issues: harm to heritage assets that is not outweighed by public benefits; drainage; and highway safety.</p>	<p>18 January 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
18/02239/FUL	<p>Redevelopment of the former Marley Tiles Factory to provide a residential development of 105 houses (Use Class C3) with associated access, parking, landscaping and infrastructure (AMENDED description and site layout) - Marley Tile Factory, Lead Lane, Newlands</p> <p>Main issues: isolated development in the open countryside; inappropriate development in the Green Belt by virtue of causing substantial harm to the openness of the Green Belt and very special circumstances have not been demonstrated to outweigh harm; and the design of the development would be out of keeping with the character and appearance of the locality and does not deliver an appropriate form of sustainable design or development for the site.</p>	<p>27 January 2021</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/02355/LBC	<p>Listed Building Consent for replacement of ground floor window with timber glazed 6 over 6 door in west elevation – 1 Prudhoe Street, Alnwick</p> <p>Main issues: proposal would cause harm to the significance of the listed building that is</p>	<p>9 February 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	not outweighed by public benefits.	
19/04023/FUL	<p>Listed Building Consent for proposed demolition of flat roofed single storey extension and various internal alterations, formation of new external fire escape stair and doorways, extractor chimney to kitchen and flue pipe to roof, change of use of part of building to Cafe A3 (remainder to remain office accommodation). Replacement windows and new rooflights – 1-5 Bridge Street, Berwick-upon-Tweed</p> <p>Main issues: harm to listed building that has not been demonstrated as necessary or justified. Delegated Decision - Officer Recommendation: Refuse</p>	<p>9 February 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04024/LBC	<p>Listed Building Consent for proposed demolition of flat roofed single storey extension and various internal alterations, formation of new external fire escape stair and doorways, extractor chimney to kitchen and flue pipe to roof, change of use of part of building to Cafe A3 (remainder to remain office accommodation). Replacement windows and new rooflights – 1-5 Bridge Street, Berwick-upon-Tweed</p> <p>Main issues: harm to listed building that has not been demonstrated as necessary or justified. Delegated Decision - Officer Recommendation: Refuse</p>	<p>9 February 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/02291/FUL	<p>Retention of 4no open gazebos (retrospective) - 1 Thornbrae, Alnmouth Road, Alnwick</p> <p>Main issues: the proposal would have a significant adverse impact on residential amenity as a result of antisocial behaviour and the impacts of noise arising from the use of the proposed gazebos.</p>	<p>9 February 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/03421/CLEXIS	<p>Certificate of Lawful Development of an Existing Use for vehicular access to Pine Lodge off B6345 (resubmission of 20/00570/CLEXIS) - Pine Lodge, Old Swarland, Swarland</p> <p>Main issues: supporting information is inadequate and ambiguous to conclude that</p>	<p>2 March 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	the development is lawful.	
20/01790/COU	<p>Change of use of land from open space to residential curtilage with the installation of a 1.8m high fence &amp; a 1.1m high Fence – land south of 32 Cuthbert Way, Collingwood Manor, Morpeth</p> <p>Main issues: adverse impact on the visual and functional amenity of the estate and surrounding area; and loss of open space/woodland that is a functional ecological habitat.</p>	<p>4 March 2021</p> <p>Committee Decision - Officer Recommendation: Refuse</p>

## Recent Enforcement Appeal Decisions

### Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
18/01344/ENDEVT	<p>Bridgend Caravan Park, Wooler</p> <p>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</p>	No
18/00489/ENDEVT	<p>Land at Moor Farm Estate, Station Road, Stanington</p> <p>Main issues: unauthorised waste reclamation yard and siting of multiple shipping containers</p>	Yes

### Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
18/01524/LISTED	<p>Church View, Slaley</p> <p>Main issues: solar panels installed in 2006 without planning permission - requests for removal have been unsuccessful.</p>	No
18/00033/NOAPL	<p>98 Millerfield, Acomb</p> <p>Main issues: development has been undertaken</p>	No

	based on plans refused under planning application 17/00072/FUL	
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## Enforcement Appeals Received

### Appeals Received

Reference No	Description and address	Appeal start date
18/00223/ENDEVT	Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB  Main issues: material change of use of the land from agricultural for the siting of 4 caravans	1 February 2021
18/00223/ENDEVT	Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB  Main issues: material change of use of the land for the siting of one caravan and the erection of fencing in excess of 2 metres in height	1 February 2021

## Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
19/00247/FUL	Construction of a publicly accessible landmark, commissioned to commemorate Queen Elizabeth II and the Commonwealth - land at Cold Law, Kirkwhelpington  Main issues: development in the open countryside which fails to recognise the intrinsic character and nature of the countryside.	Inquiry date: 9 March 2021  Committee Decision - Officer Recommendation: Approve
20/02247/FUL	Erection of a rural worker's dwelling – land south of Middle Coldcoats Equestrian Centre, Milbourne	Hearing date: 3 August 2021  Delegated

	<p>Main issues: fails to demonstrate the need for a rural worker's dwelling in the open countryside; inappropriate development in the Green Belt and there are no very special circumstances to outweigh harm; and fails to address pollution concerns with potential to affect protected species and failure to demonstrate ecological enhancement.</p>	<p>Decision - Officer Recommendation: Refuse</p>
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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</b> (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
<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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