



# Northumberland County Council

## Appeal Update Report

Date: February 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?
19/00072/VARYCO	<p>Removal of condition 21 (footway and lighting) on approved planning application 18/01245/OUT - Southcroft Stables, The Croft, Ulgham</p> <p>Main issues: the applicant fails to convincingly demonstrate that there is no longer the need for a footway connection on Ulgham Lane and this requirement remains relevant with respect to highway and pedestrian safety concerns.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
20/01800/AGRGDO	<p>Prior notification for a proposed new building to provide storage for forestry tools – land south-east of Hyons East Wood, Moor Road, Prudhoe</p> <p>Main issues: the proposed development is not reasonably necessary for the purposes of forestry and is therefore not permitted development.</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?
20/00173/OUT	<p>Outline application for development of 18 dwellings, including access road, car parking, landscaping, gardens and all other ancillary works (Some Matters Reserved) - land north-east of Scout Centre, The Green Mile, Barrasford</p>	No

	<p>Main issues: encroachment into the open countryside with harmful impact upon the character and appearance of the site and surrounding area; and location of site is not considered to be sustainable for a development of this scale.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
19/03973/OUT	<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>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused
19/04903/FUL	<p>Proposed development of nine self-build dwellings, along with associated highways access, vehicle parking and landscaping - land west of Westacres, Wark</p> <p>Main issues: development in the open countryside; harmful impact on the character and rural setting of Wark; fails to provide an acceptable scheme for the provision of affordable housing; and insufficient information to assess impact surface water drainage and flood risk.</p> <p>Appeal against non-determination</p>	No
18/03407/FUL	<p>Construction of five new build two storey detached dwellings with three detached garages and associated access – land west of Brewery Close, Stamfordham</p> <p>Main issues: development in the open countryside; harmful impact on the character of the landscape and the area; overbearing impact on existing dwellings; out of keeping with surrounding properties; and no satisfactory mitigation has been secured resulting in harm to the ecological value of the site and surrounding grassland.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

19/01312/FUL	<p>Proposed dwelling for use by rural worker ancillary to Apperley Dene – land east of Apperley Dene, Stocksfield</p> <p>Main issues: inappropriate development in the Green Belt; and application has not demonstrated an essential need for a rural worker’s dwelling in the open countryside.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
20/01221/FUL	<p>Proposal for construction of 1no. dwelling with associated access, car parking and landscaping - land north east of The Shires, Great North Road, Clifton</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; and fails to address concerns in respect of land contamination.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
19/03930/FUL	<p>Demolition of redundant agricultural sheds and storage bay, with development of 4no. holiday cottages including access road, car 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>	No
18/04221/OUT	<p>Development of a single residential dwelling, including car parking, access and garden area - land north of The Crest, Alnwick Road, Lesbury</p> <p>Main issues: development in the open countryside; the proposal fails to protect and enhance the distinctive landscape character of Lesbury and the wider area; fails to compensate for the loss of a pond that is a Habitat of Principal Importance; and no suitable mitigation to address recreational disturbance with adverse effect on the Northumbria Coast SPA and Ramsar Site and North</p>	No

	Northumberland Dunes SAC. Delegated Decision - Officer Recommendation: Refuse	
20/00853/FUL	Proposed single storey flat roof extension to rear (Amended description 07/05/2020) - 5 Dene Terrace, Riding Mill  Main issues: unacceptable impact upon residential amenity.  Delegated Decision - Officer Recommendation: Refuse	No
20/01697/FUL	Construction of new rear two storey extension – 9 Longhirst Village, Longhirst  Main issues: siting, scale and design result in less than substantial harm to the Conservation Area; harm to residential amenity of neighbouring dwelling; and lack of ecological survey.  Delegated Decision - Officer Recommendation: Refuse	No
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  Delegated Decision: remedial notice issued requiring reduction in height of hedge	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
19/05017/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>27 August 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/01756/CLPROP	<p>Certificate of Lawful Proposed Development: Proposed change of use from agricultural building to dwellinghouse (Class C3) – land west of Hague Cottage, Wylam Wood Road, Wylam</p> <p>Main issues: the proposal is not permitted development.</p>	<p>16 September 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/01188/OUT	<p>Outline application for erection of single dwelling house, all matters except access are reserved – land to south-west of Kirkheaton Farm, Kirkheaton</p> <p>Main issues: development in the open countryside; would not be sympathetic to the local character of the village; and the proposal would have a harmful impact upon the setting of heritage assets.</p>	<p>29 September 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
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-</p>	<p>29 September 2020</p> <p>Appeal against non-determination</p>

	determination due to invalid application (no fee paid).	
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>2 November 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/01233/VARYCO	<p>Removal of Condition 3 (holiday use) pursuant to planning permission 16/03879/COU in order to allow use as principle 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>3 November 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
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>	<p>11 November 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
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>10 December 2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/00450/FUL	<p>Retrospective: External display area for temporary timber summer house including</p>	<p>10 December 2020</p>

	<p>local landscaping (amended description) - In-House Inspired Room Design Ltd, Global House, Bridge End Industrial Estate, Hexham</p> <p>Main issues: harmful impact upon the character and appearance of the area and detrimental to visual amenity.</p>	<p>Delegated Decision - Officer Recommendation: Refuse</p>
20/00395/FUL	<p>Change of use from former garden nursery to 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>23 December 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?
None		

# 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,	9 March 2020

	<p>Stannington</p> <p>Main issues: unauthorised waste reclamation yard and siting of multiple shipping containers</p>	
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## Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
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>Inquiry date: 9 March 2021</p> <p>Committee Decision - Officer Recommendation: Approve</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 (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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