



Northumberland County Council

Appeal Update Report

Date: November 2021

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? |
|--------------|---|-----------------|
| None | | |

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? |
|--------------|---|--------------------|
| 20/04234/FUL | <p>Proposed two storey side extension and demolition of existing garage – 23 Ladbroke Street, Amble</p> <p>Main issues: adverse impact on the street scene and the character and appearance of the conservation area due to scale, height and mass forward of the building line.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> | No |
| 21/00574/ADE | <p>Retrospective: Advertisement consent for installation of 3no. signs that have been in place for over 2 years - ADS Caravan Storage, Remscheid Way, Jubilee Industrial Estate, Ashington</p> <p>Main issues: Sign 1 has an unacceptable impact on the visual amenity of the site and surrounding area due to its siting and scale.</p> <p>Delegated Decision - Officer Recommendation: Refuse: split decision</p> | No – claim refused |
| 19/04883/FUL | <p>Proposed demolition of existing garage to be replaced with two-storey dwellinghouse - 2 Sandridge, Newbiggin-by-the-Sea</p> <p>Main issues: harm to non-designated and designated heritage assets and the identified harm would not be outweighed by public benefits.</p> | No |

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| | Delegated Decision - Officer Recommendation: Refuse | |
| 20/02548/FUL | <p>Construction of dwelling – land and building east of Ovington House, Ovington</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; harm to the setting of a non-designated heritage asset and the Ovington Conservation Area; and a Section 106 agreement has not been completed in respect of a contribution to sport and play.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> | No |
| 21/02693/FUL | <p>Two-storey side extension – 2 Bromley Gardens, South Beach, Blyth</p> <p>Main issues: siting, scale and design of the extension would result in harm to the street scene and visual amenity of the area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> | No |
| 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>Committee Decision - Officer Recommendation: Approve</p> | No |
| 20/04134/FUL | <p>New sunroom – Outwood, Riding Mill</p> <p>Main issues: alongside existing extensions the proposal would result in a disproportionate addition</p> | No |

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| | <p>over and above the scale of the original building and would be inappropriate development in the Green Belt.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> | |
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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 |
|-----------------|---|--|
| 20/03861/VARYCO | <p>Variation of condition 2 (approved plans) pursuant to planning permission 20/00297/FUL in order to allow new wall to be moved closer to boundary wall to underpin and give support. Also French doors have 3/4 height windows on either side and single window in extension will be replaced using existing 2no. sash windows and mullions – Ashleigh, 26 Cade Hill Road, Stocksfield</p> <p>Main issues: extension would be out of scale and character with the existing property and would have a harmful impact on the character and appearance of the site and surrounding area; and detrimental impact upon the residential amenity of the neighbouring property.</p> | <p>26 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 20/00925/OUT | <p>Outline permission for the construction of up to 9no dwellings including access, appearance, layout and scale – land north-west of Blue House Farm, Blue House Farm Road, Netherton Colliery</p> <p>Main issues: harm to setting of a designated heritage asset; insufficient information in</p> | <p>30 June 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |

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| | respect of potential risk from ground gas; and a section 106 agreement has not been completed in respect of a contribution to the ecology coastal mitigation scheme or off-site sport and play provision. | |
| 21/01205/AGTRES | <p>Prior notification for change of use of an existing agricultural building and conversion to 1no. Dwelling - land to east of Edgewell House Farm House, Edgewell House Road, Prudhoe</p> <p>Main issues: insufficient information to establish if the proposal complies with relevant requirements regarding the last use of the building.</p> | <p>16 July 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 21/00543/ADE | <p>Display of 1no. 'Development Opportunity For Sale' board for 6 months (Retrospective) - land north of Shaw House Farm, Newton</p> <p>Main issues: the signage would cause harm to public and highway safety.</p> | <p>4 August 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 21/00496/FUL | <p>Construction of a bungalow – land east of Dukewilley, Lowgate</p> <p>Main issues: inappropriate development in the Green Belt; unsustainable development in open countryside; unacceptable impacts on residential amenity; and no Section 106 agreement has been competed in relation to sport and play provision.</p> | <p>18 August 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 20/03541/FUL | <p>Erection of five camping pods and associated clubhouse – land south-west of Catton Pumping Station, Catton</p> <p>Main issues: isolated from and not well related to existing development as well as being visually intrusive in the countryside; detrimental impact on residential amenity; adverse impact on the North Pennines AONB; and inadequate information regarding ecology of the site and surrounding area and inadequate mitigation.</p> | <p>19 August 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 19/04660/FUL | <p>New external plant – Asda, Main Street, Tweedmouth</p> <p>Main issues: insufficient information in relation to noise and potential impacts on residential amenity.</p> | <p>19 August 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 21/00128/FUL | <p>Change of use from public house at ground floor (Sui Generis) to 1no. self contained two bedroom apartment at ground floor (C3 Use).</p> | <p>20 August 2021</p> <p>Delegated Decision - Officer</p> |

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| | <p>Retention of existing 7no. existing holiday let rooms at first floor (C1 use); 1no. existing self contained apartment at first floor (C3 Use); and 1no. existing self contained apartment at second floor (C3 use) (Amended description 06/04/2021).</p> <p>Main issues: proposal is unable to provide sufficient on-site car parking with unacceptable adverse impact on highway safety; and no completed Section 106 Agreement to secure sport and play contributions.</p> | <p>Recommendation: Refuse</p> |
| 21/00834/FUL | <p>Stone clad side extension with pitched roof to form new open plan kitchen, dining and master with part mezzanine above kitchen – The Gin Gan, Whalton</p> <p>Main issues: poor design that would have a significant detrimental impact on the character of the property and inappropriate development in the Green Belt.</p> | <p>23 August 2021</p> <p>Appeal against non-determination</p> |
| 21/00844/FUL | <p>Adjustment to front boundary, replace lawn with permeable surface to allow parking for 2 cars, addition of electric vehicle charging point, remove pedestrian access, create central 10 foot wide vehicle/pedestrian access, installation of wrought iron gates and dropped kerbs to highway - 51 Ravensdowne, Berwick-upon-Tweed</p> <p>Main issues: the proposal would result in less than substantial harm to the Conservation Area and listed buildings and there are no public benefits to outweigh the harm.</p> | <p>25 August 2021</p> <p>Appeal against non-determination</p> |
| 21/00845/LBC | <p>Listed Building Consent for adjustment to front boundary, replace lawn with permeable surface to allow parking for 2 cars, addition of electric vehicle charging point, remove pedestrian access, create central 10 foot wide vehicle/pedestrian access, installation of wrought iron gates and dropped kerbs to highway - 51 Ravensdowne, Berwick-upon-Tweed</p> <p>Main issues: the proposal would result in less than substantial harm to the Conservation Area and listed buildings and there are no public benefits to outweigh the harm.</p> | <p>25 August 2021</p> <p>Appeal against non-determination</p> |
| 20/02536/FUL | <p>Retrospective - Installation of hard standing, electricity and water points, alterations to access and other ancillary works - land west of North Farm Cottages, Embleton</p> | <p>26 August 2021</p> <p>Delegated Decision - Officer Recommendation:</p> |

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| | Main issues: incursion into the open countryside and would erode the rural character of the site and its surroundings. | Refuse |
| 20/03231/OUT | Erection of 4no. dwellinghouses (C3 use class) with all matters reserved – land north-west and south-east of The Haven, Back Crofts, Rothbury Main issues: fails to address highway safety matters in relation to site access and manoeuvrability. | 10 September 2021 Delegated Decision - Officer Recommendation: Refuse |
| 20/03542/FUL | Change of use of land to site shepherd's hut for tourism accommodation – land east of Kingshaw Green, Tyne Green, Hexham Main issues: inappropriate development in the Green Belt; inadequate flood risk assessment; and insufficient information regarding foul water treatment. | 13 September 2021 Delegated Decision - Officer Recommendation: Refuse |
| 19/01008/FUL | Construction of 58no. dwellings with associated landscaping, access and infrastructure works – land to north of Fairmoor Centre, Morpeth Main issues: unacceptable in principle as the site is allocated in the development plan for employment use and it is considered that the site should be retained for such purposes; outstanding technical matters also remain to be resolved regarding surface water drainage and highways matters; and Section 106 contributions in respect of education, primary healthcare and affordable housing have not been secured. | 16 September 2021 Appeal against non-determination |
| 21/01393/FUL | Single-storey flat-roofed garage to rear of back garden – 7 First Avenue, Blyth Main issues: design, scale and massing would result in an incongruous addition with a negative visual impact on the property and surrounding area. | 30 September 2021 Delegated Decision - Officer Recommendation: Refuse |
| 21/01085/FUL | Single storey front extension – 2 The Limes, Morpeth Main issues: the proposals would result in an incongruous and overbearing addition with visual harm to the property and wider street scene. | 12 October 2021 Delegated Decision - Officer Recommendation: Refuse |

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 |
|-----------------|---|-------------------|
| 18/00223/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 | <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> |
| 20/02247/FUL | <p>Erection of a rural worker's dwelling – land south of Middle Coldcoats Equestrian Centre, Milbourne</p> <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>Virtual hearing date: 28 July 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |
| 20/02488/FUL | <p>Siting of upcycled shipping containers to provide retail and leisure facilities (use class A1, A3, and A4) and tented permanent roof covering as supplemented by note from agent received 07/09/20, additional details received 23/09/20, acoustic report received 25/09/20, and supplementary information received 20/10/20 - JH Laidler Storage Yard, Double Row, Seaton Delaval</p> <p>Main issues: loss of employment land; not demonstrated that the proposal satisfies the sequential test for main town centre uses in an out of centre location; and lack of information to be able to assess impacts on highway safety.</p> | <p>Hearing date: 27 September 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> |

Implications

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| 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
01670 625542
Elizabeth.Sinnamon@northumberland.gov.uk