



Northumberland County Council

Appeal Update Report

Date: January 2022

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?
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). 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) - Black Bull Inn, Main Road, Wylam</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>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/01393/FUL	<p>Single-storey flat-roofed garage to rear of back garden – 7 First Avenue, Blyth</p> <p>Main issues: design, scale and massing would result in an incongruous addition with a negative visual impact on the property and surrounding area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

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>Appeal against non-determination</p>	No
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>Appeal against non-determination</p>	No
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>Delegated Decision - Officer Recommendation: Refuse</p>	No
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>Delegated Decision - Officer Recommendation:</p>	No – claim refused

	Refuse	
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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>
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>
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>Main issues: incursion into the open countryside and would erode the rural</p>	<p>26 August 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	character of the site and its surroundings.	
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
21/01085/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
20/04369/REM	Reserved Matters application in accordance with condition 1, 2 and 5 - seeking approval of layout, scale, appearance and landscaping, including details of materials/finishes (residential development of up to 6 dwellings) pursuant to planning permission 13/00802/OUT - land north of High Fair, Wooler Main issues: layout, scale and massing would be out of character with surrounding area.	18 October 2021 Delegated Decision - Officer Recommendation: Refuse
21/01578/OUT	Outline permission with all matters reserved - demolition of existing garage, stable block	19 October 2021

	<p>and tennis court and erection of 1 dwelling with associated driveway and landscaping (Self Build) - land west of Roecliffe, Ladycutter Lane, Corbridge</p> <p>Main issues: inappropriate development in the Green Belt; and encroachment into the countryside and would not respond to the character of the area.</p>	<p>Delegated Decision - Officer Recommendation: Refuse</p>
20/04343/LBC	<p>Listed building consent for metal railings to balcony – 8 Prospect Place, Alnmouth</p> <p>Main issues: less than substantial harm caused to the listed building.</p>	<p>19 October 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/01918/FUL	<p>Demolition of modern agricultural sheds and development of six new residential dwellings, including gardens, car parking, and all ancillary works – Longbank Farm, Longhoughton</p> <p>Main issues: principle of housing in an isolated location in the open countryside is unacceptable; significant urbanising effects in the open countryside eroding the local landscape and not enhancing the Northumberland Coast AONB; insufficient information to assess off-site highway works; and no Section 106 Agreement completed to secure affordable housing.</p>	<p>26 October 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/01600/FUL	<p>Development of 9no. affordable houses, including access road, gardens, car parking and other ancillary works - land north of B6350, Corbridge</p> <p>Main issues: inappropriate development in the Green Belt; development in an unsustainable location in the open countryside; results in encroachment into the countryside, loss of mature trees and visually intrusive and harmful impact on rural and open character of the site and setting of Corbridge; and loss of Grade 2 agricultural land.</p>	<p>27 October 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03224/FUL	<p>Change of use of private dwelling into 4no. holiday lets and separate holiday home to rent and erection of 4no. holiday homes to rent with associated car parking – Bayview, Beachway, Blyth</p> <p>Main issues: inadequate off-road car parking provision and resultant off-site impacts; increased noise and light pollution to the</p>	<p>27 October 2021</p> <p>Appeal against non-determination</p>

	<p>shoreline of the Northumberland Shore SSSI and harmful to bird species in that area; inadequate provision to mitigate the impact of increased recreational disturbance to designated sites of ecological importance; insufficient information to demonstrate that the proposals are acceptable in terms of coastal erosion vulnerability and surface water drainage; and insufficient information to demonstrate the proposals are acceptable in terms of impacts on the World War II pill box and setting of Blyth Battery.</p>	
20/04348/FUL	<p>Former Veterinary Clinic Converted to 4 x Residential Apartments – 37-39 Croft Road, Blyth</p> <p>Main issues: harmful impact on residential amenity; fails to address highway safety matters in relation to parking provision; and lack of completed planning obligation in respect of a contribution to the Coastal Mitigation Service.</p>	<p>27 October 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/03777/FUL	<p>Change of use to dwelling with single storey extension and internal/external alterations – The Water House, Redesmouth, Hexham</p> <p>Main issues: no completed Section 106 Agreement to secure planning obligation of financial contribution for sport and play provision.</p>	<p>28 October 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02282/LBC	<p>Listed building consent for replacement of all single glazed windows with double glazed units matching the current design – West House, Chillingham Castle, Chillingham</p> <p>Main issues: insufficient information to demonstrate that the proposed works are necessary or justified and the existing windows are beyond reasonable repair.</p>	<p>2 November 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/00667/FUL	<p>Conversion of agricultural buildings into 4no. residential units – High Baulk Farm, Great Whittington</p> <p>Main issues: retention and alteration of modern hay barn as part of conversion works is unacceptable in principle; and harmful design that would not be in keeping with the curtilage listed buildings.</p>	<p>2 November 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01660/FUL	<p>Proposed erection of perimeter fencing and gates – site of former The Bungalow, High Pit Road, Cramlington</p> <p>Main issues: by virtue of siting, height and design the proposal constitutes an</p>	<p>3 November 2021</p> <p>Delegated Decision - Officer Recommendation:</p>

	incongruous feature that fails to respect or enhance the character of the area.	Refuse
21/02878/FUL	Change of use of land for siting of shepherd's huts and associated development – land north of White House Farm, Slaley Main issues: inappropriate development in the Green Belt.	4 November 2021 Delegated Decision - Officer Recommendation: Refuse
21/03062/FUL	Proposed alterations and rear extension to dwelling house (retrospective) - 23 Shoresdean, Berwick-upon-Tweed Main issues: poor quality flat roof design with detrimental impact on the property and the character of the environment.	10 November 2021 Delegated Decision - Officer Recommendation: Refuse
21/00656/FUL	Retrospective: replacement of all windows and doors – 67 Main Street, North Sunderland, Seahouses Main issues: proposal does not preserve or enhance the character and appearance of the Conservation Area and results in less than substantial harm with no public benefits.	22 November 2021 Delegated Decision - Officer Recommendation: Refuse
21/02916/FUL	Addition of a balcony to the first floor east facing gable elevation accessed by new door – 1 Elfin Way, South Shore, Blyth Main issues: incongruous feature on the property that fails to respect or enhance the character of the area; and harm to amenity.	24 November 2021 Delegated Decision - Officer Recommendation: Refuse
21/00465/FUL	Resubmission: alterations to existing window opening on front elevation and installation of replacement balcony – Riverview, Shepherds Hill, Alnmouth Main issues: unacceptable impact on amenity of neighbouring properties; and detrimental impact on the AONB.	1 December 2021 Delegated Decision - Officer Recommendation: Refuse
20/00705/FUL	Proposal for the erection of a dwelling and garage with associated landscaping – Plot 28, Grange Road, Berwick Main issues: scale and visual impact would be detrimental to and out of character with the immediate surroundings.	1 December 2021 Delegated Decision - Officer Recommendation: Refuse
21/02734/FUL	Demolish garage and erect two storey side extension and single storey flat roof rear extension – 23 The Beeches, Ponteland Main issues: disproportionate addition to the	7 December 2021 Delegated Decision - Officer Recommendation:

	property resulting in negative impact to the character of the area and inappropriate design.	Refuse
21/01136/FUL	Construction of 1no detached dwelling (as amended) - land south of Embleton Hall and behind Front Street, Lonframlington Main issues: fails to protect and enhance the landscape character of the village; and forms an incursion into the open countryside, is not essential and fails to support the conservation and enhancement of the countryside.	13 December 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	<p>Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB</p> <p>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</p>	1 February 2021
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Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
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>
20/01932/FUL	<p>Construction of single dwelling with annex and ancillary accommodation, c.6.5 metre high wind turbine, associated landscaping and highway works (amended description) - land south of Church Lane, Riding Mill</p> <p>Main issues: isolated dwelling in the open countryside; inappropriate development in the Green Belt; insufficient information to fully assess ecological impacts; harmful impacts on the character of the site, wider area and countryside; lack of completed Section 106 Agreement to secure planning obligations for contributions to sport and play provision; and insufficient information to assess noise from</p>	<p>Hearing date: 18 January 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>

	wind turbine and impacts in residents and local area.	
21/01584/FUL	<p>Demolition of agricultural buildings. Replace and build on footprint 4 workers cottages and install solar panels – South Dissington Farm, Eachwick</p> <p>Main issues: development in the open countryside and no demonstrated need for new rural worker's dwellings; and inappropriate development in the Green Belt with no very special circumstances demonstrated.</p>	<p>Hearing date: to be confirmed.</p> <p>Committee 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

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