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## Appeal Decision

Hearing held on 30 July 2013

Site visit made on 30 July 2013

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 September 2013**

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**Appeal Ref: APP/P2935/A/13/2195890**

**Land east of the Nursery, Medburn, Northumberland NE20 0BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr K O'Donnell and Mr M Sym against the decision of Northumberland County Council.
  - The application Ref 12/00892/OUT, dated 19 March 2012, was refused by notice dated 12 October 2012.
  - The development proposed is the erection of up to 14 no. executive dwellings.
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### Procedural matter

1. The application was submitted in outline with all matters reserved. I have dealt with the appeal on that basis and have treated the layout plan as indicative.

### Decision

2. The appeal is allowed and outline planning permission is granted for the erection of up to 14 no. executive dwellings at land east of the Nursery, Medburn, Northumberland NE20 0BN in accordance with the terms of the application, Ref 12/00892/OUT, dated 19 March 2012, subject to the conditions set out in the annex to this decision.

### Application for costs

3. At the Hearing an application for costs was made by Mr K O'Donnell and Mr M Sym against Northumberland County Council. This application is the subject of a separate Decision.

### Main Issues

4. The main issues are the effect on rural housing having regard to local policy on infill development and whether the proposal would result in an unsustainable pattern of development in respect of accessibility to employment, shopping and leisure facilities.

### Reasons

5. The appeal site is an open field within Medburn which extends to around 2.64ha. This is a small settlement which consists predominantly of large dwellings set in substantial grounds. The wide settlement boundary is set by

saved Local Plan policy MBC1, while the area in which the appeal site is situated is covered by saved policy MBH2. This permits infill development on previously developed land (PDL). Under this policy, a previous appeal decision (ref. APP/P2935/A/10/2135665) for a nearby housing development, dating from 2010, was dismissed. That Inspector opined that the development would not be situated on PDL and Medburn was not a sustainable location. The Council argued that this proposal should be dismissed for similar reasons.

6. However, the Council confirms that it lacks a 5 year deliverable housing land supply within the County. The National Planning Policy Framework (NPPF) which post dates the above appeal decision, states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. In which case, the lack of a 5 year housing land supply and the contribution which the appeal scheme would make is a material consideration which weighs in favour of the proposal.
7. Furthermore, the NPPF, in paragraph 14, states a presumption in favour of sustainable development. In taking decisions within the context of this presumption, the NPPF makes clear that where relevant policies of a development plan are out of date then permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
8. Under the NPPF, sustainable development has 3 dimensions which give rise to the need for the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system. In my judgement, the proposal would fulfil an economic role by contributing to building a strong, responsive and competitive economy. In this regard, paragraph 55 of the NPPF points out that in the case of rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
9. This matter was considered by an Inspector at a recent appeal in Medburn for a housing development at nearby Prospect Farm (APP/P2935/A/12/2176272). He opined that the LP indicates that limited housing development is acceptable at Medburn, with the clear implication that it is not considered to be an unsustainable location for limited new housing, and although the small settlement has no facilities of its own, it is not a remote rural location. He further considered that whilst it appears that residents generally have private cars and the Prospect Farm site is outside convenient walking distance of the shopping, social, educational and employment facilities at Ponteland and Darras Hall, it appears to be within cycling distance of such facilities and there is a limited regular bus service and school transport. He concluded that Prospect Farm offered scope for accessing facilities and services by means other than private cars.
10. The appeal site in this instance is close to the Prospect Farm site. It is within easy reach of a bus stop, a bridleway and a cycleway, and I am in agreement with that Inspector with regard to the accessibility of Medburn to the service facilities of nearby Ponteland. In addition, the bus service from Medburn to the nearest Metro station, notwithstanding the Council's argument regarding

frequency, would provide suitable links to the employment, shopping and leisure facilities to be found in the wider Tyne and Wear area. As for the social and environmental roles, the proposal would improve the tenure mix in the area by providing executive and affordable units for which the appellant's uncontested evidence asserted there is a demonstrable need in the area (this is borne out in the officer report to Committee) and the dwellings would be subject to the sustainability standards imposed by the Building Regulations.

11. The Council argued that the Inspector's findings from the Inquiry into the Ponteland Local Plan did not welcome a very material change in the character of Medburn to that of a conventional residential allocation. However, that Inquiry pre-dated the NPPF by some considerable time and taking this appeal on its merits, I consider that although the proposal would not be infill and would not be on PDL, it would accord with the provisions of the NPPF. In particular it would accord with NPPF paragraphs 14 and 55, and would serve to redress the shortfall in the 5 year housing land supply in the County while delivering executive and affordable housing units to an area where there is an identifiable need for such tenure types.

*Other matters*

12. I note from the officer's report to Committee and from the Statement of Common Ground that it is considered that the proposal would not give rise to concerns regarding any adverse effect on the character and appearance of the area, and the living conditions of the occupiers of nearby dwellings. While layout would be a matter to be decided at the reserved matters stage were outline planning permission to be granted, from my assessment, I can find no reason to disagree and consider that the proposed low density development would blend with the established character of this part of Medburn in a way that would safeguard the living conditions of existing and future occupiers.
13. In terms of the wider landscape, the site is presently partially screened by existing planting with landscaping details to be decided at the reserved matters stage, were outline planning permission to be granted. Against this background, I do not consider that these considerations would give rise to any reasons for withholding outline planning permission.
14. A signed and dated Planning Obligation by Deed of Agreement under S106 of the Town and Country Planning Act 1990 has been submitted. This relates to a commuted sum towards the provision of off-site affordable housing. The Community Infrastructure Levy (CIL) Regulations require that any planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
15. The need for affordable housing is set out in the Council's Interim Planning Policy for Affordable Homes of the Northumberland Consolidated Planning Policy Framework. Although a non-statutory policy document and so of limited weight, this formally adopted document is in line with paragraph 50 of the NPPF. Having regard to its provisions, I am satisfied that the need for affordable housing in this development has been justified and that the contribution to affordable housing provision would meet the tests of the CIL Regulations and can be given weight in favour of the appeal.

### *Conditions*

16. Several conditions have been suggested and I have assessed and where necessary amended these in the light of Circular 11/95 *The Use of Conditions in Planning Permissions*. Standard conditions are imposed relating to the submission of the reserved matters and to ensure that the development is constructed in accordance with the submitted plan, for the avoidance of doubt and in the interests of proper planning. Conditions are also required to ensure details are agreed and the construction secured of roadworks and sustainable drainage in the interests of highway safety and the amenity of future occupiers of the development.
17. To ensure highway safety and safeguard the living conditions of nearby residents, conditions are required to provide temporary on site parking and storage, prevent the transfer of mud onto the highway and control the hours of construction. Further conditions are necessary with regard to the submission of sample materials and ecology in the interests of safeguarding the character and appearance of the area and conserving protected species.
18. However, I shall not attach conditions in respect of landscaping, boundary treatment and floor levels as these will be dealt with at the reserved matters stage. Furthermore, conditions regarding the burning of materials and the sheeting of visiting wagons are not necessary as these matters are subject to controls under other legislation.

### **Conclusion**

19. Taking account of all matters raised I find that and there are no other factors which weigh against the proposal. I therefore conclude, that residential development of the site would be acceptable having regard to national policies for housing provision and sustainable development. In coming to this decision, I have had regard to the effect of the revocation of the Regional Strategy but in the light of the facts in this case the revocation does not alter my conclusions, which for the reasons given above, are that the appeal should be allowed.

*Richard McCoy*

INSPECTOR

### **Annex**

#### Conditions

- 1) Details of the appearance, landscaping, layout, access and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plan ref. 200-01-Rev01.
- 5) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place unless in accordance with the mitigation measures detailed in the submitted ecology report "Ecology Report for Proposed Development Site, Land North East of 8 The Nursery, Medburn EES11-147; Elliott Environmental Surveyors; 13.01.12".
- 8) No development shall take place until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
  - i) a timetable for its implementation, and
  - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 9) No development shall take place until full details of the roadworks, including drainage, street lighting and parking have been submitted for the written approval of the local planning authority. All roadworks and associated works shall be designed and constructed to a standard eligible for adoption in accordance with Northumberland County Council standard specifications.
- 10) Before the commencement of any other development, provision shall be made for a temporary car park and site compound within the site to accommodate the storage of materials, plant/equipment and operatives' vehicles during the development of the site, in accordance with details to be submitted to and approved in writing by the local planning authority.
- 11) No development shall take place until facilities for cleaning the wheels of vehicles during construction of the development, and preventing transfer of mud and debris onto the highway, have been installed and brought into use in accordance with details previously submitted to and approved in writing by the local planning authority; and those facilities shall be retained in operation until construction is complete.

## **APPEARANCES**

### FOR THE APPELLANT:

Miss N Allan BA(Hons), Dip. Law MRTPI	Barrister, Trinity Chambers
Mr G Metcalfe BSc(Hons) DipTP MRTPI	GVA Grimley

### FOR THE LOCAL PLANNING AUTHORITY:

Mrs J Murphy MSc MRTPI	Senior Planning Officer, Northumberland County Council
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### INTERESTED PERSONS:

Mr A Woodruff FRICS	Local resident
Mr E Potts	Local resident

### DOCUMENTS

- 1 Council's letters of notification of the Hearing
- 2 Estate Agent's details for Prospect Farm
- 3 Transport Statement
- 4 Signed and dated Unilateral Undertaking

Richborough Estates