



Appeal Decision

Site visit made on 8 May 2017

by **David Cross BA (Hons), PGDip, MRTPI**

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

Decision date: 19 June 2017

Appeal Ref: APP/P2935/W/17/3167263

Land West of High House, High House Road, Morpeth, Northumberland NE61 2YT

- 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 Country Homes and Estates (Northern) Ltd and Sadler Developments against the decision of Northumberland County Council.
 - The application Ref 15/03172/OUT, dated 23 September 2015, was refused by notice dated 22 July 2016.
 - The development proposed is outline application for 39 Self Build homes including 11 affordable, open space, SUDS, landscaping and 2 new access points from the U6109. Land West of High House, Morpeth, Northumberland. All matters reserved except access to the highway.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with all matters reserved for future consideration except access. I have dealt with the appeal on that basis, treating plans such as those in the Design Document as indicative.
3. The appellants have requested that the appeal be determined on the basis of an amended description which states "*Outline application for up to 40 self build homes. Open space, SUDS, landscaping and 2 new access points from the U6109. All matters reserved except access to the highway*".
4. The suggested revised description is materially different from that submitted with the planning application in that it refers to an upper limit of self build homes rather than a specific number, a different number of dwellings and no reference to affordable homes. I acknowledge that the matter of affordable homes may be addressed by a Section 106 Agreement and that the Council has agreed to a revised number of 40 dwellings to assist in calculations. However, I am mindful that consultation on the planning application and subsequent appeal was undertaken on the basis of the original description.
5. Within this context I am very conscious of the Wheatcroft Principles derived from *Bernard Wheatcroft Ltd v SSE (1982)* which are further explained in the Procedural Guide: Planning Appeals - England¹. It is my firm view, in the

¹ Procedural Guide: Planning appeals – England 2016: Annexe M - Can a proposed scheme be amended?

interests of fairness, that this appeal must be determined on the basis of the description of the development that was submitted with the planning application and which has been subject to consultation and not the suggested amendment. To do otherwise could prejudice unacceptably the interests of interested people and/or consultees who would not have been consulted on the amended description and who may have observations to make.

Main Issues

6. The main issues in this appeal are:

- Whether the appeal site is within the general extent of the Green Belt;
- If so, whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- The effect on the openness of the Green Belt;
- Whether, having regard to local and national policy, the proposal would be an acceptable form of development in the open countryside; and
- Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the site is within the Green Belt

7. Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration 2005 (JSP) identifies the general extent of an extension to the Green Belt and states that "Precise boundaries, including those around settlements, should be defined in Local Plans...".
8. The site is within the Green Belt defined by Policy 26 of the Northumberland Local Plan Core Strategy Pre-Submission Draft (Major Modifications 2016 (NCS). However, the NCS is an emerging document which has not been subject to an Examination in Public. Mindful of paragraph 216 of the National Planning Policy Framework (the Framework) it is reasonable to assume that there may be significant unresolved objections to the Green Belt boundary proposed in the NCS. It is possible that the policy and Green Belt boundary could be amended or deleted as a result of the examination into the overall soundness of the plan. As a consequence, I can afford Policy 26 and the proposed Green Belt boundary only limited weight as a material consideration in this matter at this time.
9. In my view, there are two versions of the Green Belt that the proposal should be assessed against:
 - A. The Green Belt as it currently exists i.e. the general extent of the Green Belt extension established by the JSP.
 - B. The Green Belt as proposed in the emerging NCS.
10. In relation to the Green Belt as **existing**, I acknowledge that a precise boundary in the vicinity of the appeal site has not been defined in a Local Plan. A similar issue was addressed in a recent Decision by the Secretary of State on

an appeal for 'Land Off Avon Drive' near York², which I provided to the main parties for comment. In that appeal, the general extent of the Green Belt boundary was established by a Regional Spatial Strategy, but the inner boundary had not been defined by a Local Plan. The Inspector concluded that the lack of a defined boundary provides insufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt. The Inspector went on to determine if the site was within the Green Belt by assessing its contribution towards the Green Belt purposes³. He concluded that it is enough for a site to make a contribution to one of these purposes for it to be within the general extent of the Green Belt. The Secretary of State agreed with this approach in his Decision.

11. In support of the appeal, my attention has been drawn to recent appeal decisions⁴ near Morpeth where the issue of the Green Belt was considered. I note that in these cases the Inspectors considered that the precise boundary of the Green Belt had not been defined and that this matter was not a determinative issue in their decisions. However, mindful of the conclusions of the Secretary of State in relation to the 'Avon Drive' appeal, I disagree with my colleague Inspectors on this matter and specifically that the lack of a defined boundary does not justify the arbitrary exclusion of a site from the general extent of the Green Belt.
12. I consider that the approach taken in the 'Avon Drive' appeal as outlined above is applicable to this proposal. To determine if the site is within the general extent of Green Belt as it currently exists, I will therefore assess its contribution to the five purposes of the Green Belt as defined by paragraph 80 of the Framework.
13. The first Green Belt purpose is "*to check the unrestricted sprawl of large built up areas*". Whilst Morpeth is not a city or part of an extensive conurbation, it is a town of a significant size. The appeal proposal would be an extension to a suburban area which extends some distance from the Town Centre. This site therefore acts as a barrier to the unrestricted sprawl of the built up area of Morpeth and therefore makes a contribution to the first Green Belt purpose.
14. The proposal would not lead to "*neighbouring towns merging into one another*", and the second Green Belt purpose is therefore not an issue.
15. The third Green Belt purpose is to "*assist in safeguarding the countryside from encroachment*". The appellants contend that the development would not be seen in the context of the wider countryside and would appear as development on the urban fringe. However, I saw that the site is an agricultural field and is clearly an integral element of the open countryside around Morpeth. Whilst some degree of screening is provided by the hedge adjacent to the highway, the development of the site would be readily apparent both from the adjacent road and from paths leading through woodland adjacent to the site which I saw are popular routes for recreational walkers. The proposed development would represent an encroachment into the countryside. The site in its current form therefore assists in safeguarding the countryside from encroachment and contributes to the third Green Belt purpose.

² Appeal Ref: APP/C2741/W/16/3149489

³ Paragraph 80 of the Framework.

⁴ Appeal Refs: APP/P2935/W/15/3135278, APP/P2935/W/15/3135287

16. The fourth Green Belt purpose is “*to preserve the setting and special character of historic towns*”. Morpeth is a historic town and the extent of the Green Belt around it could contribute to its setting and historic character. However, based on the evidence before me and observations on my site visit, the appeal site is not visible from the historic core of the town or from designated heritage assets which contribute to its historic character. Although the site is readily visible from the highway immediately to the east, this is not one of the main routes into the town or a major route for traffic passing through the area. Within this context, my overall assessment is that the site does not make a significant contribution to the fourth Green Belt purpose.
17. The fifth Green Belt purpose is “*to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*”. The inclusion of the site within the Green Belt would direct development to urban areas, including potentially suitable sites within Morpeth, thereby contributing to urban regeneration.
18. Drawing the above together, in relation to the Green Belt as **existing**, the site contributes to the first, third and fifth of the Green Belt purposes. I therefore conclude that the site is within the general extent of the Green Belt as established by Policy S5 of the JSP.
19. In relation to the Green Belt as **proposed**, the appeal site is within the Green Belt as defined by Policy 26 of the emerging NCS. However, for the reasons stated above I give this Policy limited weight.
20. I note that the appellants disagree with the reasoning of the ‘Avon Drive’ decision on the matter of whether it is sufficient for a site to meet only one of the Green Belt purposes. Notwithstanding that I have found that the appeal site contributes to three of those purposes, it may be that there are other sites that make a more substantial contribution to four or all five purposes. The appellants also contend that the development of this site would not prejudice the designation of Green Belt in the future. However, these are matters which should be addressed by the Examination in Public into the NCS and the proposed Green Belt as a whole. I have in any case determined the characteristics of the appeal site and the proposal on their own merits.

Inappropriate Development

21. Paragraph 89 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless they meet certain exceptions. The proposal would not meet these exceptions.
22. In these circumstances the proposal would be inappropriate development in the Green Belt which is by definition harmful to the Green Belt and substantial weight must be given to this harm.

Openness of Green Belt

23. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. The proposal would lead to significant built development on a site where currently no development exists. The proposal would therefore reduce the openness of the Green Belt and I give substantial weight to this harm.

Development in the Open Countryside

24. The site is outside of the settlement boundary for Morpeth defined by Policy MC1 of the Castle Morpeth District Local Plan 2003 (CMLP). Policy C1 states that development in the open countryside beyond settlement boundaries will not be permitted unless it is essential to meet the needs of agriculture or forestry or it accords with a number of policies, including H16 which specifies criteria to be used to assess houses in the open countryside. The proposal would not meet the criteria of Policies C1 or H16 and therefore conflicts with the CMLP.
25. The site is also outside of the settlement boundary defined by Policy Set1 of the Morpeth Neighbourhood Plan 2016 (MNP). This policy states that areas outside of settlement boundaries will be treated as open countryside where development will only be supported in specified circumstances. The proposal would not meet those circumstances and therefore conflicts with Policy Set1.
26. The appellants contend that the settlement boundary of the CMLP is not based on up-to-date evidence of objectively assessed need for housing. However, I note that the Council is able to demonstrate a housing land supply in excess of 5 years for this housing market area. Relevant policies for the supply of housing, including the settlement boundary, should therefore be considered up-to-date in accordance with paragraph 49 of the Framework.
27. The appellants have also referred to differences between housing figures of the MNP and those of the emerging NCS. However, I note that the MNP was made as recently as May 2016 and that the Examiner considered that the settlement boundary complied with the Basic Conditions. Furthermore, based on the Council's housing land supply in excess of five years and mindful of the Written Ministerial Statement issued on 12 December 2016, there is not a significant lack of supply of housing and the relevant policies of the MNP should be considered up-to-date.
28. In support of the appeal, the appellants also refer to a Council Officer's report on a scheme at Lancaster Park from September 2016 which states that many of the saved policies of the CMLP are now considered to be out of date and/or not in conformity with the Framework - most notably Policy C1 which is referred to by the Council as a basis for refusing the appeal proposal. However, the Council has confirmed that the Lancaster Park scheme was much wider ranging than the current appeal, involving significant development including employment, tourism and transport infrastructure. I consider that the Council Officer's comments on policy issues in relation to Lancaster Park were made within a materially different context and do not set a precedent for my consideration of planning policy in this appeal. In any event, I consider that the policies of the CMLP are not out of date for the reasons stated above.
29. The appellants have also referred to Policy 3 of the emerging NCS which they contend is more permissive of development next to settlement boundaries. The context for this assertion is not provided, although I note that whilst Policy 3 'e' does refer to the accommodation of development next to a settlement, this does not relate to Morpeth which is classified as a Main Town and is addressed by sections 'a' and 'b' of Policy 3. In any event, conscious of paragraph 216 of the Framework, I have not been made aware of the extent of unresolved objections to Policy 3 and due to the scope of this policy it is possible it could be amended or deleted as a result of the examination into the

overall soundness of the NCS. I can therefore afford this policy only limited weight.

30. I conclude that the proposal would not be an acceptable form of development in the open countryside, and would conflict with Policies C1, MC1 and H16 of the CMLP and Policy Set1 of the MNP.

Other Considerations

31. I have had regard to the benefits arising from the proposal. The description of the proposal states that it would provide 11 affordable dwellings, although I note that the appellant has agreed to make a contribution towards affordable housing off-site. This would be a modest contribution to the need for affordable units as outlined in paragraph 7.5 of the appellants' appeal statement and I give this benefit moderate weight.
32. The development would provide a significant number of self-build plots. I have also had regard to the appellants' statement that it is only unallocated marginal sites such as the appeal site that will be capable of delivering self-build housing. However, no substantive evidence has been provided to me to demonstrate that there are no other sites which comply with planning policy and which could be used to provide self-build housing. Furthermore, I am mindful of the advice in the Planning Practice Guidance (PPG) that "*Unmet housing need... is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt*".⁵ I therefore give this benefit limited weight.
33. Residents of the dwellings would contribute to the support of services in the area, although given the scale of facilities in Morpeth this contribution would be relatively minor. The construction of the development would generate economic benefits through employment and other investment, albeit for a limited period of time. I give these benefits limited weight.
34. The appellants have referred to the New Homes Bonus that the proposal would generate. However, the PPG advises that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority.⁶ I therefore do not consider this to be a benefit.
35. I note the intentions of the appellants in relation to a high threshold of sustainability relating to matters such as the construction of dwellings, green infrastructure, design and site layout. Whilst these issues are more suitably addressed at the reserved matters stage, I consider that they are not unique to this site and could be provided in locations which are more policy compliant. I therefore give these benefits limited weight.
36. The provision of sustainable urban drainage would primarily address drainage issues generated by the development itself, and is therefore neutral in the overall planning balance.
37. I have also taken into account the comments made in relation to the proposal on matters including archaeology, housing design, characteristics of self-build housing, highway safety, capacity of services, noise & disturbance, drainage,

⁵ Paragraph: 034 Reference ID: 3-034-20141006

⁶ Paragraph: 011 Reference ID: 21b-011-20140612

volume of residential development, precedent and loss of agricultural land. However, consideration of these matters has not led me to a different conclusion on this appeal.

38. The weight to be given to the benefits arising from the proposal is far outweighed by the substantial weight that must be given to the harm arising from inappropriate development; the substantial harm to the openness of the Green Belt and the harm resulting from conflict with the purposes of including land in the Green Belt as well as the unacceptable form of development in the open countryside. Very special circumstances to justify the proposal do not therefore exist.

Overall Balance and Conclusion

39. I note that the appellants state that the site is excluded from the current Green Belt boundary. However, for the reasons stated previously, I consider that the proposal would be within the general extent of the Green Belt and would be inappropriate development under the policies of the Framework.
40. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I consider that the proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it. Very special circumstances to justify the proposal do not exist. I also consider that the proposal would not be an acceptable form of development in the open countryside. It would therefore conflict with the policies of the development plan as a whole and the Framework.
41. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

David Cross

INSPECTOR