



Appeal Decision

Site visit made on 2 January 2018

by **Helen Cassini BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 January 2018

Appeal Ref: APP/P2935/W/17/3186820

**Southcroft Stables, The Croft, Ulgham, Morpeth, Northumberland
NE61 3BB**

- 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 Peter Richardson against the decision of Northumberland County Council.
 - The application Ref: 17/00772/OUT, dated 1 March 2017, was refused by notice dated 13 September 2017.
 - The development proposed is the erection of up to 25 dwellings (Use Class C3) with all detailed matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the proposal has been taken from the Council's decision notice as it most accurately describes the location of the site.
3. The application was submitted in outline form with all matters reserved for future consideration. Drawings showing an indicative layout and general landscape arrangements were submitted with the application. Regard to these indicative plans has been made in the determination of this appeal insofar as they provide illustrative detail.
4. In the body of the Council's second reason for refusal, reference is made to local development plan Policy S5. It is noted that the appellant considers that this reference relates to Policy S5 of the Castle Morpeth District Local Plan 2003 (the CMDLP) which relates to village shops. To my mind, a typographical error occurred during the drafting of the decision notice and the correct reference should be Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration 2005 (the JSP). As Policy S5 of the JSP is referenced within the main body of the Council's delegated report and statement of case, it is not considered either party has been prejudiced by this error.
5. A Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted with the appeal (hereby referred to as the obligation). This matter will be returned to below.

Main Issues

6. The main issues 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;
- The effect on the character and appearance of the area; 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 in the Green Belt

7. Dispute exists between the two parties as to whether the proposed site is within the Green Belt. Saved Policy S5 of the JSP states that precise boundaries, including those around settlements, should be defined in Local Plans.
8. The proposed site is located within the former Castle Morpeth area and is not included within the Green Belt as defined within the CMDPL. The CMDPL was produced prior to the JSP. The Green Belt as detailed within the CMDPL is therefore superseded by the JSP, in regard to the general extent of the Green Belt extension.
9. The Northumberland Local Plan Core Strategy (the CS) was submitted for examination in April 2017. The draft CS was developed using the 2012 Sub-National Population Projections (the SNPP). The Council confirmed that following the publication of the SNPP 2014 figures, the level of residential growth required to support and sustain economic growth in Northumberland would be significantly different than when based on the 2012 data. Consequently, in July 2017 the Council withdrew the CS from the examination process. In accordance with paragraph 216 of the National Planning Policy Framework (the Framework) in regard to the weight to be given to policies in emerging plans, it therefore follows that very limited weight will be given to any policies within the emerging CS.
10. A precise Green Belt boundary in relation to the appeal site is yet to be formally defined within an adopted Local Plan. The previous planning history of the site, including the dismissed planning appeal¹ is noted. In the previous appeal on the site, the Inspector found that the site was not located within the Green Belt. At my request, a plan illustrating the location of the proposed site in relation to saved Policy S5 was prepared by the Council and forwarded in January 2018. This plan confirms that the site would be located within the extent of the Green Belt, as stated within saved Policy S5 of the JSP.

¹ Appeal reference APP/P2935/W/16/3144374

11. A similar issue was dealt with in an appeal decision in 2016². In this instance both the Inspector, and subsequently the Secretary of State, found that the lack of a defined boundary provided insufficient justification to exclude a site which is contained within the general extent of the Green Belt. The 2016 appeal decision related to a site adjacent to a defined settlement and was of a different scale to the proposal before me. Nevertheless, it is considered that the approach adopted is applicable in regard of this appeal.
12. In order to determine whether the site is therefore within the general extent of the Green Belt, it is necessary to assess the level of contribution to the Green Belt purposes, as contained within paragraph 80 of the Framework.
13. The appeal site is located to the south of the settlement of Ulgham. Due to the modest scale of Ulgham, it is not either a town or large built up area. The site would not therefore make a contribution to the first and second purposes of the Green Belt, which are to check the unrestricted sprawl of large built up areas and to prevent neighbouring towns merging into one another.
14. The third Green Belt purpose is to assist in safeguarding the countryside from encroachment. The existing residential property of South Croft Stables is located on the eastern extent of the proposed site boundary. However, this dwelling and the associated derelict equestrian buildings, represent a single, standalone feature. Any long distance views of the site would be seen in context with the existing residential development in Ulgham. Nevertheless, the proposal would result in a clear encroachment of built development into what is open countryside.
15. The preservation of the setting and special character of historic towns is the fourth Green Belt purpose. There are no designated heritage assets within the site and Ulgham is not designated as a conservation area. With regard to listed buildings, the nearest ones are at Ulgham Hall, the Manor House and the Church of St John the Baptist. Due to the separation distance of these assets from the site, the proposal would not impact on the setting of the listed buildings. The site therefore does not contribute to the fourth purpose.
16. The fifth Green Belt purpose is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Whilst the site is considered to be previously developed land, no substantive evidence has been submitted confirming that the construction of the proposal would undermine the delivery of urban regeneration schemes within the Council's administrative boundary. The proposed development would not therefore contribute to this purpose. This issue of the status of the site, with particular regard to its status of previously developed land, will be addressed later.
17. The site contributes to the third purpose of the Green Belt. Thus it has a Green Belt function in an area within the general extent of the Green Belt. On this basis, and without any plan to define it as excluded from the Green Belt, it is concluded that the site should be treated as being within the Green Belt, as established within saved Policy S5 of the JSP.

Inappropriate Development

18. Paragraph 87 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

² Appeal reference APP/C2741/W/16/3149489

special circumstances. The construction of new buildings is to be regarded as inappropriate development.

19. Exceptions to inappropriate development, set out in paragraph 89 of the Framework, include buildings for agriculture and forestry, the provision of facilities for outdoor sport and the extension or alteration of buildings. None of these directly apply to the circumstances of the proposal.
20. Consequently the proposal would form inappropriate development in the Green Belt. Paragraph 88 of the Framework indicates that substantial weight is to be given to any harm to the Green Belt.

Openness

21. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Whilst the concept of openness includes the absence of buildings and development, it is a broader concept than just visibility, and levels of domestic activity can affect openness. Furthermore, the absence of visual intrusion does not in itself mean that there is no impact on openness.
22. Exceptions within paragraph 89 also include the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
23. The Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. From both observations made during the site visit and from the submitted evidence, it was evident that the site had previously been used for stabling and a riding school. Whilst these activities have since ceased, there is no evidence to suggest that the site has ever been used for agricultural purposes. Furthermore, there is no evidence of any other current uses on site which relate to agricultural activities. As such, the site falls within the definition of previously developed land.
24. The proposal would result in the replacement of open countryside with up to 25 residential dwellings. The presence of existing residential development extending to the southern field boundary is noted. In addition, the existence of screening as a result of mature trees and shrubs to the north is also acknowledged. Furthermore, whilst the proposal is in an outline form, the indicative landscaping scheme demonstrates that remaining views into the site could be largely screened.
25. However, the proposed scale of the development would result in an inevitable and significant adverse impact on the present openness of the site. On that basis alone, and irrespective of whether or not the buildings would be significantly visible from within the public domain, there would be a loss of openness to the Green Belt in spatial terms.

Character and Appearance

26. The relatively mature belt of trees and vegetation located to the north of the proposal acts as a natural boundary to the settlement of Ulgham. Open

- agricultural land is located to the south and west of the proposed site, with South Croft stables and dwelling sited to the east of the boundary.
27. This small complex of buildings is the most southern-most residential dwelling within Ulgham. However, this is viewed as a standalone feature within the open countryside. Rather than providing justification for the development in question, if anything, the presence of these buildings points to a need for proposals to be carefully controlled if the character and appearance of the area is to be safeguarded. The proposal is beyond the built up limits of Ulgham and is therefore outside of the settlement boundary and would be located within the countryside.
 28. The proposed location of the site would be relatively accessible, as future occupiers of the dwellings would be able to walk to the centre of Ulgham. Although only basic facilities and services exist, a regular public transport service to larger settlements is available. Future residents would not, therefore, be overly reliant on use of private vehicles to access a wider range of services and facilities.
 29. The indicative landscaping details confirm much of the existing vegetation on site would be retained and additional landscaping would be provided. Nevertheless, the proposed dwellings would not be sited directly adjacent to the settlement boundary of Ulgham. The proposal would not appear as an addition to the existing dwellings on The Croft.
 30. The existing screening and topography of the site would prevent any wide ranging views of the proposed dwellings from the approach into Ulgham on the B1337. However, there would be significant views of the proposed dwellings from Ulgham Lane, which is a regularly used highway leading to the centre of the settlement.
 31. The impression of the site is that it contributes to the functional appearance and visually coherent character of the countryside of which it forms a part. It forms part of a pattern of small fields at the edge of the settlement which stretches both to the south and west. The site therefore contributes to the character of the countryside and the distinction between the settlement and the fields and farmland which surround it. The proposal would breach the settlement boundary of Ulgham, encroach into the countryside, and reduce its open and undeveloped character, weakening the distinctive relationship between Ulgham and the countryside. The further introduction of the type of domestic paraphernalia that is typically associated with dwellings would also add to the resultant urbanising effect.
 32. Policy C1 of the CMDLP was adopted prior to the Framework. Paragraph 211 of the Framework confirms that policies should not be considered out of date simply because they were adopted prior to the Framework. The consideration of the impact of development outside settlement boundaries is broadly consistent with the Framework and significant weight is therefore attached to this policy in accordance with paragraph 215 of the Framework.
 33. Policy C1 of the CMDLP limits residential development outside settlements to various exceptions including housing for agricultural or forestry workers. In addition to the significant harm identified to the existing character and appearance of the site, the proposal does not meet any of the exceptions specified in Policy C1 and is therefore found to be contrary to this policy.

34. It is noted that character and appearance was not cited as a reason for refusal in regard of the first proposed residential scheme on the site. In their statement of case the Council accepts that issues relating to openness and character should have been divided into two separate planning issues in the first decision notice.
35. Despite this, the reasons for refusal set out in the most recent decision notice are complete, precise, specific and relevant to the application. In addition, a sufficiently substantial case was made in support of all the reasons for refusal within the appeal statement. Whilst the issue of character and appearance may not have been clearly handled within the first application, there are no substantive reasons before me to find that this issue should not be a material planning consideration.
36. The Council has also referred to Policy H15 of the CMDLP in the decision notice. This policy is mainly concerned with specific design criteria. As the proposal was submitted in outline, with all matters reserved, this policy is not particularly relevant.

Other Considerations

37. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The cited benefits in respect of the provision of housing, the economic and social benefits and the accessibility to local services and facilities are recognised.
38. The appellant claims that the Council is unable to demonstrate a 5-year supply of housing and therefore the Council's policies for the supply of housing are out of date and the titled balance of paragraph 14 of the Framework should be engaged. This matter is disputed by the Council.
39. Even if the Council were unable to demonstrate a 5-year supply of housing and paragraph 14 of the Framework were to apply, this would require that planning permission should be granted, unless specific policies in the Framework indicate that development should be restricted. Footnote 9 appended to paragraph 14 of the Framework makes it clear that land designated as Green Belt is such an explicit policy.
40. Given the conflict with those policies of the Framework identified above, the proposed development is not considered sustainable development for which the Framework presumes in favour.
41. A planning obligation, has been completed and signed by the appellant and Council. The obligation states that in the event that planning permission is granted, 6 of the proposed dwellings would be affordable housing units.
42. Paragraph 204 of the Framework and Regulations 122 and 123 of the Community Infrastructure Levy (Amendment) Regulations 2015 states that obligations should only be sought where they are 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.

43. The obligation is directly related to the development and would be reasonably related in scale and kind to the development. Nevertheless, as the appeal fails on the substantive issues of inappropriate development in the Green Belt and harm in relation to the character and appearance of the surrounding area, it is not necessary to consider the matter of the obligation any further.
44. Examples of development within the immediate area which are located outside of the settlement boundary have been highlighted. However, limited information relating to the particular circumstances of these developments has been supplied. Therefore, the appeal has been considered on its individual planning merits.
45. The above considerations, either individually or collectively, do not outweigh the identified harms. Consequently, there are no very special circumstances necessary to justify the development.

Conclusion

46. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR

Richborough Estates