
Appeal Decision

Site visit made on 14 May 2014

by Martin Joyce DipTP MRTPI

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

Decision date: 6 June 2014

Appeal Ref: APP/H4505/A/14/2211577

Land north of Barlow Road (opposite Nos 35 to 57), Barlow, Blaydon-on-Tyne, Gateshead NE21 6JU

- 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 Neil Smith against the decision of the Gateshead Council.
 - The application, Ref: DC/13/01267/OUT, dated 6 October 2013, was refused by notice dated 11 December 2013.
 - The development proposed is an outline application for residential development of up to 15 bungalows with all matters reserved.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) Whether the proposed development would be appropriate in the Green Belt;
 - b) The effect of the proposal on the openness of the Green Belt and on the character and appearance of the surrounding area;
 - c) Whether the proposal would be sustainable development; and,
 - d) Whether, if the proposed development constitutes inappropriate development in the Green Belt, there are any material considerations sufficient to clearly outweigh the harm to the Green Belt, and any other harm, thereby justifying approval on the basis of very special circumstances.

Reasoning

Whether Appropriate Development

3. The appeal site is an elongated area of land of about 160m in length and 20m in width situated on the north-western side of Barlow Road, opposite a strip of residential development comprising, in the main, single-storey detached and semi-detached dwellings.
4. The whole of the site lies outside the settlement boundary of Barlow, and within the Green Belt, as defined in the Development Plan for the area - the Gateshead Unitary Development Plan (UDP), adopted in July 2007. Policy ENV36 of the UDP sets out the purposes of the Green Belt, including the

safeguarding of the countryside from encroachment. It complies with the policy contained within paragraph 80 of The National Planning Policy Framework ("The Framework"), issued in March 2012.

5. Policy ENV37 of the UDP states that planning permission will not be granted, except in very special circumstances, for inappropriate development in the Green Belt, and it then goes on to define the various categories of development which may not be inappropriate. This list has, however, been superseded by that contained within paragraph 89 of The Framework. This states that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than for a number of exceptions. This includes limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, 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.
6. The appellant relies upon a claim that large parts of the appeal site are previously developed land with the most recent structures not having been removed until 2011. In support he produces a series of historical maps dated between 1857 and 1993. However, these maps show that, apart from two buildings in the extreme south-western part of the site, identified as West House in the OS Plan of 1961, and the northern corner, together with a few small structures which may have been sheds, the site was largely undeveloped throughout the period in question. Indeed, no buildings are shown on any plan after, and including, that of 1978 and I saw no evidence of any structure at my inspection, including any foundations.
7. Annex 2 of The Framework provides a definition of "previously developed land" but it states that land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time is excluded from the definition. This is pertinent to the appeal site, where all traces of any previous development have disappeared, largely through the extensive vegetation of the land.
8. I do not consider, therefore, that the exception to inappropriate development cited in the last bullet point of paragraph 89 of The Framework applies in this case. It follows, in conclusion on this issue, that the construction of up to 15 bungalows on the appeal site would be inappropriate development in the Green Belt, contrary to the relevant provisions of the UDP and The Framework.

Effect on openness, character and appearance

9. The character of the area surrounding the appeal site is mixed, with the appeal site itself being of rural open character whilst land to the south of Barlow Road is in residential use as part of the linear settlement of Barlow. In the wider area, however, countryside land uses, principally agriculture, predominate. The appeal site itself is unused and largely overgrown, but land to the north is in arable use. In terms of appearance, the area is most attractive with the appeal site occupying part of a ridge above a moderately steeply sloping valley, thus extensive views are available in that direction. Mature vegetation, including hedgerows and shrubbery within the site itself, adds to the overall quality of the landscape.

10. The proposal would result in an encroachment of residential development into an area that is clearly open countryside situated to the north of a definable boundary. This would be contrary to the existing character of the area, and would result in the loss of that countryside including locally significant vegetation in the form of the various shrubs and mature hedgerows on the site. Crucially, it would also inevitably mean a reduction in the openness of the Green Belt in this area through the building of dwellings and associated structures on land that is currently undeveloped.
11. Policy ENV38 of the UDP provides for infilling development in “washed-over” Green Belt settlements, including Barlow, but, whilst paragraph 89 of The Framework also makes reference to limited infilling in villages, the proposal before me does not meet that criteria, as it would extend development beyond the settlement boundary. My conclusion on this issue is that the proposal would materially harm the character and appearance of the surrounding area, and also the openness of the Green Belt, contrary to relevant local and national planning policy.

Sustainable development

12. Barlow is a linear settlement that extends for almost 1km along Barlow Road, and includes a cul-de-sac, Barlow Crescent, at its western extremity. It comprises, however, only residential property save for a single public house, The Black Horse. There are no shops or other services, including health care or schools. It follows that any resident wishing to use such local services, or journey to work, would have to travel out of the village, to settlements such as Blaydon, High Spen or the wider Tyneside conurbation beyond.
13. In this context there is a bus service through the village, but Route R6 has only one bus per hour in each direction, and the only other service (Route 933) is a single early-morning journey on Monday to Friday to the Team Valley Trading Estate, with an early evening return. It follows that, whilst some residents may make use of the bus service, it is likely that the majority of journeys to work, shop or access essential healthcare and other community facilities, will be made by private car.
14. Paragraph 6 of The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development, of which there are three dimensions – economic, social and environmental. Consequent policies invariably stress the need for new development to be sustainable with, amongst other things, an aim of making the fullest use of public transport and focusing development in locations which are, or can be made, sustainable. Policy H4 of the UDP sets out a number of criteria for the location of windfall and small housing sites, including location in relation to jobs, shops and services, and accessibility by modes of transport other than the private car.
15. In all of the above circumstances, and in conclusion on this issue, I do not consider that the appeal proposal would represent sustainable development. It would result in the construction of up to 15 new dwellings in a location where reliance on the private car is inevitable, thus increasing the number of journeys that would need to be made to local towns and villages for services that are not available in Barlow. This is contrary to policies contained within both The Framework and the UDP.

Very Special Circumstances

16. I have found that the appeal proposal would be inappropriate development in the Green Belt, harmful by definition, and would cause material harm to the character and appearance of the surrounding area, and the openness of the Green Belt. It would also be a form of unsustainable development contrary to national and local planning policy. For planning permission to be given, therefore, it is necessary for very special circumstances to be shown that would clearly outweigh all of these matters.
17. In this context, the appellant suggests a number of matters that, cumulatively, would justify a grant of planning permission. These include the claim that the site is previously developed land, that development would have minimal visual impact and would result in the use of land that is of no agricultural value, and that it would make a significant contribution to the supply of housing in circumstances where the Council are unable to show the five-year supply, together with an additional 20%, required by national planning policy.
18. I have already considered some of these matters in relation to the previous main issues and I shall not repeat my deliberations here. With regard to use of land of no agricultural value, little information has been provided about actual land quality. It is clearly an unused area of land that has become overgrown and colonised by various shrubs and plants, but that, in itself, may give some ecological as well as visual benefit. An appropriate survey would be required, however, to form a firm conclusion as to its usefulness in agricultural terms and, as none has been provided, this matter can carry little weight in the context of this issue.
19. With regard to housing land supply, the Council acknowledge that there is currently a shortage, and that they cannot meet the requirements of paragraph 47 of The Framework, which include an additional buffer of 20% given their record of persistent under-delivery. They state that, having regard to their most recent assessment, only 3.9 years supply can be demonstrated, which I calculate to be about 65% of the requirement set by The Framework.
20. The Council has, however, sought to address the deficit in housing land supply, and a report to their Cabinet, in December 2013, in connection with the emerging Core Strategy, seeks to incorporate new housing sites, including on land deleted from the Green Belt so as to meet the identified demand. They also draw attention to the fact that, in a written ministerial statement on 1 July 2013, the Secretary of State for Communities and Local Government emphasised that inappropriate development in the Green Belt should not be approved except in very special circumstances and that, whilst each case will depend on its facts, the single issue of unmet demand, whether for traveller sites or conventional housing, is unlikely to outweigh harm to the Green Belt, and other harm.
21. That is the situation in this case. Whilst I can only give limited weight to the proposals in the emerging Core Strategy, and whilst it is clear that there is a significant shortfall in the current availability of land for housing in the Borough, this alone does not provide sufficient justification for approval in the light of the significant harm that would result from the proposed development as discussed in the issues considered above. My conclusion on this issue is that the other matters put forward do not amount to the very special

circumstances needed to justify the approval of inappropriate development in the Green Belt.

22. It follows from my conclusions on the main issues that the appeal fails and that planning permission will not be granted.

Other Matters

23. All other matters raised in the written representations have been taken into account, but they do not outweigh the conclusions reached on the main issues of this appeal. For the avoidance of any doubt I have also considered all relevant matters contained in the Planning Practice Guidance but they do not alter the policies referred to above.

Conclusions

24. For the reasons given above I conclude that the appeal should be dismissed.

Martin Joyce

INSPECTOR

Richborough Estates