

Appeal Decision

Site visit made on 29 September 2023

by **Susan Hunt BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th October 2023

Appeal Ref: APP/P2935/W/23/3327798

Land South of Broomhouse Lane, Prudhoe

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Northumberland Estates against the decision of Northumberland County Council.
 - The application Ref 20/0230/FUL, dated 21 January 2020, was refused by notice dated 30 March 2023.
 - The development proposed is 63 no. dwellings with associated infrastructure and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for 63 no. dwellings with associated infrastructure and landscaping at land south of Broomhouse Lane, Prudhoe in accordance with the terms of the application, ref 20/0230/FUL dated 21 January 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Northumberland Estates against Northumberland County Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description in the banner heading above is not as set out on the application form but reflects the revised plans including a reduction in the number of dwellings. The plans were accepted and the amended description was agreed by the Council prior to determination and submission of the appeal, therefore I have proceeded with the appeal on this basis.
4. As the appeal relates to the setting of a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The proposed development has been screened under Regulation 14(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and concludes that the proposal would not be likely to have a significant environmental impact in view of the nature, scale and location of the proposed development and the nature of the receiving environment. Consequently the Secretary of State has directed that the proposal is not Environmental Impact Assessment development.

6. A completed and signed legal agreement under Section 106 of the Town and Country Planning Act 1990 (S106) has been submitted, including obligations relating to various social and infrastructure contributions. I return to this matter later in the decision.

Main Issues

7. The main issues are:

- Whether the proposed development would deliver an appropriate mix of housing to meet local housing needs;
- The effect of the proposed development on the living conditions of occupiers of Tilley Crescent, with particular reference to disturbance and visual amenity; and
- Whether the proposed development would deliver appropriate measures for energy efficiency and sustainable design.

Reasons

Housing Mix

8. The proposed development of 63 dwellings includes a range of house types, sizes, and tenures. Within this mix, 22 dwellings would be semi-detached two and three bed houses. The remainder of dwellings would be detached three or four bed dwellings.
9. Northumberland Local Plan 2022 (NLP) policy STP 3 at part 1b expects development proposals to provide a type and mix of homes to meet local housing need and increase choice in the local housing market. Policy HOU 5, in relation to housing types and mix, states that development proposals will be assessed according to how well they contribute to meeting the needs and aspirations of those living in and seeking to move to Northumberland, as identified in the most up-to-date Strategic Housing Market Assessment (SHMA), a local housing needs assessment and/or other evidence of local housing needs which is verified by the Council.
10. Policy HOU 5(1) does not specifically identify a preferred housing mix for residential sites in any individual area. It refers to a requirement to 'contribute to' meeting needs, and refers to a range of evidence documents that could identify the needs and aspirations of those living and seeking to move to the area. I have been directed to the Inspector's report into the examination of the NLP (paragraph 194) and Main Modifications¹ relating to this policy. Given the relatively recent adoption of the NLP in 2022 and lack of alternative evidence from the Council, I would agree with the appellant that there is a degree of flexibility inherent in the wording of the policy. This is particularly pertinent given the significant area of the county of Northumberland covered by the policy, which has diverse needs and varied housing market areas.
11. NLP supporting text paragraph 7.28 explains that new housing will need to meet predominant needs on all types of sites and paragraph 7.29 refers to the SHMA, and the type of properties where need is expected. The 2015 SHMA does not provide detailed assessment of need for particular house types or mix

¹ Appellant's Statement of Case Appendix 2 and 3

in detailed sub-market areas (or individual settlements) and the headline figures within the assessment are derived from a county-wide analysis. In this respect, the data relating to specific need applicable to the appeal site is limited.

12. Consequently, I acknowledge that the house types expected to be needed in any individual settlement would be subject to variation. Assessment is required on a case-by-case basis according to the most up-to-date evidence as appropriate.
13. I note that there is no local housing needs assessment for Prudhoe, but there is some information specific to the settlement in the most recent update to the 2015 SHMA (published in 2018). This identifies Prudhoe as being within the 'Tyneside Commuter Belt (West)' local housing market, part of the Central delivery area. Paragraph 2.9 of the document identifies a key feature being a gap in supply for the middle market typically for first time movers seeking larger homes for their growing families. At paragraph 2.14 it indicates that Prudhoe has terraced housing in abundance, and that there is a shortage of semi-detached homes needed for 'move on' accommodation. To add to this, the appellant's evidence² includes a commentary from a local estate agent who indicates that two bedroom properties are not selling as well as the bigger houses in Prudhoe.
14. The evidence indicates that a range of site and planning constraints have contributed to the prevalence of three and four bed detached houses in the proposed development, in addition to market demand. The appeal site comprises steeply sloping land and the location of the accesses, pedestrian links, drainage provision and other infrastructure constrain the layout so that it lends itself to what is essentially two cul-de-sacs. The proposals altered during the application process in response to discussions with the Council and consultation responses. The appellant states that the topography of the site does not lend itself easily to level access bungalows or housing to specifically meet the needs of an ageing population, and I am conscious that the originally proposed apartments were deleted from the scheme. This presents additional justification for the housing mix before me, and in the absence of any substantiated contrary evidence from the Council which demonstrates a particular housing need, I would concur with the appellant that the housing mix is appropriate.
15. Overall I am satisfied that the proposed development would be in compliance with NLP policies STP 3 and HOU 5, and in turn would meet the aims of the National Planning Policy Framework (the Framework) in creating mixed and balanced communities.

Living Conditions

16. The proposed development would be served from two vehicular access points; 39 dwellings from Station Road and 24 dwellings from Tilley Crescent. The Council does not cite the Station Road access as being in dispute, and both accesses have been deemed acceptable by the Highway Authority (subject to appropriate conditions) in terms of meeting the relevant highway design and safety standards. The second reason for refusal refers to the living conditions

² Appellant's statement of case, Appendix 5

of residents of Tilley Crescent only. I address highway safety issues later in this decision in other matters.

17. Tilley Crescent is a cul-de-sac comprising modern detached dwellings of varied designs. It leads to Cross Street, a similar sized cul-de-sac. There is a footway link between no's 14 and 15 Tilley Crescent which leads to Broomhouse Lane which continues to Station Road and links to the Castlefields Drive housing area and beyond. The Transport Assessment (TA) indicates that Tilley Crescent is 5.5 metres in width. Tilley Crescent has a priority junction onto Castlefields Drive which runs from Station Road to the A695 and is subject to traffic calming measures. The TA refers to a 30mph speed limit but on my site visit I noted that it has since been reduced to 20mph.
18. There are footways to both sides of Tilley Crescent which extend directly up to a small area of vegetation and fence which marks the eastern boundary of the appeal site. Here, the layout enables future continuation of the road. I note that the continuation of Tilley Crescent into the appeal site to serve further residential development has previously been granted outline consent³, albeit with a smaller number of dwellings being served from here.
19. On my site visit I found Tilley Crescent to be a pleasant living environment, having a quiet and enclosed character. Given its topography and verdant appearance, the appeal site is clearly visible from the road, giving it an attractive backdrop beyond the boundary fence. The majority of the dwellings face the road and there are few which have direct views towards the appeal site.
20. In terms of visual amenity, views from Tilley Crescent would be opened out into a more urbanised view including the continuation of the road and a single row of the proposed dwellings, which would broadly continue the same building line as those on Tilley Crescent. The dwellings would be constructed to the south side of the road only. This would enable some relief in the view provided by the landscaped buffer alongside Broomhouse Lane, together with the presence of a drainage basin near to the boundary. Given the proposed layout and propensity of landscaping, I do not find that visual effects of opening out the cul-de-sac would affect living conditions to an unacceptable degree such that it would make it an unattractive place to live.
21. Numerous local representations refer to disturbance and associated safety and air quality effects, from construction traffic travelling via Castlefields Drive and Tilley Crescent. The submission includes a framework Construction Management Plan (CMP) (version 3, November 2022) which differs from previous versions in that it specifies no access for construction traffic from Tilley Crescent. Construction vehicle routing is proposed via the A695 and Station Road so avoiding the centre of Prudhoe, schools and main residential areas. The Council's suggested conditions include a requirement for a detailed construction method statement to be agreed prior to commencement of development and this should specify that there should be no construction access from Tilley Crescent (unless relating to the access itself).
22. Some residual effects would remain from construction activities within the main body of the site which have the potential to adversely affect the living conditions of residents of Tilley Crescent as well as other occupiers residing in

³ 13/03076/OUT

close proximity to the appeal site. Whilst some disturbance is inevitable, noise, air quality and other polluting activities have the ability to be appropriately controlled by an agreed construction method statement, and limits on construction and delivery hours.

23. There would inevitably be an increase in vehicles using Tilley Crescent once the development is complete and fully occupied. However the level of disturbance that could arise and affect existing residents is difficult to quantify. The anticipated traffic movements set out in the TA are overstated, as the assessment is based on the previous plans to access 31 dwellings and 15 apartments from Tilley Crescent. The appellant's revised predicted car driver trips via Tilley Crescent⁴ indicate that there are expected to be between three and nine arrivals and departures (12 vehicular trips) in the weekday am and pm peak for the appeal scheme of 24 homes, which during the busiest periods would amount to one vehicle movement every five minutes. This amounts to around a 40% reduction from the original scheme. Speeds would be low given the characteristics of the highway and its junction with Castlefields Drive, the residential area and the speed limit of 20mph. I note that the TA has been assessed by the Highway Authority who accept its methodology and findings. Whilst the TA was carried out some time ago now, there is insufficient counter evidence to indicate that it is not robust or fit for purpose.
24. Any vehicles parked to the side of the road would provide natural traffic calming as is demonstrated in many residential settings, and both Tilley Crescent and the proposed new road have been designed to a standard that they are able to accommodate service and emergency vehicles. Given the limited predicted amount of traffic movements I am not persuaded that the proposals would lead to the need for off-site highway improvements such as a pedestrian crossing.
25. Furthermore, a range of pedestrian routes in all different directions would be created as part of the proposals; via Station Road, Broomhouse Lane and Tilley Crescent. There is also potential for another pedestrian link across the appellant's additional land to the south. The site is conveniently located within a reasonable walking and cycling distance of a number of services including schools, bus routes, the railway station and the town centre. An interim Travel Plan has been submitted which sets out measures to encourage alternative modes of transport, and a final version can be appropriately secured by condition.
26. Given the predicted small number of vehicles movements, travelling at low speed, and the proposed alternative routes for pedestrians and cyclists, I find that noise and disturbance and a change in the inherent character of the street as a cul-de-sac would be minimal as a result. Consequently, the proposed development would not result in unacceptable harm to the living conditions of Tilley Crescent.
27. I am also satisfied that the appellant has adequately justified the need to split the development site via two accesses, with details of potential alternatives considered which would not be able to properly serve the development within the constraints of the topography of the site.

⁴ Table 1, Statement of Case

28. In terms of other effects on living conditions, the proposed dwellings would enjoy good levels of amenity space and window separation distances. They would be sufficiently distanced from the nearest existing properties so not to result in enclosure, overshadowing or loss of privacy.
29. Overall I find that the effects on the visual amenity and living conditions of the residents of Tilley Crescent would be acceptable. In this respect the proposed development would be in compliance with NLP policies STP 5, HOU 9, QOP 1 and QOP 2 which, together and amongst other things, require proposals to protect and alleviate risk to people, to not cause unacceptable harm to the amenity of existing occupiers, and to be compatible with neighbouring uses.

Energy Efficiency and Sustainable Design

30. NLP policy STP 4 supports proposals that help mitigate climate change through a number of measures which include energy efficient design, incorporation of renewable and low carbon energy, and incorporation of electric vehicle charging facilities. Policy QOP 5 is supportive of proposals which incorporate measures relating to sustainable design and construction.
31. The proposals include provision for a variety of the above measures, including electric vehicle charging points, for which a condition can be imposed. The dwellings will need to comply with the most recent Building Regulations (part L) in terms of energy efficiency, and these are more stringent than at the time NLP policy QOP 5 was adopted. Details of relevant measures such as solar panels and air source heat pumps are capable of being secured by condition.
32. The appellant has confirmed their commitment to providing such energy efficiency measures and has adequately demonstrated that they are capable of being secured within the proposed development via conditions. I find, therefore, that the proposed development is in compliance with NLP policies STP 4 and QOP 5.

Other Matters

33. Prudhoe Castle is a Grade I listed building (ref. 1370476) and Scheduled Monument (ref. 1011647). It is a tower keep castle dating largely from the 12th and 13th centuries, with a 14th century Barbican and early 19th century manor house. It is a building of exceptional significance which derives from its historic interest as a surviving Norman fortified building adapted for domestic living, built in an elevated position along the River Tyne after the conquest of 1066. Historic mapping indicates that the grounds of the Castle were principally to the north and west towards the banks of the River Tyne where its visibility was paramount, and there is no indication that it extended towards nor included the appeal site some 300 metres away. The contribution which the undeveloped and verdant nature of the site makes to the setting of Prudhoe Castle is somewhat diminished by the significant residential development which has taken place to the north of Broomhouse Lane. This, together with the mature vegetation alongside Station Road has detached any intervisibility that might have previously been present.
34. Consequently, I am satisfied that the appeal site does not make an important contribution to the significance of Prudhoe Castle nor its setting. The effects of the proposals on the Castle would be neutral and thus its significance would be preserved. This would satisfy the requirements of the Act, paragraph 199 of

the Framework and would not conflict with policies ENV 1 and ENV 7 of the NLP in relation to the preservation of heritage assets and their settings.

35. A number of other matters have been raised in representations by local residents and other interested parties, and I do not underestimate the strength of feeling raised in relation to this proposal. Some issues have been raised that do not relate to planning merits or planning policy relevant to this case, including property values, and the background, financial status or motives of the appellant. Consequently, these have no bearing upon my deliberations on this appeal.
36. I acknowledge the number and range of local representations relating to traffic and highway safety, and I have touched upon this issue in my considerations of living conditions above in relation to Tilley Crescent. However the second reason for refusal relates to visual amenity and living conditions only.
37. The submitted TA concludes that the local road network is predicted to operate well within capacity, accident reports are very low and that the site benefits from good levels of accessibility for non-car users. Further information was supplied at the Highway Authority's request during the application determination period, to include alterations to the access on Station Road, deletion of construction access via Tilley Crescent, amendments to internal road and parking layout and consideration of alternative access. Both accesses meet the relevant highway design and safety standards and it has been established that residual impacts on the surrounding local highway network would not be severe.
38. Concerns regarding breaching of the existing speed limit on Castlefields Drive, an increase in traffic since the opening of the Tynedale retail park, or its use as a cut through relate to existing issues which are not of direct relevance to the appeal. The evidence before me does not indicate that the addition of 24 dwellings would have a material effect, and I would agree with the Highway Authority that additional works to the local highways are not required and that safe and suitable access is achievable for all users. The Highway Authority are satisfied with the submission and there is a lack of substantive evidence before me which would lead me to arrive at a different conclusion in respect of highway safety matters. The evidence demonstrates that the proposed development would not have an unacceptable impact on highway safety in compliance with paragraphs 110 and 111 of the Framework.
39. The evidence before me suggests that the habitat conditions of the site and its surroundings have potential for the presence of protected species. I have a duty under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 to consider the extent to which the presence of protected species may be affected by the proposed development before planning permission is granted. Surveys should be carried out where there is a reasonable likelihood of species being present. The appellant has submitted a range of documents to support their proposals in this respect. These include an Ecological Impact Assessment (May 2022) which provides a comprehensive survey and assessment of features of ecological value within the site itself, with particular potential for nesting birds and ground mammals.
40. Whilst the majority of the internal vegetation would be removed, including a large amount of scrub and self-seeded species, the landscape strategy allows for an extensive amount of new landscape planting in particular to the

Broomhouse Lane and Station Road boundaries. There is a good potential for biodiversity enhancement with the creation of new habitats and net gain of hedgerows. Overall I am satisfied that there is sufficient information within the submission and appropriate steps have been taken to establish the presence of protected species. Furthermore, a landscape and ecological management plan can be appropriately secured by condition in accordance with mitigation and enhancement measures as set out in section 5 of the assessment. This is in accordance with the relevant legislation and local and national planning policy.

41. Reference has been made to drainage issues in the locality and the presence of groundwater springs beneath the appeal site. Following the receipt of a satisfactory amended flood risk assessment and drainage scheme, engineering layout and sustainable drainage systems basin details the Lead Local Flood Authority withdrew their objection subject to a range of conditions and the provision of a commuted sum towards off-site drainage works in Broomhouse Lane. Northumbrian Water have also not raised any issues that would prevent the development. I have not been provided with counter evidence that the development would exacerbate any existing drainage conditions. I acknowledge the reservations of some interested parties and the past issues that have been experienced, but that does not mean that a suitable scheme cannot be achieved. Indeed, appropriate drainage provision that controls surface water run-off may assist in improving the current situation. I am satisfied that the site is capable of hosting a sustainable drainage scheme, of which its full technical details and its future management can be appropriately secured by conditions.
42. Whilst reference has been made to the lack of an assessment of the development on health, I note that a 'healthy planning checklist' was submitted by the appellant which provides comprehensive consideration of such matters in accordance with the aims of the NLP. Past use of potentially toxic sprays and the need for a ground gas assessment has been addressed by the appellant in the submission of additional and updated geo-environmental documents to the satisfaction of the Council's environmental protection team. Conditions would appropriately deal with any residual or unknown contamination and secure the use of protective measures to prevent the ingress of ground gases together with the submission of validation and verification reports.
43. I acknowledge that the appeal site is not allocated for any use within the NLP but it is situated within the development limits of the settlement. There is no indication either within the NLP or from the Council's submissions that the site is classed as green open space or has any protection or designation. The design and layout of the site and its wider landscape and visual effects are not disputed by the Council. I would agree that, in the context of the modern development in the locality and the constraints of the site, that the design and layout would meet the local and national requirements for good design.
44. The addition of new housing can add pressure on local infrastructure and services including schools and healthcare. I acknowledge the pressures faced by the existing facilities and having regard to the consultation responses in relation to education and healthcare capacity the S106 appropriately secures the required contributions as set out in the next section.

Planning Obligations

45. A completed S106 agreement was signed on 29 September 2023 and forms part of my decision making. It relates to the provision of affordable housing, open space, education and healthcare contributions, and a drainage contribution. The obligations with the relevant calculations, triggers and payment amounts reflect the relevant policy requirements and the consultation responses provided by both the appropriate Council departments and externally from the Northumberland Clinical Commissioning Group. The Council's affordable housing enabler has indicated that the type, size and tenure of affordable housing offered (eight dwellings exceeding the policy requirement of 10% in the form of two and three bedroom houses for shared ownership) would be appropriate given that this type of intermediate housing is limited in Prudhoe.
46. I have already commented on many of the obligations in the main issues and other matters. I consider that each of the contributions are necessary, directly related to the development and fairly related in scale and kind and therefore meet the tests in paragraph 57 of the Framework and Regulation 122(2) of the CIL Regulations.

Conditions

47. I have considered both the wording and reasons for the conditions suggested by the Council in accordance with the tests set out in paragraph 56 of the Framework. I have made minor amendments to some of the conditions in the interests of clarity, precision and consistency. All pre-commencement conditions, some of which I have made minor amendments to, have been accepted by the appellant in writing and are consequently compliant with the necessary legislation. Conditions which require development to start within three years and in accordance with the approved plans, are necessary to ensure development is implemented as approved in the statutory time period.
48. A site-wide phasing plan is necessary to ensure the development is brought forward in a coherent and planned manner and to ensure the accesses and internal roads are completed appropriately. Details of facing and hard landscaping materials, and windows/doors are required in the interests of character and appearance. A landscaping scheme is required notwithstanding the plan submitted to ensure that additional planting is achieved to enhance the biodiversity value of the site and the area character. I have amalgamated the separate condition regarding street trees to avoid repetition. Conditions requiring a landscape and ecological management plan and provision of mitigation and enhancements as set out in the ecological impact appraisal are achieved and appropriately managed. Conditions requiring the provision of a tree protection plan and replacement of trees and hedges if removed are required in the interests of arboricultural management and protection of trees. A lighting scheme is required both in the interests of ensuring that it is sensitive to wildlife but also to area character.
49. A detailed scheme of on-site open space provision is required including arrangements for its provision and maintenance in the interests of open space and play provision in accordance with the relevant NLP policies. I have amalgamated the suggested conditions regarding boundary treatments so that details of both fencing and retaining walls are agreed prior to occupation in the

interests of character and appearance of the area as well as living conditions of existing and future residents.

50. A construction method statement is an important condition in that it controls a range of matters both in relation to construction traffic and environmental controls to minimise effects on nearby residents. I have specified no construction access via Tilley Crescent as was specified in the framework construction management plan, but in recognising that the access itself will need to be accessed from here I have linked it to phasing. Details should be provided which are specific to Tilley Crescent given the different environment to the main construction access from Station Road.
51. Highway conditions requiring details of car parking, management of parking and maintenance of streets, accesses and internal roads, engineering construction details, cycle parking arrangements and provision of a full travel plan are required in the interests of highway safety and improving accessibility by non-motorised users. I have simplified and amalgamated some of these conditions for clarity and to avoid repetition. Details and provision of electric vehicle charging points are required to encourage use of such vehicles and reduce pollutants. Within the blue line land is shown in the same ownership of the appellant which is capable of providing a future pedestrian connection towards the town centre. Details of the route are necessary in the interests of enhancing pedestrian links in this direction, together with its management and maintenance. I have added a requirement for a timetable for its provision given that it is not within the application site and plans for this area of land are currently unknown.
52. Refuse storage facilities and a storage/collection strategy are necessary to ensure that sufficient and suitable facilities are provided for the storage and collection of household waste in the interests of area character, highway safety and public health. The existence of groundwater springs within the site requires a condition to provide a scheme to mitigate effects on future residents and prevent flooding. The Council's recommended condition removing permitted development rights to the rear of plots 25, 26 and 27 is necessary as they are within an area identified for spring diversion. A drainage scheme is required to ensure satisfactory and sustainable drainage and to prevent increasing flooding elsewhere. Details of the SuDS basin are also necessary together with its management and maintenance. I have amalgamated and reworded the drainage and sewerage details conditions for clarity and simplicity.
53. There are two separate conditions limiting noisy activity and deliveries to specified times/days of the week. The noisy activity condition is imprecise and potentially unenforceable in terms of noise measurements and given the sensitive location of the site adjacent to existing residential properties the condition should limit all construction to these hours. I have amalgamated the conditions given that the specified hours/days are identical.
54. Given the former allotment use of the land a contamination condition is required to ensure that any unexpected contamination is properly assessed and remediated. Similarly, reports requiring measures to protect against the ingress of ground gases and ground stability and their validation and verification are also necessary. Both conditions are imposed in the interests of public health and amenity and I have amalgamated their separate components as necessary to simplify them.

55. An archaeological evaluation of the wider site, including geophysical survey and trial trenching was carried out in 2006 as part of a previous scheme by the same appellant. Whilst no significant archaeological deposits were identified, there is potential for encountering additional features of interest therefore a condition requiring a written scheme of investigation and staged evaluation and recording is required. I have made minor amendments to the condition so that it specifically sets out what is required to make it more precise.
56. Policy HOU 11 of the NLP seeks to ensure that a specific proportion of new homes are accessible and adaptable both now and in the future, meeting part M4(2) of the Building Regulations. A condition is necessary to ensure that such requirements are secured. As explained in the main issues above policy QOP 5 seeks for new development to incorporate energy efficiency and sustainable construction and design features, and whilst the appellant has cited such measures are included a condition is necessary to secure the final details and their inclusion and retention in the development. The Council expects full broadband connection provision in new developments and details of such together with its implementation is necessary to achieve the aims of NLP policy ICT 2. Air source heat pumps are proposed and given that there is potential for noise arising from the equipment, a condition requiring details of measures to mitigate noise and protect living conditions is reasonable and necessary.

Conclusion

57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed residential development would be situated in an accessible location, within a main town. It would offer a range of benefits including supporting the Government's objective of significantly boosting the supply of homes. The development would deliver affordable housing over and above the policy requirement, provide open space and footpath connections which would also benefit the wider locality, includes energy efficient and sustainable features to each dwelling and would provide a policy compliant level of M4(2) accessible and adaptable homes.
58. Any disturbance which has the potential to affect the living conditions of existing occupiers of Tilley Crescent arising from traffic movements once the development is operational would be minimal given the limited number of dwellings proposed to take access from here and the good level of accessibility for non-car users. The majority of construction would take place via an alternative access, which can be secured by condition. The appellant has appropriately addressed matters relating to housing mix and sustainable design. In all respects, I have found that the proposals comply with the relevant policies of the NLP which is an up-to-date development plan and I have not found any material considerations which would indicate otherwise. Accordingly, the development proposals should be approved without delay.
59. In view of the above I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

Susan Hunt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Plan	Reference
Site Location Plan	NEP-PHS-XX-XX-DR-A-9002 Rev P2
Proposed Site Plan	NEP-PHS-XX-XX-DR-A-008 Rev P14
Floor Plans and Elevations	NEP-PHS-HA-ZZ-DR-A-1010 Rev P3
Floor Plans and Elevations House Type A (Variant)	NEP-PHS-HA-ZZ-DR-A-1110 Rev P1
Floor Plans House Type C	NEP-PHS-HC-ZZ-DR-A-1013 Rev P3
Elevations House Type C	NEP-PHS-HC-ZZ-DR-A-1014 Rev P3
Elevations House Type C (Variant)	NEP-PHS-HC-ZZ-DR-A-1114 Rev P1
Floor Plans House Type F	NEP-PHS-HF-ZZ-DR-A-1019 Rev P4
Elevations House Type F	NEP-PHS-HF-ZZ-DR-A-1020 Rev P5
Floor Plans and Elevations House Type G	NEP-PHS-HG-ZZ-DR-A-1025 Rev P4
Floor Plans House Type I	NEP-PHS-HI-ZZ-DR-A-1028 Rev P3
Elevations House Type I (Variant)	NEP-PHS-HI-ZZ-DR-A-1129 Rev P01
Elevations House Type I	NEP-PHS-HI-ZZ-DR-A-1029 Rev P4
Site Sections A-A, B-B, C-C	NEP-PHS-XX-XX-DR-A-1501 Rev P4
Site Section D-D E-E F-F	NEP-PHS-XX-XX-DR-A-1501 Rev P2
Engineering Layout	QD1600-00-01 Rev K
External Levels Sheet 1	QD1600-00-02 Rev I
External Levels Sheet 2	QD1600-00-03 Rev K
SuDS Location Plan	QD1600-00-05 Rev K
SuDS Basin Plan	QD1600-00-06 Rev C

- 3) Prior to the commencement of development a Phasing and Completion Plan for the entire site shall be submitted to and approved in writing by the Local Planning Authority. It shall set out the development phases, completion sequence and construction standards with a timetable for each element of the works. The development shall then be carried out in accordance with the approved Phasing and Completion Plan.
- 4) No construction of dwellings above damp proof course level shall take place until details of all external facing materials and areas of hard

landscaping within curtilages and steps have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

- 5) No construction of dwellings above damp proof course level shall take place until details of the proposed windows and external doors to be used in the dwellings, including colour, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 6) Notwithstanding the details provided with the submitted Landscape Strategy, no construction of the dwellings above damp proof course level shall be undertaken until a revised landscaping scheme showing both hard and soft landscaping proposals has been submitted to and approved in writing by the Local Planning Authority. This shall include details of additional planting and trees to the northern boundary of the site with Broomhouse Lane, street trees, the species, size and number of trees, hedgerows, shrubs throughout the development and use of only Northumberland native species; the creation of areas of hardstanding, and pathways areas to be seeded with grass, and other works or proposals for improving the appearance of the development. The approved landscaping scheme shall be implemented prior to first occupation of the development.
- 7) Prior to the commencement of development a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
 - i) Purpose and conservation objectives for the proposed works;
 - ii) Detailed designs and working methods for habitat creation and enhancement;
 - iii) Description and evaluation of features to be retained and managed;
 - iv) A timetable for implementation;
 - v) Aims and objectives of management with appropriate options for achievement of them and prescriptions for management actions;
 - vi) Review of constraints on site that might influence management;
 - vii) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - viii) Ongoing monitoring and remedial measures;
 - ix) Details of the body or organisation(s) responsible for implementation of the LEMP;
 - x) Details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer; and
 - xi) Where the results from monitoring show that conservation aims and objectives of the LEMP are not being met the LEMP shall include details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP shall be fully implemented in accordance with the approved details.

- 8) During construction, all works on site shall be undertaken in accordance with the avoidance and mitigation measures identified in the ecological report 'Updated Preliminary Ecological Appraisal & Biodiversity Net Gain Calculation' Lf-21-04 May 2022 (Rev 4 29/11/22), including:
 - i) Prior to vegetation removal across the site an updating survey for mammals shall be undertaken by a suitably qualified and experienced ecologist;
 - ii) A pre-commencement check for nesting birds will be undertaken by a suitably experienced ornithologist if vegetation removal is undertaken between March and August inclusive;
 - iii) Prior to the commencement of vegetation removal at the western end of Broomhouse Lane/Castlefields Drive, two bat boxes must first be erected in suitable trees within the hedgerow and then the removal work must be undertaken using 'soft-fell' techniques and with the supervision of an ecologist to avoid potential impacts on bats; and
 - iv) Any excavations left open overnight will have a means of escape for wildlife that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- 9) Prior to construction of the dwellings above damp-proof course level, a scheme for the provision of integrated bird box or bat box/roosting features at a ratio of at least one per dwelling and a gap at the base of all garden boundaries measuring 13cm x 13cm shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the location, height, orientation, numbers and specification of the provision. This should include swift bricks in groups of four to six on suitable gable ends. The scheme shall be fully implemented as approved prior to occupation of the dwellings.
- 10) Prior to the commencement of development, an updated Tree Protection Plan and Arboricultural Method Statement prepared in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations British Standards Institution, 25 2012 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the commencement of development and thereafter retained during the construction period.
- 11) The existing trees and hedgerow along the northern boundary of the site with Broomhouse Lane as shown on drawing 'NEP-PHS-XX-XX-DR-A008 Rev P14 – Proposed Site Plan' shall not be cut down, uprooted or destroyed, nor shall the trees and hedgerow be topped or lopped other than in accordance with the plans approved by other conditions. Thereafter, the trees and hedgerow shall be retained.
- 12) Prior to first occupation, a sensitive lighting scheme for all areas of the site shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be designed in consultation with the project ecologist and follow guidance set out the Institution of Lighting Professionals Guidance Note 8: Bats and artificial lighting (08/18). It shall

show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that light spill onto retained habitats shall not exceed 2 lux and it can be clearly demonstrated that areas to be lit will not disturb or prevent bats and other nocturnal wildlife using their territory (e.g., for foraging and commuting). All external lighting shall be installed in accordance with the specifications agreed. No other external lighting shall be installed without the prior consent from the local planning authority.

- 13) Prior to the construction of the dwellings above damp proof course level, a detailed scheme for open space provision on-site for children and young people in accordance with the requirements of Appendix H1 of the Northumberland Local Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for its provision and subsequent management and maintenance. Thereafter the play area shall be implemented and maintained in full accordance with the approved details.
- 14) Prior to their installation and first occupation of the development, full details of all new or altered boundary treatments and retaining walls/structures, including any proposals for the boundary with Broomhouse Lane, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 15) Prior to the commencement of development, a Construction Method Statement (CMS) based on the Framework Construction Management Plan (v3, November 2022), together with a supporting plan, shall be submitted to and approved in writing by the Local Planning Authority. The CMS shall not provide for construction traffic access from Tilley Crescent, apart from creation of the operational access which shall be in accordance with the approved Phasing and Completion Plan and timetable as required by condition 3) and including all details below which are specific to Tilley Crescent. The CMS shall provide for:
 - i) Temporary construction access(es);
 - ii) Routing of construction vehicles to include a plan and details of signage;
 - iii) Traffic management measures;
 - iv) Dedicated parking area(s) for vehicles of site operatives and visitors;
 - v) Loading and unloading of plant and materials;
 - vi) Storage of plant and materials used in constructing the development;
 - vii) The size and number of HGV's associated with the construction phase of the development;
 - viii) Pre and post construction condition surveys of the carriageway to identify any damage caused as a result of the development and how they will be rectified;

- ix) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- x) Vehicle and wheel washing facilities;
- xi) Measures to control and monitor noise and vibration;
- xii) Location and type of temporary lighting and methods to prevent light nuisance;
- xiii) Measures to control the emission of dust and dirt, including monitoring of such measures;
- xiv) Provision of water to the site;
- xv) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- xvi) Details of complaint recording and investigation procedures

The approved CMS shall be adhered to throughout the construction period.

- 16) No dwelling shall be occupied until the car parking area indicated on the approved plans for that dwelling has been implemented in accordance with the approved plans. Thereafter, the car parking areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.
- 17) No dwelling shall be occupied until a Car Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved Car Parking Management Strategy shall be adhered to in perpetuity. This Car Parking Management Strategy must include:
 - i) details of management and mitigation measures to ensure no overspill car parking associated with the development occurs within the neighbouring residential streets on the C255, Station Road;
 - ii) a plan for monitoring and reviewing the effectiveness of the Car Parking Management Strategy; and
 - iii) a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority.
- 18) The development shall not be occupied until details of the proposed highway works (vehicular and pedestrian access arrangements, together with associated works and traffic management/waiting restrictions) have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.
- 19) No development shall commence above damp-proof course level until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

- 20) No works to the streets proposed for adoption shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- 21) No dwelling shall be occupied until cycle parking as shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.
- 22) Twelve months after first occupation of the development details of a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full Travel Plan shall be implemented in accordance with the approved details. This Full Travel Plan must include:
 - i) details of and results from an initial resident's travel needs survey;
 - ii) clearly specified ongoing targets for resident travel mode shares;
 - iii) a plan for monitoring and reviewing the effectiveness of the Full Travel Plan; and
 - iv) a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan.
- 23) Prior to first occupation details of Electric Vehicle Charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before the development is occupied. Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details and shall be kept available for the parking of electric vehicles at all times.
- 24) No dwelling shall be occupied until details of refuse storage facilities and a refuse storage strategy for the development, including appropriate swept paths, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangements for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.
- 25) Prior to first occupation of any of the dwellings a detailed scheme of a pedestrian connection to the town centre and Front Street from the south-eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for its provision and proposals for the management and maintenance of the proposed connection.
- 26) Prior to the commencement of development, a scheme to mitigate groundwater and springs emanating within the development shall be submitted to and approved by the Local Planning Authority. This scheme shall be in general accordance with QD1600-00-05 Rev K "SuDS Location Plan" and provide the following:

- i) Details of further groundwater monitoring and amendment of the scheme accordingly to suit any findings;
- ii) Details of land drainage interceptor drains within each plot;
- iii) Connection to the existing filter drain upon further site investigations; and
- iv) Details of dwelling foundations in the golden hatched area as denoted in drawing QD1600-00-05 Rev K "SuDS Location Plan" only unless this area is amended to suit further findings.

Thereafter the development shall be carried out and maintained in accordance with the approved details.

- 27) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, buildings or hardstandings shall be added to or constructed within the rear part of the curtilage of the dwellinghouses identified on the approved plans as Plots 25, 26 and 27 without the prior grant of planning permission from the Local Planning Authority.
- 28) Prior to the commencement of development, a scheme to dispose of foul and surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be in general accordance with drawing QD1600-00-01 Rev K "Engineering Layout" and the Flood Risk Assessment and Drainage Strategy (Rev F, November 2022). The scheme shall include the following provisions:
 - i) Additional drawings on plot drainage, swales/filter strips, road gulleys and other drainage features.
 - ii) Ensure foul flows discharge to the combined sewer at manholes 7203 and 6201 and that surface water discharges to the surface water sewer at manhole 7202; and
 - iii) The final surface water discharge rate, which shall not exceed the identified available capacity of 16.3 litres per second, shall be agreed by the Lead Local Flood Authority.

Thereafter the development shall be carried out and maintained in accordance with the approved details.

- 29) Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and approved by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development, shall be composed within and be implemented forthwith in perpetuity.
- 30) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- i) As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
 - ii) Construction details (component drawings, materials, vegetation);
 - iii) Photographs of the surface water system being installed as per the agreed scheme including flow controls, storage structures and any other SuDS components;
 - iv) Health and Safety file; and
 - v) Details of ownership organisation/adoption details.
- 31) Demolition or construction works including deliveries and collections shall take place only between the hours of 08:00 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 32) No development shall commence, other than that required to be carried out as part of an approved scheme of remediation, until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: - human health; - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes; - adjoining land; - groundwaters and surface waters; - ecological systems; - archaeological sites and ancient monuments;
- (ii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

Part 2: Submission of Remediation Scheme

Subject to the findings of part 1, and confirmation that contamination either on or off site exists which requires remediation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings

and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part 3.

- 33) Prior to the commencement of development a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), shall be submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases). No building shall be occupied until the validation and verification report has been submitted and approved in writing by the Local Planning Authority.
- 34) Prior to commencement of development an intrusive site investigation shall be undertaken regarding the matters of ground stability within the application site and the results of that investigation and if necessary a validation and verification report demonstrating that any required ground stabilisation and remedial works to address any identified ground stability issues highlighted by the intrusive site investigation shall be submitted to

and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in full accordance with any required ground stabilisation and remedial works to address any identified ground stability issues highlighted by the intrusive site investigation together with a validation and verification report demonstrating that the required works have been undertaken prior to the commencement of plot construction works.

- 35) No development shall take place until a Written Scheme of Investigation based on the Local Authority's 'Standards for Archaeological Mitigation and Site Specific Requirements' document (17/10/22) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions and:
- i) the programme and methodology of site investigation and recording;
 - ii) the programme for post-investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person(s) to undertake the works set out within the Written Scheme of Investigation.

Thereafter the Written Scheme of Investigation shall be implemented as approved. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 36) Prior to the construction of any building above damp-proof course level, a scheme to demonstrate how 20% of the open market dwellings and 50% of the affordable dwellings will meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations (or any equivalent successor standards) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken fully in accordance with the approved scheme.
- 37) Prior to the construction of any building above damp-proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the residential units being brought into use where relevant, and shall be retained thereafter.
- 38) Prior to first occupation of the development, details confirming the installation of a full fibre broadband connection shall be submitted to and

approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational as approved prior to the first occupation of the development.

- 39) Prior to the installation of any air source heat pump to the dwellings hereby permitted, full details and specification of the units, including their location, noise levels and measures for acoustic screening, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and maintained in accordance with the approved details.

End of Schedule.

Richborough



Costs Decision

Site visit made on 29 September 2023

by Susan Hunt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2023

Costs application in relation to Appeal Ref: APP/P2935/W/23/3327798 Land South of Broomhouse Lane, Prudhoe

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Northumberland Estates for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for 63 no. dwellings with associated infrastructure and landscaping.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance¹ advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural or substantive.
3. The applicant's application refers to a number of matters which arose prior to the decision being made, including procedural errors at Planning Committees, resultant delays in the Council's decision, and lack of consideration to the applicant's briefing note. Matters relating to individual members of the Planning Committee do not have a material bearing on my decision, and should be taken up separately with the Council, but I have had regard to the context which led to the reasons for refusal. This is in terms of the officer's positive recommendations on two occasions of reporting to the Council's Planning Committee, as well as the detailed minutes which set out the updates made by officers and verbal presentations at the meeting. Such issues provide context to the Members' overturn of the officer recommendation but in themselves do not constitute unreasonable behaviour.
4. The first reason for refusal related to housing mix. As explained in my decision, Northumberland is a large and varied authority area where housing need varies greatly between both housing market areas and individual settlements. There is a limited evidence base for this particular reason for refusal, and the relevant policy is not prescriptive. Taking the case for Prudhoe, I was satisfied with the appellant's evidence and justification for the proposed housing mix. The reason for refusal was not adequately substantiated by the Council with any up-to-date evidence relating to Prudhoe in particular. It seems to me that the Council has

¹ Planning Practice Guidance note: Appeals – paragraph 030 (Reference ID: 16-030-20140306)

- followed a reason for refusal which it has been unable to substantiate at appeal, and amounts to unreasonable behaviour.
5. I am mindful that the second reason for refusal is not on technical highway grounds, notwithstanding the large amount of public opposition in this respect. The Highway Authority are satisfied with the access arrangements subject to conditions. Rather, it relates to living conditions of local residents. Whilst the applicant disputes the minutes differing from the wording of the reason for refusal in terms of visual effects, I note that the reasons were delegated to officers for the final wording and that this is usual for overturned decisions.
 6. The second reason for refusal is clear in that this includes visual impacts, but only from Tilley Crescent. Wider landscape and visual effects do not form part of the reasons for refusal. Nonetheless, this reason relates to a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view. It will be seen from my decision that I agree with the applicant that the proposals would not result in significant harm to living conditions, and I have imposed conditions which would assist in mitigating any effects. Notwithstanding my contrary decision, I find that the Council have adequately substantiated their reason for refusal in this respect against development plan policy and other material considerations and their behaviour is not unreasonable.
 7. The third reason for refusal relates to a lack of information rather than any harm arising from a perceived lack of energy efficiency measures or an acceptable level of sustainable design and construction. It is unclear from the Planning Committee minutes why this matter became a reason for refusal. The Council's statement of case also fails to justify why the details of energy efficiency and sustainable design provided with the application could not be supplemented with the required further information via a planning condition. On this particular main issue, the Council has followed a reason for refusal which it has been unable to substantiate at appeal, and this amounts to unreasonable behaviour.
 8. I turn to the matter of wasted expense. In lodging the appeal, and in responding to the Council's case, the applicant provided a detailed statement of case together with a response to the Council's statement. The submission is straightforward and is based primarily on the information already submitted to the Council as part of the application process and in preparation for the Planning Committee's considerations of the case. I am not persuaded that the statement to support the applicant's case for a written representations appeal would have result in any significant additional expense in providing the justification necessary for me to make an informed decision. Even if I am wrong in this, the extra work involved could be regarded as 'de minimis'. In effect, the applicant has quickly and easily rebutted the Council's position without wasting expense.
 9. As a result, although I find that the Council acted unreasonably in their lack of substantiation of two of the reasons for refusal, this has not caused unnecessary or wasted expense. Therefore, no award of costs is made in this regard.

Susan Hunt

INSPECTOR