Appeal Decision

Site visit made on 2 March 2015

by Anthony J Wharton BArch RIBA RIAS MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 March 2015

Appeal Ref: APP/P2935/A/14/2228905
Rosetree Cottage, Prestwick, Newcastle upon Tyne NE20 9UD

- 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 Mr Stan Bacon against the decision of Northumberland County Council.
- The application Ref 14/03080/FUL, dated 15 September 2014 was refused by notice dated 7 November 2014.
- The development proposed is: Conversion of existing garage into a two-bedroom house, demolition of existing timber-framed shed element, and, erection of adjoining orangery (Resubmission of 13/03274/FUL: without erection of new detached garage.
- Costs Application: An application for a partial award of costs has been made by Mr Stan Bacon against Northumberland County Council. This is the subject of a separate decision.

Decision

1. The appeal is allowed and planning permission is granted for the development proposed and as set out above, at Rosetree Cottage, Prestwick, Newcastle upon Tyne NE20 9UD, subject to planning conditions (see formal decision below).

Background information and matters of clarification

2. A previous appeal, (APP/P2935/A/142214477), was dismissed in May 2014 for the conversion of the garage into a dwelling house, plus the creation of a separate garage. In that appeal the Inspector stated that, ‘unaccountably’, the Council had failed to deal with the ‘ramifications of the Green Belt in its Reasons for Refusal’. I also find it most unusual that, in its statement for this appeal, the Council has not concluded on the question of whether or not the proposal constitutes appropriate or inappropriate development in the Green Belt.

3. The previous appeal referred to the Appellant’s need to house his mother. However, the application is, in effect, an application for a new dwelling house in this part of Prestwick, which lies within the open countryside and also, as referred to above, in the Green Belt. This is an isolated settlement with currently two dwellings adjacent to the site with others some distance to the west. The nearest small village is Dinnington to the east. It is on the basis of a new dwelling, rather than residential accommodation which is ancillary to the use of Rosetree Cottage that I have dealt with this appeal.

4. The development plan policies date back to 2003 but, where they accord with the relevant NPPF policies, they can still be afforded weight as indicated by other Inspectors. However, paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be
considered up-to-date if a 5 year supply of deliverable housing sites cannot be demonstrated. That is the case here and thus, whilst accepting that NPPF policy accords with the basic principle of resisting isolated houses within the countryside, the LPA’s housing policies can be outweighed depending on the particular material considerations of each case.

5. The starting point for any decision is the development plan and decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a significant material consideration and I have taken into account all of the relevant policies. I have also had regard to Planning Practice Guidance (PPG) where appropriate.

Main issues

6. The main issues in this case are as follows:
   (a) Whether the proposed development would be appropriate or inappropriate development for the purposes of the NPPF and development plan policy. (If inappropriate, then any harm by definition and any other harm would need to be outweighed by other considerations which amounted to the very special circumstances required to justify a granting of permission).
   (b) The effect of the proposal on the openness of the Green Belt and the character and appearance of this part of the countryside.
   (c) Whether or not the proposed dwelling is in a sustainable location and,
   (d) Whether or not the need to demonstrate that the building cannot be used for employment or tourism purposes is justified in this case.

Whether the proposal is appropriate or inappropriate

7. As indicated above, I am surprised that the Council has not dealt with this point. For any new development proposals within the Green Belt the first question must relate to whether or not a proposal is appropriate or not. The National Planning Policy Framework (NPPF) is quite clear that ‘the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open’ and that ‘the essential characteristics of Green Belts are their openness and permanence’. It goes on to confirm that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. The Council has not referred to its Green Belt policies but in any case these would need to be compliant with the NPPF at section 9 (paragraphs 79 to 92).

8. The proposal does not accord with any of the exceptions set out in paragraph 89 of the NPPF. The building in question is currently ancillary to the residential use of Rosetree Cottage and, irrespective of whether or not it is redundant or not in use; there is no suggestion that it has any other lawful use other than its ancillary residential use. Paragraph 90 indicates that certain other forms of development within the Green Belt are ‘also not inappropriate’ provided that they ‘preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt’.

9. These other forms of development are then set out and the penultimate bullet point in the paragraph refers to ‘the re-use of buildings provided that the buildings are of permanent and substantial construction’. In this case the proposal is for the re-use of a building that is ancillary to the use of the main dwelling house. From my inspection I noted that it was indeed of permanent and substantial construction. It follows therefore that, subject to the criteria set out, it may not be inappropriate development within the Green Belt. I deal below in my overall conclusions as to whether or not this is the case.
The effect on openness and the five purposes which Green Belt serves

10. Having inspected the site and noted the extent of the proposals I do not consider that the openness of this part of the Green Belt would be harmed. The former stable building behind the appeal building would be removed and it is no longer the intention to build the separate double garage. The previous Inspector found that, even with the new garage, there would be no net change in openness. In this case there would be a net gain since the orangery would add minimally to the garage and the former stables to the west would be removed. It follows, therefore, that there would be a benefit, rather than a disbenefit to the openness of this part of the Green Belt and, as such, no harm would be caused in this respect.

11. Having had regard to the five purposes set out in paragraph 80 of the NPPF, the proposal would not result in urban sprawl and does not involve any merging of neighbouring towns. Nor does it encroach into the open countryside, since it lies within the residential curtilage of Rosetree Cottage. It does not affect any historic setting and the last bullet point is not relevant. I conclude, therefore, that this proposal does not conflict with the purposes of including land within the Green Belt and again there would be no harm caused in this respect.

Effect on character and appearance of the open countryside

12. The proposal would introduce a new dwelling next to the two existing dwellings and that could have implications for the existing character and appearance. It would inevitably introduce a higher degree of residential paraphernalia within the combined sites. However, having viewed the appeal site from both near and distant viewpoints I do not consider that there would be any significant changes which would lead to harm being caused to the character and appearance of this part of the open countryside.

13. When approaching from the west there would not be any noticeable difference in how the appeal site was perceived. That is, as a fenced off residential development and part of almost a small hamlet (currently two houses but increased to three) between Prestwick and Dinnington. Views when approaching from the east would be minimal due to the positions of the existing cottages and the fact that the development would be contained within the existing boundary of the residential curtilage. Overall I consider that no harm would be caused and I agree with the previous Inspector that there would be no material change in the character and appearance of this part of the open countryside.

The sustainability of the site

14. I acknowledge that the site is isolated and that paragraph 55 of the NPPF is intended to promote sustainable development in rural areas. As in the previous appeal, there are no detailed submissions relating to public transport in the locality. However, I am not convinced that the development comprises the re-use of a redundant or disused building. In this context 'redundant' must mean 'superfluous' and 'disused' must mean not used at all. Rather, it is the proposed re-use of an ancillary building to the main dwelling house. It looked perfectly capable of continuing to provide an ancillary, irrespective of the appellant’s reticence to use it as such. I do not, therefore, accept the arguments set out in relation to paragraph 55. Nor do I consider that the new permitted development rights, for the conversion of agricultural buildings, are relevant to this case.

15. The location of the site would certainly not be considered sustainable for a new small housing development and, in my view, it cannot be argued that a proposal to convert a single building to residential use will enhance or maintain the vitality of the
rural community. However, the new single house would be in as sustainable a location as the two existing cottages and sustainability is not just reliant on location. In economic terms there would be benefits albeit minor ones and there would be no negative impacts on the social or economic threads set out in the NPPF. Thus, although I have found that it is indeed isolated and cannot benefit from the aims of paragraph 55, I do not consider that the location of the proposal, in itself, makes it so unsustainable as to render it unacceptable in this particular location.

**Use for employment or tourism purposes**

16. The Inspector who dealt with the previous appeal on this site concluded that limited weight could be given to policies H19 and H20 because he considered that they related mainly to the conversion of agricultural buildings. That may be so and the supporting text to the policies does mainly refer to conversion of agricultural buildings. However, the wording of the policy itself is ‘Conversion of buildings in rural areas for residential use’. In my view, therefore, the policies are not restricted to the conversion of just farm buildings, but to the conversion of buildings generally in rural areas. Again the supporting text is helpful in that it sets out that the original aim is to secure the protection of buildings of traditional rural character.

17. I have noted references to other Inspectors’ decisions and agree that policies H19 and H20 can be afforded weight where they comply with the aims, objectives and policies of the NPPF. In terms of economic, social and environmental benefits the policies, depending on the particular circumstances of a case, can clearly accord with the NPPF. However, against these policies, the delivery of a wide choice of high quality homes, together with a presumption in favour of sustainable development must be considered. The fact that there is no 5 year housing land supply means that, in the context of this case, the housing policies must be considered out of date and, subject to other material considerations being acceptable, this tips the balance in favour of new housing, no matter how large or small the development.

18. It is my view that in the particular circumstances of this case the benefits of the proposal, in terms of the provision of even a single dwelling, outweigh the aims of policies H19 and H20 and any likely benefits relating to employment and tourism. In any case, the existing building is ancillary to the residential use of Rosetree Cottage and is not the conversion of what could be described as a building of traditional rural character. In conclusion I afford policies H19 and H20 very limited weight in this case and I do not consider that the Appellant should need to demonstrate why an employment or tourism use has not been put forward for the ancillary garage building.

**Overall Conclusions and the planning balance**

19. I have concluded above that the proposal is not inappropriate development in the Green Belt. It is not harmful, therefore, in principle to the Green Belt and in such a situation the very special circumstances required to justify development are not required. I have also found that it is not harmful to the openness of the Green Belt; to the five purposes that Green Belt serves and to the character and appearance of this part of the open countryside.

20. Although I have found that it is in an isolated location and that it has not been considered for employment or tourism related uses, I have concluded above on these matters. I do not consider that they outweigh my positive findings in relation to the fact that the development constitutes appropriate development which neither harms the Green Belt nor the character and appearance of the countryside. On balance, therefore, I consider that disadvantages of the previous scheme have been overcome.
and that planning permission ought to be granted for this proposal. The appeal succeeds and planning permission will be granted.

**Other Matters**

21. In reaching my conclusions on the main points at issue and my final decision, I have taken into account all other matters raised by the Council and other interested persons. These include the planning history of the site; the detailed comments set out in the Council’s statement; all matters set out in the previous appeal decision; comments on the planning application; matters relating to the public rights of way (419/015) and the comments of Highways Development Management.

22. However, none of these carries sufficient weight to alter my conclusions and nor is any other factor of such significance so as to change my decision that the appeal should succeed and that planning permission should be granted for this particular proposed development.

**Formal Decision**

23. The appeal is allowed and planning permission is granted for ‘Conversion of existing garage into a two-bedroom house, demolition of existing timber-framed shed element, and, erection of adjoining orangery (Resubmission of 13/03274/FUL: without erection of new detached garage)’ in accordance with the application Ref: 14/03080/FUL, dated 15 September 2014, at Rosetree Cottage, Prestwick, Newcastle upon Tyne NE20 9UD subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall not be carried out other than in complete accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority. These plans are Drawing Numbers: 1358/03 Proposed site plan; 1358/06 Proposed plans; 1358/07 Proposed elevations and 1358/08 Existing and proposed roof plans.
3. Prior to the commencement of development, samples of the materials to be used in the construction of the walls and roofs of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The dwelling house shall thereafter only be constructed from the approved materials.
4. Prior to commencement of the development hereby approved provision shall be made for a temporary storage area off the highway to accommodate the storage of materials during the development of the site.
5. Prior to commencement of the development hereby approved, a parking plan showing the turning facilities for the existing and proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with this plan.

*Anthony J Wharton*

Inspector