



Appeal Decision

Site visit made on 1 October 2013

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 9 October 2013

Appeal Ref: APP/T9501/A/13/2194763

Land to the rear of Greystones, Lanehead, Tarsset, Hexham, Northumberland, NE48 1NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Robert Cocker against Northumberland National Park Authority.
 - The application Ref 12NP0099 is dated 8 October 2012.
The development proposed is detached 3 storey 4 bedroom house incorporating laundry and storage facilities for proposed self catering business on the adjacent site.
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Decision

1. The appeal is dismissed and planning permission is refused for a detached 3 storey 4 bedroom house incorporating laundry and storage facilities for proposed self catering business on the adjacent site.

Procedural Matters

2. The National Park Authority resolved to refuse planning permission for the proposal. However, it held back from issuing a decision as it seemed that part of the works to the access track would fall outside the red line of the site boundary shown on the 1:1250 location plan.
 3. After the appeal was submitted, and in dialogue with the Inspectorate, the Authority received and re-consulted on a revised red line plan that includes all the proposed works. Interested parties were given the opportunity to make representations, and I have had regard to those that have been received.
 4. Some third parties have challenged the validity of the appeal going ahead on this basis. The view of a planning barrister has been alluded to but no formal legal submission is on the file.
 5. The actual changes to the site boundary were relatively small, and I consider the works that would be involved at paragraph 25 below. Bearing this in mind, and that all parties have had the opportunity to comment on the revised
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boundary, I consider that the interests of no parties would be materially prejudiced by proceeding with the appeal using the revised location plan.

Main Issues

6. The appeal site is in Lanehead, a small rural community that is regarded as a Local Centre. This designation is found in Policy 5 of the Northumberland National Park Authority Local Development Framework Core Strategy & Development Policies document (2009) [the CSDP]. The house would be associated with an approved tourism project, to which its occupancy would be linked by a section 106 Obligation. The principle of the new house at the appeal site would thus accord with Policies 5, 9 & 10 of the CSDP.
7. The issues raised by the appeal arise from its effects on its setting and the surrounding development. Following the Authority's reasons for opposing the proposal, I consider that the main issues are the effects of the proposal on:
 - (1) the landscape setting of Lanehead;
 - (2) the character and appearance of Lanehead; and
 - (3) the living conditions of the occupiers of the nearby dwelling at Hunter's Lodge.
8. The effect of the proposed access arrangements is a major concern locally and I address this at paragraphs 25-28 of my decision.

Reasons

9. The house would have a simple rectangular footprint, largely stone walls with gable ends and a pitched roof. It would combine traditional materials, contemporary styling and sustainable technologies. It would reflect certain aspects of the approved tourism development in these respects. As a design, I consider it would be an interesting addition to the settlement that would be in keeping with the tourism development it would serve and embody accepted modern practices. The concerns arise from the impacts on its surroundings.

First main issue – effect on the landscape setting

10. Lanehead is a small, loosely defined settlement. The main row of buildings is sited just below the top of the west facing side of the well incised valley of the Tarsset Burn. The site for the approved tourist development occupies a large site sloping down towards the Burn. It includes a bunkhouse near the lowest part of the site, already built, and 5 bothies higher up the slope. This development gained planning permission on appeal in a decision dated 15 March 2011 (Ref APP/T9501/A/10/2141524). The Inspector then considered that the siting, scale and materials of this development, together with new landscape planting, would enable the scheme to be assimilated into the landscape.
11. This appeal proposal would be sited near the northern boundary of the overall site. The house would be virtually on the highest point of the site. This takes the form of a small hill at the southern end of a rounded spur, where the land drops away not only towards the Burn but also to the south and, to a lesser extent, towards the road and row of buildings to the east. The house would be

3 storeys high. However, the site would be excavated by over 2 metres, and the spoil distributed and contoured into the top of the hill. As a result, the house would appear to be about 2 storeys in height from outside the site, depending on from where it was viewed.

12. I came into Lanehead from all four approach roads, and also took longer distance observations of the site from minor roads to the north west and north. I consider that distant views of the site from the south would be largely interrupted by trees and other buildings lower down. The site can be glimpsed from the approach road from the east, where it tops the rise. Despite some intervening trees, I consider that the building would be likely to be the most noticeable structure nearing Lanehead from this direction, being the equivalent of no less than one storey higher than nearby buildings. The house would also be prominent coming down the spur from Greenhaugh to the north, from where it would be seen to rise noticeably above the bungalow at Hunter's Lodge. The submitted drawings show that, as this road passes the site of the house, it is some metres below the natural ground level of the site, meaning that the house would be a prominent skyline feature at this location.
13. Long distance views of the house would be possible from Donkleywood Lane to the west, on the far side of the valley. The height and siting of the house would make it a prominent feature in the landscape, appearing on the skyline as the Burn is approached. Closer to, it would be hidden by intervening buildings, trees and the upward slope of the land. The house could also be seen from longer distance views from the north west and north, though at these distances I consider that it would be seen as only a small addition to the wider landscape.
14. Lanehead and the surrounding countryside are within the Northumberland National Park. Among other things, the purpose of a National Park is to conserve and enhance natural beauty, wildlife and cultural heritage. National Parks have the highest status of protection in relation to landscape and scenic beauty. The National Planning Policy Framework says that great weight should be given to conserving these aspects of National Parks. In Northumberland, a key characteristic of the landscape is its openness, with landscapes and horizons free from significant human intrusions. This is evident in the approaches to Lanehead and in looking out from the settlement towards the wide open Moors and Commons that stretch to the horizon. Built development in the area is typically sited in the more sheltered locations and is usually seen against the back drop of rising ground. By virtue of its siting and height, I consider that the proposed house would be an intrusive addition to this landscape. It would be prominent from a number of public viewpoints and conspicuously break the skyline in some of them. Notwithstanding the acceptable appearance of the building itself, I consider that its impact in the landscape would detract materially from the largely unspoilt openness that is part of its distinctive and high quality value.
15. The construction of the house would involve a significant amount of earthworks. Excavation would appear to be to a depth of over 2 metres in places, with a corresponding increase of height to form a mound west and south of the house. Subject to the quality of the contouring, I consider that these changes would blend into the wider landscape from more distant views. However, the artificial form of the site would be more evident from the nearby

road to Greenhaugh. From here, it would be apparent that, rather than sitting naturally in the landscape, an engineering solution had been sought to try to reduce the impact of a tall house sited on a high point in the topography. I consider that this contrivance would further detract from the setting of the building. This local impact could perhaps be mitigated by screen planting between the road and the site, although this does not appear to be part of the proposal.

16. I conclude that the proposal would have a significant negative effect on the landscape setting of Lanehead, which would detract significantly from the distinctive character and scenic beauty of this part of the National Park. Such an outcome would be contrary to Policies 3 & 20 in the CSDP. The former requires the special qualities of the National Park to be conserved or enhanced and new development to protect and enhance local character and distinctiveness through careful integration with the existing built form. Policy 20 protects landscape quality, character and sensitivity. The Authority has also referred to its *Building Design Guide Supplementary Planning Document* (2006), although in the absence of specific citations I am unable to tell which part of it may be contravened.

Second main issue – effect on the character and appearance of Lanehead

17. Lanehead comprises a loose association of various building types. In the vicinity of the appeal site they comprise mainly more traditional stone-built 2 storey houses and some modern bungalows. Some taller development exists in a more secluded location lower down the valley side. The appeal site includes a large garden behind the Village Hall. The house itself would be sited between the Hall and Hunter's Lodge, which are both single storey buildings. It would not be behind the Hall or accessed past it. Thus I do not regard it as being tandem development as normally understood. It would however appear as an infill site along the Greenhaugh road frontage.
18. A certain amount of infilling is to be expected in a Local Centre, which is to be the focus of local needs development in the National Park. Indeed a new 1½ storey dwelling of contemporary design has been successfully inserted between Greystones and Sundown, a little further down the slope. However, the appeal proposal is for a taller building on a much more prominent site. Although ground level at the site would be reduced to about a metre below road level, the 3 storey height of the building would still make it appear to be significantly higher than the nearby Village Hall and Hunter's Lodge. I consider that the house would be a prominent and visually intrusive addition to what the previous Inspector described as a sparse, widely spaced settlement.
19. The Inspector in 2011 accepted that the tourist development would sit comfortably in both the wider landscape and Lanehead. The largest building, the Bunkhouse, is at the lowest part of the site and fits into the slope of the valley side. The bothies would be higher up, but would be of smaller scale and would be visible mainly in longer distance views from the west. I consider that, unlike the present proposal, the approved scheme would have little impact on the main cluster of buildings along the road to Greenhaugh. Consequently the cumulative impact of the house and the tourist development would be limited except in views from the west, where the house would appear to tie the bothies into the residential development beyond them.

20. I conclude that the proposal, by virtue of its height and siting, would detract from the character and appearance of Lanehead. This would be contrary to CSDP Policy 3.

Third main issue – effect on living conditions next door

21. The new house would be sited south west of Hunter's Lodge, about 10 metres from the common boundary. I estimate that the nearest part of the bungalow to the site is about 12 metres beyond the boundary, with a patio a few metres further back. Some trees inside the neighbour's curtilage provide screening at present, but these are not under the appellant's control.
22. The proposed house would have only limited openings towards Hunter's Lodge at existing ground level. The top floor would have an open balcony. The design shows a louvre along the full length of the elevation towards the neighbouring property. I consider that this feature, the separation distance and the possibility to provide screen planting within the appeal site mean that there would be no significant loss of privacy next door as a result of overlooking.
23. Concern has also been expressed about noise arising from a large outdoor space and BBQ area on the top floor of the house. This would not be open towards Hunter's Lodge and would be at the western end of the building, at its furthest point from the road. A certain amount of noise may be heard next door. This would not be unreasonable within a settlement. I have no reason to suppose that noise would reach unneighbourly levels but, if it did, I consider that recourse could be had under other environmental legislation.
24. I conclude that the proposal would not have a materially harmful effect on the living conditions of the occupiers of the nearby dwelling at Hunter's Lodge. There would be no conflict with CSDP Policy 3 in this respect.

Other considerations

25. Access to the house would be taken from an extension to the approved access track for the tourist development. This joins Donkleywood Lane near the lowest part of the overall site. The amended location plan shows adjustments to the route of the approved track at the bottom corner and where it crosses the line of a trunk main. I consider that these are very minor changes which would have no material effect on the general alignment, function or appearance of the track.
26. The extension of the track up to the house would be partly incised into the slope, by approaching 2 metres. This would reduce the visual impact of traffic as seen from residences lower down the slope. The engineering works would be little seen from outside the site, being screened by trees and existing buildings. I consider that the limited visual impact of this part of the track would be acceptable.
27. Concern has also been voiced that the use of the approved track by occupiers of the new house would contravene the terms of the earlier planning permission. At the time of that permission, the main part of the track was intended only to be used for access to the bothies. However, no condition was imposed to limit the use in this way. In my view, a single house would not add

greatly to the amount of traffic on the track. The extended track would be similar in principle to many that connect farmsteads to the local road network. I see no reason why a planning permission for the house should not include approval to use the track to gain access to it.

28. Local people have raised a number of other objections to the proposal. I have had regard to these but, on reflection, consider that neither these nor the nature of the proposed access arrangements would lend any further significant weight against the proposal.

Overall conclusion

29. I have found against the proposal with respect to the first 2 main issues. The harm I have identified relates to the purpose of designating a National Park, to which the Framework requires great weight to be given. I consider that harm of this significance would not be outweighed by the lack of harm with respect to living conditions or the access arrangements. In addition, although the occupancy of the house would be tied by legal agreement to the tourist development, it would not provide accommodation that would be essential for that scheme to go ahead.
30. Overall I conclude that planning permission should be withheld and the appeal dismissed.

G Garnham

INSPECTOR