



The Planning Inspectorate

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Mr D R & Mrs B R Macleod
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NORTHUMBERLAND NE48 2HR

Your Ref:

Our Ref:
T/APP/T9501/Q/98/298139/P7
Date: 26 JAN 1999

Dear Sir & Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6 APPLICATION NO: 97/NP/61

1. As you know the Secretary of State for the Environment, Transport and the Regions has appointed me to determine your appeal against the decision of the Northumberland National Park Authority to refuse permission on your application to modify the terms of a planning obligation relating to the development of a touring caravan site on a former playing field at Brown Rigg, Bellingham. I conducted a hearing on 15 December 1998.
2. The planning obligation is in the form of a planning agreement made under Section 106 of the 1990 Act (as amended by Section 12(1) of the Planning and Compensation Act 1991). The agreement was entered into by you, Lloyds Bank Plc and the Northumberland County Council on 13 May 1992. The County Council granted conditional planning permission for the touring caravan site on that date, subject to the making of the planning obligation. The Northumberland National Park Authority (hereinafter referred to as the Authority) are now the responsible local planning authority for the area. In essence, the planning obligation required that within 12 months of the commencement of the development certain buildings and other structures, referred to on a demolition plan of Brown Rigg, were to be demolished and the site landscaped to the satisfaction of the local planning authority. The demolition plan is an integral part of the obligation documentation.
3. The demolition plan divides Brown Rigg into 3 areas for the purpose of the phased demolition of identified buildings and other structures. The planning permission for the touring caravan site has been implemented and it is now in separate ownership. It is part of the Phase I area and I am advised by the Authority that demolition and landscaping works required by the obligation have been carried out within the area covered by the caravan site to the Authority's satisfaction. Demolition and landscaping within the remainder of the Phase I area has not been satisfactorily completed in accordance with the obligation. Further demolition and landscaping works will be required by the obligation if and when planning permissions are granted and implemented for development in the areas covered by Phases II and III. To date no such planning permissions have been granted. The Authority say that the requirements of the Section 106 obligation could not have been addressed by condition because of your expressed intention to dispose of the area of the caravan site with the benefit of planning permission. Because planning permission goes with the land, conditions relating

to other land in your ownership would no longer be valid once the caravan site passed into separate ownership.

4. You now seek to modify the terms of the planning obligation by amending the boundary and thereby reducing the area covered by Phase I of the demolition plan. This would exclude two buildings which were required to be demolished in Phase I. Individual buildings are identified by letter on the demolition plan. The two buildings you propose to exclude from Phase I are lettered P and Q. These would pass into the Phase III area. You wish to retain about two thirds of building P, which you currently occupy as your home. You propose to clad this part of the building with stone and to re-roof with slates. Building Q is currently used for storage and this would be demolished if and when planning permission is granted for development of the Phase III area. You also propose to demolish within 6 months of your modification being permitted, buildings lettered A,C,E,F,L and R and part of building K, together with other minor structures in the northern part of the site. The buildings I and H in Phase II, which are required to be demolished by the terms of the obligation, you now propose to retain together with a greenhouse lettered B in Phase I.

5. I am dealing with your appeal as an application made under Section 106A(6) of the 1990 Act, as amended, to modify the terms of the planning obligation attached to the planning permission no.91/E/500, dated 13 May 1992.

6. From my inspection of the appeal site and the surrounding area and from what I have read and heard in discussion at the hearing, I consider that there are two main issues for me to determine in this case. The first is whether or not the requirements of the Section 106 planning obligation are of continuing relevance to the development at Brown Rigg. The second is the implications of the proposed modifications for the landscape of the National Park.

7. Section 54A of the 1990 Act requires that in making determinations under the provision of the planning Acts (and this includes the determination of planning appeals) regard shall be had to the development plan and the determination made in accordance with the plan unless material considerations indicate otherwise. The Northumberland County Structure Plan and the Northumberland National Park Local Plan comprise the statutory development plan for the purposes of Section 54A. Both plans were adopted during 1996.

8. The Authority refer to Policies L1, R1 and R3 of the Structure Plan in their statement of case. The conservation and enhancement of the natural beauty and heritage of the National Park is the prime objective of Policy L1. Development which would harm the quality and character of the landscape will not be permitted. Major developments will only be permitted in exceptional circumstances. Policy R1 permits proposals for outdoor recreation and visitor facilities provided that they do not conflict with the objectives of Policy L1. Policy R3 relates to static and touring caravan sites. Such developments will only be permitted where they would not harm the landscape or conflict with the objectives of Policy L1.

9. The Authority's refusal notice refers to Policies C1, MD1 and TR4 of the National Park Local Plan. Policy C1 has the same objective as Policy L1 of the Structure Plan. Policy MD1 refers to proposals for major development in the National Park and establishes rigorous criteria against which such proposals will be assessed. Policy TR4 relates to

proposals for new large scale sites for static and touring caravans, chalets and tents. These will only be permitted where they comply with the criteria in Policy MD1. These Structure Plan and Local Plan Policies are in line with Government planning policies for National Parks, set out in Planning Policy Guidance Note 7: The Countryside. The Government attaches the highest status to the protection of the landscape and scenic beauty of National Parks.

10. The Authority argue that the touring caravan site would have been unlikely to receive a planning permission in this location were it not for the presence of the existing buildings at Brown Rigg. There was an identified need for additional tourism facilities in this part of the National Park and a caravan site on this developed site was preferable to a new site in an otherwise undeveloped part of the countryside. It was recognised that the proposed development presented an opportunity to bring about improvements to the appearance of Brown Rigg and its impact on the landscape. However, the former authority were reluctant to grant a planning permission for the caravan site in the absence of an overall plan for the wider area. There was also concern about the cumulative effect of the proposed development on the landscape. The removal of some of the more prominent buildings, which appeared to be surplus to requirements at the time, and landscaping of the site would mitigate the cumulative effect of the introduction of caravans on the site.

11. Brown Rigg was erected in 1939 and the majority of the buildings are of a sectional timber construction. The walls are of dark brown weatherboard and the roofs are covered with cedar shingles. At the hearing you said that little maintenance had been carried out in recent years. Some of the buildings are showing signs of deterioration both internally and externally. The Authority say that the condition of the site and buildings has deteriorated since it was inspected in 1991/2. You say that the remaining buildings are structurally sound and capable of re-use although services have been removed from some of them. Buildings R and F have been partly demolished and left in an unsightly condition. I note your original intention, when you first acquired the site, of establishing a rural enterprise centre in addition to your outdoor activities and riding centre. The former has not come to fruition due to an apparent lack of local interest. The layout of the site is reminiscent of a small military establishment. There appeared to me to be an atmosphere of neglect over much of the area remaining in your ownership. This is not immediately apparent from outside the site. As you know, I viewed the site from vantage points on the B6320 and the C204 crossing the moor to the south-west of the site. From these viewpoints Brown Rigg stands out in the landscape and in my opinion it is an incongruous feature.

12. In my opinion the requirements and purpose of the Section 106 planning obligation accord with the objective of conserving and enhancing the natural beauty of the National Park. It also enabled the touring caravan site to be provided in a location where it would not otherwise have been permitted, thus fulfilling a further statutory purpose of National Parks; namely to promote opportunities for public enjoyment of their special qualities. The planning application for the caravan site presented the former local planning authority with the opportunity to bring about an improvement to the appearance of Brown Rigg and enhance the quality of the landscape to some extent. Since entering into the Section 106 agreement you have disposed of the caravan site and the planning permission has been implemented. You have also disposed of the dwelling called "The Lodge". Some demolition work has been undertaken and the site left in an unsightly condition. In these circumstances, I conclude on the first issue that the requirements and the objective of the Section 106 planning obligation

are of continuing relevance to the development which has been undertaken at Brown Rigg.

13. Turning to the second issue, you argue that your proposed modification includes the demolition of buildings not included in the agreed demolition plan. The modification also proposes the demolition of other buildings on the site within 6 months. The additional buildings you now propose to demolished are small structures in the northern part of the site. These buildings are not readily visible from outside the site and in my opinion their removal would be of greater benefit to internal views of the site. The other buildings you propose to remove within 6 months are buildings included in the original Section 106 agreement and should have been demolished several years ago. You also say that the retention of part of building P would not impinge on views from the caravan site and the additional demolitions you now propose would balance out the retention of part of this building. You refer to your proposal to erect a detached dwelling in the north-west corner of the site, saying that you would not proceed with this if part of building P is allowed to remain. However, the Authority say that the proposed new dwelling would be contrary to the policies of the development plan and would be unlikely to be granted a planning permission by them.

14. Of the additional buildings you now propose to retain, the glasshouse H and building I are in a poor state of repair and unsightly. The metal framed glasshouse B is in need of partial reglazing but appears to be in good structural order. However, these buildings, together with part of building J you now propose to retain are not readily visible from outside the site. In my opinion if they were to be refurbished their retention would not seriously detract from the external appearance of Brown Rigg.

15. Under the terms of your proposed modification, one third of building P and the whole of building Q would only be demolished on receipt of a planning permission for further development in the Phase III area. These buildings could therefore remain standing for many years, notwithstanding their deteriorating condition. The scale of your business operation suggests to me that further significant development at Brown Rigg is unlikely. It appears to me that there are sufficient buildings remaining within the original Phase III area to serve your business operation and to provide you with a residence.

16. The Authority say that they are prepared to discuss minor modifications to the terms of the Section 106 obligation relating to some of the smaller buildings within the site. However, I consider that the modification you propose in respect of buildings P, Q, R and F in the southern part of your holding would conflict with the objectives of the obligation as it stands. These buildings should have been completely removed and the site landscaped several years ago to compensate for the introduction of the touring caravan site into the landscape. I conclude that the modifications to the Section 106 planning obligation you now propose would conflict with the statutory objectives of conservation and enhancement of the National Park landscape by reason of the retention of the most prominent and intrusive buildings in the Brown Rigg complex.

17. I have considered all the other matters raised at the hearing and in writing but I find nothing to change the reasoning leading to my conclusions on the two main issues.

18. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal and refuse your application to modify the terms of the Section 106

planning obligation relating to the development of a touring caravan site at Brown Rigg,
Bellingham.

Yours faithfully



ROY WILSON DipTP MRTPI
Inspector