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# Appeal Decision

Site visit made on 17 February 2015

**by Martin H Seddon BSc DipTP MPhil MRTPI**

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

**Decision date: 27 May 2015**

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**Appeal Ref: APP/T9501/A/14/2221814**

**Land to the rear of Greystones, Lanehead, Tarsset, Hexham**

- 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 Riverdale Properties (Kielder) Limited against the decision of Northumberland National Park Authority.
  - The application Ref 14NP0027 dated 12 February 2014 was refused by notice dated 18 June 2014.
  - The development proposed is a detached 1½ storey 4 bedroom house incorporating laundry, office and storage facilities for the proposed self-catering business on the adjacent site.
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## Decision

The appeal is dismissed.

## Background

1. An appeal (ref: APP/T9501/A/13/2194763) against the refusal of permission for a detached 3 storey 4 bedroom house incorporating laundry and storage facilities for proposed self-catering business on the adjacent site, was dismissed in October 2013 in view of its effect on the landscape setting and character and appearance of Lanehead.
2. The appellant has submitted a signed unilateral obligation dated 23 September 2014. This would secure restriction of the occupancy of the proposed dwelling to a qualifying person who meets the local needs criteria. The obligation contains a drafting error in that "the development" is wrongly defined as "the development of the application site in accordance with the planning application substantially comprising a detached three storey four bedroom house incorporating laundry and storage facilities for proposed self-catering business on the adjacent site", rather than the description of the appeal proposal. Subject to the correction of this error the undertaking would be acceptable in principle.

## Procedural Matters

3. Third party representations contend that the proposal should have been treated as a major development by the National Park Authority in view of the cumulative impact with the tourism development. However, the red line boundary for the site does not include the tourism development. Although there is some linkage through the provision of laundry and storage facilities for the proposed self-catering business, the Council determined that the proposal

did not constitute major development. This is consistent with the basis on which the Council considered the previous application for a three storey dwelling at the appeal site.

4. A late representation was received from the owner of Sundown, which is a dwelling that is adjacent to the appeal site. This representation was accepted because the owner advised that he had not been formally notified by the Council of the original application or the appeal. In the interest of fairness, the appellant and the Council were given the opportunity to comment on the representation.

### **Main issues**

5. The National Park Authority accepts that the principle of a single dwelling is suitable in this general location. There is no reason to disagree because Lanehead is a defined local centre in policy 5 of the Northumberland National Park Authority Core Strategy and Development Policies, and suitable for new local needs development.
6. The main issues are:
  - the effect of the proposal on the landscape setting of Lanehead, and
  - the effect on the character and appearance of Lanehead.

### **Reasons**

7. The proposed dwelling would be reduced in height overall by up to 3 metres when compared with the previous proposal that was dismissed on appeal. The double garage which formed part of the previous scheme has been omitted and replaced by a store. However, the building would be around 4 metres greater in overall length. The building would be mainly constructed in stone using a timber frame with slate roofing. It would reflect the proportions of the nearby Longhouse, although smaller in size. The appellant advises that the ridge height of the proposed dwelling would be the same height as that at Hunters Lodge and the ridge would be slightly higher than the Village Hall.

#### *Effect on the landscape setting of Lanehead*

8. Lanehead is a small rural settlement with buildings of varying ages and design. It includes a single storey village hall which is located near the appeal site. The approved tourism development for the locality includes 5 timber bothies, sited to the rear of the appeal site, where the land falls relatively steeply down towards a burn. Three of the bothies were being erected at the time of the site visit. The incomplete bothies were prominent in the landscape when viewed from the road entering from the direction of Greenhaugh and from near the burn where it is bridged by Donkleywood Lane.
9. The Council's Landscape officer has welcomed the proposal to reduce the height of the building from that proposed in the previous scheme. It would, in his opinion, no longer have a significant effect on the landscape character or views in this part of the National Park.
10. The proposed dwelling would have no significant visual impact when approached along the road from Greenhaugh because of its low height and screening by the building of Hunters Lodge and associated trees. The dwelling would not appear prominent when viewed from Donkeywood Lane because it

would be partly screened by the rising land. It would also be difficult to see the building from the road to Bellingham because of intervening buildings and the local topography.

11. The proposal would have no significant adverse effect on the wider landscape setting of Lanehead because of the relatively low height of the building.

*Effect on the character and appearance of Lanehead*

12. The National Park Authority advises that the reason for refusal of the application relates to the more immediate visual impacts and harm to the character of the more immediate setting of Lanehead, rather than the wider landscape impacts in the National Park.
13. The previous Inspector considered that the earlier scheme would involve a significant amount of earthworks. Excavation would, in his view, appear to be to a depth of 2 metres in places with a corresponding increase in height to form a mound south and west of the house. He considered that the artificial form of the site would be more evident from the nearby road to Greenhaugh. From there it would, in his view, "be apparent that, rather than sitting naturally in the landscape, an engineering solution had been sought to try and reduce the impact of a tall house sited at a high point in the topography".
14. The proposed dwelling subject to this appeal would be aligned with its eastern gable end elevation facing the road to Greenhaugh at a slight angle. Engineering operations would be required to create a level platform in the hillside which slopes down towards the road. At the eastern gable the land would be excavated to a depth of around 2.5 metres at either side, but increasing in depth towards the position of the western gable end elevation and access track where the depth of excavation would range between around 2.5 and 4.5 metres.
15. The amount of excavation required for the dwelling has been reduced by omitting the garaging and associated manoeuvring space. Nevertheless, the design and layout is dependent upon modifying the landscape as opposed to a solution that would involve less excavation and would integrate the proposed dwelling more closely with the existing topography.
16. Policies 1 and 3 of the National Park Authority Core Strategy and Development Policies concern the delivery of sustainable development and general development principles respectively. Both policies seek to ensure, amongst other things, that the special qualities of the National Park will be preserved or enhanced. Policy 20 of the Core Strategy and Development Policies indicates that development which will adversely affect the quality and character of the landscape will not be permitted. Paragraph 115 of the National Planning Policy Framework (the Framework) advises that great weight should be given to conserving landscape and scenic beauty in National Parks.
17. The appellant considers that the frontage of the gap site between Hunters Lodge and the Village Hall would not be diminished by the proposal and the excavation would only be relatively narrow when viewed from the road. It is also contended that views of the excavation and its longer form would not be available from any general public viewpoint.
18. The proposal would involve the construction of a relatively large building and substantial engineering operations in a sensitive, prominent location. Although

the proposed dwelling has been reduced in height compared to the previous proposal, its siting, setting, and relationship to the local topography are relatively unchanged. Moreover, the proposed dwelling and area for excavation would be longer than for the previous proposal. The dwelling would also be sited closer to the Village Hall.

19. The Inspector suggested in the previous appeal decision that the local impact could perhaps be mitigated by screen planting between the road and the site. In the current proposal, tree planting including Beech and Hornbeam is indicated between the eastern gable of the proposed building and the road and alongside the boundary with Hunters Lodge. However, this would take time to mature and to provide any significant screening of the dwelling in its engineered setting.
20. The proposal would be harmful to the character and appearance of Lanehead in view of its scale, siting and extent of engineered modification to the local topography. It would fail to preserve or enhance the special qualities of the National Park, contrary to Core Strategy and Development Policies 1, 3 and 20 and the Framework.

### **Other Matters**

21. The nearest dwellings to the site are Hunters Lodge and Sundown. The occupier of Hunters Lodge has raised concerns in respect of loss of privacy, loss of light and loss of peace and tranquillity. In the previous appeal, involving a taller building, the Inspector concluded that the proposal would not have a materially harmful effect on the living conditions of the occupiers of Hunters Lodge. The current proposal includes roof lights facing in the direction of Hunters Lodge and terracing at first floor level. However, any overlooking from the terrace would be prevented by louvre screening, and in the longer term, by additional tree planting next to the boundary between the proposed building and Hunters Lodge. There would be no significant loss of light for the occupiers of Hunters Lodge because of overshadowing by the proposed building. A certain amount of noise would be likely to arise from domestic activities associated with the proposed building but this would not be unreasonable within a settlement. The potential for increased flooding and light pollution are technical matters that could be dealt with through the imposition of appropriate conditions.
22. The representation from the occupier of Sundown mainly concerns matters associated with the construction of earlier developments and the bothies, which are not the subject of this appeal. However, objections are raised regarding the enclosure of Sundown from the final side, loss of light and the blocking of views to the east. The Council has advised that the levels of light received by Sundown and privacy of the occupiers would not be harmed. There is no reason to disagree, given that the separation distance between the proposed dwelling and Sundown would be around 43 metres. Although there may be some restriction on the outlook to the east from Sundown this would not be unduly detrimental having regard to the gap between the Sundown and the proposed dwelling.
23. The National Park Authority considers that, although the proposed dwelling would be around 12 metres from Tarsset Village Hall, the nature of use of the hall would not be likely to have an adverse impact on the living conditions of future occupiers of the dwelling in terms of noise and disturbance. Clearly,

some of the activities within and around the Village Hall would have the potential to create noise and disturbance. However, no objections were raised by the Northumberland County Council Environmental Protection Department in this respect. On that basis it seems unlikely that the proposal would result in restrictions on activities at the village hall that might compromise its ability to sustain itself in the future. However, the installation of appropriate sound insulation measures in the proposed building could be carried out as a precautionary measure.

24. A Neighbourhood Development Plan is under preparation for the area. The characterisation and sensitivity plan indicates that the appeal site is in the vicinity of a very prominent knoll on a prominent ridge. However, as the plan is at an early stage, little weight may be accorded to any of its recommendations at this stage.

### **Conclusion**

25. All other matters raised have been taken into account, including the letters in support of the proposal. As found above, there would be no harm from the proposal to the wider landscape setting of Lanehead nor to the living conditions of neighbours. However, this lack of harm would be clearly outweighed by the harm from the proposal to the character and appearance of the settlement of Lanehead.
26. In view of the conflict with relevant development plan policies and the Framework, which advises that great weight should be given to conserving landscape and scenic beauty in National Parks, the appeal is dismissed.

*Martin H Seddon*

INSPECTOR