



Appeal Decision

Hearing held on 24 April 2013

Site visit made on 24 April 2013

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 3 June 2013

Appeal Ref: APP/P2935/A/12/2183585

Land east of The Peth, West Thirston, Northumberland NE65 9EE

- 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 Graham Wilcock against the decision of Northumberland County Council.
 - The application Ref 11/01404/FUL, dated 23 June 2011, was refused by notice dated 14 May 2012.
 - The development proposed is the erection of 3 no. holiday "tree lodges" for tourist visitor accommodation, creation of associated 7 vehicle car park and associated landscaping scheme.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the Conservation Area, the effect on the setting of nearby listed buildings and whether sufficient information has been submitted to enable a proper assessment to be made of the effect on protected species.

Reasons

Conservation Area

3. The appeal site is a steeply sloping bank which stands next to the Grade II listed Northumberland Arms and opposite the Grade II listed Pethfoot House, within the West Thirston Conservation Area. Proposed is the erection of 3 lodges, each split into 2 units and the creation of an area to provide parking. The lodges would sit on mini pile foundations and stilts. While I agree with the Council that the intrinsic design of the lodges is acceptable, their location (within a village setting, albeit wooded), scale and siting would make them a prominent, incongruous feature. This is because of their position on a steep bank above the Northumberland Arms.
4. The proposal would be particularly apparent in views into the West Thirston Conservation Area from the adjacent Felton Conservation Area, which stands on the opposite side of the River Coquet. Their visual prominence would be enhanced in winter when the leaves are off the trees. Added to which, the works to form the access and car park, which would involve cutting into the

- bank and providing a deep retaining wall, would harmfully change the semi-natural appearance of the appeal site.
5. Furthermore, the lodges and the car park would require the removal of several trees and result in a large proportion of the site being developed. The parties dispute the categorisation of the trees having regard to BS5837, with the appellant arguing that the majority fall within the categories B2 and C1. Be that as it may, from what I observed, the trees within the site, although in varying states of health and vigour in terms of maturity and regeneration, are typical of what I would expect to see in a woodland area. In my judgement, it is the trees which give this steep bank its attractive appearance, enabling it to make a significant contribution to the character and appearance of the Conservation Area. The proposed reduction in tree cover would harmfully reduce the sylvan character of the area.
 6. Under paragraph 131 of the National Planning Policy Framework (NPPF) in determining planning applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. In my judgement, the proposed erection of 3 lodge buildings, parking area, paths and associated works, as new development within the Conservation Area, would have a discordant appearance that would detract from local character and distinctiveness.
 7. I note the appellant's argument that the appeal site has not been subject to proactive management for some time which has allowed poor tree specimens to develop. I also note his contention that the proposed Woodland Management Plan, as part of the scheme, would improve the amenity value of the woodland. Nevertheless, woodland management at the appeal site is not dependant on this proposal, and these considerations would not outweigh the harm the discordant appearance of the development and tree removal would cause to local character and distinctiveness.
 8. Similarly, while I accept that the roots of retained trees could be protected by suitably worded conditions, were the proposal to be granted planning permission, this would not overcome the harm the discordant appearance of the development and tree removal would cause to local character and distinctiveness. Accordingly, the proposal would fail to preserve or enhance the character or appearance of the Conservation Area, contrary to saved policy C29 of the adopted Castle Morpeth Local Plan (LP) and paragraph 131 of the NPPF.

Setting of the Listed Buildings

9. The proposal would be located beside 2 heritage assets, both of which are Grade II listed buildings. The advice in paragraph 122 of the still extant Planning Practice Statement 5 Practice Guide as reflected in Section 4.2 of the English Heritage (EH) guidance '*The Setting of Heritage Assets*' and paragraph 128 of the NPPF is that the parties should describe the significance of each heritage asset, including the contribution made by their setting and assess the effect on significance that would arise from the proposal as a development which affects their setting. In addition, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that in considering whether to grant planning permission for a development which affects a listed building, or its setting, the decision-maker shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral. In my judgement, setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset.
11. Paragraph 132 of the NPPF makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It goes on to note that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The NPPF defines significance as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic (I take the evidential, aesthetic, historical and communal values as set out in the appellant's Statement of Significance to equate to these). Significance derives not only from a heritage asset's physical presence, but also from its setting.
12. The heritage assets mentioned above partly derive their significance from the architectural, artistic and historic values which they possess. Their setting makes an important contribution to their architectural value and thereby to their overall significance as heritage assets. Their setting includes the appeal site when viewed from the opposite side of the River Coquet. In these views, the proposal would be a very dominant feature in the setting of the Northumberland Arms, given the siting of the lodges high on the bank behind this heritage asset.
13. In respect of Pethfoot House, its setting contributes to its significance through its riparian location which is a significant part of its architectural value. The view to Pethfoot House from the old bridge, which crosses the river to the north east of the appeal site and has inter-visibility between the 2 heritage assets, would be disrupted by the proposal. This would reduce the contribution of the setting to the architectural value of the heritage asset and in so doing would harmfully affect its significance.
14. In both instances the harm to setting would be less than substantial. Paragraph 134 of the NPPF states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The appellant argued that the proposal would provide the opportunity to enhance or better reveal the significance of the Northumberland Arms by providing access to its rear. However, this access would be limited to lodge guests and the rear of the building, in my judgement, does not contribute greatly to the significance of the heritage asset, appearing to be an amalgam of later additions to the building. This consideration would therefore have a neutral public benefit.
15. In addition, it was argued that tourism revenue from lodge guests would improve the viability of the public house. Although I have no evidence before me to show likely income streams to the public house arising from the

proposal, this consideration would weigh in its favour. However, taking the cumulative effect of the less than substantial harm to the significance of 2 no. heritage assets that would be caused by development within their settings, it would not be sufficient to outweigh that harm. Against this background, having special regard to the desirability of preserving the buildings or their settings, I consider that the proposal would be harmful to the significance of the heritage assets, contrary to paragraph 134 of the NPPF. This harm would not be outweighed by any public benefits.

Protected Species and Ecology

16. The Council also raised concerns regarding the effect on protected species. I note the appellant has submitted further details on the effect of the proposal on bats and breeding birds but the Council and interested parties maintain their concerns in respect of other species such as red squirrels. However, while I am in no doubt that development on the appeal site would have an effect on protected species, particularly given the proximity to the River Coquet and Coquet Valley Woodlands Site of Special Scientific Interest, I am unable to conclude that such an effect could not be successfully managed and mitigated.
17. From the evidence available to me, it seems likely that were the proposal otherwise acceptable, this matter could be dealt with by way of the suggested planning conditions. Nevertheless, although not a reason for withholding planning permission, this consideration would not outweigh the conflict with local and national policy identified above.

Other Matters

18. Concerns were raised by the occupiers of nearby dwellings regarding the effect of the proposal on their living conditions. However, given the differences in level and the intervening distances, I am satisfied that the issues raised with regard to harm from overlooking, loss of outlook and noise and disturbance would either not arise from this proposal or could be addressed by suitably worded conditions, were planning permission to be granted.
19. I have also noted that the scheme went through several amendments following a series of meetings and discussions with the Council, and that the appellant held a public consultation exercise to gain comments and a Public Consultation Statement was produced. In addition, I have had regard to the letter in support of the proposal from Northumberland Tourism which sets out how the proposal would contribute to the objectives of the county's tourism strategy.
20. Nevertheless, the above considerations would not outweigh the failure of the proposal to preserve or enhance the character or appearance of the Conservation Area and the harm to the significance of the heritage assets.

Conclusion

21. The effect of the Order to revoke the Regional Spatial Strategy has been considered but in the light of the facts in this case this does not alter my conclusion, which for the reasons given above, is that the appeal should be dismissed.

Richard McCoy

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr S Grant BA(Hons), Dip TP, MRTPI	Managing Director, Big Tree Planning Ltd
Mr D Small CIAT	Architect Cajamo.com
Mr N Chopping BSc(Hons) M.Arbor.A. Dip Occupational Safety & Health	Consultant Arboriculturalist, Marshall Thompson Group
Mr P Hiscocks BSc(Hons) CIEEM	Ecologist, Marshall Thompson Group
Mr G Wilcock	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Miss V Robinson BA(Hons), Dip TP, MRTPI	Principal Planning Officer, Northumberland County Council
Mr C Marley BSc(Hons) Ecology	Ecologist, Northumberland County Council
Miss E Gray MA(Hons), MSc Bldg Cons	County Conservation Officer, Northumberland County Council
Mr P Rutherford BA, MRTPI	Principal Planner Spatial Planning, Northumberland County Council

INTERESTED PERSONS:

Mr T Scott	Felton & Thirston Residents' Group
Mr S Beeby BSc(Hons), MRICS	Felton & Thirston Residents' Group
Mr R Yates	Arboriculturalist on behalf of Felton & Thirston Residents' Group
Cllr Sanderson	Ward Councillor
Mrs Lindley	Thirston Parish Council
Mr Walton	Felton Parish Council

DOCUMENTS

- 1 Council's letters of notification of the Hearing
- 2 Ecology condition

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