



## Appeal Decision

Site visit made on 24 August 2021

**by A Caines BSc(Hons) MSc TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> September 2021

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**Appeal Ref: APP/H4505/W/21/3278511**

**Sandygate Cottage, St Cuthberts Road, Marley Hill, Whickham NE16 5EB**

- 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 Neils Trinder against the decision of Gateshead Council.
  - The application Ref DC/21/00373/FUL, dated 19 March 2021, was refused by notice dated 17 June 2021.
  - The development proposed is demolition of existing single storey garage. Construction of replacement garage on same footprint.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and therefore the main parties have not been prejudiced by its publication.

### Main Issues

3. The main issues are:
  - Whether the proposal amounts to inappropriate development in the Green Belt;
  - The effect of the development on the openness of the Green Belt;
  - Whether the development would preserve or enhance the character or appearance of the Marley Hill Conservation Area; and
  - If the proposal is inappropriate development, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

### Reasons

#### *Inappropriateness*

4. The appeal site is located within the Green Belt. Whilst I have noted the appellants' comments regarding the relationship of the site to the settlement limit of Marley Hill, the evidence before me indicates that the whole of the

settlement is 'washed over' by Green Belt and therefore it is not a matter which is determinative in this appeal.

5. Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 – 2030 (2015) (the CS) seeks to protect the Tyne and Wear Green Belt in accordance with national policy (the Framework).
6. Paragraph 149 of the Framework states that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate in the Green Belt. My attention has been drawn to the exceptions in sub-paragraph d) for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and g) concerning the partial or complete redevelopment of previously developed land, as long as this would not have a greater impact on the openness of the Green Belt than the existing development. There would also be some engineering works, but these would be integral to the construction of the proposed building so do not fall to be considered separately.
7. The proposal is for a replacement garage. There is no dispute that the replacement building would be in the same use as the existing. The appellant also states that it would have the same built footprint and eaves height. Nonetheless, the overall height would be markedly greater as a result of a steeper pitched roof. The drawings also indicate that the rear elevation would have a greater vertical extent due to the split level design. As such, the proposed building would undoubtedly be materially larger than the one it would replace. Consequently, the exception under sub-paragraph d) of Framework paragraph 149 does not apply in this case.
8. In terms of sub-paragraph g), there is no disagreement between the parties that the appeal site constitutes previously developed land. My conclusion on the next issue below will therefore determine whether the proposal is inappropriate in the Green Belt.

### *Openness*

9. Paragraph 137 of the Framework identifies the essential characteristics of the Green Belt as being its openness and permanence. Openness has generally been held to be the absence of development and it has both a spatial and visual aspect.
10. The appeal site lies on the opposite side of the lane to Sandygate Cottage where I note that planning permission has previously been granted for a replacement garage of the same footprint, but lower height<sup>1</sup>. There is also evidence that the site may have historically been used in association with allotment gardens. However, the only building currently on the site is the existing garage, which is a single storey building constructed of painted blockwork with a very shallow-lying bitumen felt roof. The building sits upon a raised area surrounded by open land to the south.
11. Although the proposed replacement garage would be constructed on the same footprint, it would, through its steeper pitched roof and split level design, be of a greater height and overall size than the existing building it would replace. It would therefore inevitably have a greater impact on the openness of the Green Belt in spatial terms. Similarly, the height and overall size of the roof

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<sup>1</sup> LPA ref:DC/13/0184/HHA

would result in the proposed garage being more visually prominent than the existing building. It would therefore also have a greater impact on the openness of the Green Belt in visual terms, albeit the use of appropriate materials would serve to ensure that this would be limited. As a consequence, the proposal would result in this part of the Green Belt being less open than it is at present, both spatially and visually.

12. With respect to the purposes of the Green Belt, there would be no encroachment into the countryside as the proposal would occupy the same footprint as the existing garage. Nor would it represent sprawl or urbanisation and I find no conflict with the purposes of Green Belt.
13. Nevertheless, while acknowledging the site's previously developed status, the proposal would have a greater impact on the openness of the Green Belt than the existing development. Thus, the exception at sub-paragraph g) of Framework paragraph 149 is not met.
14. I therefore find that the proposal would be inappropriate development in the Green Belt, which paragraph 147 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, for the reasons set out above, there would be harm to the openness of the Green Belt, which would be at odds with the fundamental aim of Green Belt policy. As a result, the proposal conflicts with the Framework, and Policy CS19 of the CS insofar as it seeks to protect the Green Belt in line with national policy.

#### *Marley Hill Conservation Area (MHCA)*

15. The appeal site lies within the MHCA, which from the information before me, derives some of its significance from its character as a model Durham pit village and the relationship with the rural surroundings. Sandygate Farm was one of the first set of buildings within the settlement, but the stone and slate vernacular buildings have since been much altered and new housing development has taken place around it. The land to the south was part of the former colliery, but is now part of the undeveloped rural fringe setting of the village which is important to its character.
16. In determining this appeal I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the MHCA, a designated heritage asset.
17. Owing to its form and materials, the existing garage does not contribute positively to the MHCA. Accordingly, its removal would not harm the significance of the MHCA.
18. The proposed replacement garage would be constructed in stone and slate. Apart from the rear elevation, the design would be of a simple domestic appearance, similar to the previously approved garage. Although it would be taller than both the existing and previously approved buildings, I am satisfied that its scale would be subservient to the houses it would be seen in context with.
19. This notwithstanding, the rear elevation would appear disproportionate in design terms due to the greater vertical emphasis of the wall and the height of the rear access door. Moreover, as a result of its proportions, and the size and design of the rear access door, the rear elevation would have a utilitarian

- appearance more akin to a commercial workshop, which would appear incongruous. In this regard, the design of the proposed building would not be entirely sympathetic to its context. This would be harmful. The use of appropriate materials would diminish but not extinguish the harm.
20. I acknowledge that public views of the rear elevation from the south and east would be brief. Nonetheless, the requirement for development proposals to preserve or enhance the character or appearance of the MHCA applies with equal force whether or not the proposal is prominent. Furthermore, even though the existing building is out of keeping, this is not justification, on its own, for further unacceptable development.
21. Overall, whilst the removal of the existing garage would be positive, I find that due to the design of the rear elevation, the proposal would have an adverse visual effect when viewed from the south and east. This would cause moderate harm to the significance of the MHCA. Accordingly, the proposal would not preserve or enhance the character or appearance of this part of the MHCA. The proposal also conflicts with Part 2 of Policy CS15 of the CS, which requires the historic environment to be safeguarded; and with criteria 1e) of Policy MSGP25 of Gateshead's Local Plan Document (2021), which seeks to ensure that additions to heritage assets are, among other things, appropriate in architectural detailing and do not harm the significance of the heritage asset.
22. In accordance with paragraph 199 of the Framework, great weight should be given to a designated heritage asset's conservation. In terms of countervailing public benefits, the proposal would remove the existing garage from the site. However, any visual benefits that its removal might bring would be diminished by the effects of the proposed building.
23. The harm to the MHCA would be less than substantial within the meaning of the Framework, but that is nevertheless a matter of considerable importance and weight. The public benefits identified do not outweigh that harm.

*Other considerations*

24. The appellant claims that the visual impact of the previously approved garage would have been similar due to the need for foundations. However, irrespective of the construction practicalities, an extended rear elevation was not authorised on the approved plans, nor was there a large door in the rear elevation. In any case, I am informed that the planning permission has lapsed. The appellant also contends that if the existing garage is retained, it would require underpinning resulting in the same level of excavations and up to 2.5m of additional wall to the rear. However, I have no substantive evidence to indicate that there is a significant probability of such works taking place, and whether or not they have or require planning permission. I therefore attach limited weight to these matters.
25. A number of housing developments in the vicinity that were approved by the Council, including at Sandygate Cottage, have been highlighted. However, the full details of those schemes are not before me. In any case, they are patently of a different nature to the appeal proposal so have limited bearing on the outcome of this appeal. I have necessarily come to my own view on this specific proposal rather than relying on the approach the Council may have taken elsewhere.

26. Although support from the local community is acknowledged, a letter of support or lack of objection in and of itself does not make the proposal acceptable. Any issues raised have been considered under this appeal insofar as they are material to the decision.
27. The appellant's complaints about the way the Council allegedly handled the application and its decision taking are noted. However, that is not a matter for me to comment on as part of this appeal and does not alter my consideration of the planning merits of this case.

*Green Belt balance*

28. The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. It would also result in a small loss of Green Belt openness. Paragraph 148 of the Framework states that substantial weight is to be given to any harm to the Green Belt. Harm to the character and appearance of the MHCA also weighs significantly against the proposal. As set out in Framework paragraph 148, very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
29. On analysis of all the above, the harm by reason of inappropriateness, and the other areas of harm I have found, is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the proposal do not exist.

**Conclusion**

30. Although removal of the existing garage would be acceptable, the proposal would not accord with the development plan or Framework when read as a whole and there are no other considerations that outweigh this conflict.
31. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*A Caines*

INSPECTOR