

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL BY DEVONPORT ESTATES**

**LAND AT COLD LAW, STIDDLEHILL COMMON, NEAR RIDSDALE, RAY ESTATE, NORTHUMBERLAND  
NE65 7DZ**

**APP/P2935/W/20/3244389**

**BRIEF OPENING STATEMENT ON BEHALF OF**

**NORTHUMBERLAND COUNTY COUNCIL**

1. As described on the County Council's decision notice, the appeal proposal is for "*Construction of a publicly accessible landmark, commissioned to commemorate Queen Elizabeth II and the Commonwealth*" on land at Cold Law Kirkwhelpington Northumberland.
2. On 4 June 2019 the Council's Strategic Planning Committee deferred the application to allow a members' site visit following presentations both for and against the appeal proposal, officers' responses to questions, debate and rejection of a motion to approve in accordance with officer recommendation.
3. The Committee considered the application further on 2 July 2019 in light of members' site visit and update/addendum reports (inc. reference to a s.106 agreement, and a response received from the Council's Tourism etc Service). The Committee heard further presentations both for and against the appeal proposal, and officers' responses to questions including reference to the planning balance. The debate heard submissions by members both in favour and against the proposal. That debate resolved decisively with the conclusion that the proposed development was in an inappropriate location: it would neither protect nor enhance but harm instead the qualities of the area.
4. The decision notice reflects the Committee's decision as follows:

*"The proposal results in development in the open countryside which fails to recognise the intrinsic character and nature of the countryside in this location and is therefore*

*contrary to paragraph 170 of the NPPF and Policy NE1 of the Tynedale Local Development Framework Core Strategy.”*

5. *“The proposal”* refers in this context, of course, to the proposal as a whole and the Council contends that it fails to recognise the intrinsic character and nature of the location as a package, i.e. insofar as the main landmark feature, ancillary development that serves it, and use of the site are each concerned.
6. The reason for refusal is itself founded, of course, on Core Strategy Policy NE1 and NPPF paragraph 170(b). Both are relevant and up-to-date.
7. Mr Stokoe explains his understanding of the landscape character of the site and the wider area. He confirms his view that the area retains strong perceptions of rurality and tranquillity because of the strong upland landform, general lack of the visible presence of built development and the simple palette of naturalistic landscape elements. Its characteristics correlate closely with those of the landscape type within which it sits.
8. The landmark feature itself would result in a high magnitude of change to the site area with substantial, and permanent, adverse effects. The effects would be adverse because of the dominating presence of an industrial scale man-made structure in an area characterised by a simple palette of rural landscape elements, thereby reducing perceptions of tranquillity, remoteness and rurality. Ancillary development will result in further permanent adverse change. Increased activity will introduce additional uncharacteristic change to the rural qualities of the area.
9. These changes and adverse effects will be felt beyond the site boundary, with detrimental effects on the “host” Landscape character area (Sweethope & Blackdown, 8g) and indirect effects on others.
10. These conclusions are reinforced by consideration of visual effects.
11. The proposed development would be contrary to Core Strategy Policy NE1 and NPPF paragraph 170(b), and very considerable weight attaches to that conclusion.
12. Statute requires that the application be determined in accordance with the development plan, i.e. the development plan as a whole, unless material considerations indicate otherwise. Mr

Halliday has therefore quite properly considered how the proposal relates to other relevant development plan policies (Policies GD2 & TM4 most particularly). Suffice it to say that the proposal does not accord with these particular policies. This is not a situation where, for example, there are other key development plan policies pointing clearly in the other direction (towards approval) with which the proposal is itself in accordance.

13. Policies ECN15, QOP1, ENV3 & ENV4 of the emerging Northumberland Local Plan are particularly relevant to the main issue arising from the Council's decision to refuse. Mr Halliday has set out the limited changes likely to be made to these policies compared to the publication version of the Plan. Policy ECN15 provides no support for the proposal, and the Council considers that does not accord with Policies QOP1 & ENV3. The fact that the proposal relates to emerging policy in this way bears out the decision to refuse by reference to the development plan and NPPF.
14. There are two particular "other material considerations" with a bearing on this matter.
15. The Council accepts, having considered the matter further, that there is some limited ecological benefit to be weighed in the planning balance resulting from the s.106 agreement.
16. It disputes, on the other hand, that the proposal - viewed objectively - is of a type or so located as to be likely to generate significant additional tourism trips and expenditure to the County, or play a material role in economic recovery from Covid. Those benefits would require to be very significant indeed if they were to justify substantial harm to the County's most important tourism asset, i.e. the quality of its countryside (the jewel in its crown).
17. The County Council will respectfully request that the appeal be dismissed.

SIMON PICKLES

08 March 2021

**Landmark Chambers**

**London EC4A 2HG**