

RELOCATION OF TENNIS COURT – GREENSHAW HOUSE, HEXHAM

PLANNING STATEMENT

1. I am instructed by the Executors of the late J A J Straker (Leazes Farm Partnership) to submit a planning application for the relocation of a tennis court at Greenshaw House, Hexham. This is a retrospective application to regularise development which took place in or about July 2022.

THE DEVELOPMENT

2. Greenshaw House is a large private residence in substantial grounds to the north of the A69. Within the formal gardens are an ancillary residential building, a swimming pool and stables. It has horse grazing of 1.62 acres and sits on a landholding of around 900 acres.
3. The site is surrounded by dense woodland blocks to the west and east and a high established hedge to the northern boundary. The original tennis court was located to the east of the main house in a former walled garden area. It was built in or about 1965 and was a standard sized tennis court with chain link fencing.
4. Whilst the larger landholding is agricultural the site of the new tennis court is a horse grazing paddock to the east of the house, known by the family as the Tennis Court Field.
5. The site is in the open countryside and in the green belt west of Hexham.

THE DEVELOPMENT PLAN

6. The statutory development plan is the Northumberland Local Plan (“the NLP”) adopted in 2022. Policy STP7 sets out the strategic approach and the purposes of including land within the green belt. The only purpose relevant to this case is b. safeguard the countryside from encroachment.
7. Policy STP8 sets out the criteria for development in the green belt. Inappropriate development will be resisted (a), appropriate development will be supported (b) and development which improves outdoor sport and recreation will be supported, provided it does not conflict with national policy on the green belt (c). Policy STP8 also states that inappropriate development will not be supported unless very special circumstances clearly outweigh the potential harm to the green belt, and any other harm arising from the proposal.
8. Policy ENV3 recognises the contribution of the landscape to Northumberland’s environment and requires proposal to conserve and enhance important elements of its character.
9. These green belt policies do not wholly encompass guidance in the NPPF. In particular the specific exceptions which are not inappropriate development, including 149 (d) the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.

THE APPLICANTS CASE

Green Belt

10. The site is in the green belt and it is recognised there should be no harm to the openness of the green belt or the purposes of including land within it. In the green belt the presumption is against any new buildings which could be inappropriate development. It is the applicant's case that the tennis court would preserve the openness of the green belt and would not conflict with the purposes of including land within it – see NPPF paragraph 150.
11. Building is defined in s.336 of the TCPA 1990 as “*any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building*”. Therefore in terms of the TCPA and planning policy a tennis court is a building. The NPPF at paragraph 149 (d) specifically identifies replacement buildings in the same use as not being inappropriate development provided it is not materially larger than the one it replaces.
12. In this case the new tennis court is a replacement for the old one. It is the same form and scale and is not therefore materially larger than the old court. It follows that this proposal is permissible under criterion (d) but is still subject to the overarching test of openness.
13. The new court is in a domestic paddock directly adjacent to the formal garden. It will be viewed in the context of the existing group of domestic buildings and garden in the open countryside. The cross sections show the substantial house, ancillary buildings including the office (approximately 5.8m to ridge) and Windyhurst Plantation to the west with a mature field hedge to the north, Oak Bank wood to the east and Baddox Wood to the south. The existing built form and landscape features to the west, north and east are all significantly taller than the tennis court. Whilst the land falls away to the east the cross section shows that the trees to the east (Oak Bank wood) are significantly taller and will screen the tennis court in the wider landscape. The very enclosed nature of the landscape will be apparent on a site visit.
14. The garden is enclosed by mature Beech hedges to the south and east. These are tall and dense and retain their leaves in winter. These hedges screen the tennis court from the surrounding open countryside which is in the private ownership of the applicant.
15. The only potential public viewpoint is from a public right of way to the south of the site which runs from Greenshaw Plain to Coastley. The nearest point to the tennis court is at Common Cottages, around 220m away. In any event this path has mature hedges and trees on both sides which prevent any views of the tennis court.
16. It is noted that when the ancillary building approved on this site in 2014 [16m x 6.3m x high] was assessed the site was found to be “*secluded and surrounded by mature woodland which, to a certain degree, limits the impact upon the openness of the Green Belt in this location*”¹.
17. It is further noted that development for recreational purposes (equestrian use) was permitted in the open countryside and the green belt at Nether Warden in 2019. This comprised an indoor manege [a building of 40m x 21m x 8.5m to ridge] and an outdoor manege [40m x 21m

¹ 14/00974/FUL §7.4

with fencing]. The principle of this development was accepted as being for recreation in the green belt and the impact on openness was found to be acceptable given the development was adjacent to the walled garden and a stretch of woodland, relatively close to stables and outbuildings and therefore viewed in a cluster of buildings².

18. On that basis the development at Nether Warden was considered not to be inappropriate development, to preserve the openness of the green belt and be acceptable in terms of policies STP7 and 8 of the NLP³. Whilst all applications are to be dealt with on their individual merits, there are striking similarities between these two cases. In fact the approved development at Nether Warden is substantially larger than the tennis court at Greenshaw House, including as it does more than double the floorspace and a building of 40m x 20m x 8.5m high. In the circumstances it is incumbent on the Council to deal with all applications in the same way, applying NLP policies in a consistent way and ensuring consistent decision making. It is plain that the tennis court would not cause harm to the openness of the green belt if the same policy tests are properly applied.
19. Finally extensions were approved in 2019 at High Warden House in the open countryside and green belt⁴. Whilst extensions are dealt with under NPPF paragraph 149(x) the test on openness should be applied in a uniform and consistent manner. The development approved at High Warden House included a link building in stone and slate [9.1m x 6.3m x 4.5m], an Orangery [3.8m x 11.5m] and a terrace [5.5m x 11.5m]. The scale of this built development far exceeds the tennis court but was held to be acceptable in terms of policy STP8.
20. Any harm to the green belt is assessed in term of the reasons for including land within it. There are five purposes for including land in the green belt, but only '(c) to assist in safeguarding the countryside from encroachment' would be relevant in this case. It is the applicant's case that the proposed tennis court would not represent encroachment into the open countryside as the development is predominantly at ground level, sitting in a discrete parcel of land and would be screened by existing topography and vegetation.

Very Special Circumstances

21. If it is found that the tennis court would cause actual harm to the openness of the green belt then it may be inappropriate development in the green belt which should not be approved except in very special circumstances ("VSC"). The key sentence in the NPPF is that VSC will not exist "unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".
22. It is the applicants' case that this proposal does not cause harm. Secondly if green belt policy is applied in a consistent way with recent decisions about similar developments in the area then this is plainly not inappropriate development. On that basis a VSC case is not required.

² 19/01571/FUL OR §7.9

³ 19/01571/FUL OR §7.9

⁴ 19/00145/FUL

Landscape

23. The site lies in the Glacial Trough Valley Floor (30b) which has the following characteristics –
- *valley floor and shallow lower slopes of a glacial trough between the North Pennines and the Northumberland uplands.*
 - *Flat, well defined, and sheltered valley floor containing a meandering river.*
 - *Medium- to large-scale fields with mixed farming, defined by hedgerows and post and wire fencing*
 - *Generally open character – tree cover concentrated along river or steep bluffs.*
24. The Guiding Principle is to manage and the Mission Statement is in the following terms
This is a landscape which retains a high degree of naturalness despite its relatively high population and human activity. Its value as a transport corridor and its existing settlement pattern mean that it is under pressure for further development. The overall approach should be to manage change while seeking to conserve and locally enhance character, taking advantage of opportunities offered by new development.
25. The paddock is not typical of the medium to large scale field pattern described in the LCA, being a domestic scale grazing paddock adjacent to the garden and almost surrounded by mature woodland blocks. The key point here is the tennis court does not change the character of the area which remains larger scale fields with tree cover near the river. However the development has introduced an opportunity for improvement by way of the new orchard planted to the south to enclose and soften the development. This fully accords with Policy ENV3 by preserving existing landscape features and enhancing the woodland cover in the area.
26. As discussed above the tennis court has minimal visual impact on the open countryside being in a discrete parcel of grazing land with established woodland and hedges around. In any event it is only the netting which would be seen and this would be read in the context of the cluster of domestic buildings.
27. In general I see no objection in principle to the tennis court in the field and there are many examples in the local and wider area. For example at Crag House, Fallowfield, High Warden House, Halton Grange, Wall and Penny Bun Barn, The Mount, Howden Dene and Roecliffe all in Corbridge. Tennis courts are typical features of individual properties set in substantial grounds and provided they do not conflict with other policies such as those which protect the green belt and the landscape they are acceptable in principle.

CONCLUSIONS

28. This is an application to relocate a tennis court from the formal walled garden of Greenshaw House to the adjacent paddock.
29. The NPPF and the NLP are supportive of appropriate facilities for outdoor recreation in the green belt which is not in principle inappropriate development [NPPF §149b]. Further §149d specifically states a replacement building in the same use is not by definition inappropriate development in the green belt provided it is not materially larger than the one it replaces. The new tennis court is the same size as the old one so there is no definitional harm to the green belt.
30. The site is enclosed by established trees and hedges, including mature Beech hedges, to the extent that the tennis court will not be seen in the surrounding landscape. Further there is no

view from any public vantage point. It follows the development will not cause actual harm to the openness of the green belt in terms of the purposes of including this land within it.

31. The site is a modest horse paddock (atypical in the wider landscape of medium fields) and the fences will be viewed (if at all) in the context of the existing group of domestic buildings. There will be no change to landscape character and the new orchard planted to the south will assimilate the development into its setting.
32. There are numerous precedents for tennis courts in large gardens or paddocks in the area including in the green belt.
33. The relocation of the tennis court is an exception to the presumption against new buildings in the green belt. It will cause no harm to the purposes of including this land in the green belt and no harm to other material considerations such as landscape character.
34. For the above reasons planning permission should be granted.

MISS NICOLA ALLAN
MRTPI

Dated this eighteenth day of July 2023