

Appeal Decision

Hearing held on 16 August 2016 and 11 October 2016

Site visit made on 11 October 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 02 December 2016

Appeal Ref: APP/P2935/W/16/3148691

Land North East of Gorfenletch Farm, Fenrother, Northumberland NE61 3DW

- 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 Stephen Thompson against the decision of Northumberland County Council.
 - The application Ref 15/04244/FUL, dated 15 December 2015, was refused by notice dated 11 February 2016.
 - The development proposed is single storey dwelling for on-site agricultural worker.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Hearing opened at 10:00 on 16 August 2016. It was apparent that the Council had not fulfilled its requirements to notify all interested parties of the date and time of the Hearing. Whilst I noted the views of the Council and the appellant, the interests of other parties would have been prejudiced by the lack of notification. The Hearing was thereafter adjourned to allow the notification to take place. It was resumed on 11 October 2016.
 3. The address of the appeal site in the banner heading is taken from the Council's decision notice and the appeal forms. The main parties agreed it is a more accurate reflection of the appeal site location than that given on the original application forms. I have therefore determined the appeal on that basis.
 4. At the Hearing, the Council submitted the latest versions of Policy 1 and Policy 3 of the Northumberland Core Strategy Pre-Submission Draft Proposed Modifications June 2016 which has yet to undergo examination in public. With regard to Paragraph 216 of the National Planning Policy Framework (the Framework), given the stage of preparation, the policies can be afforded limited weight.
 5. The appellant indicated at the Hearing that he believed Policy H4 of the Castle Morpeth District Local Plan 1991-2006, 2003 (LP) was relevant. However, it was confirmed by the Council at the Hearing that the Policy is not saved and I therefore afford it no weight.
-

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
- The effect of the proposal on the openness of the Green Belt.
- If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, including whether there is an essential need for a rural worker to live at or near their place of work. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

7. The appeal site lies within the Tyne and Wear Green Belt. Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration 2005, which is still extant policy, establishes the general extent of an extension to the Green Belt to the north of Morpeth. The parties agreed at the Hearing that the appeal site lies within the Green Belt.
8. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 89 states that, other than in the case of a number of specified exceptions, the construction of new buildings within the Green Belt is inappropriate development. One of those exceptions is buildings for agriculture and forestry.
9. At the Hearing, the appellant took the view that the proposal would accord with the first exception under Paragraph 89 and would be, therefore, not inappropriate. However, whilst it is proposed that the dwelling would support an agricultural enterprise, the building in itself would be primarily intended for residential use. Consequently, it would not be a building for agriculture or forestry and would not, therefore, accord with the exceptions under Paragraph 89.
10. I conclude, therefore, that the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework).

Openness

11. Paragraph 79 of the Framework sets out that a fundamental aim of Green Belt policy is to keep land permanently open. The appeal proposal would result in the provision of a single storey dwelling measuring around 13.6m by 8.6m. I note that the presence of power lines has dictated the location of the dwelling to an extent. I also note that trees and vegetation surrounding the site, as well as the topography, would limit the visual impact of the proposal.
12. However, the dwelling would be located on a grassed paddock which is currently unfettered by built form. Moreover, the dwelling would sit outside the existing linear form of development on the site. As a result, the proposal would result in an incursion of built form where currently none exists.

13. I conclude, therefore, that the proposal would lead to a loss of the openness of the Green Belt. Nevertheless, when taken in isolation, the overall loss of openness would be limited.

Other Considerations

14. Policy C1 of the LP restricts development in the open countryside. Policy H16 of the LP states that new houses in the open countryside will only be permitted if:
- they are required in connection with the day-to-day operation of an agricultural or forestry enterprise;
 - it can be shown that it is essential for a full time worker to live adjacent to his or her place of work;
 - the unit and agricultural activity has been established for three years and is financially sound with a clear prospect of remaining so;
 - the accommodation cannot be provided by the conversion of an existing building; and
 - there are no other suitable dwellings in the area available for occupation.
15. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. A number of examples of special circumstances are given, one of which is "the essential need for a rural worker to live permanently at or near their place of work in the countryside".
16. Whilst referring to only agricultural and forestry workers and being more prescriptive than the Framework, Policy H16 expands upon and provides a methodology for assessing essential need in the context of Paragraph 55. I consider Policy H16 is therefore broadly consistent with the Framework.
17. The appeal site lies within open countryside. It is proposed to erect a dwelling to house an agricultural worker in connection with the day-to-day operation of the existing enterprise on the site. The appellant currently resides some distance from the appeal site in Dudley near Cramlington.
18. The appellant and his wife have worked the land at the appeal site for over 7 years. There is a stable block on site and a barn which is currently under construction. In addition, there is a greenhouse and a garden area which are used to grow fruit and vegetables which are sold on to around 5-6 private customers per week. Produce is yielded largely between April and October. The appellant and his wife are currently on site around 7 days a week, carrying out horticultural practices, as well as maintenance tasks. The site has been subject to considerable investment from the appellant. Although the produce currently sold is limited in its quantity and I have been provided with little evidence of the company accounts, I have no contrary evidence to suggest that the business is not currently financially sound.
19. The appellant proposes to expand the enterprise. It is proposed to increase the horticultural side of the business to grow and sell increased quantities of various produce. The site would accommodate around 450-500 plants per

- annum, resulting in a 5kg yield. It is also proposed to produce condiments for sale. The appellant estimates that they would supply around 20 customers per week. A significant proportion of turnover would come from the horticultural aspects of the business.
20. It is also proposed to introduce hens at the site to produce around 300 eggs per week. Egg sales would be around 20-25% of total revenue. There is, therefore, no reason to doubt that there is a firm intention to sustain and develop the enterprise, with a clear prospect of it remaining so.
 21. At the Hearing, the appellant agreed that presently, there is no need for a worker to be on site on a permanent basis for the existing business. However, the appellant indicates that there would be a need for someone to be on the site on a permanent basis once expansion of the enterprise is underway.
 22. It was indicated at the Hearing that the biggest risk to the business would be from frosts, which would largely occur between October and May. However, given the relatively limited amount of produce, it follows that the rate at which problems would likely occur would also be relatively low. It is also clear that the growing of produce for commercial use is largely seasonal, as is the risk of frosts. Indeed, the appellant indicated that the business does not suffer from such problems on a regular basis.
 23. Moreover, whilst there are, of course, costs involved and the potential for technological problems, there are no compelling reasons why remote technology could not be installed to provide climatic controls to protect plants from sudden frosts. It was also indicated that the greatest risk to egg production would be from foxes and other predators. However, I have been provided with no evidence as to whether there are other available and suitable methods for predator control nor any compelling evidence as to the likelihood of predator attacks.
 24. As a result, it seems to me that predator control, maintenance and other horticultural requirements could all be carried out without it being essential to have a permanent dwelling on site. Whilst an on-site dwelling would help with management, this would not be an essential requirement for the functioning of the business, even if the expansion plans came to fruition.
 25. There is no doubt the existing enterprise, and indeed the proposed enterprise, would occupy a considerable amount of the appellant's time and efforts. At the Hearing I was provided with an overview of the tasks which are and would be undertaken on a daily basis. Nevertheless, in considering essential need, one must focus on the labour requirements generated by the tasks which give rise to that need. In this instance, the time required to attend to the produce in the event of frosts or predator attack would likely be limited. Moreover, it was indicated that the egg production would only require attention around 1-2 hours per day. Consequently, the proposed scale and yields of the enterprise indicate a proposed enterprise akin to a smaller scale, part-time operation.
 26. I note that the appellant is required to undertake a round trip of 30 miles per day to the site and accept that living off-site increases unproductive time at the beginning and end of each day. However, such a distance would not, in my view, be an unreasonable commute. Whilst I recognise that living on-site would be of considerable benefit to the appellant, it would not be unrealistic for the appellant to live in an existing property in the area and to continue to grow

fruit and vegetables at the appeal site. Indeed, the time needed to maximise production on the holding could be achieved by living nearby and, whilst convenient, living on the site would not be essential. Consequently, it has not been shown that it is essential for a full time worker to live adjacent to his or her place of work.

27. At the Hearing, the appellant indicated that there are no other suitable dwellings available for occupation in sufficient proximity to provide the permanent presence the appellant believes is required. Properties that are available are prohibitively expensive and whilst I have been provided with little evidence of the local housing market properties, I have no reason to disagree.
28. However, the existing stable and storage block at the property is not fully utilised and at the Hearing, the appellant indicated that in some respects, conversion of the building would be a more suitable approach. Indeed, I was advised at the Hearing that an application for prior approval under Class Q of the GPDO 2015 for a change of use from an agricultural building to a dwelling house had been submitted to the Council, although not yet determined. As a result, it has not been suitably demonstrated that the accommodation could not be provided by the conversion of an existing building.
29. The appellant has made reference to a grant of planning permission around 1.5 miles north of the appeal site (Ref 15/00110/FUL) for the erection of a dwelling within the Green Belt in connection with a horse farrier business. It was clear from the discussion at the Hearing, however, that the circumstances in that case differ significantly from the appeal before me. In any event, the grant of planning permission for a dwelling elsewhere in the Green Belt would not in itself justify the harm arising from the appeal proposal.
30. Reference was also made to a consent granted for a dwelling at a nursery in Longhorsley (Ref: CM/2007/1068). However, it was clear from the evidence at the Hearing that the case was not directly comparable and pre-dated the Framework. I therefore, afford both these other decisions limited weight.
31. I conclude, therefore, that on the evidence presented, an essential need for a rural worker to live at or near their place of work at the appeal site would not exist in this instance. As a result, the proposal would conflict with Policies C1, C17 and H16 of the LP, and Paragraph 55 of the Framework. Policy C17 defines the forms of development that permitted as exceptions in the Green Belt and, in relation to the appeal proposal, is consistent with the Framework.
32. The appeal site is accessed from a road to Gorfenletch Farm through a small opening within the hedgerow on the sites boundary. The access point is close to the junction with the A697. Concerns were expressed by a local resident at the Hearing regarding the potential impact of the proposed access arrangements on the safety of vehicles entering and exiting the A697. I note that turning left off the A697 onto the access road is difficult given the sharp turn of the road and the lack of space within the A697 to slow down.
33. However, the proposed dwelling would likely result in a net reduction in the vehicular movements using the A697, as it would negate the need for the appellant and his wife to travel to and from the site. Moreover, the Local Highway Authority has raised no objections and there is no compelling evidence before me to come to an alternative view. On that basis, I am satisfied the proposal would be unlikely to have a severe effect on highway safety.

Conclusions

34. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be some loss of openness. Although there would be some economic and social benefits for the appellant and his business it has not been demonstrated that there is an essential need for a rural worker to live at or near their place of work and the proposal would therefore result in the erection of a dwelling in the open countryside in conflict with national and local policies. I have not identified any other harm.
35. Furthermore, it has not been demonstrated that there is an essential need for a rural worker to live at or near their place of work and the proposal would therefore result in the erection of a dwelling in the open countryside.
36. I acknowledge that the proposal would not have an adverse impact on highway safety. However, this is a neutral factor rather than a positive impact of the proposal.
37. Having considered all matters raised in support of the proposal I conclude that, collectively, they do not clearly outweigh the harm I have identified in relation to the Green Belt and any other harm. Accordingly, very special circumstances do not exist and the proposal would conflict with the relevant development plan policies and the Framework.
38. I therefore conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Stephen Thompson Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ian Birkett Senior Planning Officer, Northumberland County Council
Joanne Wood Planning Officer, Northumberland County Council

INTERESTED PERSONS:

Mr John Redpath Local Resident

DOCUMENTS

1. Copy of the Northumberland Local Plan Core Strategy Pre-Submission Draft – Proposed Modifications June 2016
2. Copy of the List of the Council's Suggested Conditions