

Appeal Decision

Hearing held on 24 January 2017

Site visit made on 24 January 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 9 February 2017

Appeal Ref: APP/P2935/W/16/3158790

Land at Reaston Hill, Slaley, Hexham, Northumberland.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Wilson against the decision of Northumberland County Council.
 - The application Ref 16/00474/OUT, dated 15 February 2016, was refused by notice dated 20 July 2016.
 - The development proposed is the construction of a farm worker's dwelling on land at Reaston Hill to satisfy the agricultural needs of the holding and its livestock.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with details of access. All other matters were reserved for subsequent approval. A layout was submitted for indicative purposes. I have dealt with the appeal on this basis.

Main Issue

3. The appeal site is in the Green Belt so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the countryside;
 - Whether the harm to the Green Belt 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 development.

Reasons

Green Belt

4. The National Planning Policy Framework (The Framework) indicates in paragraph 89 that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The appellant contends that the dwelling would meet the
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exceptions contained in bullet point 1 of paragraph 89, i.e., that the development would be a building for agriculture.

5. Dwellings for rural workers in agriculture are primarily intended for residential use. Consequently, they are not buildings *for* agriculture even though they are intended to support such a use. Therefore, the proposal does not meet the exception contained in bullet point 1. Consequently, in not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework indicates that in considering a planning application, substantial weight should be given to any harm to the Green Belt.
6. Consequently, the development would be in conflict with Policies NE7 and NE8 of the Tynedale District Local Plan (LP) which presumes against inappropriate development in the Green Belt including the construction of new dwellings. For similar reasons, it would also conflict with Policy 26 of the emerging Northumberland Local Plan Core Strategy (emerging CS).

Openness

7. The essential characteristics of Green Belts are their openness and permanence. The building would be sited close to other farm buildings which would help to mitigate its impact. That said, the proposal would introduce built development where currently none exists, therefore there would be some adverse effect upon the openness of the Green Belt.

Character and Appearance of the Countryside

8. The proposed dwelling would be sited in a field in the open countryside but as it would be close to, and seen within the context of existing farm buildings, it would not unduly intrude upon the rural landscape. Whilst there would be some domestication of the site, this is not unusual within a farm setting. Subject to satisfactory design details, I consider that the development could be achieved without harming the rural landscape.
9. I therefore conclude that the proposed dwelling would not harm the character and appearance of the countryside. I find no conflict with Policy NE1 of the Tynedale Core Strategy (CS) which seeks to protect the character and quality of the landscape. I find no conflict with Policy 30 of the emerging CS which has similar objectives.

Other Considerations

10. The appellant argues that Paragraph 55 of the Framework allows for dwellings in the countryside in special circumstances including, as stated in the first bullet point of Paragraph 55, "the essential need for a rural worker to live permanently at or near their place of work in the countryside." A main part of the appellant's case is that his enterprise requires an on-site presence.
11. The appellant runs an agricultural enterprise comprising of several components including the breeding and rearing of rare Belted Galloway cattle, keeping a rare breeding Clydesdale mare and foal, keeping other ponies, contract sheep grazing and sheering on the farm, cutting hay/silage, and foot trimming. In

total the enterprise amounts to enough work for a full-time worker and there has been a long family history of farming the land. The appellant owns a large amount of land and has invested in farm buildings. The Council does not dispute the information submitted by the appellant that the enterprise is financially viable.

12. The appellant has a lot of expensive equipment and machinery and the livestock, in particular, the rare breeds, are very high value. I understand that some of the machinery is currently kept at the appellant's existing house in Slaley village which is not within sight or sound of the farm. It would be preferable to keep the equipment at the farm especially as the appellant wants to permanently operate a foot trimming clinic with DEFRA approved isolation facilities from Reaston Hill. Naturally, all of the appellant's property must be safe and secure.
13. The appellant explained at the hearing that locks have been broken by thieves and that CCTV cameras could be smashed. However, I have little specific detail about what types of security measures the appellant has tried or investigated. Furthermore, although the appellant has said he has suffered numerous thefts, and incidences of fly tipping, I have no specific details of these either. I accept that an on-site presence can aid security as criminals are more likely to target unattended premises but I have not been provided with convincing evidence of the degree of risk or that other security measures have been thoroughly explored.
14. The appellant also talked about the risk of fire, particularly as he stores hay. I understand that being on-site would mean that in the event of a fire, the appellant could release his stock from a burning building and attend quickly to the blaze. However, there is no record of there being a fire at the farm for many years and therefore, whilst fire remains a risk to any building, the evidence I heard does not indicate that the risk, in this particular case, is particularly significant.
15. I understand that the appellant has around 43 cattle but the number can vary. Currently, some 20 of these are cows who will give birth about once a year. In the interests of animal welfare and business needs it is essential to have a worker attend the birth and to stay for a time after the birth to ensure that the calf suckles. The appellant explained that he sleeps in his pick-up when he expects a cow to give birth in the night. Living at the farm would avoid these overnight stays in the van. However, not all births will be at night and I have little evidence in respect of how frequent the overnight stays are. Furthermore, no evidence has been presented to show that alternative forms of temporary overnight accommodation have been explored.
16. Just before I arrived for the site visit I saw the appellant rescuing a sheep from his farm that had escaped onto the road. However, I have not been provided with information about the frequency of such incidents or any other substantive evidence about why an on-site presence is required for the sheep grazing.
17. I understand from the appellant that he intends to expand his business, particularly the breeding programmes but that he will need to be on site in order to achieve this plan. However, I have not been provided with enough evidence to convince me of the likelihood of this happening. For example, no

detailed business plan or financial projections have been provided to demonstrate how future investment and growth will be implemented.

18. Based on the evidence available to me, whilst I accept that a 24 hour on-site presence would be advantageous to the running of the enterprise, I have not been persuaded that a permanent dwelling is essential to its operation.
19. I note the appellant's reference to the Council's approval for a dwelling at Flother's Farm but the Council says that this farm was a much bigger enterprise. In any event, I am not bound by other decisions made by the Council.

Green Belt Balance

20. The proposed new dwelling would constitute inappropriate development in the Green Belt contrary to the development plan and the Framework. As such, the Framework requires that the harm by reason of inappropriateness be accorded substantial weight. In addition, further harm would result from the reduction in the openness of the Green Belt and I give this some weight against the proposal. On the other hand, whilst I have not been convinced of an essential need for the dwelling, the provision of on-site accommodation would be an advantage in terms of security, convenience and animal welfare. I give this some weight in favour of the appeal. A lack of harm to the character and appearance to the countryside is a neutral factor in the balance.
21. Having considered the case as a whole, the serious harm to the Green Belt is such that I do not find that the other considerations in this case clearly outweigh the totality of the harm identified and they do not therefore amount to the very special circumstances necessary to justify the grant of planning permission.
22. Consequently, as well as conflicting with LP Policies NE7 and NE8 the proposal would also conflict with CS Policies GD1, H1, H3, and H4 and LP Policy H18. In combination, these policies limit new housing in the open countryside and on greenfield sites unless it can be clearly demonstrated that the house is essential for one or more people engaged in a viable agricultural or other comparative and sustainable rural business to live at or very close to the site of their work.

Conclusion

23. I have taken into account all other matters including the letters of support provided by the appellant but none outweigh the conclusions I have reached and the appeal is dismissed.

Siobhan Watson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Richard Brown MRICS FAAV

Richard Brown & Partners

Mr James Wilson Appellant

Mrs Pippa Wilson

FOR THE LOCAL PLANNING AUTHORITY

Melanie Francis Northumberland County Council

Ian Birkett MRTPI Northumberland County Council

DOCUMENTS SUBMITTED AT THE HEARING

Copies of Policies GD1, H1, H3, and H4 of the Tynedale Local Development Framework Core Strategy

Policy H18 of the Tynedale District Local Plan.