



Appeal Decision

Hearing Held on 1 October 2019

Site visit made on 1 October 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/P2935/W/19/3233099

Ashtree House, U9097 Road to Beckney Hill, Heddon-On-The-Wall NE15 0HE

- 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 G White against the decision of Northumberland County Council.
 - The application Ref 18/03749/FUL, dated 19 October 2018, was refused by notice dated 15 May 2019.
 - The development proposed is erection of a rural workers dwelling including new access, landscaping and other necessary works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's committee report refers to a number of policies from the Northumberland Local Plan Publication Draft Plan (Regulation 19). This Plan has not been adopted and I therefore attach limited weight to the policies of this document.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on openness;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on highway safety with regards to access; and
 - If the proposals are found to be 'inappropriate', whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify them.

Reasons

Whether inappropriate development

4. The appeal site is located within the Green Belt. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraph 145 of the Framework lists a number of exceptions to this, with one being buildings for agriculture and forestry.
5. At the Hearing, both the appellant and the Council took the view that the proposal would not accord with the first exception under paragraph 145 of the Framework. Whilst it is proposed that the dwelling would support an agricultural enterprise, it would nonetheless be used primarily for residential purposes.
6. Consequently, the proposal would not be a building for agriculture or forestry and would not, therefore, accord with the exceptions under paragraph 145 of the Framework. The proposal would also not fall within any of the other exceptions detailed in paragraphs 145 and 146 of the Framework. The Framework states that this is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances.

Openness

7. Paragraph 133 of the Framework states that openness is an essential characteristic of the Green Belt. The proposed development would result in the provision of a substantial detached dwelling. The existing hedgerow that bounds the site would provide some screening however given the proposed size of the dwelling, it would be visually prominent from public viewpoints and would be a large and intrusive feature within the Green Belt.
8. The appellant contends that the proposal is sympathetic in design and is of an appropriate scale. The proposal would be sited in an open field and is not occupied by a building and therefore spatially would have an impact on openness. The proposal is a large two storey detached building which would be visually prominent within the surrounding area. Domestic paraphernalia would also be stored on the site which would add to the impact on openness. All these factors would have an inevitable spatial and visual impact on the Green Belt when compared to the existing circumstances. As such, given the scale of the development concerned, the proposal would lead to significant harm to the openness of the Green Belt.

Character and appearance

9. The surrounding area is characterised by rural countryside with scatterings of built development of mainly farm buildings. The proposed property would be in close proximity to the existing farm buildings and would form part of a cluster of buildings that would not appear out of keeping within the rural countryside context. The design of the building is sympathetic to its surroundings and it would be viewed as part of the farming unit.
10. The proposed property, due to its design and position close to existing buildings, would not be harmful to the character and appearance of the surrounding area.

Highway safety

11. The proposed access is currently a field gate surrounded by overgrown hedgerow. Whilst visibility is poor, I see no reason why the hedgerow cannot be removed to improve visibility for a vehicle entering or leaving the site. Whilst the highway at this location is a 60mph road, the Council had advised that vehicle speeds would likely be low.
12. The Council accepted at the Hearing that a suitably worded condition requiring details of improvements to an access would be sufficient to overcome highway safety concerns. A condition which seeks to improve visibility for an access into the appeal site, as well as the low speeds of traffic in this particular location, would ensure that highway safety is not adversely affected. The proposed development would therefore not have a harmful effect on highway safety with regards to the access.
13. At the Hearing, the appellant submitted a plan which showed an alternative access into the site from an existing access to the east. The Council did not raise any concerns to this plan however, indicated that a similar condition as discussed above would be required to ensure adequate visibility should this access point be preferred.

Other considerations

14. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address those other possible considerations.
15. The appellant advised at the Hearing that the proposal should be considered within the context of paragraph 79 of the Framework and the Planning Practice Guidance (PPG). One of the potential exceptions under paragraph 79, are dwellings for rural workers where there is an essential need for that worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. The appellant maintains that in this case there is such an essential need.
16. Ashtree Farm is currently being ran as an arable farm. The appellant described at the Hearing that ten times the amount of land which is currently at Ashtree Farm is required in order to make arable farming a viable business. The appellant now wishes to expand the farm business and introduce livestock including 35 Suckler cows, a stock bull and 16,000 free range laying hens which would produce eggs for sale.
17. The appellant described the daily activities that would be required to run a farm business with this amount of livestock. This included activities such as daily checks on all the animals, hourly checks on the cows during birthing season, daily egg collection, feeding and watering of the animals, regular farming maintenance and security checks. I accept the appellant's submission, that given the activities required for a farming business of the size proposed, that there is a requirement for a worker to be close to the site.
18. Paragraph 010 Reference ID: 67-010-20190722 of the PPG provides some guidance in terms of assessing need for an essential rural workers dwelling. Point 2 of this paragraph refers to the degree to which there is confidence that

the enterprise will remain viable for the foreseeable future. Point 3 also states it is relevant to take into account whether the provision of an additional dwelling on site is essential for the continued viability of a farming business.

19. It was stated at the Hearing that the appellant has the financial backing to start up the proposed business. The submitted report by AG & P Jackson (Jackson Report) also concludes that the existing farming business is not currently viable, but the proposed farming enterprise would be a viable business. No financial records have been provided which supports these claims. The Jackson Report states that there will be significant set up costs in establishing the farming enterprise of the magnitude proposed. There would also be the costs of building the proposed dwelling. The lack of financial evidence, as well as the likely significant costs required for the proposals, leaves me with a lack of confidence that the proposed enterprise will remain viable for the foreseeable future.
20. The appellant has drawn my attention to a development which was granted planning permission¹ for an agricultural workers dwelling. However, I do not consider this scheme is directly comparable to the scheme subject of this appeal, particularly with regards to location and essential need. In any case, I have determined the appeal on its own merits.
21. I note the appellant's ambition to run a farming enterprise as well as criticism of the planning committee when reaching a decision on the planning application. I have assessed the appeal on the planning merits of the proposed scheme.

Conclusion

22. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In this appeal there would also be substantial harm to the openness of the Green Belt.
23. Paragraph 144 of the Framework states that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
24. I have found that there is a need for a worker to be close to the site to undertake the daily tasks of running a farming enterprise of the size proposed. However, I do have doubts over the viability of the proposed business for the foreseeable future, given the lack of financial evidence and the substantial costs required to set up the proposals. There would be some benefit arising from the proposed farming enterprise and continued contribution to the rural economy. These however, are not tangible, particularly given the lack of financial evidence regarding viability of the proposal. I have found that the proposal would not have any harmful effects with regards to character and appearance, and highway safety. These benefits and matters do not outweigh the harm to the Green Belt and the importance the government gives to the protection of the Green Belt as reflected in the Framework.
25. For the reasons outlined above, therefore, other considerations do not clearly outweigh the harm to the Green Belt and any other harm. Consequently, the very special circumstances needed to justify the development do not exist. The

¹ Local Planning Authority Reference: 17/02449/FUL

development would also fail to comply with Policy C17 of the Castle Morpeth District Local Plan 2003 which is consistent with the Framework and seeks to restrict the construction of new buildings in the Green Belt.

26. I conclude that for the reasons given above the appeal should be dismissed.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Craig Ross Planning Consultant
George F White Appellant
Andrew Jameson Farm Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Tamsin Wood Northumberland County Council
Judith Murphy Northumberland County Council
Michael Patrick Northumberland County Council

DOCUMENTS SUBMITTED AT THE HEARING:

1. Appeal Decision Ref: APP/V3120/A/08/2074926
2. Extract from the Planning Practice Guidance Paragraph 010 Reference ID: 67-010-20190722
3. Block Plan showing alternative access points
4. Statement of Common Ground signed by appellant and Council