
Appeal Decision

Site visit made on 6 July 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/P2935/W/20/3246706

Clover Hill Lodge, Pennine Road, Halton Lea Gate CA8 7LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Michael Brown against Northumberland County Council.
 - The application Ref 19/02175/FUL, is dated 1 July 2019.
 - The development proposed is described as "full planning application for the (retrospective) planning permission of an agricultural barn".
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural barn at Clover Hill Lodge, Pennine Road, Halton Lea Gate CA8 7LE, in accordance with the terms of the application, Ref 19/02175/FUL, dated 1 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Red Line Plan; 30.785m (101') x 15.240m (50') Building on 305x165x40Kg Stanchions Dwg No: 17-48428; Concrete Panel Layout Panel Dwg No: G [6]; 3D Steelwork View Dwg No: G [5]; Cold Rolled Elevations Dwg No: G [4]; Roof Cold Rolled Layout Dwg No: G [3]; Roof Sheet Layout Plan Dwg No: G [2]; Cladding Elevations Dwg No: G [1].
 - 2) The building hereby permitted shall be used solely for the purposes of agriculture.

Preliminary Matters

2. The Council have stated that full consultations and publicity of the planning application were not carried out. Interested parties, including Highways Officer, the Parish Council and local residents, were notified of the planning appeal and given the opportunity to provide comments. I do not consider that any parties have been unduly prejudiced, and I have determined the appeal on this basis.
3. At the time of my site visit, the building had been constructed. I have dealt with the appeal accordingly.
4. Policies of the emerging Northumberland Local Plan have been stated in the Council's statement of case. I have given no weight to these policies as they have not yet been adopted.

Background and Main Issues

5. The Council have indicated that the planning application which described the proposed development as an agricultural barn was validated on 25 September 2019. Following a site visit by Council Officers, it was determined that the building was being used for a mixed use of both agriculture and equine. The Council subsequently invalidated the application as an incorrect fee had been paid and the description of development was inaccurate, as both were required to reflect the mixed use of agriculture and equine. Following the submission of the planning appeal, the Council have provided correspondence requesting that the appeal not be made valid.
6. The appellant maintains that the development is for an agricultural barn.
7. Therefore, the main issues are to establish the use of the building and whether the building complies with the relevant development plan policies.

Reasons

Building use

8. At my site visit, I undertook an internal inspection of the appeal building. Approximately half of the building was being used for the storage of hay. The other half was used for the storage of animals. I counted eight enclosures in the building which held a total of ten cows, three goats and two horses. There were also chickens that were wandering free in the building. Externally, there was farm machinery including tractors and JCB's which were located adjacent to the appeal building.
9. From my observations, the building appears to be in agricultural use. Two horses were in the building however it is not unusual for farms to have horses that work for agricultural purposes. I did not witness anything significant during my visit, including any equine equipment or signage, nor has there being any substantial evidence submitted to convince me that the appeal building is in a mixed use.
10. Whilst I consider that the building is in agricultural use, I recognise that my assessment primarily derives from my site visit which represents a single moment in time. If the use of the building changes to another use other than solely for agricultural purposes, then the Council do have the option to undertake enforcement action.

Compliance with development plan

11. The Council have not indicated any reasons for refusal for the appeal building nor committed to any recommendation on the development. The Council have stated in paragraph 2.2 of their statement of case the relevant planning policies of the Tynedale Local Development Framework Core Strategy 2007 (TLDFCS) and the Tynedale District Local Plan 2007 (TDLP) to be used when assessing an agricultural building.
12. The appeal building sits within an Area of High Landscape Value and would be located near to an existing cluster of buildings. The building is sensitive in design, size and materials and, whilst it is in a visually prominent position, it is not an uncommon feature in the surrounding rural countryside setting. The

building is sympathetic in its style and scale and does not adversely detract from the character and quality of the surrounding landscape.

13. The building, whilst near to existing buildings, is not directly adjacent to residential properties and sufficient separation is achieved to ensure that the appeal building and its use would not compromise the living conditions of residential occupants including in respect of noise.
14. The building is accessed by the existing track from the road which has acceptable visibility. There is sufficient space outside the building for vehicles to turn around in order to leave the site in a safe manner. The Council's Highways Officer has not raised any objections to the appeal building and I find that the building would not compromise highway safety in the area.
15. The Council have identified that the appeal site is within a High Risk Coal Working Referral Area, within an Impact Risk Zone for a nearby Site of Special Scientific Interest and adjacent to a Public Right of Way. The Council nor any consultees have raised any objections or indicate any harm on these matters.
16. From the evidence before me, the appeal building is an acceptable form of development and does not have any harmful effects on the surrounding area. The appeal building is in accordance with Policies BE1, GD1, GD4 and NE1 of the TLDFCS and Policies BE14, CS22, GD2, GD4, LR19 and TP27 of the TDLP which seeks, amongst other things, development to not have an adverse impact on landscape or neighbouring dwellings, be appropriate to the character of the site and its surroundings, maximise conflict free access for transport, safeguard public rights of way and not have an adverse impacts on sites of recognised conservation value.

Other matters

17. I have had regards to comments made by a local resident, including comments that permitted development rights do not apply to equine buildings, lighting of the building and that the site has never been a farm and was formerly used as kennels and a holiday cottage and is now known as Red Moon Stud. I have given careful consideration to all these matters when reaching my decision, but they do not lead me to a different overall conclusion on the main issues.

Conditions

18. It is necessary to specify conditions confirming the approved plans to ensure certainty and for the sake of clarity I have also imposed a condition requiring the building to be used solely for agricultural purposes.

Conclusion

19. For the reasons set out above, the appeal should be allowed.

Chris Baxter

INSPECTOR