



Appeal Decision

Hearing Held on 8 September 2020

Site visit made on 9 September 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Appeal Ref: APP/P2935/W/19/3241435

**Land South of Birks Cottage, Birks Road, Heddon on the Wall,
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 T Blackburn (Heddon Stables Ltd) against the decision of Northumberland County Council.
 - The application Ref 18/04476/OUT, dated 20 December 2018, was refused by notice dated 13 June 2019.
 - The development proposed is a rural worker's dwelling to serve Heddon Stables Ltd.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is in outline form with all matters reserved. I have therefore treated the submitted site plan as indicative.
3. As agreed by the parties at the Hearing, I have used the site address as it appears on the decision notice and appeal form.
4. The Council advises that the Northumberland Local Plan is still progressing through examination with the hearing sessions for phase 2 of the examination scheduled for October 2020. Given the stage of the Plan, I afford its policies limited weight in this appeal.

Main Issues

5. As the site is in the Green Belt the main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (ii) The effect of the proposal on the openness of the Green Belt;
 - (iii) The effect of the proposal on the character and appearance of the area; and
 - (iv) If the proposal is inappropriate, whether the 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 the proposal.

Reasons

Whether inappropriate development

6. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt, other than for a limited number of exceptions. Policy C17 of the Castle Morpeth Local Plan 2003 (Local Plan) generally reflects this approach, but the Framework significantly post-dates the Local Plan and therefore provides the most up to date definition of the exceptions.
7. Both parties agree that the proposed dwelling would not meet any of the exceptions and therefore would be inappropriate development in the Green Belt. I concur with that position and find that the proposal would be inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Green Belt openness

8. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Furthermore, paragraph 134 of the Framework sets out that one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.
9. The proposal would result in built development on land where currently none exists. It would also sit markedly forward of the existing storage buildings, thereby extending built development further south into the field where it would be widely visible from the south. The existing houses lie on the opposite side of Birks Road, clearly separate from the appeal site. Consequently, the proposal would undoubtedly result in encroachment into the countryside and would significantly reduce openness from both a spatial and visual perspective.
10. I therefore conclude that the proposal would result in a significant loss of Green Belt openness. It would also conflict with the Green Belt purpose of preventing encroachment into the countryside.

Character and appearance

11. The area has a distinctly open, agricultural and equine character. The appeal site contributes intrinsically to that character.
12. Owing to the hillside location and the absence of buildings or landscape features immediately to the south of the appeal site, the proposal would be prominent in wide open vistas from the south, including at close range from Birks Road and also from further afield on Blackrow Lane. Furthermore, despite none being drawn to my attention at the Hearing, during my site visit I noted a number of Public Rights of Way (PROW) in the vicinity of the appeal site from where the proposal would be clearly seen from the south. Most notably, this includes a PROW that runs along the eastern boundary of the holding.
13. In some instances the proposal would be seen against the backdrop of the existing buildings, but for the reasons above, the dwelling would result in a notable encroachment into the open countryside. Consequently, the proposal could not reasonably be described as forming a natural extension of the existing building group as was put to me by the parties during the Hearing.

14. Matters relating to the form, style, materials and scale of the dwelling, as well as landscaping, would be able to be assessed at the reserved matters stage, and permitted development rights could be removed to further control the scale of any dwelling. Nonetheless, a dwelling in this location, together with its curtilage and associated paraphernalia, would still result in a harmful encroachment into the countryside and materially and unacceptably reduce its open and rural character.
15. I therefore conclude that the proposal would cause significant harm to the character and appearance of the area. This is contrary to paragraph 170 of the Framework, which states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. There is also conflict with Local Plan Policy H16, in so far as it requires new houses in the countryside to be sited to form a natural extension to an existing building group, or otherwise carefully sited in relation to the natural landform and existing trees and woodland. There is also conflict with Local Plan Policy C1 in so much as the written justification explains that the general policy aim of restricting development in the open countryside is to maintain its rural character.

Other considerations

16. Local Plan Policy H16 does not permit new houses in the open countryside unless it can be clearly shown that it is essential for a full time worker to live adjacent to his or her place of work, that the unit is established and that the accommodation cannot be provided in existing buildings or other dwellings in the area. Whilst the wording of Policy H16 is more prescriptive than paragraph 79 of the Framework and does not specifically refer to those taking majority control of a farm business, this does not diminish the significant weight I give to its central thrust that proposals for rural worker's dwellings in the countryside require robust justification.
17. In addition, whilst the site is not physically isolated in terms of its setting, I have considered whether there is an essential need for the erection of a dwelling on the site in order to determine whether there are very special circumstances that might outweigh the harm to the Green Belt. Therefore, whether or not the site is isolated is not determinative in this particular instance.
18. The appellant operates an established livery business, which offers part livery for between 42-44 horses on site. The parties agree that it is a viable enterprise with a labour requirement of at least 2 full-time workers. The proposed dwelling would be to accommodate the appellant's daughter who helps in running the livery business and currently resides in the family home with her father, just a short distance across the road from the stables. The appellant also keeps his own horses and 50 Cheviot sheep at the holding. However, it is stated that a functional need for both workers to live on site arises primarily from the need to be able to safeguard and maintain the welfare of the livery horses, so that is the basis on which I have determined this appeal.
19. It is generally common ground that the enterprise involves responsibility for the welfare of the horses at the site. However, day-to-day feeding, exercise, grooming, and general veterinary care is largely the responsibility of the individual horse owners. In addition, it was indicated that the routine duties of

checking the horses; provision of hay, straw and water; checking for any hazards; and other general maintenance and supervision, normally takes place between 06:00am and 20:30-21:00pm and that checks during the night only take place if it was known or suspected that a horse was ill, or needed close attention. Such routine duties could likely be carried out without a need for a worker to live permanently on site.

20. Nonetheless, cases do arise when horses are taken ill or need assistance when their owners are not on the site. I heard that in the last six months there had been two occasions when the appellant had to treat a horse for colic and one occasion where a horse had been found cast. I understand that such incidents can be very serious and require immediate attention on discovery. In some cases it may require more than one person, particularly if a horse needs to be helped to its feet. I was also told that there had been two cases of strangles at the stables in the past. Strangles is a highly contagious respiratory infection that requires horses to be kept in isolation.
21. In light of the above, there are occasions when there is a functional need for a 24 hour presence on the site in the interests of animal welfare. However, the functional need is already met by the appellant's occupation of the existing house. Moreover, the evidence before me indicates that animal welfare emergencies requiring more than one worker to be present during the night are very infrequent and the period is generally limited in length. The close proximity of the existing house, and the regular checks that are already undertaken to both the horses and the facilities also reduces the likelihood of unforeseen animal welfare issues arising. Indeed, the appellant indicated that it would usually be evident from the last checks if a horse was unwell or needed close attention at night. My understanding, therefore, is that unexpected overnight issues are rarely likely to occur, and in any case, would not ordinarily be discovered until the morning checks are carried out.
22. I recognise that having both workers living on site would be greatly more convenient. The proposal would also provide the appellant's daughter, a young adult, with independent accommodation. However, based on the evidence before me, I am not satisfied that it is essential for two workers to reside at the site. A functional need for accommodation depends on the needs of the enterprise rather than the personal preferences or circumstances of the individuals involved. The test is one of necessity; there must be an essential need for the proposed dwelling at the site, which has not been clearly demonstrated in this case. Thus, the proposal is contrary to Local Plan Policy H16 in this regard.
23. In reaching my conclusion I accept that the provision in paragraph 79a of the Framework for *'those taking majority control of the farm business'* could reasonably apply to other rural enterprises like this one. However, when explored further during the Hearing, I heard that the appellant remains actively involved in the day-to-day running of the enterprise and has no plans of curtailing this or for passing over the majority control of the business to his daughter anytime soon. I therefore give limited weight to this consideration in favour of the proposal.
24. I note the appellant's concerns in respect of security at the northern part of the holding, and also the support of a neighbour in this regard. I was informed that a compressor had been taken and that a quad bike had been stolen from a

nearby neighbouring property, both relatively recently. Nonetheless, this limited number of incidents does not indicate that security is a significant risk to the business. In addition, it is not a remote location and the proximity of neighbouring residents provides a level of natural surveillance. Moreover, there is no convincing evidence that other security methods, such as CCTV and alarms, would not be effective. Accordingly, I am not persuaded that security amounts to a consideration of any significant weight in favour of the proposal.

25. The appellant contends that out-with the existing family home there is no other suitable existing building or accommodation in the area. However, there is no evidence that the re-use of a well-placed stone outbuilding at the appellant's property has been properly explored. Nor have I been provided with any substantive evidence that properties within nearby villages have been considered. I give little weight to the argument presented during the Hearing that both workers must reside within short walking distance of the site. Consumption of alcohol on an evening is a personal choice and not one which would justify an onsite presence. The Council advises that the nearest village of Throckley is some 1.5 miles from the stables. Such a short travel distance would not be unreasonable or impractical for a second worker in the enterprise, particularly as the functional need is already met by the existing dwelling. Thus, I am not convinced that the appellant has fully explored potential alternative options. There is further conflict with Local Plan Policy H16 in this regard.

Green Belt Balance and Conclusion

26. The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. It would also result in a significant loss of openness to the Green Belt and would conflict with the purposes of including land within it. Furthermore, there would be significant harm caused to the character and appearance of the area.
27. Paragraph 144 of the Framework states that substantial weight is to be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
28. From the evidence presented to me, I am not persuaded that an essential need for the proposed dwelling has been clearly demonstrated and I give only limited weight to the other considerations cited in support of the proposal. I am also not satisfied that all potential alternatives to development in the Green Belt have been robustly explored. Consequently, the totality of the harm I have identified is not clearly outweighed by other considerations. The very special circumstances necessary to justify the development therefore do not exist and the proposal is contrary to the Framework and the development plan when read as a whole.
29. For these reasons, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robin Wood BA Hons MTP MRTPI

R&K Wood Planning LLP

Tony Blackburn

Appellant

Chloe Blackburn

Appellant's daughter

FOR THE LOCAL PLANNING AUTHORITY:

Ryan Soulsby

Northumberland County Council

Judith Murphy MSc Town Planning MRTPI

Northumberland County Council