



Appeal Decision

Site visit made on 21 September 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/P2935/W/20/3253946

Benridge Moor Farm, Morpeth NE61 3SD

- 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 Clippingdale against the decision of Northumberland County Council.
 - The application Ref 18/01840/FUL, dated 22 May 2018, was refused by notice dated 10 March 2020.
 - The development proposed is demolition of existing farmstead and erection of 3 no dwelling houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site is within the Green Belt;
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - Whether the site would be an appropriate location for housing with regards to local and national planning policy;
 - The effect on the character and appearance of the area; and
 - Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the Site is Within the Green Belt

3. There is some debate as to whether the site is within the Green Belt. Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration 2005 (JSP) identifies the general extent of an extension to the Green Belt and states that "Precise boundaries, including those around settlements, should be defined in Local Plans...". However, the Castle Morpeth

District Local Plan 2003 (The Local Plan) does not establish a precise boundary in the vicinity of the appeal site.

4. The appeal site is part of Benridge Moor, which consists of a cluster of buildings including 5 dwellings. Under the terms of the Local Plan, this would be classed as a 'Settlement' as it consists of five or more dwellings forming a single group of buildings falling outside an identified settlement boundary. In respect of whether Benridge Moor would be classed as a village, I have had regard to the *Braintree*¹ judgment which states that this is a matter of fact and planning judgment. I am also mindful that *Braintree* indicates that a village does not necessarily have services of its own, although I consider that the nature of any services can be part of the planning judgment. That said, due to the scale of this settlement and the minimal (if any) services within it, I consider it is no more than a hamlet rather than a village.
5. The appeal site would appear to be within the general extent of the Green Belt based on the description given in Policy S5 of the JSP and the associated diagram. Based on what I have seen and read, despite being classed as a settlement within the terms of the local plan, Benridge Moor is of a scale and form that would be likely to be washed over by the Green Belt rather than being excluded from it. There is also no substantive evidence that Benridge Moor or the appeal site would be considered as being on the inner edge or the outer periphery of the Green Belt.
6. My attention has been drawn to a number of appeal decisions which have considered whether appeal are within the Green Belt. These decisions have taken the approach that the lack of a defined boundary provides insufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt. Instead, the Inspectors determined if the site was within the Green Belt by assessing its contribution towards the Green Belt purposes, as set out in paragraph 134 of the National Planning Policy Framework (the Framework). It was considered enough for a site to contribute to one of these purposes for it to be within the general extent of the Green Belt, an approach which the Secretary of State agreed with².
7. The third of the Green Belt purposes is to assist in safeguarding the countryside from encroachment. The appeal site is located outside of the settlement boundaries in the Local Plan and the Morpeth Neighbourhood Plan 2016 (the Neighbourhood Plan). Policy Set1 of the Neighbourhood Plan states that areas outside the settlement boundaries will be treated as open countryside. The appeal site includes a number of agricultural buildings which are a common feature within the countryside, and which contribute to the rural character of the site and its appearance as being part of the countryside. It is proposed to replace these agricultural buildings with 3 detached dwellings of a suburban character. Based on the evidence before me, the proposal would clearly represent the encroachment of an urban form of development into the countryside.
8. The fifth Green Belt purpose is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The inclusion of the site within the Green Belt would direct development to urban areas, thereby contributing to urban regeneration albeit to a limited degree. This purpose is reflected in

¹ Braintree DC v SSCLG [2018] EWCA Civ 610

² Appeal Ref: APP/C2741/W/16/3149489

the reference to "...the maintenance of the role of Morpeth..." in Policy S5 of the JSP.

9. My attention has been drawn to an appeal in Stannington³ where the Inspector found that the appeal site in that case was not in the Green Belt because the site was outside the Green Belt boundary as shown in the Local Plan. However, for the reasons stated above I disagree with the conclusions that my colleague Inspector reached insofar as they are relevant to the appeal before me. Moreover, the approach I have taken on this matter is reflected in the numerous appeals referred to by the Council.
10. I have also had regard to the Hebron⁴ decision issued by the Council. However, whilst the Council Officer's report afforded no weight to the policies of the Local Plan and a withdrawn Core Strategy, it refers to Policy S5 of the JSP and goes on to assess the Hebron proposal on the basis of its location within the Green Belt.
11. Drawing the above together, the site contributes to the third and fifth of the Green Belt purposes. On that basis, and having regard to the characteristics of the location, I conclude that the site is within the general extent of the Green Belt as established by Policy S5 of the JSP.

Whether Inappropriate Development

12. The proposal would involve the construction of new buildings which do not fall within any of the exceptions of paragraph 145 of the Framework. On that basis, the proposal would represent inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm.

Openness

13. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site includes a number of relatively large agricultural buildings and structures, although I saw that some were of insubstantial construction which enables views through the site. That said, these buildings and structures are prominent as built features within the landscape.
14. The footprint of the proposed dwellings would be less than that of the existing buildings. The dwellings would also be lower than the ridge height of the existing sheds and would have a greater degree of spacing between them. The appellant submits that the overall reduction in the built form would represent approximately a 48% decrease in volume.
15. However, although the existing buildings are within an enclosure, this is of a relatively open agricultural nature. This would be replaced by the curtilages of the proposed dwellings. Due to the residential activity associated with these curtilages, including domestic paraphernalia, I consider the extent of development arising from the appeal proposal would be apparent as being of a more urban and enclosed character than the existing site. The plans also

³ Appeal ref: APP/P2935/W/19/3232589

⁴ Application ref: 17/00674/FUL

indicate that the curtilage of plot 3 would extent further west than the existing agricultural enclosure.

16. On balance, whilst I have had regard to the relative built form of the existing and proposed development, I conclude that the proposal would be of a nature and extent that would be harmful to the openness of the Green Belt, albeit to a limited degree.

Location

17. The appeal site is located outside of settlement boundaries defined in the development plan and is considered to be within the open countryside under Policy Set1 of the Neighbourhood Plan. This Policy sets out a number of purposes and activities where development in the open countryside will be supported. This includes policy Set1(E) relating to housing that meets the criteria of paragraph 55 of the version of the Framework⁵ in place at the time the Neighbourhood Plan was made. The appellant submits that paragraph 55 has been replaced by paragraphs 78-79 of the current version of the Framework.
18. The appellant emphasises that paragraph 78 of the Framework encourages the support of local services. However, this is set in the context of identifying opportunities for villages to grow. I have concluded that Benridge Moor is not a village and the proposal would therefore not meet this criteria of the Framework. Whilst some local residents may support the proposal, some do not, and this does not therefore amount to substantive evidence that the proposal would enhance or maintain the vitality of rural communities. The proposal may contribute to the support of services at Heighley Gate and a petrol station in Morpeth, although the support arising from the residents of 3 dwellings would be limited. In any event, neither of these facilities is within a village and this is therefore not supported by paragraph 78. Within that context, I conclude that the proposal would conflict with policy Set1(E), and indeed all of the other criteria of that policy.
19. Paragraph 79 of the Framework seeks to avoid the development of isolated homes in the countryside. Having regard to *Braintree*, the proposal would not be isolated as it would be located adjacent to the settlement of Benridge Moor, albeit a settlement which is no more than a hamlet. The proposal would therefore not conflict with paragraph 79, although this is a neutral factor within the overall planning balance.
20. Furthermore, paragraph 79 does not imply that a dwelling has to be isolated in order for restrictive policies to apply, and there may be other circumstances when development in the countryside should be avoided. Therefore, whilst a proposed development may not be 'isolated' as defined, this does not mean that it will accord with planning policies that seek to prevent the location of new housing outside of settlements.
21. The Framework seeks to promote sustainable transport, so that opportunities to promote walking, cycling and public transport are pursued. The appeal site is located some distance from facilities, including shops and other services. The nearest facility is Heighley Gate, which is a garden centre which contains a range of retail uses. However, even if this facility met the everyday needs of

⁵ Published March 2012

residents of the proposal, the most direct route is via an unlit and unsurfaced public footpath. Longer routes are available via the public highway, but this country road is unlit and does not have a demarcated footpath. Due to the nature of these routes to access services, they would be likely to deter pedestrians and cyclists, and there is no evidence of convenient public transport serving the site. This would result in residents of the proposal relying on the private car, contrary to the policies of the Framework with regards to sustainable transport.

22. I have had regard to the Council's consideration of the Hebron⁶ proposal. However, this proposal would not appear to be a direct parallel to the appeal before me, including matters such as the walking distance to services as well as the relationship with a village. Consideration of the Council's decision on the Hebron proposal does not lead me to a different conclusion in respect of the location of the appeal proposal, which I have assessed on its own merits.
23. The Framework states that the identified sustainability objectives are not criteria against which every decision can or should be judged. It also emphasises that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account. For the reasons set out above, I consider that the Council has taken appropriate account of the circumstances of the site, and these circumstances do not indicate that the site is in a sustainable location.
24. For the reasons given above, I conclude that the proposal would not be an appropriate location for housing due to conflict with Policies Sus1 and Set1 of the Neighbourhood Plan regarding development in the open countryside and sustainable development principles. The proposal would also be contrary to the Framework with regards to sustainable development in rural areas and the promotion of sustainable transport.
25. The proposal would be contrary to policies C1 and H16 of the Local Plan which only permit new houses in the countryside that can demonstrate an essential need for farming or other rural purposes. However, policy H16 is not wholly consistent with the Framework, which provides additional exceptions for housing development in the countryside in paragraph 79. On that basis, I give the conflict with this policy moderate weight.

Character and Appearance

26. The appeal site includes a number of agricultural buildings which are prominent in some views from the surrounding area. Although in active use, the buildings are in some state of disrepair. However, these buildings are not uncommon features in the countryside and do not unduly detract from the rural character of the area, even allowing for their state of maintenance.
27. The appeal proposal would consist of 3 detached dwellings set around a communal access. The design and arrangement of the proposal would be of a suburban character, and would appear as an incongruous and obtrusive form of development encroaching into the countryside.
28. The proposal would be located adjacent to the dwellings of Benridge Moor House and The Garth. Although of an understated appearance, these buildings

⁶ Application ref: 17/00674/FUL

are of a self-contained rural character and do not establish a context for the form and design of the appeal proposal.

29. There are a number of detached dwellings extending along the access road leading to the appeal site. However, although these are of a more suburban character, they are distinctly separate from the appeal site and do not establish a prevailing context for the proposal. In any event, these dwellings served to confirm the incongruous nature of this suburban form of development in this area of countryside.
30. I conclude that the proposal, due to its design and layout, would lead to significant harm to the character and appearance of this area of countryside. The proposal would therefore be contrary to the design requirements of policy Des1 of the Neighbourhood Plan and H15 of the Local Plan. The proposal would also be contrary to the Framework with regards to achieving well-designed places.

Other Considerations

31. The appellant states that it is neither appropriate nor desirable for the disused buildings to continue in agricultural use. Whilst the removal of buildings in a state of disrepair may lead to visual improvements, this would not outweigh the harm arising from the incongruous and inappropriate form of residential development in this rural location. Moreover, it has not been demonstrated that the removal of the buildings and the reclamation of the site is dependant on the appeal proposal. Whilst brightly coloured agricultural machinery may be kept at the site, this is not an unusual feature of the countryside and does not detract from the rural appearance of the area. These matters do not therefore weigh in favour of the proposal.
32. The proposal would generate economic benefits through employment and contracts at the construction phase. However, due to the scale of the proposal this would be to a limited degree and over a limited period of time.
33. Whilst it may be possible to introduce some biodiversity enhancements as part of the proposal, such as landscape planting as well as bat and swallow boxes, I am not persuaded that this would be of a degree that would lead to significant ecological benefits compared to the existing site. I give this no more than limited weight in favour of the proposal.
34. The proposal would add to the mix and supply of housing in the area. However, this contribution would be limited due to the scale of the proposal, and even allowing for the potential for self-build opportunities, this should carry only limited weight in favour of the proposal.
35. The appellant refers to the intensity of activity and the movement of agricultural vehicles to and from the site, and the resultant effect on the living conditions of nearby residents. The degree of activity was apparent at my site visit and I have had regard to the photographs submitted by the appellant in respect of proximity to residential property and damage caused by agricultural vehicle movements. However, the appellant confirms that farming operations have been removed from Benridge Moor to a more modern complex elsewhere. Therefore, whilst a degree of agricultural activity may endure at the appeal site, it has not been demonstrated that the form and intensity of operations referred to, and which I observed, are inherent to the appeal site, rather than

resulting from the choices of the appellant. This matter does not therefore weigh in favour of the proposal.

Other Matters

36. Reference has been made to the process leading to the current appeal, including previous consideration by Council Members where they indicated that they were minded to approve the proposal, and the Judicial Review regarding a subsequent decision to refuse. However, this is not a matter for this appeal which I have determined on its planning merits.
37. I have had regard to the comments made in support of the proposal. However, the matters raised do not negate the harm that I have identified.

Overall Balance and Conclusion

38. I have concluded that the proposal would be inappropriate development within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also concluded that the proposal would lead to limited harm to the openness of the Green Belt.
39. I acknowledge that the proposal would have some benefits, including housing supply, economic benefits and biodiversity improvements. However, considered individually and as a whole these benefits are of only limited weight.
40. The substantial weight to be given to Green Belt harm, as well as the significant weight given to harm in respect of the sustainable location of development and character and appearance, are not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances. The proposal would therefore conflict with Policy S5 of the JSP and the Framework with regards to protecting Green Belt land.
41. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR