



Appeal Decision

Hearing (Virtual) held on 24 February 2022

Site visit made on 25 February 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Appeal Ref: APP/P2935/W/21/3288231

**South Dissington Farm, Eachwick, Newcastle Upon Tyne, Northumberland
NE18 0BN**

- 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 Semore Kurdi against the decision of Northumberland County Council.
 - The application Ref 21/01584/FUL, dated 15 April 2021, was refused by notice dated 19 October 2021.
 - The development proposed is the demolition of agricultural buildings. Replace and build on footprint 4 workers cottages and install solar panels.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The emerging Northumberland Local Plan (eLP) has undergone examination and, subject to the recommended main modifications, has been found to be sound. On that basis, it is advised that the Council will now commence the process to formally adopt the eLP. My attention has been drawn to Policies ECN 12, ECN 13, ECN 14, HOU 8, STP 7 and STP 8 of the eLP and given the advanced stage that the plan has reached I afford these policies significant weight.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - (ii) The effect on the openness and the purposes of the Green Belt;
 - (iii) Whether the proposal would constitute an acceptable form of development in the open countryside;
 - (iv) If the proposal is inappropriate development would the 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 inappropriate development

4. Paragraph 149 of the National Planning Policy Framework (The Framework) states that the construction of new buildings is inappropriate in the Green Belt but it sets out a number of exceptions. Policy C17 of the Castle Morpeth District Local Plan 2003 (LP) is more restrictive than The Framework but there is a general consistency in that it too permits only certain types of buildings in the Green Belt. Policy STP 8 of the eLP refers directly back to national planning policy in order to establish whether or not development is inappropriate in the Green Belt.
5. The appellant's case is based primarily on the premise that the proposal would fall to be considered as a building for agriculture and forestry under paragraph 149a) of The Framework and Policy C17 of the LP. It was further advanced at the hearing that the proposal would also represent the provision of an appropriate facility for outdoor sport and recreation as set out by paragraph 149b). Whilst the proposed dwellings are intended to support other uses on the farm, they would be buildings to be used for residential purposes. They would therefore not fall under the exceptions set out in either paragraph 149a) or b) of The Framework or Policy C17 of the LP.
6. A further suggestion was made at the hearing that the proposal would represent limited infilling or the partial redevelopment of previously developed land under paragraph 149g) of The Framework. However, Annex 2 of The Framework expressly sets out that previously developed land excludes land that is or was last occupied by agricultural buildings. Paragraph 149g) of The Framework also cannot therefore be engaged in support of the proposal.
7. In conclusion, the proposed development would not fall into any of the exceptions listed in paragraph 149 of The Framework and it would be inappropriate development in the Green Belt. The proposal would also fail to accord with Policy C17 of the LP and Policy STP 8 of the eLP, which too refer to the construction of new buildings in the Green Belt.

Openness and the purposes of the Green Belt

8. A fundamental aim of Green Belt policy, as set out by The Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it. The Framework further sets out at paragraph 138 that the Green Belt serves five purposes.
9. There would not be harm to openness in a spatial sense as the proposed development would sit on the footprint of the existing building, nor would the proposal conflict with the purposes of the Green Belt. Due to the increase in height as compared to the existing agricultural building there would be some harm to the visual openness of the Green Belt, although the height itself would not be out of keeping with the scale of other buildings on the farm and would be clustered amongst them.
10. For these reasons and on consideration of the scale and context of the development, I conclude that there would be harm to Green Belt openness, although this would be minimal. Nonetheless, this would mean that the proposal would be contrary to the specific guidance within The Framework.

Development in the open countryside

11. Policy C1 of the LP restricts development in the open countryside but allows for proposals that can be justified as essential to the needs of agriculture. The policy further refers to Policy H16 of the LP which relates to new houses in the countryside, and which sets out a number of criteria which relate to new dwellings that are required in connection with the day-to-day operation of an agricultural enterprise. Policy HOU 8 of the eLP further sets out criteria in relation to proposals for new rural workers dwellings. Both Policy H16 and Policy HOU 8 set out a requirement that the agricultural activity concerned has been established for at least three years and has been profitable in at least one of those years.
12. The existing farm unit and its agricultural activities have been established for in excess of three years. The existing operations do not however demonstrate an essential need for 4 new dwellings to be built on the appeal site to accommodate rural workers. The need for the proposed dwellings instead arises from the proposed business plan relating to activities that have not yet commenced. Therefore, the activities concerned have not been established for the period of time required by Policy H16 of the LP and Policy HOU 8 of the eLP. Consequently, there is also no evidence available to show that they have been financially sound for the required duration set out in the policies.
13. The appellant considers that the activities on the farm should not be divided out into individual entities, existing or proposed. However, the purpose of Policy H16 and Policy HOU 8 are to permit new houses in the open countryside only where they meet the stated criteria thresholds, including that there is an essential need for the dwellings in connection with an activity that has already been established for at least three years and which has been able to provide evidence with respect to past viability. The reference to activity is distinct from other requirements set out in the same criterion of these policies, and on a straightforward reading the appeal proposal does not meet with the relevant time period criteria set out within either policy.
14. Policy H16 of the LP contains a further criterion requiring that there are no suitable dwellings in the area available for occupation. Policy HOU 8 of the eLP requires it to be demonstrated that the functional need could not be fulfilled by any existing dwelling on the landholding unit which is suitable and potentially available for occupation. It was established as common ground between the parties during the hearing that the appellant's evidence with respect to there being no potential to provide accommodation off-site discounts this as an option. However, the Council points to one of the existing residential units on the site, the farmhouse, as being potentially available.
15. The farmhouse is presently occupied by a tenant who has main employment other than on the farm and his wife. Whilst the tenant undertakes some farm related tasks, they do not have an essential need to live on the site to do so. Correspondence provided suggests that the option of the farmhouse has not been explored because four new dwellings are needed and therefore, even if available, the farmhouse would not be enough alone to implement the business plan. However, aside from an understandable reluctance to evict the current tenant, it has not been put forward that there would be any significant constraint to making this dwelling available, and thus ensuring compliance with this relevant criteria of local planning policy. Whilst it has been pointed out that

there is no agricultural occupancy condition on the farmhouse, this does not mean that it could not be used to meet the needs of the proposed business plan.

16. For these reasons, I conclude that the proposal would fail to accord with Policies C1 and H16 of the LP where they set out the circumstances in which new dwellings will be permitted in the open countryside. There would also be a conflict with Policy HOU 8 of the eLP in the same respect.

Other Considerations

17. The proposed business plan has been assessed by the Council's independent advisor, who finds it to be a sound plan that is likely to find success. There is a clearly established functional need for rural workers to reside on site, which already occurs, and this need would increase if the proposed business plan is implemented. There is further confidence expressed that the overall business would remain financially viable for the foreseeable future. However, whilst the independent advisor finds that it would be essential that an increased number of full-time workers are resident on the farm, they were not able to be precise as to the actual number, as this is dependent on factors relating to the establishment of the proposed business plan and that it has not yet been implemented.
18. There is tangible evidence of substantial investment, including a horse walker, lunging ring, outdoor arena and a canter which is under construction. Works have also been undertaken internally to buildings to accommodate both horses and sheep. It is clear therefore that there has been a considerable investment in the infrastructure that would be necessary to make the proposed business plan successful. Economic benefits would include the growth of the business and the provision of a number of new jobs. Policies ECN 12, ECN 13 and ECN 14 of the eLP collectively set out to promote rural economic growth, including through farm diversification, and it is stated that the proposal is brought forward in response to the anticipated loss of existing support payments. There is similar support for the rural economy in paragraph 84 of The Framework.
19. However, there remains a real risk that the proposed business plan would not be implemented, or that it would not be as successful as anticipated. Whilst I do not wish to question the appellant's intentions in this regard, the scenarios of either non-implementation or of implementation to a less successful extent than expected could occur for reasons outside of their control. In such a circumstance, there would be permission for 4 additional permanent dwellings on the farm which would not be justified, in full or in part, by an essential need generated by the existing operations that take place there. There is also the aforementioned matter of the existing farmhouse, which would appear to be potentially available to provide one on-site dwelling for an essential rural worker.
20. The appellant has clear reservations that temporary accommodation would be an impediment to attracting rural workers with the necessary qualifications and experience to implement the business plan, given the value of the animals and the expertise required. That said, no substantive evidence has been provided to demonstrate any difficulties in attracting such staff that may exist or that they would be unlikely or unwilling to move to work at the farm unless permanent housing was provided from the outset. The proposed business plan suggests that the majority of prospective employees already spoken to would expect

housing to be provided, but there is no detail as to what their specific expectations would be in that regard. There has also been no objective analysis of the relative cost of providing temporary accommodation or of the living standards which could be provided from solutions that might be available on the market.

21. The provision of temporary accommodation is commonplace in rural settings where there is a need to demonstrate that a proposed business with an essential need for an on-site rural worker would be brought forward and ultimately be viable. Indeed, I have set out above that the policies of the development plan and the eLP require evidence of the establishment of activities for at least three years before new dwellings in the open countryside will be permitted. The appeal proposal could not be permitted on a temporary basis, and therefore the dwellings could still be built regardless of the implementation and success of the proposed business plan. Whilst the proposed dwellings could be restricted in their occupancy to rural workers employed at the farm, the existing farm activities do not justify an essential need to construct any further dwellings.
22. Against this backdrop, it is both reasonable and necessary that the appellant should exhaust all avenues for providing accommodation which could be removed if the concerns of the Council came to bear and that this should be clearly evidenced. The reasons put forward as to why the farmhouse could not be used to meet some of the need for rural workers accommodation are also not compelling. The use of this building could reduce the number of new permanent dwellings required, reducing the need for at least one of the proposed dwellings to be built. Furthermore, as a seemingly large and attractive building, the farmhouse could provide part of a package of benefits for one potential employee and their family, addressing at least part of the appellant's concerns regarding temporary accommodation.
23. No objections were received from interested parties, including from the Parish Council. The proposed dwellings would be of an acceptable design, would use appropriate materials and would be screened from many views by established vegetation and by other farm buildings. On-site accommodation has the further benefit of reducing the need for rural workers to travel to and from their place of work by motor vehicle. Such factors do not however overcome the other concerns that I have identified.
24. In conclusion, there are clear economic benefits that would arise from the proposed business plan which has been found to be sound by the Council's independent advisor and which would be supported by the substantial on ground investment that has already taken place. However, it has not been demonstrated that the economic benefits could only be achieved by the proposal to build 4 new permanent dwellings in the first instance. Specifically in that respect, I find there to be insubstantial evidence with respect to temporary accommodation and that the existing farmhouse has the potential to be made available for occupation by a rural worker or workers. Accordingly, the other considerations put forward, taken together, carry only limited weight in support of the appeal proposal.

Conclusion

25. The Framework at Paragraphs 147 and 148 establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

26. The proposal would be inappropriate development in the Green Belt and would result in some harm to its openness, albeit minimal in its effect. There would also be a conflict with the development plan policies and eLP policy relating to new housing development in the open countryside. Having regard to the reasons I have set out, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt and the other harm that would arise. Consequently, the very special circumstances necessary to justify the development do not exist.
27. For the reasons given above, I conclude that the proposal conflicts with Policy C17 of the LP and with the objectives of The Framework and Policy ST 8 of the eLP, where they seek to protect the Green Belt. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Amy Farrelly – Senior Planner and Economics Consultant, Lichfields

Harvey Emms – Senior Director, Lichfields

Semore Kurdi – Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ryan Soulsby – Planning Officer

Judith Murphy – Planning Area Manager South East Northumberland

DOCUMENTS

Emerging Local Plan Addendum