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## Appeal Decision

Site visit made on 1 February 2022

**by C Coyne BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> May 2022**

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**Appeal Ref: APP/P2935/W/21/3285884**

**Whitehouse Farm, Slaley, Hexham, Northumberland, UK NE47 0AN**

- 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 Mrs G Kellett against the decision of Northumberland County Council.
  - The application Ref 21/02878/FUL, dated 15 July 2021, was refused by notice dated 27 October 2021.
  - The development proposed is change of use of land for siting of shepherds huts and associated development.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Northumberland County Council adopted a new Local Plan on 31 March 2022 and the main parties have been provided with an opportunity to comment on this matter. As a result, I am satisfied that neither party has been prejudiced in this regard.
3. The appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to perceived inconsistency in its decision making. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

### Main Issues

4. The main issues are:
  - whether the proposal would represent inappropriate development in the Green Belt having regard to the Framework and any relevant Development Plan policies; and
  - if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

### Reasons

5. The appeal site is situated within an open field with a relatively sparse cluster of widely spaced, high mature trees being where the proposed shepherds huts

would be located. It is also positioned a good distance from the cluster of buildings comprising the farmstead of Whitehouse Farm.

*Whether inappropriate development*

6. The National Planning Policy Framework (the Framework) at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policies STP 7 and STP 8 of the adopted Northumberland Local Plan (NLP) are broadly consistent with national Green Belt policy and as a result I afford them full weight.
7. The proposal will create a new vehicular access track, car park and footpaths using hardcore materials. A new foul drainage and treatment system serving the proposed huts would also be installed. The creation of the proposed access track, car park, footpaths and sewage drainage/treatment system would be classed as engineering operations under Section 336 of the Town and Country Planning Act 1990. Paragraph 150 b) of the Framework states that engineering operations are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
8. The access track, car park and footpaths would be in an area where there is currently no development. In simple spatial terms, this would have a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is presently permanently open. The construction of an access track, car park and footpaths on the appeal site would therefore bring about development where there is presently none.
9. Furthermore, even though the proposed car park would not be full all of the time, given its location close to the road, the car park itself and the vehicles using it would have a clear visual impact leading to a loss of openness, nonetheless. For similar reasons, the proposed access track and the vehicles using it would also have a comparable visual impact as would the proposed footpaths and the people using them, albeit to a lesser degree.
10. Given the nature of the proposed sewage drainage/treatment system and the fact that it would be below ground level I consider that it would have a neutral impact on the openness of the Green Belt both in spatial and visual terms.
11. The proposal would also install two timber clad shepherd's huts within the cluster of tall mature trees. Section 336 of the Act also states that a building includes any structure or erection. As a result, I consider the proposed huts to be buildings. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions under paragraph 149 of the Framework.
12. Spatially, the installation of these huts would bring about development where there is presently none thereby having a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is presently permanently open. In terms of their visual impact on openness, even though the proposed huts would be located within the cluster of trees, given the relatively sparse nature of this tree cluster, they would be still at least partially visible from several vantage points such as the proposed car park and

footpaths. Consequently, I consider that the proposed shepherds huts would both spatially and visually harm the openness of the Green Belt.

13. Likewise, as the proposal would introduce development onto land that is currently permanently open, it would also represent an encroachment of development into the countryside.
14. I note the appellant's point that these huts are mobile and that they would only be on the site for a limited period of time. However, while this may mean that their impact on openness would likely be lesser than that of two permanent structures, this does not mean that they would have no impact at all.
15. I also note that there is a dense linear belt of high mature trees on one side of the field that the proposal would be located in. However, this belt of trees would not screen it when viewed from all directions and potential vantage points.
16. The appellant has also argued that the proposal would meet the criterion set by paragraph 149 b) of the Framework. However, to my mind, the proposed huts would be tourist accommodation rather than a facility for outdoor recreation and as a result I consider that the proposal would not meet this criterion. For similar reasons, I also consider that it would not meet the criterion in paragraph 150 e) of the Framework. Furthermore, even if the proposal met the definition of a facility or change of use for the purposes of outdoor recreation, given that it would fail to preserve the openness of the Green Belt it would not fulfil the requirements of these criteria in any event.
17. Accordingly, I find that the proposal would not preserve the openness of the Green Belt or safeguard the countryside from encroachment. The proposed development would therefore fall outside the exceptions set out in paragraphs 149 and 150 of the Framework and should be considered inappropriate development in the Green Belt. The proposal would therefore conflict with policies STP 7 and STP 8 of the NLP which aim to ensure that development proposals are not inappropriate in the Green Belt.

#### *Other Considerations*

18. In support of the appeal proposal the appellant has cited similar proposals that were granted planning permission: Ref. 20100821 (Northside Farm 1); Ref. 13/00205/FUL (Northside Farm 2); Ref. 18/01389/FUL (Northside Farm 3); and Ref. 20/01776/FUL (Vallum Farm). However, given that these schemes appear to have been for tourism development of a larger scale than the proposal in a location where there was either already built development or engineering works on or adjacent to their sites, I consider that the circumstances applicable to these schemes are not the same as those presented in this case, which I have determined on its own merits. Consequently, I afford this consideration limited weight.
19. Given the nature of the proposal it would provide an economic benefit to the locality due to tourism. However, given the scale of the proposal this benefit would be limited. I therefore afford this consideration limited weight.
20. The appellant has also argued that the proposal would provide a significant benefit as it would aid rural diversification of Whitehouse farm. However, no substantive evidence such as financial records or a business plan has been submitted to demonstrate that the proposal would be linked to a rural business

or be a diversification of an existing one. In any event, given the scale of the proposal any potential economic benefit to an associated farm business would likely be limited. As a result, I afford this consideration limited weight.

### **Planning Balance and Conclusion**

21. The proposed development would not preserve the openness of the Green Belt. As such, it would result in inappropriate development in the Green Belt. The development would therefore be harmful to the Green Belt. Paragraph 148 of the Framework makes it clear that substantial weight should be given to any harm to the Green Belt. It establishes that the very special circumstances needed to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.
22. I have given limited weight to the other considerations cited in favour of the development. In my view, these would not clearly outweigh the substantial harm to the Green Belt. The very special circumstances necessary to justify the development do not therefore exist. Accordingly, there would be conflict with policies STP 7 & STP 8 of the NLP and Paragraph 147 of the Framework.
23. For these reasons, and having regard to all relevant matters, I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR