



Appeal Decision

Site visit made on 5 December 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/P2935/W/23/3329548

West House Farm Cottage, Shilvington NE20 0AR

- 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 Emma Woodford against the decision of Northumberland County Council.
 - The application Ref 22/04617/FUL, dated 12 December 2022, was refused by notice dated 30 March 2023.
 - The development proposed is the erection of 3no. cyclist accommodation units, associated extension to West House Farm Cottage, installation of solar panels, and associated landscaping and infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. In the interests of natural justice, and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework, and this has informed my determination of the appeal.
3. Amended plans were submitted with the appeal that would make substantial alterations to the scheme, including the removal of the solar panels. Advice contained within the Appeals Procedural Guide states that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the local planning authority. Given that the proposed amendments to the scheme are substantial I have not taken the amended plans into account in coming to my decision.

Main Issues

4. The main issues of the appeal are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the proposed location would be a suitable location for the proposed development having regard to relevant development plan policies; and

- whether any 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 required to justify the proposed development.

Reasons

5. The appeal site comprises West House Farm Cottage, a detached, two-storey dwelling, together with an adjacent field and a copse of trees. The surrounding area is predominantly agricultural in character, with fields separated by dense hedgerows and small pockets of woodland and with agricultural and residential buildings scattered throughout the landscape.
6. A small group of dwellings, known as Shilvinton is located approximately 600m to the northeast of the site, with the closest settlement being the village of Whalton located approximately 1.7 miles away. The site is located within the open countryside.

Whether Inappropriate Development

7. Paragraph 142 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.
8. Paragraph 152 of the Framework states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions.
9. Policy STP7 of the Northumberland Local Plan 2016-2036, adopted March 2022 (NLP) also seeks to protect the Green Belt, by safeguarding the countryside from encroachment. Policy STP8 of the NLP states that development which improves access to the countryside; provides opportunities for outdoor sport and recreation; enhances landscapes and biodiversity; or improves damaged and derelict land will be encouraged and supported, provided it does not conflict with national policy in relation to Green Belt.
10. Additionally, Policy ECN16 of the NLP recognises the potential of the Green Belt areas to contribute towards strategic economic and tourism aims, while ensuring that there would be no greater impact on the Green Belt and the purposes of including land in it.
11. Paragraph 154(b) of the Framework exempts the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
12. In relation to the provision of three units of holiday accommodation, the appellant states that these would fall under the exemption provided by Paragraph 154(b), as a development which involves the provision of facilities for outdoor sport and recreation, namely cyclists. However, whilst I acknowledge the appellants intentions to provide overnight accommodation which would be marketed towards cyclists, there is currently no mechanism by

which to ensure that the holiday accommodation would only be used by cyclists. Furthermore, the proposed holiday accommodation units are not an outdoor recreation or sport facility, nor would they constitute the provision of appropriate facilities in connection with the existing use of land or a change of use of land. Therefore, in this particular case, I find that the proposed development would not meet the requirements of Paragraph 154(b) of the Framework.

13. Paragraph 154(b) also requires that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. However, as I have found that the proposed holiday accommodation units would not meet the first part of the exemption, I have not considered whether or not the proposal would be inappropriate based on the effect of the proposal on the openness of the Green Belt or the purposes of including land within the Green Belt.
14. In relation to the proposed extension to West House Farm Cottage, this would be a two-storey extension to the rear of the existing dwelling to provide an office, laundry room and storage facilities to support the holiday accommodation business. Paragraph 154(c) exempts the extension or alteration of an existing building, as inappropriate development, provided that it does not result in disproportionate additions over and above the size of the original building.
15. The Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
16. The planning history indicates that the original building has already been extended by way of a two-storey extension. The proposed extension would, according to the Council, in combination with other permitted extensions, represent an increase of approximately 180% of the size of the original building. As there is no evidence disputing this increase, the proposed extension, would therefore, clearly be a disproportionate addition to the original dwelling which would constitute inappropriate development in the Green Belt.
17. In relation to the ground mounted solar panels, it is not disputed between the parties that this element of the overall proposal constitutes inappropriate development in the Green Belt. Based on the evidence before me, I concur with that position.
18. Consequently, for the above reasons, the proposal fails to meet any of the exceptions listed in the Framework and therefore the proposal would be inappropriate development in the Green Belt. The proposal would also conflict with Policies STP7, STP8 and ECN16 of the NLP, the requirements of which have been referred to above.

Openness

19. The Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions.
20. The proposed extension of the existing dwelling would be visible from a number of viewpoints in the surrounding area. Whilst I accept that it would be read in this context as an extension to an existing building, it would nevertheless amount to a substantial extension over and above the size of the original building, which would reduce the openness of the Green Belt.
21. The proposed development would also introduce three new units of holiday accommodation and ground mounted solar panels. I acknowledge that parts of the development would be located within a natural dip in the land, and where some views into the site are limited. I also recognise that views of the holiday accommodation and solar panels would be less prominent due to existing and proposed landscape features. However, the proposed development would result in the introduction of new built features to previously open land, which would cause harm to the openness of the Green Belt both visually and spatially.
22. For the reasons above, although I acknowledge that in isolation the loss of openness, caused by the proposal would be limited, there would still be some minor harm arising from it, resulting in both spatial and visual harm to the openness of the Green Belt. Therefore, the proposed development does not preserve the openness of the Green Belt, which is contrary to the fundamental aim of the Framework.

Location

23. Policy STP1 supports sustainable rural tourism and leisure developments in accordance with Policy ECN15 of the NLP. Policy ECN15.2(c) states that in rural locations outside the settlement boundaries and/or built-up areas of main towns, service centres or service villages, the development of new build, permanent buildings for holiday accommodation of any sort should be small scale and form part of a recognised village or hamlet. It further states that new permanent buildings for visitor accommodation will only be supported where they would demonstrably improve and diversify the County's tourist offer; clearly provide necessary accommodation along an established tourist route; and be located as close as is practicable to existing development.
24. A building is defined by section 336 of the 1990 Act as including any structure or erection. The courts have held that there are three primary factors to establish what constitutes a building, they are (a) that it is of a size to be constructed on site, as approved to brought onto site, (b) permanence and (c) physical attachment. No one factor is decisive.
25. The proposed holiday accommodation units would measure 14 metres by 6.8 metres, with a height of approximately 2.2 metres. Although sited on a 'Jackpad' base, which requires no physical attachment of the building to the ground, they would be connected to an electricity supply and package treatment plant.
26. Whilst I accept that it is likely that the units would be constructed off site and moved into position, they would nevertheless, be large enough to accommodate at least two holiday makers at any one time. The size and weight

of the units would provide a reasonable degree of physical attachment to the land, and they would be connected to services. The evidence provided also indicates that the units would be capable of being occupied all year round and therefore the intention is for them to be in place permanently as holiday accommodation.

27. Taking all these factors into account, I am therefore satisfied that the proposed development, in so far as it relates to the holiday accommodation, amounts to new buildings. Therefore, the proposed development would not comply with Policy ECN15.2(c) in that the location of the buildings would not be in a location that forms part of a recognised village or hamlet or be located as close as is practicable to existing development.
28. The site is located within the open countryside, where Policy ECN15.2(d) states that visitor accommodation should, wherever possible, be limited to the reuse of buildings that are structurally sound, or to chalets and caravans in accordance with part (f). Policy ECN15.2(f) states that new sites for camping, caravans, and chalets will be supported in accessible locations outside the two AONBs and the World Heritage Site and its buffer zone, provided the development is adequately screened, taking into account short and long range views, by existing topography or vegetation or new good quality landscaping compatible with the surrounding landscape.
29. As noted above, the appeal site is within the open countryside, with only West House Farm Cottage and the farmstead located immediately opposite within close proximity. The site is not well-related to any settlement or to transport connections, such as bus routes or train links, with Morpeth Station located approximately 5 miles away and the closest bus route located approximately 3.4 miles away. As such, it is therefore likely that some guests visiting the accommodation would be reliant on the use of a private car.
30. Whilst I note the appellants intention to promote the accommodation to cyclists and to offer a pickup service from nearby transport hubs, there is no suitable mechanism by which this can be secured and subsequently controlled. Furthermore, whilst I also recognise the appellants intention to attract cyclists to the accommodation, there is nothing specific about the accommodation that would deter non-cyclist holiday makers from using the accommodation.
31. I have had regard to the appellants statement in relation to the provision of services, such as food hampers on arrival. I also acknowledge the presence of facilities within the wider local area such as, The Beresford Arms, Whalton and Kirkley Café. However, these are some distance from the appeal site, being between 30 to 60 minutes walking distance in each direction.
32. Therefore, even if I had found that the proposed holiday accommodation units met the definition of a caravan under the Caravan Sites and Control of Development Act 1960 and could therefore be considered as temporary buildings or structures, this would not be an accessible location for the proposed development, as required by Policy ECN15(f) of the NLP.
33. I acknowledge that the proposed development would make a small contribution to the supply and variety of tourism accommodation within the County for which there is an identified need. However, in promoting tourism development, Policy ECN15 of the NLP seeks to direct this development to recognised settlements and other accessible locations. Furthermore, whilst I have had

regard to the appellants supporting case, which includes a number of letters of support from tourism organisations, local MPs, and other such groups, I have not been presented with any substantive evidence which demonstrates that the proposed development would demonstrably improve and diversify the County's tourist offer.

34. The supporting text to Policy ECN15 states that facilities that help to support the network of long-distance routes, where appropriate, will be strongly supported. Whilst I accept that local cycle routes exist, including cycling based facilities within the area, the evidence does not demonstrate a specific need for overnight accommodation in this location, which is located approximately 7.6km from the nearest National Cycle Network route (Cockermouth – North Shields). Therefore, I find that it has not been demonstrated that the proposed development would clearly provide necessary accommodation along an established tourist route.
35. My attention has been drawn to an application for a Shepherd's Hut, which although also located within the countryside and the Green Belt, was granted approval¹. However, this scheme differs from the appeal scheme in that it related to an appeal site that was located just off the National Cycle Network Route No.72 and close to established walking routes such as the Sandstone Way. Additionally, this proposal was found to be surrounded by existing development, including the house and outbuildings on three sides. Therefore, I find that this proposal is not directly comparable to the appeal site.
36. Consequently, I therefore find that in this particular case, the appeal site would not be a suitable location for the proposed development having regard to the development plan. The proposed development would be contrary to Policies STP1 and ECN15 of the NLP which seek to direct new permanent development for tourism to existing settlements or edge of settlement locations, and for non-permanent buildings, to be provided in accessible locations.

Other Considerations

37. My attention has been drawn to a number of statements of support from tourism industry bodies, local businesses, and a local MP. I have also been provided with evidence prepared by Cycling UK which sets out the economic benefits of cycle tourism. This evidence includes data in relation to the overall contribution to the economy of tourism by cyclists and mountain bikers being in the region of £520 million pounds, with an average daily spend of £46.75 per day. I recognise that these figures increase where overnight stays occur. Additional evidence has been provided which highlights the importance of improving access to outdoor sports and recreation, has also been provided.
38. However, whilst I acknowledge these economic benefits, the support for tourism growth in Northumberland, and in this particular case, cycle tourism, these benefits cannot be considered in isolation to other policies which seek to protect the countryside and Green Belt from inappropriate and inaccessible development. Furthermore, the scale of the development would result in a small contribution to the supply of tourism accommodation. Overall, I therefore attribute the economic, tourism and the potential to increase access to outdoor recreation related benefits moderate weight.

¹ Application Ref: 22/01370/FUL

39. Paragraph 156 of the Framework states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
40. Paragraph 163 of the Framework states that even small-scale projects provide a contribution to significantly cutting greenhouse gas emissions. Paragraph 164 also states that significant weight should be given to the need to support energy efficiency and low-carbon improvements to existing buildings.
41. As outlined above, the proposed development includes a ground mounted solar panel array which would produce approximately 29.2 kilowatts of energy. The appellant states that this would be sufficient to serve the development and existing house and enable the development to be self-sufficient, reducing carbon-footprint and reducing long-term running costs. Any additional energy generated would be sold back to the National Grid. I recognise that this element of the overall scheme would result in a modest contribution to reducing greenhouse gas emissions and contributing toward meeting the Net Zero emissions target. Therefore, I attribute significant weight to the environmental benefits of the renewable energy component of the scheme.
42. My attention has been drawn to an application² for solar panels within the Green Belt which found that the environmental benefits outweighed the identified harm to the Green Belt. However, in this particular case, the renewable energy proposal is linked to the wider development of the site, including provision of holiday accommodation units and an extension to an existing building. It is not therefore directly comparable.
43. I have had regard to the appellants argument that an extension to the existing dwelling would have less visual impact than a new detached building and that alternative locations for the facilities required to support the proposed holiday accommodation were considered. However, I have not been provided with any details of alternative proposals. In any case, I have found that the scale of the proposed extension would constitute a disproportionate addition over and above the size of the original building. Therefore, I attribute this very limited weight.
44. The appellant has referred to discussions which took place throughout the course of the application, including requests for a meeting to discuss the potential amendments to the application with the Council, and the late publication of comments made by the Council's Planning Policy Team. However, whilst I acknowledge the appellant's frustrations these have not materially changed the outcome of my decision.

Green Belt Balance

45. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the

² Application Ref: 22/00939/FUL

Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

46. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness, and harm to the openness of the Green Belt. Additional harm has been found in relation to the appeal site's unsuitable location for the proposed development having regard to the development plan.
47. Balanced against that are the other considerations discussed above. However, for the reasons given, I find that the other considerations in this case, taken cumulatively, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The development would be contrary to the Framework and to Policies STP7, STP8 and ECN16 which seeks to protect the Green Belt from inappropriate development and Policies STP1 and ECN15 which seek to direct new tourism development to accessible locations.

Conclusion

48. For the reasons given, the proposal would therefore not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR