



Appeal Decision

Site visit made on 9 April 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2024

Appeal Ref: APP/P2935/W/23/3336018

La Luna Farm, Mill Lane, Heugh, Northumberland NE18 0PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms D Wilkinson against the decision of Northumberland County Council.
 - The application Ref is 23/02839/FUL.
 - The development proposed is rural workers dwelling, consisting of retention and extension to the dwelling located on site.
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Decision

1. The appeal is allowed and planning permission is granted for a rural workers dwelling, consisting of retention and extension to the dwelling located on site at La Luna Farm, Mill Lane, Heugh, Northumberland NE18 0PS in accordance with the terms of the application, Ref 23/02839/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The site has been subject to a previous appeal decision¹ dated 3 November 2020 which was allowed and planning permission granted for, amongst other things, the siting of a dwelling for a temporary period of three years. I have taken the previous Inspector's findings into account in my decision. Nonetheless I have reached my own findings based on the circumstances of the present case.
3. The temporary permission has expired, and in line with a condition attached to that permission, there is a requirement to remove the dwelling at the end of the temporary period and reinstate the site to its previous condition. The appellant is seeking permission for the siting of a permanent dwelling at the site, comprising the retention and extension of the dwelling previously granted temporary permission.
4. During the appeal the appellant agreed to make previously confidential information publicly available, which was subsequently published on the Council's website. Interested parties were given the opportunity to comment on this information and the main parties were given the opportunity to respond to the comments received. I am therefore satisfied that all parties have had a fair opportunity to view and comment on the evidence.

¹ APP/P2935/W/20/3247129

Main Issues

5. The main issues are:

- whether or not the proposal is 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 and the purposes of including the land within it; and
- if the development is inappropriate development in the Green Belt, whether 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 proposal.

Reasons

Whether Inappropriate Development

6. The appeal site falls within land defined as Green Belt. The Framework attaches great importance to Green Belts, and the construction of new buildings should be regarded as inappropriate, subject to a limited number of exceptions as set out in paragraph 154 of the Framework. Policy STP8 of the Northumberland Local Plan 2016 – 2036 (2022) (NLP) reflects the approach of the Framework to the extent that it is relevant to this appeal.
7. The proposal does not meet any of the Framework's exceptions and it is not disputed that the appeal scheme is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. From the evidence before me, I see no reason to take a different view.

Effect on openness and purposes of the Green Belt

8. The Framework indicates that openness is an essential characteristic of the Green Belt which relates to the presence or otherwise of built development. Openness has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
9. The proposal would introduce a permanent building onto the site, comprising the retention and extension of the dwelling previously granted temporary permission. Owing to the undulating topography of the locality, the single storey height of the proposal and the distance between the appeal site and public viewpoints, including Mill Lane, the proposal would be largely hidden from view. Glimpsed views towards the proposal could be obtained, albeit those views would generally be filtered by trees and vegetation along the surrounding field boundaries and by the adjacent barns and timber structure.
10. However, regardless of its public visibility, I share the view of the Inspector in the previous appeal decision at the site that the dwelling granted temporary permission, while moderate in size, reduces openness. Furthermore, by introducing development where previously there was none, it encroaches into the countryside, contrary to one of the five purposes of the Green Belt which is

to assist in safeguarding the countryside from encroachment. Having visited the site, I see no clear reason to depart from my colleague's findings.

11. It therefore follows that this appeal proposal, in seeking to extend the existing dwelling, would reduce Green Belt openness and encroach into the countryside. Furthermore, given the increased scale of the proposal and that it is for a permanent building, the harm to openness would inevitably be greater than the effect of the existing smaller dwelling which was for a temporary period. Notwithstanding that the loss of openness would be localised and mitigated by the limited degree of public visibility, the proposal would, nevertheless, result in harm to openness in spatial terms.
12. The appeal scheme would therefore have a harmful effect on the Green Belt's openness, contrary to the Green Belt purpose of limiting the encroachment of development into the countryside.

Other Considerations

13. It is not disputed that the appeal site falls outside of any settlement boundary and lies within the open countryside. Policy STP1 of the NLP sets out the circumstances under which development in the open countryside would be supported, including where it provides for residential development in accordance with Policy HOU8.
14. Policy HOU8 supports isolated residential development in the open countryside where there is an essential and clearly established need for a full-time rural worker necessary to meet the operational needs of a rural business to live permanently at or near their place of work in the countryside, subject to certain criteria. Namely that the business is financially sound and viable with a clear prospect of remaining so, and that the functional need could not be fulfilled by other existing accommodation.
15. The NLP reflects Paragraph 84 of the Framework, which states that the development of isolated homes in the countryside should be avoided unless one or more circumstances apply. This includes where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Planning Practice Guidance (PPG) outlines some considerations which could be taken into account when assessing the need for isolated homes in the countryside for essential rural workers. Such measures include evidence of the necessity for a rural worker to live at their place of work to ensure the effective operation of an enterprise, and the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.
16. The Statement in Support of a Rural Workers Dwelling (2023) undertaken by agricultural and environmental consultants provides an appraisal of the business activities that take place at the site, financial and functional viability, labour requirements and a review of nearby accommodation. The detailed report concludes that without a residence at the site it would be impossible for an efficient equine business to operate, while maintaining animal health and welfare standards and successfully performing day to day management operations. As such, it is the consultants' professional opinion that the business activities carried out demonstrate the need for a full-time worker to live permanently on site to meet the operational needs of the business.

17. A report was also commissioned by the Council during the application stage, prepared by an independent consultant. The Report on a Proposed Permanent Rural Worker's Dwelling (2023) sets out that due to the value of the horses kept at the site, the presence of a worker on site out of normal working hours would have benefits to the security of the livestock on the holding. Although there would be a relatively small number of births of which some may be out of normal working hours, the value of the offspring is significant, and the report indicates that it is vital to the profitability of the horse breeding enterprise that births are adequately monitored to avoid losses. The report's conclusion is that there is clearly an established existing functional need for a dwelling.
18. Both of the submitted technical reports provide robust evidence to demonstrate that given the nature of the equine business, including the breeding of Hanoverian sports horses, valuable animals that can command high sale values, there is a requirement for a worker to be at the site at most times, including during the night, all year round. If a worker was not present at the site on this basis there could be adverse effects in relation to security and the health of the horses. There would be serious risk that this would affect the future viability of the equine business and the positive contribution it makes to the rural economy.
19. Consequently, I concur with the findings of the reports that there is an essential need for a rural worker to live permanently at the appeal site. The proposal therefore attracts support from Policy STP1 and HOU8 of the NLP and the Framework in relation to isolated dwellings in the countryside.
20. The Council's appeal submissions suggest that there are other ways of meeting the essential need without having a permanent dwelling on site, including remote site monitoring. I have also carefully considered comments from a large number of interested parties, including a petition with over seventy signatures. However, there is no substantive evidence in relation to essential need to lead me away from my above findings. Furthermore, there is no clear evidence that the appellant spends any considerable amount of time away from the site, and it would not be unreasonable to spend the occasional night away in any event.
21. The appellant has provided financial information which demonstrates that since the business was started three years ago, investments have been made and despite initial losses the business has subsequently made a profit. This information was independently reviewed on behalf of the Council which advised them that they should have confidence that the business will remain viable for the foreseeable future. While there is no one standard formula for assessing viability, on the basis of the evidence before me I am satisfied that the business is likely to endure in the long term.
22. It has been indicated by third parties that there have been local properties for sale which would have provided alternative accommodation, however there is no clear evidence to demonstrate that the location or standard of accommodation would be suitable. It is also suggested that the overall size of the proposed dwelling has not been justified. However, the proposal would not be unnecessarily large, and I find that it would be appropriate to the essential need which is in excess of one full time worker, particularly given that it is a family business with the owner being supported by a family member on a regular basis.

Other Matters

23. There is no clear evidence to demonstrate that a scheme of this scale would lead to such increased vehicle movements that it would result in unacceptable damage to Mill Lane. Similarly, the officer report concluded that the site has a low ecological value and there is no indication that the proposal would result in harm to biodiversity and wildlife. Given that the appeal site forms part of an existing equine business the proposal would not result in the loss of agricultural production and while the proposal does not relate to affordable housing or community facilities these are neutral matters, and weigh neither for nor against the proposal.
24. The proposal is surrounded by open countryside with a rural character and would be seen in the context of the adjacent barns. The proposed materials would offer an element of visual continuity with the appearance of these rural buildings. While elements of stone cladding are proposed, its appearance can be secured through the imposition of a condition to ensure that the colour and detailing respects the rural character of the area. I am therefore content that the proposal would accord with Policy QOP1 of the NLP which requires that development contributes positively to local character and contributes to a positive relationship between built and natural features.
25. There are concerns regarding the piecemeal development of the site and a risk of further cumulative development, however a condition can be imposed to remove certain permitted development rights and the Council would have the authority to allow or decline any applications for further development. While there are also concerns regarding the intentions of the appellant and their wider business interests, this does not alter or outweigh my findings which are based on the planning merits of this case.

Green Belt Balance

26. The proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be a clear reduction in openness which would harm the Green Belt and would be contrary to the Green Belt purpose of limiting the encroachment of development into the countryside. The totality of the Green Belt harm attracts substantial weight. 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.
27. It is necessary for a rural worker to live at the site to ensure the effective operation of the equine business, which makes a positive contribution to the rural economy. I attach very substantial weight to these matters. As such, the other considerations clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness. Consequently, the very special circumstances necessary to justify the development exist and the proposal accords with Policy STP8 of the NLP and the provisions of the Framework in relation to Green Belt.

Conditions

28. The conditions suggested by the Council have been considered and amended as necessary to ensure compliance with the PPG and the Framework. It is

necessary to impose a condition identifying the approved plans for clarity and a condition securing material details in the interests of the character and appearance of the area.

29. I have imposed a condition restricting the occupation of the dwelling to a person solely or mainly working at the equestrian business to prevent the unrestricted occupation of a new dwelling in the Green Belt and open countryside. A condition relating to the removal of certain permitted development rights is also imposed in the interest of visual appearance, and to ensure the essential characteristics of the Green Belt are not put under pressure from additional development.
30. I have assessed the proposal based on the submitted plans which do not show a car parking area. Nor did I observe an area specifically laid out for car parking at the site, with vehicles parked informally within the large gravel area adjacent to the barns. As such I have not imposed a condition in relation to car parking which is not necessary to make the development acceptable. Similarly, I have also not included a condition requiring the submission of a planting plan as it has not been clearly articulated that this is necessary given the scale of the proposal.

Conclusion

31. For the reasons given above, the proposal would accord with the development plan, when read as a whole and the Framework. There are no material considerations that indicate that a decision should be taken other than in accordance with the plan. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

F Harrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing Number 10 A; Proposed Plans Drawing Number LUNA-100-04; Proposed Roof Plan Drawing Number LUNA-100-04; Proposed Site Plan; FDA1 Plan Drawing Number 10 and Proposed elevations Drawing Number LUNA-100-04.
- 3) Notwithstanding any description of materials shown on the approved plans, prior to their use, details of materials used in the construction of the external surfaces of the development hereby permitted shall be submitted to and agreed in writing by the local planning authority. The development shall be constructed in accordance with the approved details and thereafter maintained as such.
- 4) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed at the associated equine business, a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no extensions, porches, dormer windows or free-standing buildings or structures shall be added to or constructed within the curtilage of the dwelling hereby permitted other than those expressly authorised by this permission.

*****End of Conditions*****