



Appeal Decision

Hearing held on 4 September 2024

Site visit made on 4 September 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/P2935/W/24/3344897

East Farm, C224 Military Road Junction to District Boundary, Great Whittington, Northumberland NE19 2HP

- 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 Mr Tim Oliver of Messrs J C Oliver against the decision of Northumberland County Council.
 - The application Ref is 23/03665/FUL.
 - The proposed development is the material change of use of the land for the stationing of a mobile home for residential accommodation for an agricultural worker, with solar array and battery storage shed.
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Decision

1. The appeal is allowed and planning permission is granted for the material change of use of the land for the stationing of a mobile home for residential accommodation for an agricultural worker, with solar array and battery storage shed at East Farm, C224 Military Road Junction to District Boundary, Great Whittington NE19 2HP in accordance with the terms of the application, Ref 23/03665/FUL, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Tim Oliver of Messrs J C Oliver against Northumberland County Council. This application is the subject of a separate decision.

Preliminary Matters

3. The development has already been carried out and I observed the mobile home, solar array and battery storage shed to be located in the positions shown on the submitted plans. Therefore, I am considering this appeal retrospectively.
4. The Council has expressed concern that the mobile home structure does not fulfil the legal definition of a caravan¹ and assessed the structure as a permanent building in the determination of the planning application. The structure was transported to the site on a vehicle by road. It is placed on an

¹ As defined in section 29(1) in the Caravan Sites and Control of Development Act 1960

area of hardstanding and has been extended through the addition of a decked area. While this may indicate a degree of permanence, there is no substantive evidence to suggest that it would affect the unit's mobility. Despite the development being attached to services it is invariably simple to detach a caravan from connections to services such as water, drains and electricity. Therefore, taking account of its size, permanence, and physical attachment, by my observations the development would not satisfy the well-established definition of a building, and it meets the description of a caravan.

5. As a consequence of my finding, the stationing of a caravan is normally undertaken to facilitate a material change of use of the land. Given the purpose of the caravan on the land, it would be more accurate to describe the proposal as "the material change of use for the stationing of a mobile home for residential accommodation for an agricultural worker, with solar array and battery storage shed." For clarity, I have determined the appeal on this basis and used this description in my formal decision to reflect the development subject of the appeal.

Main Issues

6. The main issues are:

- whether the development is in an appropriate location having regard to the Council's spatial strategy; and
- the effect of the development on the character and appearance of the area.

Reasons

Location

7. It is not disputed that the appeal site lies within the open countryside. Policy STP1 of the Northumberland Local Plan 2016 – 2036 (2022) (NLP) sets out the circumstances under which development in the open countryside is supported, including where it provides for residential development in accordance with Policy HOU8.
8. 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.
9. The NLP reflects paragraph 84 of the National Planning Policy Framework (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.
10. While there was some discussion at the hearing about Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7), this no longer has any status and is superseded by the Framework, which is supported by

the advice of the Planning Policy Guidance (PPG). I therefore attach no weight to PPS7 in the determination of this appeal.

11. The evidence shows that the existing family farm business is financially sound and viable and has a clear prospect of remaining so. The Council confirmed at the hearing that it accepts that there are no existing dwellings on the landholding or other existing accommodation in the immediate area that is suitable for occupation by the worker concerned. As such, the parties agree that there is an established need for a full-time rural worker to live permanently at or near their place of work, and I concur with this view.
12. While a temporary permission is sought, the appellant lives permanently at the site, working on the farm and managing the business. The permanency of the established need for a worker to live at East Farm to meet the operational needs of the business is therefore not altered by the appellant seeking a temporary accommodation option until a scheme for a permanent dwelling is secured.
13. The main difference between the parties is whether or not the appeal site is appropriately located to support the operational needs of the business. At the hearing, I heard about Mr Oliver's day-to-day activities, which include regular trips to the steading at dawn and just before dark to check on the livestock. Mr Oliver explained that while the appeal site location wasn't perfect and wasn't generally within sight and sound of the farmstead, it is conveniently located, being a short drive or five-minute walk along the road, such that it allows him to check in on the cows quickly, including outside of normal working hours.
14. Mr Oliver also explained that the operational needs of the farm are not just at the steading since the intervening fields between the appeal site and the farm buildings are in active pasture for the livestock. Therefore, when the cows are in the fields nearby, he can hear from the appeal site if an animal is in distress for example. Furthermore, calving isn't always at the farmstead, and depending on the weather conditions can take place in the fields. As such, in these circumstances, the surrounding tree planting would not act as a buffer to sounds and Mr Oliver would be able to notice any unusual noises from the surrounding fields and respond quickly.
15. In addition, Mr Oliver indicated that he is able to respond to any matters more easily and quicker than from his previous rented accommodation in the village of Corbridge. From here Mr Oliver could not hear the cows at all which in combination with the 15 minutes' drive could mean the end of a cow's life. In this regard, Mr Oliver told me that living at the appeal site and being closer to the steading has made a real difference in allowing him to meet the needs of the business.
16. As explained in the Planning and Access and Design Statement, other areas within the land holding in closer proximity to the farmstead are exposed where there would be clear views of the mobile home. Taking this into account and given the nature of the temporary accommodation and its associated appearance the appeal site was chosen for the siting of the mobile home because of the screening afforded by the tree planting.

17. The appellant's agricultural appraisal and the Council's independent assessment both conclude that the best location for a permanent rural workers dwelling is at the farm steading at East Farm. However, an important consideration in this case is that the development is not a permanent dwelling, it is a temporary solution to provide the appellant time to secure permission for a permanent dwelling, while they manage and run the business. Although an application for a permanent dwelling had not been submitted at the time when the application was being determined, one now has. However, it was clear from the appellant's submissions that permission was being sought for temporary accommodation.
18. Despite the Council typically issuing temporary permission at the same site where a permanent dwelling is to be located, I find no support from the relevant policies that a temporary permission must relate to where a permanent dwelling is to be placed, or that temporary permissions for rural workers accommodation should be for new businesses. Rather, each case should be considered on its own planning merits. Granting temporary permission at the appeal site could be secured through an appropriately worded planning condition and would not create a precedent for a permanent dwelling on the site in connection with the agricultural use nor create a precedent for more general residential development.
19. The Council suggested at the hearing that if the appeal site is not an appropriate location for a permanent rural workers dwelling, then it cannot be considered suitable for temporary accommodation. Nevertheless, even though the appeal location is not perfect, I have not been presented with any clear evidence that indicates it does not assist Mr Oliver in meeting the functional needs of the business on a temporary basis in light of the lack of alternatives in the immediate area.
20. To conclude on this main issue, the development is in an appropriate location having regard to the Council's spatial strategy and therefore accords with Policies STP1 and HOU8 of the NLP. In addition, it is in line with the provisions of the Framework in relation to isolated dwellings in the countryside.

Character and appearance

21. The appeal site is located within the open countryside where development is characterised by isolated or clustered vernacular stone buildings scattered over a rural landscape. Some modern agricultural sheds are also present within established farmsteads. The appeal site has extensive tree planting such that the development is not generally visible from the public road on approach in either direction. It is also agreed that there are no views of the development from the surrounding public rights of way network.
22. The accommodation is a single storey timber clad lodge set within an area of tree planting and can be seen from Millers Lane to the south of the site. Given the distance between the appeal site and this road, only glimpsed views of the development can be obtained, which at several vantage points along Millers Lane, are filtered by trees, vegetation, and the undulating topography of the locality. Furthermore, Millers Lane did not appear to be a heavily trafficked route and is likely to be used infrequently by the occupiers of the occasional properties this road serves. Public viewpoints of the development are therefore limited.

23. While the materials are not the traditional materials seen within the wider local area, this is not discernible in views from Millers Lane owing to the distance from the site to the road. In any event, the development's colour and detailing appears as a wooden lodge which offers an element of visual continuity with the surrounding countryside and tree planting. Similarly, there are no clear views of the decking area and outdoor furniture from Millers Lane and as such the domestic appearance of these features are not perceptible to the extent that it appears as an intrusive form of development.
24. As such, the development is not unduly harmful to the character and appearance of the area, and so accords with Policies HOU9, QOP1 and ENV3 of the NLP. Amongst other things, these policies require that development contributes to a sense of place and a positive relationship between built and natural features, including the potential impact of small-scale development on the landscape in sensitive rural settings.

Conditions

25. The conditions suggested by the Council and discussed at the hearing have been considered and amended as necessary to ensure compliance with the PPG and the Framework.
26. In the interest of character and appearance it is necessary that the development is maintained as shown on the approved plans. I impose a condition related to the fact that planning permission is granted for a temporary period of 3 years to ensure that this is enforceable. While the Council suggested that 18 months was appropriate, following discussions at the hearing the main parties agreed that 3 years was appropriate because the permanent self-build rural workers dwelling application has not yet been determined and will take time to build if granted. For the same reasons, I agree that 3 years is an appropriate duration for the permission.
27. I have imposed a condition restricting the occupation of the accommodation to a person solely or mainly working at East Farm to prevent the unrestricted occupation of the accommodation in the open countryside. In the interest of highway safety, it is necessary to impose a condition to ensure that the car parking area remains as such.
28. Despite the submitted plans not showing any details regarding the access to the site from the public road, the first 6 metres of the access track appeared to be hard surfaced, and it is not steeply sloping. Furthermore, there are adequate sight lines in both directions at the junction with the public road and the access track allows vehicles to enter in a forward gear, there is space to turn and then exit in a forward gear. No harm to highway safety arises and a condition requiring the submission of details of the access is not necessary.
29. Many Permitted Development rights apply to dwellinghouses, which for the purposes of the General Permitted Development Order (GPDO) relates to a building. As the development is not a building, it does not benefit from permitted development rights to extend or alter it as set out in the GPDO. Therefore, it is not necessary to impose a condition on this matter. It is also not necessary to impose a condition to secure a broadband connection as a connection has already been installed at the site.

Conclusion

30. For the reasons given above, the development accords with the development plan, read as a whole. There are no material considerations, including the Framework, that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is allowed.

F Harrison

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Tim Oliver	Appellant
Miss Nichola Allan BA Hons MRTPI	Barrister at Law and Chartered Town Planner

FOR THE LOCAL PLANNING AUTHORITY:

Miss Stephane Milnes BSc MA MRTPI	Senior Planning Officer, Northumberland County Council
Mr Neil Armstrong BA Hons DipTP MRTPI	Principal Planning Officer, Northumberland County Council

DOCUMENTS SUBMITTED AT THE HEARING

1. – Embleton PC and David Ainslie v Northumberland CC and Ivor Gaston [2013 EWHC 3631 (Admin)], provided by the Appellant.

Schedule of Conditions

- 1) The development hereby permitted shall be maintained in complete accordance with the following approved plans: Location plan EF/FH/09/01; Site Plan EF/FH/SP/03, Site Plan EF/FH/PPE&SP/02 and Battery Store and Solar Panels.
- 2) The development hereby permitted shall cease on or before the expiry of a 3 year period from the date of this permission. A scheme for the restoration of the site, including the dismantling and removal of all elements, shall be submitted to and approved in writing by the local planning authority not later than 3 years from the date of this permission. The approved scheme shall be carried out and completed within 6 months from the date that the planning permission hereby permitted expires.
- 3) The occupation of the development hereby permitted shall be limited to a person solely or mainly employed, or last employed, within the farming business located at East Farm, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
- 4) The car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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