



Appeal Decision

Hearing held on 7 January 2025

Site visit made on 7 January 2025

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/P2935/W/24/3351301

Land North East of Throphill, Road To Throphill, Throphill Northumberland

- 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 John Charlton against the decision of Northumberland County Council.
 - The application Ref is 23/04522/FUL.
 - The development proposed is the creation of a new residential dwelling at Throphill Farm, along with associated hardstanding and landscaping works, to create a new farm worker's dwelling to support the existing farming operations at Throphill Farm.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a new residential dwelling at Throphill Farm, along with associated hardstanding and landscaping works, to create a new farm worker's dwelling to support the existing farming operations at Throphill Farm at land north east of Throphill, Road to Throphill, Throphill Northumberland in accordance with the terms of the application, Ref 23/04522/FUL, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr John Charlton against Northumberland County Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development on the decision notice refers to self-build housing and differs from that given on the application form. Notwithstanding that the self-build box was ticked on the application form, in the context of the Self-Build and Custom Housebuilding Act 2015, there is no clear evidence that the proposal is for self-build housing and there was no detailed assessment of the scheme in this regard in the Council's officer report. In any event, there is no evidence that the appellant agreed to the change in the description of development that is on the decision notice. As such, the description of development above has been taken from the application form, omitting words that are not acts of development, as this is what was applied for by the applicant, now appellant.
4. A revised site location plan, and plans and elevations drawing have been submitted that include changes to the scale of the proposed dwelling and materials of the external walling, as well as annotations of road names to the location plan. The nature and extent of these changes does not fundamentally alter the appeal proposal. As such, I have accepted the plans and have determined the appeal on this basis.

5. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Both parties were given the opportunity to comment on the changes which I have taken into account, and I have determined the appeal having regard to the revised Framework.

Background and Main Issues

6. There are two reasons for refusal on the decision notice, however the Council has confirmed that on the basis of the revised plans the second reason for refusal relating to character and appearance falls away. Taking account of the scale, massing and appearance of the proposal it would not appear conspicuous within its context, conveying a sensitive consideration of its surroundings. The proposal would therefore relate positively to the character and appearance of the area and would accord with Policies QOP1 and HOU9 of the Northumberland Local Plan 2016 – 2036 (2022) (NLP). Amongst other things, these policies require residential development to deliver high quality design that contributes to a sense of place and a positive relationship between built and natural features.
7. With this in mind, 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;
 - whether the proposal is in an appropriate location having regard to the Council's spatial strategy; and
 - 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

8. 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 set out in paragraph 154. NLP Policies STP7 and STP8 reflect the approach of the Framework, to the extent that they are relevant to this appeal.
9. 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.

Openness and Green Belt purposes

10. 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.

11. Notwithstanding that the existing track would be utilised for access, the proposal would introduce a two-storey dwelling onto an open agricultural field. The topography of the locality, the scheme's modest size and existing and proposed landscaping would mitigate the proposal's visual effects in views from the road and nearby properties. Nevertheless, the proposed dwelling would be clearly visible from a number of vantage points on the nearby public rights of way (PROW) network. Furthermore, by introducing development onto land that was previously permanently open, the proposal would encroach into the countryside, contrary to one of the five purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment.
12. Consequently, the proposal would result in harm to openness in spatial and visual terms and would represent some encroachment into the countryside. Taking account of the scale of the proposed development and its context, the spatial and visual implications of the proposal would cause moderate harm to openness and limited harm to Green Belt purposes.

Other considerations

Location - essential need

13. It is not disputed that the appeal site lies within the open countryside. NLP Policy STP1 sets out the circumstances under which development in the open countryside is supported, including where it provides for residential development in accordance with NLP 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 Framework paragraph 84, 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, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
16. The evidence shows that the existing farming business is financially sound and viable with a clear prospect of remaining so. In addition, there is no suitable existing accommodation in the immediate area. On this basis, and as a result of the operations that take place at Throphill, the parties agree that there is an essential and clearly established need for a full-time rural worker to live permanently at or near their place of work, and I concur with this view.
17. Nevertheless, one of the main differences between the parties is whether or not the appeal site is appropriately located at Throphill to meet the identified need. I heard from Mr Charlton at the Hearing about his day-to-day activities and the circumstances where he is required to respond at short notice. It was explained

that the land holdings at Throphill are the epicentre of the cattle farming enterprise. Calving takes place all year round both inside the farm buildings at Throphill and in the surrounding fields which requires regular care and monitoring, often out of normal working hours, to ensure the health and welfare of the cows.

18. Mr Charlton set out a range of situations that would require an emergency response that could not be managed at short notice if a worker was not located nearby, including bulls fighting and gates being left open by walkers on the PROW network allowing cattle to walk onto the nearby road. In these circumstances, the absence of a worker at or near the land holdings could result in the suffering of the animals or the loss of livestock which could have a serious financial effect on the business. The extreme weather at the time of the Hearing had also highlighted the challenges in managing the farm from the landholdings at Harnham Hill, some twenty minutes away. Mr Charlton explained that difficulties accessing Throphill through the heavy snow had meant the cows had not been fed or had clean bedding as usual, to the detriment of their welfare.
19. While the Council contend that the appeal site is not within 'sight and sound' of the farm buildings, no specific examples were provided by Mr Atkinson at the Hearing to support the Councils' view that the appeal site location would significantly limit the ability of a worker to monitor the cattle. Despite not being directly adjacent to the farm buildings, the proposed dwelling would be located near to them, as required by NLP Policy HOU8. There is no suggestion that the appeal site would not result in benefits for both livestock management and any security risks or be sufficiently close to allow a worker to be able to respond quickly when required, including outside of normal working hours.
20. In any event, the response from the appeal site would be much quicker than the existing situation where Mr Charlton is living some 20 minutes away. Furthermore, owing to the topography of the locality, the somewhat elevated position of the appeal site would allow surveillance across the surrounding fields where the cows are also located. Taking all this together, the siting of the proposed dwelling is conveniently located near to the farm buildings and the surrounding fields to meet the identified functional needs of the farm.
21. The Council are also of the view that the wider context and planning history of the farming business diminishes the functional need at Throphill. However, Mr Charlton explained that the purpose of the additional farm building at Harnham Hill is for animal welfare as a handling facility for five bulls and as accepted by the Council, it is not comparable in size to the three buildings at Throphill and so could not provide the same functions. Mr Charlton was also clear at the Hearing that it is not his intention to concentrate the business at Harnham Hill, as suggested by the Council, not least because there are insufficient modern buildings to accommodate the cattle herd in this part of the farm landholdings.
22. The appellant's farming business is profitable and makes a positive contribution to the rural economy. Nevertheless, Mr Charlton described how at times he has struggled to farm at Throphill from his current residence at Harnham Hill and has lost cattle as a consequence. Furthermore, the operations at Throphill are on occasion reliant upon the goodwill of the owners of the property known as The Granary, nearby to the appeal site, to provide hot water for example, without which Mr Charlton said he would have lost even more cattle.

23. Notwithstanding that one of the tests of NLP Policy HOU8 is that the farming business is required to be financially sound, there is no clear evidence that because the business has operated successfully for several years without a worker's dwelling, this somehow reduces the identified functional need. Instead, in meeting the functional need at Throphill the proposal would improve the future economic sustainability of the rural business, including through efficiencies in its operation. The proposal would therefore enable the sustainable growth and expansion of the business, in accordance with Framework paragraph 88 which seeks a prosperous rural economy.
24. It was Mr Charlton's intention to build the rural worker's dwelling permitted in 2017 to help meet the needs of the business and Mr Jauneika indicated that he could not have foreseen the circumstances that resulted in his borrowing costs increasing. It had made sound financial sense to sell off the land to the south of the appeal site that had permission for a rural worker's dwelling to clear the secured lending. In the context of the difficulties facing small farming businesses it was Mr Jauneika's view that the farm is run in a commercially sensible way. I have no reason to doubt Mr Jauneika's comments on these matters.
25. Overall, there is no substantive evidence to lead me away from my above findings that there is an essential need for a full-time worker to live permanently at Throphill. Furthermore, the appeal site is sufficiently close to the farm buildings and surrounding fields where the cattle are located to allow a worker to meet the operational needs of the rural business.
26. To conclude on this main issue, the proposal would be in an appropriate location having regard to the Council's spatial strategy and would accord with NLP Policies STP1 and HOU8. The Council also alleges a conflict NLP Policy HOU2 which primarily relates to meeting future housing needs. My attention has not been drawn to any words in this policy that are relevant to this main issue and so it is not determinative in this appeal.

Biodiversity Net Gain

27. The application (subject of this appeal) was submitted before the 2 April 2024 when Biodiversity Net Gain (BNG) became a statutory requirement for minor development, under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Therefore, and irrespective of whether the Council assessed the proposal on the basis of it being exempt from BNG as a consequence of their understanding of it being self-build housing, there is no statutory requirement for the proposal to deliver a BNG of 10%.
28. However, NLP Policy ENV2 requires, amongst other things, that proposals affecting biodiversity secure a net gain for biodiversity. No minimum percentage is specified, but the policy is clear that a net gain should be achieved. The proposed dwelling would occupy grassland. While of low ecological value, the amount of grassland would be reduced. A BNG calculation, using the DEFRA metric applicable at that time, indicates the proposal would deliver a BNG of 20.05%. As such the scheme would accord with the biodiversity aims of NLP Policy ENV 2.

Other Matter

29. On the decision notice the Council refer to NLP Policies QOP2 and QOP5 which primarily relate to amenity and sustainable design and construction. The Council

found no harm on these matters and based on the evidence and my site visit I agree. As such, these policies have not been determinative in my decision.

Green Belt Balance

30. I have found the proposal to be in a suitable location and would relate positively to the character and appearance of the area in accordance with the development plan.
31. The proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Taking account of the scale of the development and its context, the spatial and visual implications of the proposal would cause moderate harm to openness. The proposal would also result in the limited encroachment of development in the countryside which would be harmful to the purposes of including the land within the Green Belt. 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.
32. In favour of the development, I have identified an essential need for a rural worker to live at the site to ensure the effective operation of the business and enable its continued growth and contribution to the rural economy. Collectively these matters attract very substantial weight. There would also be a moderate environmental benefit arising from the biodiversity net gains of the scheme, given the scale of the net gain and the contribution this would make to conserving and enhancing the natural environment.
33. 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 and Green Belt purposes. Consequently, the very special circumstances necessary to justify the development exist and the proposal accords with NLP Policies STP7 and STP8 and the provisions of the Framework in relation to Green Belt.

Conditions

34. The parties provided me with suggested conditions which were discussed at the Hearing, and I have reviewed them in line with guidance. A plans condition is imposed for certainty however it is not necessary to include reference to biodiversity documents as these are covered in another condition.
35. The submission and approval of a construction method statement is required in the interests of highway safety and protecting the living conditions of neighbouring occupiers, and before the commencement of development as the details relate to the construction phase. To ensure proper arrangements are in place to protect living conditions a condition is imposed in relation to refuse storage and collection. Similarly, a condition in relation to construction hours is necessary.
36. In the interest of protecting the character and appearance of the area, a materials condition is imposed. For the same reason, given the site's sensitive location a condition relating to the removal of certain permitted development rights is imposed in the interest of visual appearance. I also impose a condition to secure the submission of details relating to sustainable design and construction to ensure

the proposal delivers a sustainable form of development.

37. As set out above, the residential use of the land is only acceptable to support the agricultural operation at Throphill, it is therefore necessary to restrict the occupation of the dwelling to ensure that the proposal complies with national and local policies for development in the open countryside. Notwithstanding that Planning Practice Guidance advises that a condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company, the Council requested that reference was included in the condition to an 'agricultural business'. While this is a wider term and not a specific named company, I have imposed a condition with modifications to ensure a sufficient level of precision so that the condition meets the legal and policy tests.
38. In the interest of highway safety, it is necessary to impose a condition to ensure an appropriate access is achieved and in relation to car parking provision. To secure high quality communications infrastructure for the development a condition is necessary in relation to the provision of broadband.
39. As information has already been provided to demonstrate how lost habitats will be compensated for and how the proposal will deliver biodiversity net gains, there is no requirement for the submission of an Ecological Enhancement Plan. There is no clear evidence that an integrated bird roosting feature is necessary to make the development acceptable. Furthermore, the maintenance regime for the landscaping scheme shown on the site plan includes measures to erect protective fencing to protect existing vegetation and root zones prior to any work and to protect hedgerows from cattle with stock proof fence. I have not therefore included the conditions suggested by the Council's ecologist.
40. Instead, in the interests of character and appearance and biodiversity I have imposed conditions to ensure the development is carried out in accordance with the proposed biodiversity net gains and maintained in line with a habitat management and monitoring plan, and that the proposed landscaping scheme is implemented and maintained in accordance with the details provided.

Conclusion

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

F Harrison

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr John Charlton

Appellant

Mr Angus Hutchinson BA(Hons) MSc (Arch. Con), MBA MRTPI

Director, HG Associates

Mr Robert Jauneika BSc MRICS FAAV

Associate Director, H&H
Land & Estates

FOR THE LOCAL PLANNING AUTHORITY:

Mr James Atkinson BA (Hons) MA MRTPI

Senior Planning Officer,
Northumberland County
Council

DOCUMENTS SUBMITTED AT THE HEARING

1. – Copy of Suggested Conditions, provided by the Appellant.
2. – Written Costs Statement, provided by the Appellant.

DOCUMENTS SUBMITTED AFTER THE HEARING

1. – Suggested Conditions Email Correspondence, provided by the Council and the Appellant.

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 2434-01 Rev B and Site Plan; and Floor Plans and Elevations as Proposed 2434-03 Rev B.

Pre commencement

- 3) Development shall not commence until a Construction Method Statement (CMS), together with a supporting plan has been submitted to and approved in writing by the local planning authority. The approved CMS and plan shall be adhered to throughout the construction period and shall include details of:
 - i. any temporary traffic management measures;
 - ii. vehicle cleaning facilities;
 - iii. the parking of vehicles of site operatives and visitors;
 - iv. the loading and unloading of plant and materials; and
 - v. the storage of plant and materials used in constructing the development.

The approved CMS and plan shall be adhered to during the construction period.

After commencement

- 4) Construction works and deliveries associated with the construction of the development hereby permitted shall take place only between 7:30am and 6pm on Mondays to Fridays and between 8am and 1pm on Saturdays. No works or deliveries shall take place at any time on Sundays or on Bank or Public Holidays.
- 5) Notwithstanding any description of materials shown on Site Plan; and Floor Plans and Elevations as Proposed 2434-03 Rev B, 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.
- 6) No above ground construction shall commence until details relating to sustainable design and construction are submitted to and approved in writing by the local planning authority, which shall demonstrate how the development will minimise resource use, mitigate climate change and be adaptable to a changing climate. The development shall be carried out in accordance with the approved details and implemented prior to the occupation of the development hereby permitted and maintained as such thereafter.
- 7) The development hereby permitted shall be carried out in accordance with the biodiversity net gain detailed in the Trophill Statutory Biodiversity Metric, completed 3 September 2024, Baseline Habitats Plan 2024, Proposed Habitats Plan 2024 and Site Plan, Floor Plans & Elevations as Proposed 2434-03 Rev B. The biodiversity net gains shall be implemented prior to the occupation of the development hereby permitted and thereafter maintained for a period of 30 years,

in accordance with a Habitat Management and Monitoring Plan that shall first have been submitted to and agreed in writing with the local planning authority.

Prior to occupation

- 8) Prior to the occupation of the development hereby permitted, the landscaping scheme, including the proposed boundary hedging, shall be implemented in accordance with the planting schedule, which shall include native species, as shown on Site Plan, Floor Plans & Elevations as Proposed 2434-03 Rev B. Thereafter, the landscaping shall be maintained in accordance with the maintenance regime detailed on Site Plan, Floor Plans & Elevations as Proposed 2434-03 Rev B.
- 9) Prior to the occupation of the development hereby permitted, full fibre broadband shall be installed and made operational, unless details are submitted to and agreed in writing by the local planning authority that alternative provision or no broadband provision is justified. Any alternative broadband provision shall be installed and made operational prior to the occupation of the development.
- 10) Prior to the occupation of the development hereby permitted, 2 no car parking spaces shall be fully laid out and made available for use, in accordance with Appendix 2 of the Northumberland Local Plan 2016 – 2036 (2022). The arrangements shall be retained as such thereafter.
- 11) Prior to the occupation of the development hereby permitted, the access shown on Site Plan, Floor Plans and Elevations as Proposed 2434-03 Rev B shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The arrangements shall be retained as such thereafter.
- 12) Prior to the occupation of the development hereby permitted, refuse storage facilities shall be implemented in accordance with details, including the location and design of the facilities and arrangements for refuse collection, that shall first have been submitted to and approved in writing by the local planning authority. The arrangements shall be retained as such thereafter.

Post occupancy

- 13) The occupation of the development hereby permitted shall be limited to a person solely or mainly working, or last working, at East Throphill Farm or in the locality in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990 (as amended)) or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependents.
- 14) 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*****