



Appeal Decision

Site visit made on 25 February 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Appeal Ref: APP/P2935/W/24/3350383

Land east of East Farm, Great Whittington, Newcastle upon Tyne 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 Messrs J R Oliver against the decision of Northumberland County Council.
 - The application Ref is 23/03138/FUL.
 - The development proposed is change of use from agricultural land to the stationing of a shepherd's hut for holiday letting with parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council determined the planning application on a retrospective basis, and I have treated the appeal in the same way.
3. Plans showing the position and details of the visibility splays, an amended site plan showing the visibility splays and a Package Treatment Plant (drawing No 24WFH(EW) 01) and a letter detailing the outcome of a speed survey carried out by Tim Speed Consulting dated 18 January 2024, were submitted as part of the appeal. Interested parties have had an opportunity to review and make comments on the information submitted. Therefore, I do not consider that the Council or any interested parties would be prejudiced by me accepting this information.
4. The results of a Percolation Test were submitted as part of the appellants final comments. Interested parties have not had an opportunity to review and make comments on this information. Therefore, in the interests of fairness, I have not considered this information as part of my assessment. To proceed otherwise could unacceptably prejudice the interests of other parties.
5. The Council have raised concerns that the shepherds hut 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 is on wheels, is placed on an 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

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

observations the development would not satisfy the well-established definition of a building, and it meets the description of a caravan.

Main Issues

6. The main issues are:

- whether sufficient information has been submitted to demonstrate that the development is served by a suitable foul water drainage arrangement;
- whether the development is in a suitable location having regard to the tourism policies of the development plan;
- the effect of the development on the character and appearance of the area; and
- the effect of the development on the safe and efficient operation of the highway.

Reasons

Drainage

7. The shepherd's hut is served by a septic tank and soakaway and Sharpley Burn is close to the appeal site. The Council Ecologist raised concerns that the use of a septic tank and soakaway, over connection to the public sewer, is not fully justified in this instance and that no filtration tests have been undertaken. They also raised concerns that there is a risk of pollution from the septic tank entering the burn.
8. Criteria 2 of Policy WAT 2 of the Northumberland Local Plan 2016 – 2036 (NLP) requires that non-mains drainage systems, such as package treatment plants should only be employed where the development is sufficiently remote from sewered areas. This policy only allows the use of septic tanks in very exceptional circumstances. It also requires that careful consideration is given to the siting and design of non-mains drainage systems
9. The original plans indicate that the development is served by a septic tank and soakaway. However, full details of the soakaway are not provided. As detailed above the appellant has also provided details of a package treatment plant as an alternative to the existing septic tank. The use of a package treatment plant may address the Council's concerns regarding the risk of pollution entering Sharpley Burn. However, the appellant has not provided sufficient information to demonstrate why connection to the public sewer is not a viable option in this instance. Therefore, the development does not comply with the requirements of Policy WAT 2 in this regard.
10. The appellant asserts that a Foul Drainage Assessment Form was submitted with the planning application and the Council Public Protection Officer have not raised any concerns regarding the use of the existing septic tank and soakaway. However, a lack of objection from the Public Protection Officer does not provide a clear justification for the use of a non-mains drainage system, which is a policy requirement.
11. For the reasons detailed above there is insufficient information before me to justify the use of a non-mains drainage system to serve the development. As such it is

not clear that the development is served by a suitable foul water drainage arrangement. Therefore, the development conflicts with Policies ENV1, ENV2 and WAT 2 of the NLP which require that non-mains drainage systems are only employed where the development is sufficiently remote from sewered areas. They also seek to ensure that developments maximise opportunities to incorporate ecological enhancement, and they have a neutral or net benefit on ecosystems.

Location

12. It is not disputed that the appeal site lies within the open countryside. Policy STP1 of the NLP sets out the circumstances under which development in the open countryside is supported, including where it supports the development and diversification of agricultural and other land-based rural businesses in accordance with Policy ENC14 and also where it supports sustainable rural tourism in accordance with Policy ECN 15.
13. Policy ECN14 supports rural diversification developments for leisure, recreation or tourism activities that require open land in a countryside location. The Planning Statement submitted in support of the application states that 'this holiday accommodation has been created by a farmer's son who works on the main farm at Great Whittington and has diversified into a holiday business.' Notwithstanding this, there is insufficient evidence before me to clearly demonstrate that the appeal scheme is the result of diversification of an existing farm or other agricultural business as required by Policy ECN14.
14. Policy ECN 15 aims to facilitate the potential for Northumberland to be a destination for a variety of reasons. It stipulates that visitor accommodation wherever possible, be limited to the reuse of buildings that are structurally sound, or to chalets and caravans in accordance with part (f). Criteria f of Policy ECN 15 supports new caravan sites in accessible locations outside the two AONBs and the World Heritage Site and its buffer zone. This is on the provision that 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.
15. Although the appeal site is not linked to Great Whittington by a footpath, it is a short distance from this village. At the time of my site visit I noted several individuals walking and cycling along the quiet rural roads that link the appeal site to this village. The settlement of Matfen is also close to the appeal site and they are linked via the C224 a quiet straight road with good visibility for walkers and cyclists. As such, the appeal site is in an accessible location where visitors could reasonably walk and cycle to access services and local bus routes. Bus services in the area may not be as regular as those in larger towns and settlements. However, I consider that they would be sufficient to meet the needs of individuals visiting the site. The appellant also states that the site is 2kms from Hadrian's wall a popular tourist route and close to a Roman fort, which is also a popular tourist attraction.
16. Based on the evidence before me the appeal site is not within the two AONBs and the World Heritage Site and its buffer zone. The shepherd's hut is surrounded by mature trees and hedging, which limits its visibility from the public realm both from the surrounding land and the road adjacent to the site. The development is also screened from longer range views where the appeal site reads as a pocket of woodland, characteristic of the area.

17. For the reasons detailed above the site is a suitable location for the development having regard to Policy ECN 15 of the NLP. Which supports the provision of new caravan sites 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.

Character and Appearance

18. The appeal site is located within the open countryside characterised by gently undulating fields, featuring pockets of woodland, and separated by drystone walls and mature hedgerows. Built development mainly reflects the rural vernacular and comprises of groups of dwellings built from local stone with slate roofs. Some established farms also include modern agricultural sheds. The appeal site has extensive tree and hedge planting in the area immediately surrounding the development such that it is not clearly visible from the surrounding public roads.
19. The shepherd's hut is constructed from timber with a metal roof, with attached decking and a timber hot tub. Given the distance between the shepherd's hut and the surrounding roads in the area, only glimpsed views of it can be obtained, which are mostly screened by mature trees and hedges and the undulating topography of the surrounding landscape.
20. The scheme utilises a palette of external materials commonly used for agricultural buildings in the area. The huts design and modest scale offers an element of visual continuity with the surrounding countryside and tree planting. Further, the associated outdoor paraphernalia is suitably positioned and screened, ensuring its domestic appearance.
21. For the reasons detailed above the development does not harm the character and appearance of the area. Therefore, the development is in accordance with Policies QOP1 and ENV3 of the NLP which require that development contributes to a positive relationship between built and natural features, including the potential impact of small-scale development on the landscape in sensitive rural settings.

Highway Safety

22. The appeal scheme includes an access on to the C224 and a single parking space and turning area. The Council raised concerns regarding the safety and suitability of the access, particularly in relation to the visibility splays.
23. Plans showing the position and details of the visibility splays, and a speed survey carried out by Tim Speed Consulting were submitted in support of the appeal. The speed survey demonstrates that, given the average speed of vehicles travelling on the C224, splays of 2.4m x 53m to the left and 2.4m x 65m to the right would be required in this instance. The submitted plan, 24WFH (EW) 01, indicates that the required visibility splays can be achieved by the appellant.
24. Therefore, sufficient information has been provided to demonstrate that the use of the access would not have a harmful effect on the safe and efficient operation of the highway. Therefore, the appeal scheme complies with Policies STP 1 and TRA 2 of the NLP which require that development in the open countryside does not

have an unacceptable impact upon the local road network and will avoid, mitigate and manage any significant impacts on highway safety.

Other Matters

25. The Council raised no concerns regarding the impact of the development on the amenity of neighbouring occupants, flood risk, archaeology, equality, human rights and crime and disorder. Based on the evidence before me I find no reason to disagree with the Council. However, an absence of harm in relation to these matters is a neutral factor in my assessment of the appeal.
26. My attention has been drawn to several examples of tourist accommodation that has been approved by the Council. They include instances when the use of non-mains drainage systems were supported². However, full details of these permissions have not been provided as such I cannot be certain that the circumstances in the examples provided are directly comparable with the appeal development.

Conclusion

27. I have found that the development provides tourist accommodation in a suitable location. It would not harm the character and appearance of the area and suitable visibility can be achieved at the access serving the site, an absence of harm in these respects is a neutral factor weighing neither for nor against the development. However, I have found that there is insufficient evidence before me to justify the use of a non-mains drainage system or the suitability of the existing, or alternative, drainage system. This information is required to ensure no adverse impact upon groundwater, water quality or existing ecosystems. The adverse effects in these respects are considerable and outweigh the benefit detailed above.
28. The appeal scheme would conflict with the development plan. This conflict is not outweighed by other considerations. Therefore, the appeal is dismissed.

C Livingstone

INSPECTOR

² 21/00017/FUL