



Appeal Decision

Site visit made on 8 April 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025

Appeal Ref: APP/P2935/W/25/3360754

The Old Barn Twizell Farm, U9059 Road to Twizell Farm, Ponteland, Northumberland NE20 0AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for full planning permission.
 - The appeal is made by Ms Faye Jackson against Northumberland County Council.
 - The application Ref is 24/03593/FUL.
 - The development proposed is retrospective permission for the erection of an agricultural building North West of the Old Barn, Twizell Farm, Whalton, Morpeth.
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Decision

1. The appeal is allowed, and planning permission is granted for retrospective permission for the erection of an agricultural building North West of the Old Barn, Twizell Farm, Whalton, Morpeth at The Old Barn Twizell Farm, U9059 Road To Twizell Farm, Ponteland, Northumberland NE20 0AL in accordance with the terms of the application, Ref 24/03593/FUL, and the plans submitted with it, subject to the conditions set out in the schedule attached to this Decision.

Procedural Matters

2. The appeal form confirms that the reason for the appeal is that the local planning authority failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. The Council set out that a decision notice was issued, and I have been provided with a copy of the decision notice. This is dated the 17th February 2025 which is the date the appeal was submitted. I therefore find it appropriate to determine this appeal on the terms of how it was made which is against a failure to give notice within the prescribed period of a decision on an application for full planning permission.
3. The main issues have been articulated around the correspondence received from the Council including its Officer's report and decision notice as well as information contained within the appellant's statement of case.
4. The works as described above has already taken place at the site. I have therefore determined this appeal on a retrospective basis.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

- The effect of the proposal on the openness of the Green Belt;
- The effect of the development on ecology; 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 necessary to justify the proposal.

Reasons

Whether inappropriate development

6. The appeal site is located within the open countryside and the Green Belt to the northwest of the Old Barn, Twizell Farm which is north of Ponteland. Part 1 (g) of Policy STP 1 of the Northumberland Local Plan 2016-2036 (NLP) relates to the spatial strategy and states that development in the open countryside will be supported if it can be demonstrated that it meets one of several criteria, including that it supports the sustainable growth and expansion of existing business or the formation of new businesses in accordance with Policy ECN 13 or that it supports the development and diversification of agricultural and other land-based rural businesses in accordance with Policy ECN 14. Policy ENC13 relates to meeting rural employment needs and recognises the role of rural locations in providing employment opportunities, to meet the needs of those living in such areas. Part 1 of Policy ECN 13 is supportive of development in the countryside that generates employment opportunities, proportionate to the rural location, where all three of the following listed criteria apply: (a) existing buildings are reused or, where this is not possible, extensions or new buildings that contribute positively to local landscape character and, where applicable local building traditions; (b) the proposal is related as closely as possible to the existing settlement pattern, existing services and accessible places; (c) It will not have an adverse impact on the operational aspects of local farming or forestry. Part 2 of Policy ECN 13 follows on to state that within the parameters of the above criteria, particular support will be given to proportionate well-related development, necessary for the continued operation in situ of an existing rural business.
7. Policy ENC14 relates to farm/rural diversification and supports development where the proposed use is directly related to agricultural, horticultural or forestry operations, or other activities, which by their nature would require a rural location. As set out, the site is located in the Green Belt and Policy STP 7 relates to the strategic approach to the Green Belt protecting such areas as defined. Policy STP 8 specifically relates to development in the Green Belt and amongst other matters, explains that in assessing development proposals within the Green Belt, development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal. It then goes on to state that development which is not inappropriate in the Green Belt, as defined in national planning policy, will be supported.
8. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless one of the exceptions applies. Amongst others, this includes buildings for agriculture and forestry.

9. The development seeks retrospective planning permission for the construction of an agricultural building used for storage purposes required to support the agricultural operations at Twizell Farm. The building measures approximately 12 metres in length and 9 metres in depth and measures 3.2 metres to the eaves and 4.2 metres to the ridge of the pitched roof. The agricultural building is constructed of corrugated steel reflective of many other agricultural buildings found within the countryside and wider area and I do not find the building to be so commercial in its design where it forms an uncharacteristic feature. The development is accessed via the existing access point and is located as part of an agricultural holding of approx 13 acres. I was able to access inside of the building as part of my site visit and noted that the items stored inside the building were of an agricultural nature including vehicles, machinery and equipment/tools.
10. I note the Council's concern relating to limited evidence of an agricultural use of the land and why the building is required to support an existing agricultural enterprise at this site. However, the building forms part of an agricultural holding of approx 13 acres where the development provides storage facilities for operations of an agricultural nature. Twizell Estates Limited is an incorporated company under the Companies Act 2006 with the company number provided along with the holding number that identifies land used to keep livestock and is issued and managed by the Rural Payments Agency. The Single Business Identifier number has also been provided which identifies a business or farmer involved in agricultural activities. Invoices for sheep tags have also been provided relating to associated operations of the site. Whilst I am aware of the Council's comments relating to obtaining such information for smallholdings and invoice/company dates as well as site visit observations, this would not lead me to firmly conclude that there is no agricultural use of the land. Based on the evidence before me and without any compelling evidence to the contrary, I am sufficiently satisfied that the land is a registered and operational agricultural holding.
11. Additionally, the Framework's Green Belt provisions do not set out any limiting criteria relating to size or any other matters and does not require that the operational justification for the building is provided. There is no substantive evidence before me to firmly indicate that the development would not be used for its intended purpose which is agricultural. To this end, I have applied a condition requiring the building to be used for purposes of agriculture and for no other purpose.
12. I conclude that under the terms of paragraph 154 of the Framework and Policy STP 8 of the NLP, the development is not inappropriate development in the Green Belt as it relates to a building for agriculture. It therefore complies with Paragraph 154 of the Framework and Policy STP 8 of the NLP. For the same reasons, the development also complies with Policies STP 1, STP 7 and ECN 13 of the NLP.
13. Given that I have concluded that the development is not inappropriate development in the Green Belt, there is no requirement to assess the impact of the development on the openness of the Green Belt or the very special circumstances necessary to justify the proposal.

Ecology

14. The building is in close proximity to the River Blyth with an area of made ground located around it and close to the riverbank top. Given that the works have already

been complete, it is difficult to assess what impacts may have occurred in relation to ecology matters during construction.

15. The Council's Ecologist explains that it may be possible to overcome concerns by remediating the ground between the building and the top of the riverbank and creating a buffer through installing post and rail fencing with a native hedgerow, and by removing the external lights on the western elevation. This is to avoid and minimise the adverse effects caused by building close to the River Blyth corridor and provide an enhancement whilst also avoiding impacts on biodiversity from light pollution. I have therefore conditioned such details.
16. For the above reasons, I conclude that subject to conditions as set out, the development would not have an unacceptable impact on ecology. It would therefore accord with Policies ENV1 and ENV2 of the NLP which together, amongst other matters, seeks to conserve, protect and enhance the character and/or significance of Northumberland's distinctive and valued natural, historic and built environments.

Other Matters

17. The Old Barn and neighbouring dwellings are Grade II Listed located to the southeast of the development. I have a statutory duty under Section S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The building does not impact on the setting of the listed farmhouse and farm buildings. This is due to the separation distances, topography and vegetation screening. Based on my observations on site, I raise no concern in this regard.

Conditions

18. I have considered the Council's suggested planning conditions in their Statement of Case and in light of the Framework and Planning Practice Guidance. I have also had due regard to the retrospective nature of the appeal. A plans condition is necessary to ensure the development is in complete accordance with the approved plans. A condition relating to materials is necessary in the interests of the satisfactory appearance of development. A condition requiring the building to be used for the purposes of agriculture only is necessary in the interests of amenity and to prevent inappropriate development in the Green Belt. Conditions relating to external lighting on the western elevation and boundary treatment are necessary to avoid impacts on biodiversity from light pollution and to avoid and minimise the adverse effects caused by building close to the River Blyth corridor and provide an enhancement.

Conclusion

19. For the above reasons and having had regard to the development plan as a whole, the appeal is allowed subject to conditions.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:

001: Proposed Plan + Elevations
002: Proposed Plan + Sections
BLOCK PLAN – PROPOSED (BLOCK PLAN)
BLOCK PLAN - PROPOSED (RED LINE)
Location Plan
- 2) The facing materials and finishes to be used in the construction of the development shall be maintained in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.
- 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any other re-enacting or revoking Order with or without modification), the premises shall only be used for the purposes of agriculture and for no other purpose.
- 4) Prior to continued use of the building all external lighting on the western elevation shall be removed. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 5) Prior to continued use of the building:
 - i. a detailed plan for a boundary treatment between the building and the top of the riverbank zone 6m to the west must be submitted to and approved in writing by the Local Planning Authority (LPA). The boundary treatment will be designed to provide long-lasting separation and protection of the River Blyth corridor and shall comprise fencing and native hedgerow with hedgerow trees.
 - ii. The fencing shall be installed as approved within 6 weeks of approval and the hedgerow with trees planted between the end of the following October and March.

End of schedule