

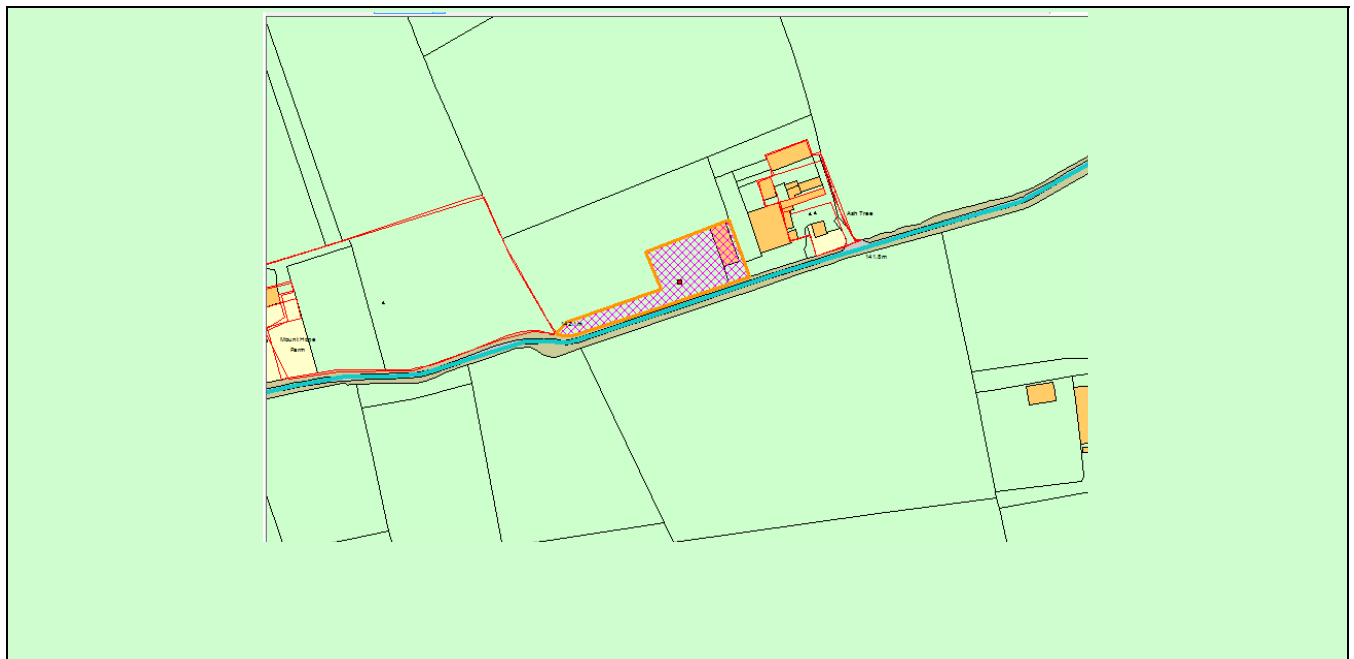


Northumberland County Council

CASTLE MORPETH LOCAL AREA COUNCIL 13 MAY 2019

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| Application No: | 18/03749/FUL | | |
| Proposal: | Erection of a rural workers dwelling including new access, landscaping and other necessary works | | |
| Site Address | Land West Of Ashtree Farm, Heddon-On-The-Wall, Northumberland, | | |
| Applicant: | Mr G White C/O George F White, | Agent: | Mr Craig Ross 4-6 Market Street, Alnwick, NE66 1TL, |
| Ward | Ponteland South With Heddon | Parish | Heddon-on-the-Wall |
| Valid Date: | 1 November 2018 | Expiry Date: | 27 December 2018 |
| Case Officer Details: | Name: | Mrs Tamsin Wood | |
| | Job Title: | Senior Planning Officer | |
| | Tel No: | 01670 625545 | |
| | Email: | tamsin.wood@northumberland.gov.uk | |

Recommendation: That this application be REFUSED permission



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1. Introduction

- 1.1 The Local Ward Member Cllr Peter Jackson has requested that this application be considered at planning committee. This application is likely to be controversial with views in either side and local factors which will need to be taken into account.
- 1.2 The application has been independently assessed from which the findings have been taken into consideration in the assessment of the proposal

2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of a rural workers dwelling including new access, landscaping and other necessary works on land at Ashtree Farm, Heddon. The proposed Farm House is a typical Northumberland Farm House, to be constructed of natural stone for the walls, slate for the roof and quoin details. The dwelling will incorporate four bedrooms, hallway, family bathroom, living room, open plan kitchen and dining room, utility room and W.C / shower room and an attached garage.
- 2.2 The applicant is applying for the dwelling in order for a rural worker to be on site for a proposed free range egg farm business and will introduce 16,000 hens which will be housed in purpose made moveable buildings. The favoured option is for 8 moveable units each housing 2,000 hens. The applicant also proposes to keep 35 commercial suckler cows and 1 stock bull at the site also. These do not exist at present on the farm. The applicant's proposal is to return most of the land back to grassland. A proportion of this grassland will be used for grazing and for making silage for winter feed for the proposed 35 suckler cows. A proportion of the land will continue to grow cereals to provide a concentrated feed for the proposed cows and straw for cattle bedding. About 6.5 ha [16 acres] of the grassland will be used to provide the ranges for the proposed 16,000 free range hens. All of the feed for the hens will be bought in as a specialist feed. The applicant therefore proposes that he needs a new dwelling at Ash Tree Farm to enable him to live on site to be on hand to care for his proposed livestock and proposed business.
- 2.3 The farm land at Ashtree Farm amounts to 65 acres. This is currently used as arable land. The applicant also rents 9 acres near Alnwick and owns 10 acres at Chathill near Alnwick. The total farmed area is therefore 84 acres. At the present time the 26 ha [65 acres] at Ash Tree Farm are in arable crops. These crops are grown on a contract farming arrangement where Mr White purchases the seed, fertilizer, sprays etc and the contractor undertakes all of the field operations in establishing and growing the crops with his own machinery and at his expense. Mr White then sells the standing crop to the same contractor who harvests it and removes it from the holding.
- 2.3 The application site lies in the Green Belt and open countryside.

3. Planning History

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| <p>Reference Number: 11/02482/FUL Description: Change of use and conversion of redundant barn to one dwelling Status: Approved</p> |
| <p>Reference Number: 12/03800/FUL Description: Demolition of existing farmhouse and outbuildings and construction of replacement dwelling Status: Approved</p> |
| <p>Reference Number: 13/03503/DISCON Description: Discharge of conditions 3, 4, 5, 7, 8, 11, 12, and 13 of approved planning application 12/03800/FUL (Demolition of existing farmhouse and outbuildings and construction of replacement dwelling) Status: Approved</p> |
| <p>Reference Number: 12/01190/OUT Description: Outline consent for construction of new dwelling following demolition of existing dairy and change of use of existing agricultural shed for B8 use Status: Refused</p> |

4. Consultee Responses

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| Public Protection | No comments to make on the application |
| County Ecologist | No objections subject to conditions. |
| Heddon On The Wall Parish Council | <p>Heddon on the Wall Parish Council has no objection to this planning application.</p> <p>The application largely meets the requirements of the National Planning Policy Framework and the emerging Local Plan.</p> <p>The Parish council notes that the Planning Statement submitted with the application, at Para 6.11, cites the need to: ensure that applications are not speculative and are required for a genuine agricultural reason. The Statement goes on to say that: the applicant is willing to accept a condition restricting the occupancy of the future dwelling to a rural worker. Heddon on the Wall Parish Council would like this condition to be met if planning permission is to be given to this proposal.</p> |
| Highways | Further information is required. |
| Strategic Estates | No response received. |

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| Northumbria n Water Ltd | No comments to make. |
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5. Public Responses

Neighbour Notification

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| Number of Neighbours Notified | 2 |
| Number of Objections | 0 |
| Number of Support | 0 |
| Number of General Comments | 0 |

Notices

General site notice, 28/11/18

No Press Notice Required.

Summary of Responses:

No comments have been received.

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth District Local Plan 2003

C1 Settlement Boundary

H15 New Housing Developments

H16 Housing in the Countryside

C11 Protected Species

C17 Green Belt development

C25 Farm Buildings

RE4 Water Quality

RE6 Service Infrastructure

RE5 Surface Water Run-Off and Flood Defences

6.2 National Planning Policy

National Planning Policy framework (2019)

National Planning Practice Guidance (2018, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan Publication Draft Plan (Regulation 19)

Policy STP 1 Spatial strategy (Strategic Policy)

Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 Principles of sustainable development (Strategic Policy)

Policy STP 7 Strategic approach to the Green Belt (Strategic Policy)

Policy STP 8 Development in the Green Belt (Strategic Policy)

Policy HOU 1 Making the best use of existing buildings (Strategic Policy)

Policy HOU 2 Provision of new residential development (Strategic Policy)

Policy HOU 3 Housing requirements for neighbourhood plan areas (Strategic Policy)
Policy HOU8 Residential development in the Open Countryside
Policy HOU 9 Residential development management
Policy QOP 1 Design principles (Strategic Policy)
Policy QOP 2 Good design and amenity
Policy QOP 4 Landscaping and trees
Policy QOP 5 Sustainable design and construction
Policy QOP 6 Delivering well-designed places
Policy TRA 1 Promoting sustainable connections (Strategic Policy)
Policy TRA 2 The effects of development on the transport network
Policy TRA 4 Parking provision in new development
Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
Policy ENV 2 Biodiversity and geodiversity 1
Policy WAT 1 Water quality
Policy WAT 2 Water supply and sewerage
Policy POL 1 Unstable and contaminated land
Policy POL 2 Pollution and air, soil and water quality

7. Appraisal

7.1 The relevant planning consideration in the determination of this application are as follows:

- Principle of Development
- Design and Impact on Landscape
- Impact on Residential Amenity
- Highways
- Ecology

7.2 In assessing the acceptability any proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Castle Morpeth Local Plan and Ponteland Neighbourhood Plan.

7.3 The NPPF states that from the day of its publication, weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. Consultation on a draft of the Northumberland Local Plan took place in July and August 2018 and representations on a 'Publication Draft' Local Plan have been invited over a six week period from 30 January 2019 to 13 March 2019 before it is submitted for examination in May 2019. The Authority are therefore affording appropriate weight to policies contained within the emerging plan which form a material consideration in determining planning applications alongside Development Plan Policies.

Principle of Development (open countryside)

- 7.4 The NPPF requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Plans should also promote the development and diversification of agricultural and other land based rural businesses.
- 7.5 The site is located in open countryside as it does not lie within any of the defined settlement boundaries within the Castle Morpeth District Local Plan.
- 7.6 Policy C1 of the Castle Morpeth Local Plan establishes settlement boundaries and states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as being essential to the needs of agriculture or forestry or are permitted by alternative policies in the development plan. The application site is located within open countryside where new housing development is strongly resisted in policy terms. Castle Morpeth Local Plan Policy H16 states the following:
“NEW HOUSES IN THE OPEN COUNTRYSIDE WILL ONLY BE PERMITTED IF:
i) THEY ARE REQUIRED IN CONNECTION WITH THE DAY-TO-DAY OPERATION OF AN AGRICULTURAL OR FORESTRY ENTERPRISE;
ii) IT CAN BE CLEARLY SHOWN THAT IT IS ESSENTIAL FOR A FULL TIME WORKER TO LIVE ADJACENT TO HIS OR HER PLACE OF WORK;
iii) THE UNIT AND AGRICULTURAL ACTIVITY CONCERNED HAVE BEEN ESTABLISHED FOR AT LEAST THREE YEARS, HAVE BEEN PROFITABLE FOR AT LEAST ONE OF THEM, ARE CURRENTLY FINANCIALLY SOUND, AND HAVE A CLEAR PROSPECT OF REMAINING SO;
iv) THE ACCOMMODATION CANNOT BE PROVIDED BY THE CONVERSION OF AN EXISTING BUILDING ON THE HOLDING;
v) THERE ARE NO SUITABLE DWELLINGS IN THE AREA AVAILABLE FOR OCCUPATION BY THAT WORKER;”
- 7.7 In summary, Paragraph 78-79 of the NPPF states that: 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the 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.'
- 7.8 Policy STP1 of the Draft Northumberland Local Plan directs most sustainable development towards the larger towns, secondary centres and settlements within the County. Sustainable development will be supported within the constraints of the Green Belt and settlement boundaries defined on the Local Plan policies map or neighbourhood Plans. Policy HOU 8 of the Draft Northumberland Local Plan states that proposals for new workers' dwellings in

the open countryside will only be supported where the applicant is able to prove that:

- a. There is a clearly established existing functional need for a specialist full-time worker or one who is primarily employed in agriculture to live on the landholding, and that labour requirement does not relate to part-time employment;
- b. The agriculture business is financially sound and viable with a clear prospect of remaining so, the activity and landholding units concerned having been established for at least 3 years and been profitable for at least one of those last three years; and
- c. The functional need could not be fulfilled by any existing dwelling on the landholding unit or any other existing accommodation in the immediate area which is suitable (including by means of refurbishment or appropriate extension) and potentially available for occupation by the workers concerned.

- 7.9 The tests for a rural worker's dwelling were included in Annex A of PPS7. This PPS has been replaced by the National Planning Policy Framework (NPPF). The NPPF offers no further guidance on how to interpret this special circumstance or how to evaluate "essential need" and in this vacuum planning decision makers have continued in the years since NPPF 2012 to adopt the approach set out in Annex A of PPS7, focusing on functional and financial viability testing. A Court case, R(Embleton Parish Council) v Northumberland CC (06/12/2013) considered an application for judicial review of a planning permission for an agricultural dwelling for a temporary three year period. The judgement rejecting the application appears to suggest that the PPS7 Annex A tests are not necessary to give effect to the NPPF and may not be supported by the courts because, as the judge observed, the guidance in the NPPF is significantly less onerous than it was in PPS7.
- 7.10 Quoted from DCP online, 'Embleton Parish Council, in challenging the decision to grant planning permission, sought to argue that, as per Annex A, the applicant should have provided clear evidence that the rural enterprise has been planned on a sound financial basis. As this had not been done, a material consideration had not been taken into account in the decision. However, the judge accepted that the NPPF does not require that the proposal is economically viable, simply a judgment of whether the rural enterprise has an essential need for a worker to be there or near there. In this case the judge agreed that the evidence of the agricultural appraisal was that there was a need for a rural worker to take care of the livestock once calf rearing commenced. On this basis, in his view, the LPA had not reached an irrational decision.
- 7.11 Despite the Embleton judgement, local planning authorities continue to apply local plan policies which may have been framed to reflect Annex A PPS 7 criteria to decisions on new agricultural dwellings. The planning inspectorate stance seems to be that the Annex A tests remain a useful tool but are not necessary to satisfy the national 'essential need' requirement, which may be adequately demonstrated by other evidence and an alternative approach. For example, in a typical recent case, the appellant disputed the consistency of local plan policy based on Annex A with NPPF (2012) para.55. However, the inspector took the view that Annex A is a "useful tried and tested methodology for assessing whether there is an essential need for an agricultural worker's

dwelling". The inspector also referred to and shared the view of another inspector in a 2013 decision that "the terms of para.55 cannot preclude demonstration of agricultural need by evidence that does not seek to, or cannot show, all the Annex A tests of PPS7 have been met.", see Bath & North East Somerset 25/09/2014 DCS No 200-002-712.' In an appeal decision from Cumbria dated 13 November 2012, also, an Inspector concluded that similar tests to those in Annex A of PPS7 would need to be met to show an essential need in terms of the Framework and up-to-date development plan policy (PINS reference APP/Q9495/A/12/2180772).'

- 7.12 It is therefore considered that despite Annex A of PPS7 no longer being considered as a national policy requirement and detailed national guidance on financial viability testing having been cancelled, a financial evaluation is still an appropriate source of evidence of an essential need for a new dwelling. The fundamental purpose of financial viability evaluation is to ensure that a dwelling is not permitted at a unit which does not have a clear prospect of continuing viability in the future as then there would be no need for a rural worker to live in the dwelling. In essence it would be surplus to requirements if there was no business. In this case it is reasonable that weight should be given to financial position.
- 7.13 Local Plan Policy H16 does closely align with the wording of the NPPF but with the emphasis within the NPPF on 'rural workers' and not solely for agriculture or forestry. In addition H16 sets out a series of tests that must all be satisfied in order to permit such development. Whilst the applicant has argued that these tests are more onerous and an assessment of essential need is a planning judgement of which there is no set criteria other than it should be less onerous than that of PPS7 and Annex A and as a result, the prescriptive nature of H16 is such that it does not accord with the NPPF and is therefore considered to be out of date carrying no weight, given the conclusions of the above paragraphs in that the planning inspectorate stance seems to be that the Annex A tests remain a useful tool but are not necessary to satisfy the national 'essential need' requirement, it is considered that the criteria set out in Policy H16 which are similar to the Annex A criteria, do in fact remain useful in helping to establish if there is an essential need and therefore they have been considered, as below.
- 7.14 In terms of establishing whether there is an essential need for a proposed dwelling on the holding the following aspects are therefore to be considered:
- 1) to assess if there is a functional need for workers to be resident on the holding,
 - 2) there is a need for one full time worker
 - 3) to assess if the business is financially sound and has a clear prospect of remaining so and
 - 4) to assess the suitability and availability of existing dwellings to house those workers that need to be resident on the holding. Each of these aspects will be assessed below.
- i) There is a clearly established existing functional need.*
- 7.15 A functional need is the specific need generated by agricultural enterprises that necessitate a worker/s being on hand to attend to that need. It will be particularly relevant when such a need requires timely attention. Good

examples are the need to deal with calving cows or lambing ewes particularly outside of normal working hours.

- 7.16 At the present time, as the land at Ash Tree Farm is growing arable crops under a contract farming agreement with no livestock on the farm there is, there is very little if any in the way of functional need for a worker/s to be resident on the farm.
- 7.17 Therefore at the present time there is not a clearly established existing functional need.
- 7.18 The proposal is to return the arable land to grassland and introduce a 35 head suckler cow enterprise and a 16,000 bird free range egg enterprise.
- 7.19 Suckler cows will give birth throughout the year. This will require a worker/s to be on hand to deal with any calvings that may need assistance. A number of these calvings will occur outside of normal working hours.
- 7.20 The free range laying hens will need close attention when they are first introduced to the building, they will need regular checking throughout their laying cycle to ensure any automated systems are working properly and they will need to be released to the ranges each morning and secured in the building each day at dusk to avoid losses by predators.
- 7.21 In addition there will be the need to care for the livestock, particularly the younger animals, throughout the year.
- 7.22 The management of the proposed 16,000 free range hen enterprise involves bringing the birds into specialist housing at 16 weeks of age. The birds begin to lay at 18 weeks of age and continue to about 72 weeks of age when they are all removed from the building and off the holding. In a permanent building the equipment is then removed and cleaned. The building is then cleaned out, the equipment reinstated and a new batch of birds is introduced. It is an all in all out system to minimise the risk of disease.
- 7.23 Daily management will include ensuring any automated feeding and watering systems are working, adjusting ventilation, releasing the birds each morning to their range and shutting them in each evening. Eggs are collected daily usually by conveyor belt from the laying boxes to a packing room at the end of the building.
- 7.24 The agricultural consultant therefore concludes, if and when these two enterprises are introduced there will be a functional need in relation to the landholdings that make up Ash Tree Farm. However, these are proposals and may or may not come to fruition.
- ii) The need relates to a full time worker or one who is primarily employed in agriculture and does not relate to a part time requirement.*
- 7.25 Based on the existing cropping practices, there is a total calculated labour requirement of around 0.25 of a full time worker. This is currently met by the

contractor under the contract farming agreement. Therefore, based on the existing situation, the current need does not relate to a full time worker.

7.26 If and when the suckler cow and free range hen enterprises are introduced, the labour requirement will increase to the applicant's estimate of just over 2 full time workers. The suckler cow enterprise on this small farm will on its own be insufficient to justify a full time worker. An intensive enterprise, like free range hens, will be needed to ensure there is sufficient labour demand for 1 full time worker. However, these enterprises are proposals which may or may not come to fruition. Additional information has also been submitted which states that the business would be built up over a number of years so it could potentially be a number of years before the business reaches the stage where there is a need for 1 full time worker too.

iii) The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least 1 of them, are currently financially sound and have a clear prospect of remaining so.

7.27 Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood.

7.28 The applicant has stated that 'Ashtree Farm was purchased by the applicant in 2011 and has been run successfully since this date. Ashtree Farm has therefore been established in excess of three years. The current contract agreement has run successfully since 2014 demonstrating the farm is financially sound and has a clear prospect of remaining so.' However this is based on the existing arable farming business, where it has been demonstrated by the independent advisor that there is a total calculated labour requirement of around 0.25 of a full time worker which in no circumstances would justify an agricultural workers dwelling. He has also commented that whilst the business has been established for more than 3 years it is his view it is not currently a viable business due to the restricted area farmed and the current single enterprise of arable cropping. In this case financial accounts have not been submitted to show the financial viability of the holding at the present time. However the Agricultural consultants calculations show that the net farm income of the 26 ha arable unit farmed as existing will fall considerably short of the £22,500 current average income of agricultural workers.

7.29 If the proposed suckler cow and free range hen enterprises are introduced it is the independent advisors view it will be a viable business but there will be significant set up costs in establishing the free range enterprise of the magnitude proposed. In terms of the proposals for housing the proposed suckler cows this would involve providing loose housing accommodation in the existing portal steel framed building and storing silage in the existing silage pit. As these structures are existing, then it appears that set up costs for this enterprise may be modest. However, the Agricultural consultant states the proposals for the free range hen enterprise will have very significant set up, possibly in the region of £300,000. There also appears to be currently some uncertainty in the size and, therefore, number of units.

7.30 Within paras 7.9 – 7.12 it was concluded that despite the Embleton appeal decision, reasonable weight can be given to financial position where it is considered to be necessary. Whilst in general it can be questionable whether viability should be taken into account, in this particular instance it has been concluded the existing business is not viable, let alone if the proposed egg farm business would be viable or not. If this is permitted there could be a proliferation of dwellings based on proposed businesses and therefore as a minimum, some financial figures should be provided which relate to the proposed business and information on how the business would be set up in terms of time scales. The lack of such information should be a material consideration in determining the application as, if a business takes a number of years to establish or fails to work, there will be no essential need for a rural workers dwelling or it could potentially take many years for the business to grow to the scale where a full time worker needs to reside at the site. In this instance, whilst the independent advisor has commented that the proposed business will be viable, there are no projected financial figures within the application to support this opinion. He has also raised concerns over the costs of the set up of the proposed egg farm scheme. Taking into consideration that the existing farm is not viable, there is concern over the built costs and without the proposed projected business figures, there is no evidence to demonstrate that there is any existing or proposed financial stability at the farm.

7.31 Overall, however, notwithstanding the proposed uses at the farm, in terms of viability the situation is the farm as existing is not viable and no information has been submitted which would indicate otherwise. In this instance no form of financial stability can be shown, and thus it is considered whilst the current arable farm business has been established for more than 3 years it is not currently a viable business due to the restricted area farmed and the current single enterprise of arable cropping.

iv) The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation based in the area, which is suitable and available for occupation by the workers concerned.

7.32 At the present time, as there is no existing functional need, then there is no need for a dwelling on this holding.

7.33 The agricultural consultant has confirmed that if and when the proposed suckler cow and free range hen enterprises are introduced then in the interests of the wellbeing of the livestock, the efficient running of the holding and for overall security at the land holdings centred on Ash Tree Farm, it will be essential that of the calculated labour requirement of just over 2 full time workers, 1 of those full time workers actively involved in the management of the unit, should be resident on or immediately adjacent to Ash Tree Farm.

7.34 In terms of the proposed uses at the farm it is considered the accommodation cannot be provided by the conversion of an existing building on the holding. The Agricultural consultant makes reference to the fact that when the applicant acquired Ash Tree Farm the acquisition included a farm house and planning consent was obtained to demolish the existing farm house plus some adjacent buildings in poor repair and provide a replacement farm house. That replacement farm house has now been built and occupied by the applicant's

daughter and son in law who are not involved in the farm business. The applicant also has no control over the dwelling now. It is not considered that this dwelling next to the site is therefore available and as such there is no other dwelling available at the site.

- 7.35 Policy H16 specifically states that new houses in the open countryside will only be permitted if there are no suitable dwellings in the area available for occupation by that worker and the independent advisor states if the proposed business was established there should be a resident on or immediately adjacent to Ash Tree Farm. Whilst there are no suitable dwellings at the site for the proposed use, the applicant has also stated there are no other suitable dwellings available in the area that would satisfy the onsite requirements of Ash Tree Farm. It is considered however that insufficient information has been submitted to demonstrate there is no other alternative accommodation near the site. No plan has been submitted showing the location of the holding at the farm and no evidence has been submitted which shows why no other dwellings around the edge of the holding are unsuitable.
- 7.36 The agricultural consultant has looked at the scale of the dwelling proposed of which the floor area of the proposed dwelling is around 400 square metres including the proposed garage which he considers to be very substantial dwelling for a rural worker and where new build would equate to £400,000 to £600,000 for this proposed dwelling which he states is a considerable sum for a rural worker's dwelling. Given a recent appeal at Longframlington where costs were allowed as there is no specific reference to scale in the NPPF, it would be unreasonable to take this into account, although it could possibly be a factor in terms of impact on landscape.
- 7.37 Overall and in summary there is no functional need for a worker/s to be resident on the farm. If and when the two proposed enterprises are introduced there will be a functional need in relation to the landholdings that make up Ash Tree Farm. However, these are proposals and may or may not come to fruition and no reasonable mechanism can be put in place to ensure this. In terms of whether there is a need for a full time worker on site, based on the existing cropping practices, there is a total calculated labour requirement of around 0.25 of a full time worker. Therefore, based on the existing situation, the current need does not relate to a full time worker. If and when the suckler cow and free range hen enterprises are introduced, there is sufficient labour demand for 1 full time worker. The current business has been established for more than 3 years but is not currently a viable business due to the restricted area farmed and the current single enterprise of arable cropping. If the proposed suckler cow and free range hen enterprises are introduced it is the independent advisor's view it will be a viable business but there will be significant set up costs in establishing the free range enterprise of the magnitude proposed. No workers actively involved in the management of this farm unit, need to be resident at Ash Tree Farm to meet any existing functional need. If and when the proposed suckler cow and free range hen enterprises are introduced in my view 1 full time worker should be resident on Ash Tree Farm to meet the functional need arising from those enterprises.
- 7.38 Therefore taking into account the above whilst two new enterprises are proposed at the farm there is currently not an essential need for a new rural

workers dwelling to be constructed at Ashtree Farm, as currently there is no functional need for a worker to be resident, the need does not relate to a full time worker and the business is not viable. The development would therefore not meet the requirements set out in paragraph 79 of the NPPF, and would also be contrary to Policy C1 and H16 of the Castle Morpeth District Local Plan. Only some weight can be afforded to the emerging Northumberland Local Plan however, Policy HOU8 reinforces the aims of these policies and the proposal would also be contrary to NLP Policy STP 1 as the site would not be within a settlement boundary. If and when the two proposed enterprises are introduced there will be a functional need for 1 full time worker in relation to the landholdings that make up Ash Tree Farm. However, these are proposals which may or may not come to fruition and no reasonable mechanism can be put in place to ensure this. Insufficient information has also been submitted which confirms the proposal would be viable which could lead to a dwelling which is not required for a rural worker in the open countryside and thus no essential need for the dwelling.

- 7.39 The applicants agent has submitted various emails with further supporting information which also refers to different appeals. In response to this additional information in the Vale of White Horse appeal referred to it was ruled that a definition of existing need could include circumstances where an existing enterprise needed to expand but in this case there was ample evidence that the goat enterprise was well established and financially viable and would remain so in the future. This does not exist at the application site as the current business is not viable and there is not even an egg farm business currently, notwithstanding whether it is/would be viable. In terms of showing intent in the Vale of White Horse case there was an agreement that a permitted agricultural building to house the extra goats would be completed before the houses were built. In this case the additional information also states that the business would be built up over a number of years so it could potentially be a number of years before the business reaches the stage where there is a need for 1 full time worker too. In terms of the Hebron Hill site there was currently an established functional need for 1 worker on site which is different to this case where there is none at the moment.
- 7.40 Under Restormel 08/10/1997 DCS No 031-821-999' also whilst an inspector was convinced that the dairy farm holding was a viable proposition which could be built up to 80 cows within three years he was not satisfied that it was essential for two workers to live on the holding at the moment and the fact remained that there was no functional need for an additional dwelling at the moment.
- 7.41 The applicant has also submitted additional supporting information which demonstrates how the proposal meets the social, environmental and economic objectives of the NPPF. In response to this the proposal would help contribute towards the rural economy but the land is also farmed currently so it does at the moment so the existing benefit would just be replaced with another. In addition the need for 1 or 2 workers on the site is not considered to have any further material benefit than now exists. In addition there are no wider social benefits of the proposal and in terms of environmental objectives it is not considered that in 'making better use of the land' this would bring about any further environmental improvements to the site, especially as the

positioning of a dwelling on the site would remove an area of useable farm land. In summary, it is not considered that any of the reasons set out in the applicants supporting statements would also justify very special circumstances that would outweigh the inappropriateness of the development.

Principle of development- Green belt

- 7.42 The application site is located within the Green Belt area.
- 7.43 The relevant criteria within Policy STP 8 of the Draft Northumberland Local Plan states that in assessing development proposals in the Green Belt:
- a) Development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from that proposal;
 - b) Development which is appropriate in the Green Belt, as defined in national planning policy, will be supported
- 7.44 The NPPF attaches great importance to Green Belts, with the fundamental aim being to prevent urban sprawl and by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
- 7.45 Paragraphs 143 -144 of the NPPF highlights that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Paragraph 88 requires Local Planning Authorities (LPA) to ensure that substantial weight is given to any harm to the Green Belt, and that "'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". Paragraph 145 sets out that LPAs should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 7.46 Policy C17 of the Castle Morpeth Local Plan states:
DEVELOPMENT INVOLVING THE CONSTRUCTION OF NEW BUILDINGS IN THE GREEN BELT WILL NOT BE PERMITTED, OTHER THAN FOR THE FOLLOWING PURPOSES:

- a) AGRICULTURE AND FORESTRY;
- b) ESSENTIAL FACILITIES FOR OUTDOOR SPORTS AND RECREATION;
- c) CEMETERIES AND OTHER USES OF LAND WHICH PRESERVE THE OPENNESS OF THE GREEN BELT AND DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN IT;
- d) LIMITED EXTENSION, ALTERATION OR REPLACEMENT OF EXISTING DWELLINGS SUBJECT TO POLICIES C18, H22, H23 AND H24 BEING SATISFIED;
- e) LIMITED INFILLING IN EXISTING VILLAGES INSET WITHIN THE GREEN BELT,
- f) LIMITED AFFORDABLE HOUSING FOR LOCAL COMMUNITY NEEDS WITHIN EXISTING SETTLEMENTS, SUBJECT TO POLICY H8 BEING SATISFIED.

7.47 A proposal for a dwelling within the Green Belt is considered inappropriate development unless it accords with any of the above criteria or there are very special circumstances for allowing it. As above it has not been demonstrated that there is an essential need for the development for agricultural purposes and as such it is considered therefore that no very special circumstances exist for allowing it. The proposed dwelling would therefore represent an inappropriate form of development in the Green Belt, which by definition is harmful, as the building proposed does not fall within any of the categories under which new build in the Green Belt is allowed, as set out in the NPPF, as well as Local Plan Policy C17. It is therefore considered that in principle the development of the new dwelling on this site in the Green Belt would be inappropriate and would be contrary to Local Plan Policy C17 and the NPPF. Very special circumstances have not been demonstrated through these proposals. It is considered in this respect that the proposed development would cause material harm to the Green Belt and approval of the development in this location would conflict with the purposes of designating the area as Green Belt to the detriment of the character and appearance of the area. Only limited weight can be afforded to the emerging Northumberland Local Plan however, Policy STP8 reinforces the aims and criteria within the NPPF.

Design and impact on landscape

7.48 Policy H15 of the Local Plan specifies the detailed requirements for new housing developments and seeks to ensure high quality design whilst protecting the amenity of neighbouring properties. Given that Local Policy H15 promotes good design, it is considered that due weight can be given to this policy as it is generally consistent with guidance set out in the NPPF. Policy H16 of the Castle Morpeth also states a dwelling should form a natural extension to an existing group of buildings and the form, style and materials shall harmonise with other existing traditional buildings. The dwelling would have a footprint of approximately 192.55 sq m. It would be traditionally designed and constructed of traditional materials. Overall it is considered the design is such that it is acceptable in relation to its rural surroundings where traditional stone /slate dwellings are common in the landscape. It would also have its own curtilage and amenity space of a size which is considered to be commensurate with the size of the dwelling. The proposals is therefore

acceptable in this respect in accordance with Policy H16 of the CMDLP and the aims of the NPPF.

- 7.49 In terms of the wider landscape however, whilst the property would be located close to existing buildings it would be located on what is now a field outside the curtilage of any buildings. It has not been demonstrated that there is a need for the dwelling and thus it is not considered that the encroachment of the dwelling into the open countryside outside the cluster of existing buildings can be justified. The proposal would itself represent an imposing, urban built form of development and urban encroachment into this attractive undeveloped countryside/ rural landscape location, which would have a permanent detrimental impact upon the natural rural character and appearance of the site and its setting and would severely detract from the qualities of this attractive landscape. Furthermore, the siting of the property would result in a greater propensity for associated paraphernalia and increase the perceived urbanisation of this area. This is especially significant given the large size of the site. As such it is also considered that the proposal, by creating an imposing urban form of development, would erode the qualities of this attractive landscape and have a detrimental impact upon the rural character and appearance of the site and landscape and setting of this particular part of the open countryside. As such the proposal therefore fails to accord with the advice set out in the NPPF on the basis that it fails to conserve and enhance the natural character and appearance of this part of the open countryside and it would adversely affecting the intrinsic character and beauty of the countryside. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also be contrary to NLP Policy QOP1 in this respect also.

Impact on Residential Amenity

- 7.50 The dwelling would provide adequate separation distances to neighbouring properties to avoid any detrimental impacts in terms of privacy, outlook and loss of light. For these reasons, the proposals are acceptable in accordance with Local Plan Policy H15 and the NPPF.

Highways

- 7.51 The proposed dwelling would be served by a proposed access from the adjacent adopted highway to the south of the site. A new farm track/ driveway from this would lead to the proposed dwelling with attached double garage and parking area to the front of the house.
- 7.52 The Highway Authority have therefore been consulted and have confirmed that in making their response they assess the impact of any proposed development on the highway network, both during construction, and once a development is completed. To ensure adequate manoeuvring/parking space is provided, safe access can be achieved, the highway remains free for the passage of all users of the highway, and so it does not have an adverse impact on the safety of all users of the highway.
- 7.53 On inspection of the plans the Highway Authority have confirmed that the proposed development has been checked against the context outlined. In

particular they have confirmed that the road to the south of the site (U9097) is a single width section of adopted highway, which has a 60mph speed limit, although it is unlikely that this will be achievable due to the layout and width of the carriageway. The U9097 is primarily used as access to the neighbouring farmsteads. The proposals require the installation of a new vehicular access, however there are concerns with regard to the location proposed on the submitted plan, due to the poor visibility along the highway to the east. The applicant is therefore required to provide an amended block plan of the proposed access to show visibility splays appropriate to the speed of traffic travelling along this section of highway can be achieved, which can be determined by the locating of automatic traffic counters 43 metres either side of the proposed access and the undertaking of a speed survey. This raw data from the survey needs to be submitted to the Planning Authority to enable a full assessment to be made of the visibility splays required, to ensure there is adequate visibility from the access. However, if this is not achievable it is recommended that the vehicular access is move to a more appropriate location away from the bend in the highway.

- 7.54 The Highway Authority have confirmed that parking is acceptable at the site and there is space at the site to accommodate cycle parking, however no details of refuse storage and strategy has been submitted as part of this application. An amended block plan giving details of this is required.
- 7.55 It is considered that the following information is therefore required in order to progress this application further:
A revised block plan of the proposed access to include the requisite visibility splays.
Automatic Traffic Count (ATC) data, to enable an assessment to be made of the required visibility splays
A block plan giving details of refuse storage.
- 7.56 The applicants agent has been made aware of these requirements however has not provided the necessary additional information. As such the Highway Authority have insufficient information available in order to assess whether the proposal would have an impact upon highway safety. The proposed scheme has failed to address concerns in regards to highways safety and appropriate access to the site and therefore does not comply with the provisions of the NPPF in regards to ensuring highways safety. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also not accord with Policies TRA 2 which look at the effects of the development on the transport network.

Ecology

- 7.57 The County Ecologist has been consulted and states that the site is an agriculturally improved grassland and is likely to be of little ecological value. There is a hedgerow at the southern limit of the site which is a priority habitat, therefore the loss of a section of hedgerow for the site entrance at the western limit of the site is a material consideration. The Ecologist also states there are records of red squirrel, barn owl, badger, bat and otter, though generally little habitat is present at the site which may support these protected species. Badger may occasionally forage across the site and depending on the length

of the grass sward small mammals and therefore foraging barn owl could be supported. In addition bats are likely to forage and commute along the length of the hedge. In addition there are records of hedgehog and hare in the vicinity of the site, which are both priority species and therefore a potential material consideration when making a planning decision. Landscape planting along the southern boundary is also proposed on the site plan, which helps to mitigate for the loss of a short length of hedgerow as proposed. Accordingly the Ecologist proposes conditions which will ensure the retained element of the hedgerow should be protected from harm during the construction works, the provisioning of bat and bird boxes which will help to deliver net gains in biodiversity, as well as mitigating the loss of a small length of hedge, details of landscaping planting are submitted, the external lighting of the site should be designed so that lighting levels are minimised and that gaps and trenches are designed so that small animals can not get stuck. Subject to these conditions the proposal would accord with Local Plan Policy C11, which is designed to safeguard protected species from harm and disturbance. This aligns with the NPPF at chapter 11 in terms of minimising impacts on biodiversity and providing net gains where possible. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also accord with Policy ENV2 which seeks to protect and enhance biodiversity and geodiversity. The applicant states that foul water is intended to be treated by package treatment plant, however whilst the applicant has confirmed that foul is to connect to the existing package treatment plant no further details have been provided in this respect. Accordingly the County Ecologist has confirmed that a condition can be attached which requests details to be submitted to ensure the method of the treatment of foul water is acceptable which should include details of the package treatment plant and discharge point. This is in order to determine if the plant is suitable to treat the flows anticipated.

Conclusion

- 7.58 The application has been assessed and advice sought from an independent financial advisor as to the need for this new dwelling. The conclusions are that the information submitted does not justify an essential need for the dwelling and, moreover, it does not present a convincing case that the future workings of the business justify an essential need for the new dwelling. As such, the proposal fails to meet the objectives of national and local plan policies and cannot be supported.

8. Recommendation

That this application be REFUSED permission subject to the following:

Reasons

1. Whilst two new enterprises are proposed at the farm there is currently not an essential need for a new rural workers dwelling to be constructed at Ashtree Farm, as currently there is no functional need for a worker to be resident, the need does not relate to a full time worker and the business is not viable. The development would therefore represent unnecessary and unjustified development in the open countryside outside of the defined settlement

boundary and would not meet the requirements set out in paragraph 79 of the NPPF, Policy C1 and Policy H16 of the Castle Morpeth District Local Plan.

02. The site lies in an area of Green Belt where the siting of new dwellings is considered to be inappropriate development, which is by definition harmful to the Green Belt. The proposal would be contrary to the core planning principles within the NPPF of protecting the Green Belt, preventing urban sprawl and recognising the intrinsic character of the countryside. There are no very special circumstances that would outweigh the harm and detrimental impact of the proposal upon the openness of the Green Belt and so the proposal is therefore considered to be contrary to the NPPF, and Castle Morpeth District Local Plan Policy C17. No very special circumstances have been presented in this case to justify a departure from this policy.
03. The proposed dwelling would represent an imposing, incongruous and obtrusive urban built form of development and urban encroachment into this attractive undeveloped countryside/ rural landscape location, which would detract from and have a permanent detrimental impact upon the natural rural character and appearance of the site, landscape and setting of this particular part of the open countryside and Green Belt. As such the proposal therefore fails to accord with the objectives of the NPPF on the basis that it fails to conserve and enhance the natural character and appearance of this part of the open countryside adversely affecting the intrinsic character and beauty of the countryside and Green Belt.
04. The Highways Authority have insufficient information available in order to assess whether the proposal would have an impact upon highway safety. The proposed scheme therefore fails to address concerns in regards to highways safety and appropriate access to the site and therefore does not comply with the provisions of the NPPF in regards to ensuring highways safety.

Date of Report: 29th April 2019

Background Papers: Planning application file(s) 18/03749/FUL