



Northumberland

County Council

CASTLE MORPETH LOCAL AREA COMMITTEE

09 MARCH 2020

Application No:	19/04829/FUL		
Proposal:	Resubmission: Proposed siting of 1no. chalet and part change of use of 1no. barn.		
Site Address	Land North Of Heugh Mill Farm, Stamfordham, Northumberland,		
Applicant:	D Wilkinson C/O Agent	Agent:	Hannah Wafer 6 Market Street, Alnwick, Northumberland, NE66 1TL
Ward	Ponteland West	Parish	Stamfordham
Valid Date:	18 December 2019	Expiry Date:	12 February 2020
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 MINDED TO REFUSE permission



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1. Introduction

- 1.1 This application is to be dealt with at committee as a Councillor has requested it to be presented at the Castle Morpeth Local Area Committee.
- 1.2 The applicant has submitted an appeal on the basis of non determination, however given the request of the Councillor this still needs to be heard at committee in order for the "minded to" confirmation.

2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of a wooden chalet to be used as a dwelling house, in order to house a rural worker in connection with a proposed horse breeding enterprise. It is proposed on a temporary basis for a period of three years, in order to give time for the applicant to establish her rural business and ensure its viability. The chalet would provide three bedrooms and living room/ kitchen/ utility spaces. It would be rectangular in shape, single storey and have a slight lean to roof. The external walls would be clad in cedar wooden boards and the materials of the windows and doors would be grey Anthracite UPVC. The roof will comprise a single ply membrane. The chalet would measure 17.5m in length by 6.8m in depth giving an overall footprint of 136 square metres and it would reach a height of 3.25m dwelling.
- 2.2 The applicant has argued that the dwelling is required in order for the applicant to establish her horse breeding business, as there needs to be someone at the site 24 hrs a day, to ensure the horses are protected and care can always be provided. So this is for safety and security purposes in order to look after the horses welfare which the applicant has explained is particularly important given the expensive breeds that will be used. The applicants business is to establish a breeding and development programme of retaining world class breeding throughout the United Kingdom in association with the British Hanoverian Society. Hanoverians are horses of predominantly Hanoverian descent which are bred according to the breeding concept of the Hanoverian Warmblood Breeders' Association and have pedigree papers issued either from the BHHS, the Verband or any other Hanoverian Society recognised by the Verband. The Hanoverian is bred as a breed which is particularly suitable for sports, with a main emphasis on dressage. In addition to producing direct offspring for sale, the breeding enterprise will sell semen to other breeders. About 4 ha [10 acres] of the land at Heugh will also be used on a rotational basis for grazing horses with the remainder being cropped as hay for winter feed for the horses. Winter grazing or any surplus grass during the summer will be rented to local farmers for sheep grazing. Surplus hay may be sold. The applicant owns 44 acres of land in total at Heugh Mill. 20 acres was purchased in 2017 and 24 acres purchased in 2019. The land is currently in grass.
- 2.3 The application is also for the change of use of 50% of the area of one of two barns located on site, to provide stabling facilities for the business. The dimensions given on the approved drawings for each of the 2 buildings are 24.5m long by 11m wide and 3.6m to the eaves.

2.4 The application site is located to the east of Heugh Mill Lane, near Stamfordham. Other dwellings are situated along this lane from which access comes directly off the road leading to Stamfordham. The application site is however isolated from these dwellings and the temporary wooden dwelling/ chalet is proposed to be located in a field next to the site where 2 agricultural barns have been granted planning permission and are currently under construction. The site is surrounded by fields and is located in an open countryside location. The site is also located in the Green Belt and Area of High Landscape Value.

Background

2.5 There have been a number of planning applications for this site as set out in the history and as below. It is considered this is relevant to this application and appeal so it is clear how the applications have changed and it also demonstrates that the applicant has submitted additional or different information numerous times in order to try and achieve a successful outcome.

- **18/04271/FUL**- This was an application for two barns, to be used for agricultural purposes. This was approved.
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- **19/00509/FUL**- This was for the proposed siting of a temporary dwelling house / chalet to be originally used in connection with a proposed small scale tourism business, in which whilst not forming part of the application, the applicant was proposing the siting of 16no. Hobbit Houses, 8 Chalets and an office/reception building. It was also briefly mentioned there would be a horse breeding business. The planning statement however focused on the tourism business as being the main reason for the temporary workers dwelling. This was validated 13/2/19 and withdrawn on 4/12/19. Throughout the application period the applicant submitted further information and amended the proposal so the temporary dwelling was to be used just in connection with a horse breeding business rather than a tourism business. This was a significant change, as the main focus had previously been on the tourism business. A revised planning statement, correspondence and ecology reports were submitted. After being made aware field shelters were to be used by the horses the Independent surveyor confirmed in August 2019 the additional cost of these field shelters would be detrimental to the business. A meeting was then held in September and the applicant agreed to an extension of time until 23/10/19. The agent asked for this application to be withdrawn on 3/12/19.
- Whilst the above was being considered the applicant submitted;
- **19/04178/FUL**- which was for the proposed siting of 1no. chalet and part change of use of 1no. barn. This was for the proposed siting of a temporary dwelling house / chalet to be used in connection with the horse breeding business and change of use of one of the barns permitted under 18/04271/FUL, to be used as stables for the applicants horses to be used in connection with the horse breeding business. This was received on the 14/10/19 and withdrawn on the 6/12/19 which was before the target date of 6/12/19. Comments were received by the Independent Surveyor on 25/11/19 which in summary said the horse breeding enterprise would not be viable for

the foreseeable future, showing a loss of £16,050 and at the end of year 4 making a profit of just £6,750.

- **19/04829/FUL.** This current application was submitted 18/12/2019 and the target date for determination was 12/2/19. This application now included the sale of the horses semen which was not included before as it was considered before this would cause the value of the stock to decrease. On the 12/2/20 an email was sent to the applicants agent advising them that the application was to be recommended for refusal on the basis the business plan did not show the business to be viable at the end of the three year period for which the permission was sought. The Independent Advisor revised their comments on 13/2/20. This still showed the business to not be viable at the end of the first three years. The applicant then submitted further financial information again on Friday 14/2/20 at 2:44pm, although not seen until after the agent had submitted an appeal of non determination on Monday 17/2/20. The agent received an out of office email stating the officer was returning on Monday 17/2/20. It is therefore considered as there was no time for the Independent Advisor to be reconsulted with this additional information, when a reconsultation period is normally at least 10days for an external consultee, it is unreasonable for this information to be considered. Especially as the applicant is appealing against non determination on the grounds of the Local Authority taking an unreasonably long time. As such the Local Planning Authority have based their recommendation on all the information that was submitted up until the expiry date of the application which was the 12/2/20 and any information submitted after this point from the applicant has not been accepted or considered by the local planning authority.
- The above shows that the applications and cash flows have changed numerous times.

3. Planning History

Reference Number: 18/04271/FUL

Description: Proposed construction of 2no. barns

Status: Permitted

Reference Number: 19/00509/FUL

Description: Proposed siting of a temporary dwelling house / chalet

Status: WDN

Reference Number: 19/01301/ROAD

Description: Prior notification for access road to agricultural barns

Status: PANR

Reference Number: 19/04178/FUL

Description: Proposed siting of 1no. chalet and part change of use of 1no. barn.

Status: WDN

Reference Number: 19/04810/NONMAT

Description: Non-material amendment to application 18/04271/FUL - increase in use of brick/block, reduction in amount of timber cladding and insertion of roof lights

Status: Permitted

4. Consultee Responses

Stamfordham Parish Council	Object- The application is not for agricultural purposes, is totally inappropriate due to the green belt land and limited access, and the temporary dwelling aspect is not justified. The site is located on green belt land, and the application fails to identify the sites existing character, appearance and contribution it makes to the wider countryside. The site is open countryside and the proposal has no justification or need to build a temporary dwelling onsite which would entail significant cost in connecting utilities and vehicular access to the site. The development would result in significant harm to the character and appearance of the area, being detrimental to the nature, open and rural character of the countryside.
Highways	No objections subject to conditions.
Lead Local Flood Authority (LLFA)	No comment to make but offer an informative.
Northumbrian Water Ltd	No comments to make.
County Ecologist	No objection subject to conditions.
County Archaeologist	No objections to the application on agricultural grounds and no archaeological work is recommended.
Public Protection	Object.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	96
Number of Objections	20
Number of Support	0
Number of General Comments	0

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

Notices

General site notice, 20th December 2019

No Press Notice Required.

Summary of Responses:

20 letters of objection have been received which in summary make the following comments:

- Land is Green belt and open countryside and no justification for encroachment and no very special circumstances for allowing this
- It is not in accordance with the development plan or NPPF.
- Piecemeal development- including barns.
- Business plan does not say how horses will be looked after when temporary permission is up and the applicant is involved in other businesses.
- Attempts to legitimise this application by reference to the NPPF's acceptance that where accommodation for an essential worker is needed by an established agricultural unit, such as a farm, then permission to build in open countryside may be granted (NPPF para 79 a). However, this condition applies to new building in the open countryside, but not to the Green Belt
- Chalet not required as horses don't need 24 hr supervision.
- There is no benefit to the local community. It does not provide "needed housing "in a rural community
- If there is indeed a need for a worker to be onsite then they can operate with a small caravan part of the year. Challenge the appropriateness of the size of the proposed chalet.
- All of the reasons that are given by the applicant for the functional need, could easily take place during daylight hours therefore, there is no need for a worker to be onsite during the night,
- Taking into account the gestation period of a horse, this does not justify a temporary dwelling in the countryside and somebody to live onsite all year round in order for these horses to be cared for on the day of foaling. A better option is to have a temporary caravan that would be utilised or brought up to the site as and when each of these horses may be entering the initial stages of birth.
- Also a consideration that has not been looked at in the application is the collection, storage and removal of horse muck/manure.
- Hard to believe given the proposal on this scale, with the capital investment that is needed at this stage, will indeed turn a profit in the first three years or has any clear prospect of remaining profitable.
- Road to the site is a single track, with no passing places. Unsuitable for vehicles. It's a muddy track with potholes. Further damage would be caused and the listed bridge would be at further risk of accidents from increased traffic.
- Impact on ecology
- Use of cameras can provide the necessary surveillance.
- Breeding of horses is not an agricultural use.
- The applicant is looking for a permanent dwelling.
- Housing in the area is readily available should the applicant want to be near the business for security reasons.

- Concerned that a change of use of land from agricultural to business purposes could pave the way for future submissions of business ventures on the site, such as hobbit holes and holiday chalets.
- Previous application for barns did not mention dwelling.
- The previous justification provided by the applicant for the previous application 19/00509/FUL (made around March 2019) for a temporary dwelling house appeared to rest entirely on the proposed development of a tourism business including 16 hobbit houses, 8 chalets, an office/reception building and conversion of existing agricultural building to a livery was changed to supporting a horse breeding business . Reason has materially changed within just 3-4 months.
- The proposal is speculative (i.e. what might happen in the future, what might be viable in the future) and is not proven. Nothing unique about this application and thus whether the very high requirements set out for planning on Green Belt are met.
- Conforms to the piecemeal pattern of 'creeping' development
- Economic, social and environmental grounds for the development do not amount to very special circumstances.
- Per GFW planning application para 5.33 in application 19/04178/FUL it was noted that the applicant has not bred horses since 2009, due to land constraints. However the applicant did not look to remedy this for a further six years only looking for a suitable site from 2015.
- The general agricultural barns that have been built will now be subject to business rates as this would be classed as a non-agricultural enterprise. Have costs of business rate, water supply, for the collection, storage and removal of horse manure and waste been taken into account.
- British Horse Society that it is not a legal requirement to be on site 24/7 all year. Activities can be carried out during the day.
- Barns were not to be used for livery/ horse breeding business.
- Already several local liveries within a 5 mile radius of the land North of Heugh Mill Farm that are underutilised (a view supported by local livery owners). Given there are already a number of suitable, local, existing and established liveries that could be used, there is no requirement for new development in the Green Belt.
- No weight can be attached to the economic, social and environmental grounds put forward in the revised application
- The proposal does not accord with policies.
- Modern technology with cameras means there is no need for a chalet
- Impact on wildlife and Ecology
- The breeding season is a short period. Refutes the need for a temporary dwelling being necessary.
- Per the British Horse Society that it is not a legal requirement to be on site 24/7 all year round for horse breeding.
- Some weight should be given to emerging policies, in particular STP8, HOU8 which it is contrary to.
- The proposal does not respect the form and character of the area by developing a settlement in the open countryside.

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=Q28ROHQS0K500>

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth District Local Plan 2003

C1 Settlement Boundary

C3 Areas of High Landscape Value

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

RE8 Contamination

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
 - Archaeology
 - Highways
 - Ecology
 - Foul Water
 - Domestic Water Supply
 - Contamination
- 7.2 In assessing the acceptability of 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.
- 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 Local Plan took place in July and August 2018 and representations on a 'Publication Draft' Local Plan were invited over a six week period from 30 January 2019 to 13 March 2019. The publication draft Northumberland Local Plan, together with a schedule of proposed minor modifications and other supporting evidence, was submitted to PINS on 29 May 2019 for independent examination. The Public Enquiry is currently underway. The Authority is 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- Temporary Rural Workers dwelling (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 In this case the site is located in the open countryside as it does not lie within any of the defined settlement boundaries within the Castle Morpeth District Local Plan. 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 resisted in terms of Local Plan Policy C1.

- 7.6 Castle Morpeth Local Plan Policy H16 however 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 addition, paragraph 78-79 of the NPPF states that:
‘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. At d) it states ‘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.’ At g) it states Development in the open countryside will only be supported if it can be demonstrated that it:
i. Is directly related to the needs of primary activity in agriculture, forestry, other land based industries, rural businesses, or the sustainable diversification of such activities; or
ii. Supports the sustainable growth and expansion of an existing business;
or
iii. Supports a newly forming business; or.....
viii. Is a house, the architecture of which is innovative and of the highest standard, it significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area.
- 7.9 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.

- 7.10 The above policies in the draft emerging plan however can only be given limited weight at this time.
- 7.11 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 so planning decision makers had 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. Various planning decisions and appeals followed such as the Court case, R(Embleton Parish Council) v Northumberland CC (06/12/2013) where 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 an appeal decision from Cumbria dated 13 November 2012, though, 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 Despite the Embleton judgement, local planning authorities continued 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 Inspectorates stance seemed 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.
- 7.13 Notwithstanding the above now though the NPPG has now been revised so it sets out guidance on how to assess a rural workers dwelling. It states:
- 'How can the need for isolated homes in the countryside for essential rural workers be assessed?
- Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:
- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from

- crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

7.14 It is therefore considered that despite the Embleton case and Annex A of PPS7 no longer being considered as a national policy requirement, detailed national guidance now exists that shows financial viability testing is still an appropriate source of evidence to show an essential need for a new dwelling, along with other tests similar to those set out in Annex A. 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.

7.15 Local Plan Policy H16 does align closely 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 policy is aged it is not considered to be out of date and in fact, it is considered that the criteria set out in Policy H16 which are similar to Annex A of PPG7 and now the NPPG criteria, do in fact remain useful in helping to establish if there is an essential need and therefore they have been considered, as below.

7.16 In the same thread that it is considered Annex A of the former PPS 7 was a useful tool in assessing whether there is an essential need for a permanent agricultural worker's dwelling, it is also considered that the methodology for assessing temporary agricultural dwellings, also set out under Annex A of the PPS7, is a useful tool in assessing the suitability of a temporary rural workers dwelling in the open countryside. This states:

'If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need (see paragraph 4 of this Annex);
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
(v) other normal planning requirements, e.g. on siting and access, are satisfied.

If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 3 above are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.'

7.17 In terms of establishing whether the proposal would therefore be acceptable on a temporary basis an independent advisor has therefore been consulted and the following aspects have therefore been considered and assessed:

i) Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (functional need)

7.18 The independent advisor has confirmed that in this instance, when there are horses on site, there will be a need to care for the horses on a daily basis. This will include regular feeding, grooming, cleaning out and exercising etc. He understands the 'foals are to be retained on the holding for up to 3 years so they will need to undergo initial training. There will be a need to check the horses on a regular basis and ensure that any that need treatment are attended to in an appropriate time scale. In particular when horses are due to foal, it will be necessary for a worker to be available in case any problems arise. However, due to the relatively small number of brood mares initially proposed, there will only be a small number of births, but some of these births may occur outside of normal working hours. The Hanoverian horses to be kept appear to have a significant value and therefore security from potential theft will be an issue to consider.' He therefore concludes that in his view, there is evidence of a functional need for a worker to be resident at this location, however due to the relatively small numbers of horses kept, it will be relatively small at first, but it will increase if horse numbers are increased.

ii) The degree to which there is confidence that the enterprise will remain viable for the foreseeable future:

7.19 The independent advisor has assessed the business plan and cash flows that have been submitted with the application which show income and expenditure forecasts for the horse breeding enterprise for the 2020 to 2024 years. It sets out sources of income from the Basic Payment Scheme, the Countryside Stewardship Scheme, from letting out surplus land, from the sale of semen, and from the sale of foals. The expenditure costs include

such things as feedstuffs, insurance, vehicle, costs, utilities, vet, farrier, stewardship costs etc.

In summary from the income and expenditure predicted over the next 5 years of the business the following losses and profits are predicted.

2020 year. A loss of £8,450.

2021 year. A profit of £3,550.

2022 year. A profit of £16,850.

2023 year. Income £52,650, expenditure £35,200 equals a profit of £17,450.

2024 year. Income £79,650, expenditure £37,400 equals a profit of £42,250.

7.20 The advisor has stated though there does not appear to be any provision for some other possible costs eg the costs of increasing the brood mare stock numbers, possible business rates on the buildings etc. The applicants agent has said the applicant may however receive a small business rates relief. He has also advised though too that the applicant has not considered the value of the foals in the earlier years too which may go towards the profits in these years. This would however make the profit at the end of the later years though go down. He has confirmed that over the three years for which the consent is sought there would be a profit of £11,950 for this period.

7.21 In relation to a permanent dwelling for a rural worker, the advisor normally expects a profit to be around £21,000 per year to sustain a full time worker so the predicted figures in the business plan indicate that if all goes according to plan this will be achieved in the 4th/5th year. He states the business plan predicts a viable business by the end of the 5 year period of the plan providing the financial targets can be met. It must be noted however that the period sought for the temporary dwelling is only 3 years and it is at the end of the three year period the Council would need to be satisfied the business has a chance of being viable.

In the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

7.22 The Independent Advisor has looked at the old PPS7 where there were a number of aspects to consider in relation to the need for a temporary worker's dwelling. These aspects were:-

Clear evidence of a firm intention and ability to develop the enterprises concerned (significant investment in new farm buildings is often a good indication of intentions)

The independent advisor has confirmed that there is clear evidence of a firm intention and ability to develop the enterprise concerned

Functional need for a worker to be resident at the location

7.23 The Independent Advisor has dealt with this above at para 7.18.

Clear evidence that the enterprise has been planned on a sound financial basis.

7.24 The Independent Advisor has dealt with this above at para 7.19-7.21.

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

7.25 The Independent Advisor has commented that in his opinion that it is essential for a worker, actively involved in the management of this unit, to be resident on or immediately adjacent to the farm buildings on a temporary basis to meet the functional need and at the present time there is no suitable and available accommodation on those land holdings to house that worker.

7.26 In summary, taking into account the Independent Advisors comments he considers:

i) There is clear evidence of a firm intention and ability to develop the enterprise concerned

(ii) There is a functional need

(iii) The functional need can not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned, given it his opinion that that it is essential for a worker, actively involved in the management of this unit, to be resident on or immediately adjacent to the farm.

iv) The business would be viable in 5 years time

7.27 The Independent Advisor does state however that if the intention is to seek consent for a permanent dwelling after three years then the applicant should be made aware that the horse breeding enterprise should at that point be capable of sustaining a full time worker in terms of labour requirement and financial viability.

7.28 In regard to this latter point, the application is for a temporary permission for three years and the business plan does not show the business to be viable by the end of these three years. With it just making a profit in year 4/5. Whilst temporary permissions are used in order to help new rural businesses establish, there needs to be some comfort that at the end of the three year period applied for the business can be viable. The figures simply do not show it would not be viable at that point and under the old Annex 7 this states the planning authority should make clear the fact that the temporary dwelling will have to be removed at the end of the temporary period and authorities should not normally grant successive extensions to a temporary permission over a period of more than three years. Whilst Annex A is obsolete this period of three years is considered to be a reasonable period in order to establish a business. Future temporary consents would need to be applied for which would be for a temporary chalet which is not considered to be of an appropriate design in this open countryside location. Under the NPPG, in the case of new enterprises, local authorities can consider whether it is appropriate to consider granting permission for a temporary dwelling for a trial period. In this instance it is not considered appropriate as the proposal clearly shows the business to not be viable at the end of the three year period, for which permission is sought. With regard to the costs covered by the Independent Surveyor, whilst he does state that the applicant has not considered the value of the foals in the earlier years he does also say this

would impact on the profits in the later years. In addition he does say at para 11.9 too that the costs of the actual temporary dwelling and service connections such as electricity/ water connections, new access road have also not been taken into account. It is not clear how these will be funded. Significant costs have already been spent but the information submitted does not indicate how this has or will be funded which further adds to the uncertainty of the viability of the business.

- 7.29 In addition to viability, in terms of the functional requirement for someone to reside on site, currently there is no business and as such there is no requirement at this moment. The Independent Advisor has confirmed with regard to the proposed business though that in this instance, there is evidence of a functional need for a worker to be resident at this location, however due to the relatively small numbers of horses kept, it will be relatively small at first, but it will increase if horse numbers are increased. In terms of this there is no evidence to suggest that horse numbers will increase. The Local Planning Authority are also concerned that the applicant would not be working full time on the business, which would negate the need for the temporary dwelling and perhaps potentially a permanent dwelling. It is not evident from the information submitted and having asked the agent with no reply, whether the applicant would be working full time on this business, as the applicant runs another business and there is no suggestion she would stop running this other business. In addition the applicant suggests she might get family members to help and a part time helper which coupled with the fact there is already a low functional need for any one to reside on site, again suggests the applicant does not intend to work full time on the business, and as such ultimately negating the need for a rural workers dwelling which would only be allowed for a full time rural worker. The reason being in the eventuality if a permanent permission was to be given in the future a condition would need to be attached which restricts its residence to a full time rural worker. Nothing has been submitted which shows this could ever be adhered to. In terms of getting a part time helper too this would also impact further on viability as it would involve using some of the profits. This also suggests that the business would be supported by another business of the applicants which is not the intended purpose of a rural workers dwelling, to provide accommodation for someone who works part time on the business. As such the Council are not satisfied that a full time rural worker would reside in the temporary rural workers dwelling or any future permanent dwelling if this were to be applied for.
- 7.30 Taking into account the above it is considered in this instance, that the submitted information does not adequately demonstrate the proposed business to be viable by the end of the three year period for which the temporary permission is sought. No evidence has also been submitted which clearly shows, the dwelling would be occupied by a full time rural business worker, and so it does not demonstrate an essential need for a full time rural worker to live permanently at the site. The Council does not consider it would be appropriate to grant permission for a temporary dwelling as the development would fail to meet the requirements of para 79 of the NPPF and also be contrary to local plan policies C1 and H16. 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.

- 7.31 The submitted information also previously showed that due to land constraints and insufficient space for grazing, the applicant ceased breeding in 2009 however, the applicant now claims that breeding horses has occurred on a part time basis over the past 5 years. No financial information of this business has been submitted. In addition, semen will be sold when the applicant had previously confirmed to the Independent Advisor that this would not be the case, as it devalued the breed of horses. Given the history of the site and changes in cash flows and business plans, this further adds to the Council's concern that there is not an essential need for a temporary rural workers dwelling.

Principle of development – Temporary Rural Workers Dwelling (Green Belt)

- 7.32 In addition to being located in the open countryside, the site is located in the Green Belt. The NPPF states 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. In the Green Belt there is a general presumption against the construction of new buildings unless for essential purposes. Both the NPPF and Policy C17 of the Local Plan identify a list of appropriate uses in the Green Belt for which new build development may be permitted. Any other uses not identified are deemed to be inappropriate. The provision of new build housing is not listed as one of the appropriate uses in the Green Belt under Local Plan Policy C17. The NPPF, at para 145, lists exceptions to the general policy of Green Belt restraint, setting out forms of development that are considered to be appropriate in the Green Belt. This does however differ slightly to the exceptions listed under Local Plan Policy C17 and as so greater weight should be given to the NPPF. The NPPF also 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.
- 7.33 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.

- 7.34 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
- 7.35 In terms of the proposed temporary dwelling it 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. 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 a rural worker and as such it is considered therefore that no very special circumstances exist for allowing it. It is therefore considered that in principle the development of the new temporary 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.
- 7.36 Notwithstanding the above in regard to the Green Belt, if the proposal has limited impact upon the openness, so limited harm, and in addition there is a robust justification for the proposed new dwelling within the Green Belt, in terms of an essential need and economic benefits a departure from Local Plan Policy C17 may be acceptable. However very special circumstances do not exist in this instance as there is not an essential need for a worker to live at the site.

Principle of development- Change of use of barn to stables

- 7.37 The application also proposes the part change of use of approximately 50% of a barn to a stable area, which is to be used for the horses which the applicant proposes to use as part of her breeding business. There are two barns currently on site which were permitted under 18/04271/FUL. Construction work has started on these this year and it is considered whilst they are not fully constructed they are of substantial construction. As such a change of use application is considered to be acceptable as opposed to a new full application. In terms of the principle of this part of the proposal the site lies in the open countryside where development will not be permitted unless the proposals can be justified as being essential to the needs of agriculture or forestry or are permitted by other policies. Policy E6 allows the conversion or adaptation of a rural building for employment purposes provided certain criteria are met. As the building is of substantial construction even though final works need to be carried out and the proposal can meet the requirements of the criteria, it is considered the change of use of these buildings for stabling purposes for the applicants breeding business would accord with Policy E6 and as such Policy C1. As such the principle of the proposal in the open countryside is considered to be acceptable.
- 7.38 In terms of the sites Green Belt location the proposed change of use of part of the barn to stable would accord with the NPPF as this allows the re-use of buildings provided that the buildings are of permanent and substantial construction as they are of permanent and substantial construction.

Design and impact on landscape

- 7.39 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. The NPPF in summary and of relevance states planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future. 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. Within the advice about temporary dwellings in PPS 7 it states on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation.

- 7.40 In terms of the proposed temporary dwelling this would measure 17.5m length by 6.8m in depth giving an overall footprint of 119 square metres and it would reach a height of 3.25m dwelling. The external walls of the dwelling will comprise Cedar cladding, with grey Anthracite UPVC windows and doors. The roof will comprise a single ply membrane. The building would be rectangular in shape and have a slight lean to roof. The applicant's agent has also confirmed previously that it would also be set on minimal foundations to avoid rafts of concrete and ground disturbance. The suggested aim of this is such that if the building is removed the land can be easily returned to its previous use.
- 7.41 In terms of appearance it is considered the temporary dwelling would be substantial in size and whilst it would be low lying the design of it would not be respectful of the character of any of the dwellings in the vicinity. It lacks any traditional features to the area and with mono pitched roof, lack of architectural detail and plain UPVC windows, it would appear as a modern element and as such appear as an ad hoc and incongruous form in this area of mainly undeveloped open countryside and rural area of high landscape value location, which would be detrimental to its appearance and character. The scale of the temporary dwelling is also considered to be unnecessarily large for the purpose it is to serve, as it has three bedrooms when it is only for the applicant and her daughter. As such it is considered it is of an unnecessary scale which further adds to its intrusiveness. In this respect the proposal is therefore contrary to Local Plan Policies C3, H15 and the NPPF on the basis that it fails to protect and enhance valued landscapes and adversely affects 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. The application is for a temporary period and a condition could be placed on any consent for it to be removed at the end of the three year period, however in this case as there is no justification for the dwelling this would be irrelevant now.

Archaeology

- 7.42 The County Archaeologist has been consulted and has confirmed that taking account of the character, extent and distribution of known archaeological remains in the surrounding area and the anticipated construction impact of the proposed development, the proposed development is unlikely to adversely affect significant archaeological remains. No objections to the application on agricultural grounds and no archaeological work is recommended. As such the proposal would not have a detrimental impact on archaeological remains, in accordance with the NPPF.

Highways

- 7.43 The Highway Authority has been consulted and have checked the application in terms of safe access, impact on the local highway network and parking. They have also been made aware of the objections raised in terms of impact on the nearby roads. Notwithstanding the objections raised they have commented that they have no objections in principle to the proposal subject to the imposition of conditions and informatives to address any concerns

with the development. Given this the proposal would accord with the NPPF and

Ecology

- 7.44 The County Ecologist has been consulted and state that the 2 barns currently on site are recently built structures with negligible bat roost potential and they present a low risk with respect to nesting birds. In addition they state the footprint of the current proposal is on intensively managed agricultural land, either arable and/or improved grassland which is of low ecological value. and the proposals are unlikely to have a significant negative ecological impact and, if the proposed mitigation and enhancement measures are implemented as proposed in the ecological report by means of condition for this application, then it is likely that there would be a modest ecological gain. The Ecologist therefore has no objections to the proposals on ecological grounds subject to the mitigation and enhancement measures detailed in the report are carried out with some additional precautionary conditions. 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.

Foul water

- 7.45 The applicant has submitted a foul drainage assessment form FDA which indicates that the foul waters arising from the proposed development would be directed to a package treatment system and the outfall from this to a drainage field/soakaway. Public Protection have confirmed that 'It would appear that the drainage field/soakaway does not discharge to a "controlled water" but no information has been submitted to assess whether the land is suitable for percolation of such a discharge. This is acceptable but the applicant should ensure compliance with the Building Regulations and Approved Document H: Drainage and Waste Disposal and seek any necessary consents from the Environment Agency.' As such it is considered the method for the disposal of foul water is acceptable in this instance.

Domestic Water Supply

- 7.46 Public Protection have been consulted with respect to the application and have provided comments on domestic water supply. They have commented that the reason for the first objection on the grounds of water supply was that there was a lack of acknowledgement in the supporting documents as to where this was to come from and that the indication that there are no Northumbrian Water assets in the location to deal with foul water might suggest there are also no mains water infrastructure in the immediate area. They further commented 'It is not for this consultee to assume or presume where the applicant intends to source the water from and although it may be that this issue is a "civil matter" it does form part of Building Regulations and the planning process if the applicant is intending to utilise an existing private

water supply, as there could be issues of affecting existing users in the area. This then falls within the remit of the Public Health Protection Unit who regulate private water supplies (non-mains) in Northumberland. If we were to recommend our standard conditions relating to private water supplies to the Local Planning Authority and the applicant then indicate that there were going to get a “mains supply” then that condition would not be necessary or relevant to the proposal. The applicant might then have a legitimate complaint as to why such a condition was imposed upon them.’

- 7.47 Public Protection goes on to state that ‘the cover letter from George F White states that:“Northumbrian Water will assess the impact of the proposed development on their assets and assess the capacity within Northumbrian Waters network to accommodate and treat the anticipated flows arising from the development.” and that this, neither clearly indicates whether there is any NWL infrastructure in the area or whether the applicant intends to connect to it (and obviously there isn’t for foul water).
- 7.48 The applicant has since submitted another statement which says in respect of the water supply: "...whilst important will be dealt with either via existing connections or a bowser given the temporary nature of the development at this stage.' The development site is 250 metres north of the nearest dwellings and although the Foul Drainage Assessment (FDA) form states that the water is to be obtained from the public mains supply, there does not appear to be a supply of water to the site which Northumbrian Water is aware of. Public Protection states ‘It is likely that the use of a bowser would not meet building regulation requirements, especially in respect of any water heating system (ie hot water for washing, bathing etc.). The applicant should clarify what the proposed supply of water will be to meet building regulation requirements and clarify whether a private water supply would be employed to provide water.’
- 7.49 The applicant has therefore not provided sufficient information in order for public protection to be able to assess whether the method for the supply is acceptable in this instance as if the applicant is intending to utilise an existing private water supply, there may be issues of affecting existing users in the area. This would be contrary to the NPPF in terms of protecting the amenity of nearby residents and Local Plan Policy RE6, under which the implications of water supply can be assessed.

Contamination

- 7.50 Public Protection have been consulted given the sites location and potential impact from contamination on the proposed temporary dwelling.

Radon Gas

- 7.51 Public Protection have confirmed that the site lies within a radon affected area and the proposed dwelling would require a minimum of a radon gas membrane to prevent the ingress of this radioactive gas. The applicant has since submitted a statement which says in respect of the radon gas that it can:

"...be dealt with via a condition particularly as limited to no ground works will take place for the chalet..."

- 7.52 Public Protection have confirmed that 'the inclusion of gas membranes into pre-fabricated structures is not straightforward and when this has been done, it has proved difficult. It is likely that the proposed structure will be placed on some kind of base which would normally be a cast in-situ concrete raft/slab, however this may not be acceptable for the Local Planning Authority if the structure is claimed to be temporary. It is recommended that the applicant submit details of how the required radon protection will be achieved and confirmation from the supplier of the structure that this radon protection can be accommodated within the design of the building. This will be especially important if the building is to be a kit-form structure.'
- 7.53 The applicant has not submitted details of how radon protection will be achieved and as such insufficient information has been submitted in order to assess the risk of radon gas on future occupiers of the dwelling. The proposal is therefore contrary to the NPPF which seeks to improve the conditions in which people live and Castle Morpeth District Local Plan Policy RE8 Contaminated land which seeks to protect the health and safety of future occupants. Whilst limited weight can be given to the emerging plan in this instance the proposal would also be contrary to Policy POL 1 Unstable and contaminated land.

Land Contamination

- 7.54 Public Protection have confirmed that Section 14 (Existing Use) of the completed planning application form indicates that the proposed use would not be vulnerable to the presence of contamination however residential dwellings with gardens are indeed considered a vulnerable end use.

Paragraph 178 of the National Planning Policy Framework (NPPF) makes it clear that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 7.55 Public Protection have therefore confirmed that as a minimum a Phase 1 Desk Top Study is required to assess the risk of land contamination upon future occupants of the temporary dwelling. The applicant has not submitted this additional information and as such insufficient information has been submitted in order to fully assess the risk of contamination on future

occupiers of the temporary dwelling. The proposal is therefore in this respect also contrary to the NPPF which seeks to ensure a site is suitable for its proposed use and improve the conditions in which people live and Castle Morpeth District Local Plan Policy RE8 Contaminated land. which seeks to protect the health and safety of future occupants.

Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Recommendation

Minded to REFUSE permission subject to the following:

Reasons

- 1) The submitted information does not show the proposed business to be viable by the end of the three year period for which the temporary permission is sought and no evidence has been submitted which clearly shows the dwelling would be occupied by a full time rural business worker. As such there would not be an essential need for a full time rural worker to live permanently at the site. The Council therefore do not consider it would be appropriate to grant permission for a temporary dwelling/chalet as the development would therefore not meet the requirements of para 79 of the NPPF, the NPPG and it would also be contrary to Local Plan Policies C1 and H16.
- 2) 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.
- 3) By virtue of its scale and appearance the temporary dwelling/chalet would appear as an ad hoc and incongruous form in this area of mainly undeveloped open countryside and rural area of high landscape value location, which would be detrimental to its appearance and character. The proposal would therefore be contrary to Local Plan Policies C3, H15 and the NPPF, on the basis that it fails to protect and enhance valued landscapes and adversely affects the intrinsic character and beauty of the countryside.
- 4) The applicant has not provided sufficient information in order to assess whether the method for the supply of water is acceptable and would not impact existing users in the area. This would be contrary to the NPPF in terms of protecting the amenity of nearby residents and Local Plan Policy RE6, under which the implications of water supply can be assessed.
- 5) Insufficient information has been submitted in order to assess the risk of radon gas on future occupiers of the temporary dwelling/chalet. The proposal is therefore be contrary to the NPPF which seeks to improve the conditions in which people live and Castle Morpeth District Local Plan Policy RE8 Contaminated land which seeks to protect the health and safety of future occupants

- 6) Insufficient information has been submitted in order to fully assess the risk of contamination on future occupiers of the temporary dwelling/ chalet. The proposal is therefore contrary to the NPPF which seeks to improve the conditions in which people live and Castle Morpeth District Local Plan Policy RE8 Contaminated land, which seeks to protect the health and safety of future occupants.

Date of Report: 24.02.2020

Background Papers: Planning application file(s) 19/04829/FUL