



NORTHUMBERLAND COUNTY COUNCIL  
NORTH LOCAL AREA PLANNING COMMITTEE

19<sup>th</sup> November 2020

<b>Application No:</b>	19/04930/FUL		
<b>Proposal:</b>	Erection of a rural workers dwelling with attached car port.		
<b>Site Address</b>	Land South East Of The Hope Farm, Longframlington, Northumberland		
<b>Applicant/Agent</b>	Mr Scott Hunter Station Road, Duns, TD11 3HS,		
<b>Ward</b>	Shilbottle	<b>Parish</b>	BrinkburnHesleyhurst
<b>Valid Date</b>	27 January 2020	<b>Expiry Date</b>	24 July 2020
<b>Case Officer Details</b>	Name: Mr James Hudson Job Title: Planning Officer Tel No: 01670 622646 Email: James.Hudson@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



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## **1. Introduction**

1.1 Following referral to the Virtual Delegation Scheme, in accordance with the Council's current scheme of delegation, the application is referred to committee for determination. Brinkburn And Hesleyhurst Parish Council object to the application.

## **2. Description of the site and the proposal.**

2.1 The application seeks permission for the construction of a rural workers dwelling with attached car port at land South East Of The Hope Farm.

2.2 The site is located within the open countryside set on the eastern edge of the existing farmstead of Hope Farm, which is located approximately 3km to the west of the nearest settlement of Longframlington.

2.3 The proposed development site is approximately 65m to the east of the main farmstead complex with two agricultural sheds sited between the proposed rural workers dwelling and the habitable farm buildings.

2.4 The new dwelling will be single storey measuring 6m to the ridge of the roof. The walls will be clad with local stone and have a random rubble finish. The south western elevation will feature a predominantly glazed gable end extension, which measures 5.15m to the ridge. The roof will be constructed from natural slate with 9 rooflights on the south western elevation. The dwelling will have beige double glazed aluminium windows and beige composite doors and a timber clad car port to the south west elevation.

2.5 The residential curtilage will consist of a fenced garden and a gravel hard standing area. The site will be accessed off a private track that connects with the main vehicle access point from Hope and Woodhouse Junction on Rothbury Road to the south.

2.6 The Heron family own and occupy Hope Farm which is made up of an agricultural unit area of approximately 347 ha. The following livestock are currently kept on these land holdings:

- 700 breeding ewes. The lambs from these ewes are sold off the holding from August onwards. About 120 of the better female lambs are retained each year as replacements for the older ewes.
- 60 suckler cows. These are usually Simmental or Ling cows and are predominately Spring calving. The male calves are sold off the holding at about 12 months of age. The heifer calves are retained for 18 months and then either sold or retained to replace the older cows. This is therefore a traditional Northumberland hill farm carrying breeding ewes and suckler cows.
- About 32 ha of grassland are cut once each year for silage for feeding to the livestock over the winter months. The silage is wrapped as big bales and stored on hard-core areas. Some hay is made if the weather is suitable. A proportion of the silage ground is reseeded each year. The remainder of the farm, outside of the wooded areas, is in grass for grazing the livestock.

2.7 The application has been independently assessed from which the findings have been taken into consideration in the assessment of the proposal.

### **3. Planning History**

None

### **4. Planning Policy**

#### 4.1 Development Plan Policy

Alnwick LDF Core Strategy 2007 (ACS)

S1 Location and scale of new development  
S2 The sequential approach to development  
S3 Sustainability criteria  
S4 The phased release of housing land  
S5 Housing density  
S11 Locating development to maximise accessibility and minimise impact from travel  
S12 Protecting and enhancing biodiversity and geodiversity  
S13 Landscape character  
S14 Development in the open countryside  
S16 General design principles

Alnwick Local Plan 1997 (ALP)

BE8 Design in new residential developments and extensions (and Appendix A and B)  
TT5 Controlling car parking provision (and Appendix E)  
CD32 Controlling development that is detrimental to the environment and residential amenity.

#### 4.2 National Planning Policy

National Planning Policy Framework (2019)  
Planning Practice Guidance (2019, as updated)

#### 4.3 Emerging Planning Policy

Northumberland Local Plan Regulation 19 version as submitted for examination including minor modifications (May 2019)

STP1, STP2, STP3, STP4, STP5, STP6, HOU2, HOU5, HOU8, HOU9, QOP1, QOP2, QOP4, QOP5, QOP6, TRA1, TRA2, TRA4, ENV1, ENV2, ENV3, ENV4, WAT1, WAT2, WAT3, WAT4, POL2.

### **5. Consultee Responses**

Brinkburn And Hesleyhurst Parish Council	<p>The parish council have objected to the proposal and commented 'This appears to be purely a housing development in the open countryside. There is no connection to the farm, with no tie-in to employment. Our understanding of the Local Plan is that open housing development in the countryside on green field sites is not allowed unless the development meets strict criteria.</p> <p>Re-consultation was made with the Parish council following submission of further information and a rural workers dwelling assessment. The parish has advised that they maintain their objection.</p>
Highways	No objections subject to conditions.
Northumbrian Water Ltd	No objection.
Lead Local Flood Authority (LLFA)	No objection.
Forestry Commission	No objection.

## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	2
Number of Objections	1
Number of Support	0
Number of General Comments	0

### Notices

General site notice, 4th March 2020  
No Press Notice Required.

### Summary of Responses:

An objection has been submitted by the Countryside Charity Northumberland advising 'Without some justification consistent with one of the conditions in para 79 of the NPPF, this proposal represents an inappropriate incursion into open countryside, and with respect, CPRE Northumberland requests that it be refused'

## 7. Appraisal

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the

advice of statutory consultees. In assessing the application the key considerations are;

Principle of Development,  
Emerging Policy,  
Scale, Design & Visual Impact,  
Amenity, and  
Highways.

### Principle of development

7.2 The National Planning Policy Framework (NPPF) is a material consideration and states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the adopted development plan for the area the application site is located in comprises the saved policies of the Alnwick LDF Core Strategy (2007) (ACS) and the saved policies of the Alnwick Local Plan (1997) (ALP). The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.3 Policies S1, S2 and S3 of the ACS seek to ensure that the location and scale of new development is appropriate. The Land SE of Hope Farm is located outside of an existing settlement identified in Policy S1 and is classified in the ACS as being in the Open Countryside.

7.4 Policy S3 identifies sustainability criteria that development should meet. This includes that the development is accessible to homes, jobs, shops, services, the transport network and modes of transport other than the private car; there is adequate existing or planned capacity in the physical and community infrastructure; all physical and environmental constraints as a result of contamination or land stability can be mitigated; flood risk has been addressed; and there would be no significant adverse effects on the natural resources, environment, biodiversity and geodiversity, cultural, historic and community assets of the district. In exceptional circumstances, when economic, social or environmental benefits to the district clearly outweigh sustainability shortcomings, it may be necessary to allow development that does not meet one or more of the sustainability criteria.

7.5 Policy S14 refers to development in the open countryside highlighting that this will only be permitted where the development is likely to be sustainable in the context of Policy S3 and where the development is essential to support farming and other countryside-based enterprise and activity, promote recreation and supports the retention of sustainable communities or supports the conservation and enhancement of the countryside.

7.6 Policy S14 also advises that applicants must demonstrate that they have carried out the sequential test in Policy S2, however, the NPPF makes no provision for a sequential approach to residential development and therefore this policy is not relevant in the determination of this application.

7.7 With regard to national planning policy, paragraphs 78 and 79 of the NPPF state 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 to live permanently at or near their place of work in the countryside'.

7.8 The NPPF at paragraph 83, under the section 'supporting a prosperous rural economy' states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses.

7.9 Paragraph 79a advises planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

7.10 To ensure accordance with the provisions of the NPPF and local planning policy, the local planning authority must establish if there is an essential need for an additional dwelling at the proposed site, this is subject to 4 tests:

- 1) There is a clearly established existing functional need.
- 2) 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.
- 3) 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
- 4) 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.

#### **7.11 1) There is a clearly established existing functional need:**

7.12 A functional need on a farm is the need for a worker to be on hand to deal with instances that need to be dealt with reasonably quickly particularly those instances that occur outside of normal working hours. Examples of high functional need are lambing ewes and calving cows.

7.13 The current operations at Hope Farm include 700 breeding ewes of which 120 of the better female lambs are retained each year as replacements for the older ewes and 60 suckler cows. About 32 ha [80 acres] of grassland are cut once each year for silage for feeding to the livestock over the winter months. The 700 breeding ewes will give birth each year. Many of these ewes will give birth outside of normal working hours and some will need assistance from a worker/s. The 60 suckler cows will calve each spring. A good number of these births will occur outside of normal working hours and some will need assistance from a worker/s. Some breeds of suckler cow can be difficult to handle and it is wise, where possible, to have 2 workers attend a birth.

7.14 The offspring from these ewes and cows when reared on the farm will need close supervision and regular checks. In the winter months, the suckler cows are housed in the farm buildings alongside the access road to Hope Farm. They will

need feeding, usually twice per day. Health checks are usually made at such times. Feeding, cleaning out and the usual livestock management tasks with cattle are normally carried out during normal working hours, although there may be some instances where some animals need to be treated outside of normal working hours

7.15 It is therefore considered that at present time there is a clearly established existing functional need in relation to the landholdings that make up Hope Farm as an entire unit.

**7.16 2) 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.**

7.17 It has been calculated by the local authority's independent assessor that labour requirement on the land holdings that make up Hope Farm is almost 3 full time workers as an entire unit. This is currently met by Mark Heron working full time assisted by other family members some of which work part time, by employing part time staff and by the use of contractors for specialist tasks.

**7.18 3) 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.**

7.19 Whilst the NPPF requires an essential need to be demonstrated, it does not specifically require a financial test. Whilst the local planning authority may have regard to the financial position, it is contested how much weight can be given to this aspect.

7.20 Calculations carried out by the local authority's independent assessor show the business to be financially viable. It is therefore clear from the calculations and operations on site that the farm business is financially sound and has a clear prospect of remaining so.

**7.21 4) 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.**

7.22 It is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times, in case animals or agricultural processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or products.

7.23 It is determined by the local authority's independent assessor that for the efficient running of the holding and for overall security of the land holdings centred on Hope Farm, it is essential for 2 full time workers actively involved in the management of the unit, to be resident on or immediately adjacent to the steading. At present, the existing farm house only meets the requirement to house 1 of those full time workers.

7.24 Taking the above into consideration, there is clearly an established existing functional need in relation to the farming enterprise and 2no full time workers actively involved in the management of this farm unit need to be resident at the farm steading

to meet this need. As the existing farmhouse can only accommodate 1 of these full time workers, there is an evident need for an additional dwelling at the site.

7.25 Having assessed the proposal in light of the rural workers assessment and findings from the technical consultant it is considered that the applicant has demonstrated that there is a functional need for a workers dwelling and therefore the principle of the development of a rural workers dwelling can be considered acceptable and is in accordance with the ACS and NPPF.

#### Scale, Design & Visual Impact

7.26 Policy S16 of the ACS sets out the criteria against which new development shall be assessed. This echoes Policy BE8 and Appendix A of the ALP. Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.27 Policy S13 of the ACS requires all proposals for development and change to be considered against the need to protect and enhance the distinctive landscape character of the former district. Under this policy, all proposals will be assessed in terms of their impact on landscape features and should respect the prevailing landscape quality, character and sensitivity of each area.

7.28 It is considered that the site could be developed without significant or unacceptable harm upon the character and appearance of the area and wider landscape. The site is relatively well contained and its development would not encroach into the wider countryside. It is considered therefore that development of the site would accord with Policy BE8 and Appendix A of the ALP, Policies S13 and S16 of the ACS and the NPPF in terms of its impact on its surroundings.

#### Amenity

7.29 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.30 The submitted details indicate an appropriate dwelling in terms of scale, massing and form. The choice of materials is considered acceptable within such an open countryside setting and would be in keeping with the surrounding. On this basis, it is considered that the development would accord with the design guidance provided by Policy S16 of the ACS and the provisions and intentions of the NPPF.

#### Highways

7.31 Policy S11 of the ACS sets out criteria to assess the extent to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated. Saved Policy TT5 and Appendix E of the ALP set out car parking standards for new development.

7.32 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.33 The Local Highway Authority has responded to consultation raising no objections to the principle of development in this location, subject to the imposition of a number of conditions in respect of access and car parking. On this basis it is considered that the proposal is in accordance with Policy S11 of the ACS and the NPPF in this respect.

#### Other Matters

7.34 Objections to the proposed development from the parish council and CPRE have been noted. Additional information with respect to the need for an agricultural worker's dwelling has been submitted and it is considered that the applicant has justified the need for a rural workers dwelling in regards to para 79 of the NPPF.

#### Equality Duty

7.35 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

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

#### Human Rights Act Implications

7.37 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.

7.38 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.

7.39 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. Conclusion**

8.1 It is considered that the proposal represents an appropriate form of development that would not have a significant adverse impact on the surrounding area. The application has been assessed and found to be acceptable in principle. It is therefore considered that the proposal is in accordance with national and local planning policies there would not be any significant or unacceptable harmful impacts arising from the development of the site for residential use. It is accordingly considered that it would be unreasonable to withhold planning permission.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

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

1. Location Plan - drawing 8761PL3 dated 13.12.19
2. Site Plan - drawing 8761PL2 submitted 01.10.20
3. Proposed Floor Plans and Elevations - drawing 8761PL1 dated 13.12.19
4. Planning Statement dated July 2020

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and complies with the National Planning Policy Framework.

03. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed in the business premises located adjacent to the site, being the Hope farm, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: Permission has only been granted having regard to the exceptionally justified need for a dwelling where unrestricted occupation would not normally be appropriate, and in accordance with Policy S14 of the Alnwick District LDF Core Strategy and the National Planning Policy Framework.

04. The development shall not be occupied until the car parking area indicated on the approved plan 8761PL2 submitted on 10/06/2020 has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be

retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

05. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans 8761 PL2 submitted on 1/10/2020.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework

06. Notwithstanding the details shown on the submitted plans, prior to the commencement of development full details showing the proposed finished ground floor levels of the hereby approved development and the existing ground levels, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be constructed in complete accordance with the approved details.

Reason: In the interests of visual amenity and the satisfactory appearance of the development, in accordance with local planning policy and the NPPF.

**Background Papers:** Planning application file(s) 19/04930/FUL