



# Northumberland County Council

**CASTLE MORPETH LOCAL AREA COUNCIL  
11 MARCH 2019**

## **ADDENDUM REPORT**

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**Application No:** 18/01840/FUL

**Proposal:**

Demolition of existing farmstead and erection of 3 No dwelling houses.

**Site Address:** Benridge Moor Farm, Longhorsley, Morpeth

**Applicant:**

Mr Clippingdale  
C / O George F White,

**Agent:**

Mr Craig Ross  
4-6 Market Street, Alnwick, NE66 1TL,

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**RECOMMENDATION:**

That Members be minded to Refuse permission.

**1. Introduction**

1.1 This application was previously considered by Castle Morpeth Local Area Council on the 12 November 2018. Members resolved that the application should be approved against the recommendation of officers as follows:

*'the application be GRANTED subject to the outstanding ecology and land contamination issues and any relevant conditions considered necessary being delegated to officers'*

1.2 Upon review of the decision, members' discussion of the application did not address the following material considerations. First, the extent of harm by inappropriateness, conflict with Green Belt purposes, and harm to openness. Second, the extent of other harm (including whether resolution of ecology and land contamination issues would result in further harm). It is not considered that positive

factors referred to (no alternative use or continuing agricultural operation, local support, better to replace existing structures with development that would benefit local businesses and help sustain the local community) clearly outweigh the harmful impacts of development when properly considered. It has not, in summary, been shown that very special circumstances exist on a sound NPPF-compliant basis.. It is therefore, considered in respect of the decision made by members that the application be referred back to the Council for re-determination.

## 2. Appraisal

2.1 The application was determined without specific discussion of but rejecting the first two refusal reasons in relation to unjustified development in the open countryside and within an unsustainable location. It is assumed that members considered that the 'very special circumstances' for justification within the Green Belt overrode the location within the open countryside and the same positive factors are also an 'exceptional circumstance' in this instance. It is considered that the reasons for refusal however, are still relevant as the proposal cannot be justified as being essential to the needs of agriculture or forestry. The application is contrary to Morpeth Neighbourhood Plan Policies Sus 1, Set 1, Policy C1 of the Castle Morpeth Neighbourhood Plan and the NPPF. The proposal would also not meet the sustainability objectives within the NPPF since, in particular, it would not be located within in an area that is accessible to everyday facilities.

2.2 The 4<sup>th</sup> and 5<sup>th</sup> reasons for refusal in relation to ecology and land contamination have been resolved since the meeting, subject to conditions. It can now be concluded that the development would not result in harm so far as those matters are concerned.

2.3 The proposal is inappropriate development in the Green Belt, as it does not meet any of the exceptions within paragraph 145 and 146 of the NPPF. In particular, the agricultural site is not 'previously developed' as defined within the NPPF therefore, the proposal would not constitute as making the most effective use of land by regenerating a brownfield site. The key paragraphs that need to be considered from the NPPF are as follows:

*'133. The Government attaches great importance to Green Belts. 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.'*

*'143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

*'144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'* (underlining added)

2.4 To clearly reiterate, the proposal is inappropriate development which is, by definition, harmful to the Green Belt and therefore, an application should only be approved if there are very special circumstances. It is contrary to Green Belt purposes insofar as it involves encroachment on the countryside and fails to assist in urban regeneration. Harm to openness should be considered on the footing that the proposal involves replacement of structures that were in part skeletal and within an open setting by substantial stone-built dwellings and garages with associated curtilages. The harm to the Green Belt must be given substantial weight and any positive factors identified by the proposal would need to clearly outweigh this harm. The identification of any positive factors is not sufficient reason to automatically consider that very special circumstances have been demonstrated.

2.5 Paragraph 144 of the NPPF refers to ‘*any other harm*’, i.e. harm arising regardless of location in the Green Belt. The refusal reasons concerning development within the open countryside damaging its rural character and sustainability grounds so far as the site’s location is concerned were not referenced in the earlier decision making process by members as individual issues and specifically, in the context of justifying development within the Green Belt. They were not, therefore, identified as matters relating to ‘*any other harm*’ and it was not considered whether these were also outweighed such that there were very special circumstances.

2.6 The draft committee minutes cited the details of Councillor Towns’ summary of the positive factors include:

*‘...there was no alternative use for the nor any agricultural operation there anymore. Local residents supported the proposal. It was better to replace with a building that would support local businesses and help sustain the local community. It was an improvement to allow a small, discreet development of the site.’*

It is not considered that these combined factors are truly exceptional or special in isolation. This case could be argued for many small potential sites within the Open Countryside and Green Belt locations in the County. The determination of the application should consider the harm by inappropriateness itself; conflict with or harm, if any to the purposes of the Green Belt; and harm to openness itself.

2.7 Whilst every application should be considered on its own merits, Members should consider whether the application is compliant with local and national plan policies. The aim of local plan settlement policies within the Morpeth Neighbourhood Plan and Castle Morpeth District Local Plan is to prevent the encroachment of settlements into the open countryside and encourage the use of brownfield land. The purpose of the Green Belt also includes safeguarding the countryside from encroachment and assist in urban regeneration. The principle of development for agricultural structures is generally acceptable with less stringent policies for an appropriate countryside activity. As such, agricultural buildings are a common feature within our rural landscape but many of these may, through the years, be falling into disrepair. If very special circumstances have not been clearly demonstrated to justify replacing agricultural buildings with dwellings, this would undermine the existing local plan policies and the NPPF..

2.8 The County Ecologist has no objections to application based on the submitted Ecological Appraisal and Bat Survey submitted on 14<sup>th</sup> December 2018 as there was negligible roosting potential for bats. The surrounds site was considered to have a

moderate potential for roosting bats and a pond which cannot rule out the presence of protected species. The avoidance, mitigation and enhancement measures would have to be imposed within a detailed condition to conserve and enhance biodiversity of the site in accordance with paragraphs 8, 118 and 170 of the NPPF.

2.9 Public Protection has no objections to the application based on the submitted phase 1 assessment submitted on 14<sup>th</sup> December 2018 which concludes that the risk to the end users is low, as well as proposing ground gas protection. Given the former use of the site there is still the need for an intrusive investigation, however, as the risk rating is low this could be controlled by condition. The application is considered to be in accordance with the NPPF in relation to land contamination subject to conditions relating to further information for a scheme to deal with any contamination of land or controlled waters and protection measures for the ingress of ground gases.

## **Conclusion**

3.1 As stated within the previous officer report, the main planning considerations in determining this application have been set out and considered above and assessed against the relevant Development Plan Policies and the National Planning Policy Framework (NPPF). It is considered that the application proposes an inappropriate form of development in the Open Countryside and Green Belt. As the site is restricted by Green Belt Policies, there should be no presumption in favour of sustainable development.

3.2 It is our opinion that in relation to the Green Belt 'Very Special Circumstances' have not been demonstrated or considered on a sound NPPF compliant basis. In addition, the first two refusal reasons have not been considered when assessing the additional harm to make an informed judgement against the positive factors.

## **3. Recommendation**

That this application be REFUSED permission subject to the following:

01. The proposal would represent unnecessary and unjustified development in the open countryside outside any defined settlement boundary, contrary to Morpeth Neighbourhood Plan Policies Sus1 and Set1, and Policies C1 and H16 of the Castle Morpeth District Local Plan.

02. The application site lies in an unsustainable location with no services or facilities and is some distance from local facilities, where access to and from the site would be reliant on the private car. As such it is not considered to be in a location where it could also support services in a village 'nearby' using sustainable transport methods. The principle of the residential development in such an unsustainable location would be contrary to the general provisions of the NPPF and Policy Sus1 of the Morpeth Neighbourhood Plan as it would not promote a sustainable form of development in a rural area.

03. The development represents an unacceptable form of development by virtue of its encroachment into the Green Belt. No special circumstances have been demonstrated to outweigh the harm to the openness of the Green Belt. The development is therefore contrary to the provisions of the NPPF and Local Development Plan Policy S5.

**Author and Contact Details**

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**Background Papers:** Planning application file(s) 18/01036/FUL