

DMC2016-031

APPLICATION FOR PLANNING PERMISSION

Application No: 16NP0077

Proposed Development: Removal of condition 4 from planning permission 92NP0011 to allow residential use at Beeswing Lodge Elsdon Newcastle Upon Tyne NE19 1AP

Applicant Name: Mrs M Carruthers

Reasons for DMC Decision:

- i) The Parish Council representation is in conflict with the proposed recommendation;
- ii) The Head of Development Management believes that the matter should be considered by Development Management Committee.

Recommendations:

- i) That planning permission to remove condition 4 of 92NP0011 is refused;
- ii) That Members authorise officers to serve a breach of condition notice requiring the property to return to holiday accommodation, as required by condition 4 of 92NP0011, allowing a 6 month period for compliance.

1. Proposal and Site

1.1 This application proposes to remove condition 4 of planning permission 92NP0011, to allow the use of the application property as a residential dwelling. Permission 92NP0011 permitted the conversion of a former hemmel building to be used as a holiday cottage. Condition 4 of this permission restricted the use of the unit for holiday accommodation and reads as follows:

“The permission hereby granted is for the purpose of the provision of holiday accommodation only and the unit shall not be occupied for any purpose for a period of four weeks from 14 January in any year.”



Figure 1: Approach to the property from the south-west (left), access to the property (right)

- 1.2 The property is situated within the parish of Hepple, in an open countryside location approximately four kilometres to the north of Elsdon, and a short distance to the east of the Billsmoorfoot caravan site. The property is accessed via an existing access point off the B6341. A plan of the location is provided on the final page of the report.
- 1.3 The property is located close to the road, but largely obscured from view by the high stone boundary wall that runs adjacent to the highway. The property also has a clearly defined residential garden, enclosed by a small boundary fence and hedge.



Figure 2: Closer views of the property

- 1.4 A report was received by the Planning Team earlier in 2016 that the property may be in use as a residential property, rather than for holiday accommodation. The investigations carried out by officers have culminated in the submission of this planning application to remove condition 4. The agent has provided a supporting letter summarising the main



reasons why the change from holiday accommodation to a residential dwelling has been sought. The letter confirms that the applicant has run Beeswing Lodge as a holiday cottage over a period of many years, typically renting it out for periods of one or two weeks at a time.

- 1.5 The letter states that the applicant has turned 90 recently, and while she would have liked to continue letting the property as holiday accommodation, being solely responsible for cleaning and maintenance has made this increasingly difficult each year, particularly given the short turnarounds from one letting to the next. The letter also states that bookings have fallen away sharply in 2015.
- 1.6 The supporting later explains that the applicant's goddaughter and her husband moved into the property in December 2015 after moving to Northumberland from the south. The applicant had allowed them to live there on an informal basis, without realising the planning implications of allowing this.



Figure 3: Closer views of the property

- 1.7 The proposal simply seeks to remove condition 4 of 92NP0011 to allow for residential use, and does not propose any alterations to the property.



2. Planning Policy

National Policies

- *National Planning Policy Framework (2012)*
- *Planning Practice Guidance*

Local Policies

- *Northumberland National Park Local Development Framework Core Strategy and Development Policies (Core Strategy) (2009)*

- Policy 1 *Delivering Sustainable Development*
- Policy 3 *General Development Principles*
- Policy 5 *General Location of New Development*
- Policy 7 *Conversion of Buildings outside Settlements*
- Policy 10 *New Housing Development*
- Policy 11 *Affordable Housing*
- Policy 15 *Sustainable Tourism & Recreation Development*
- Policy 17 *Biodiversity and Geodiversity*
- Policy 18 *Cultural Heritage*
- Policy 19 *Tranquillity*
- Policy 20 *Landscape Quality and Character*
- Policy 25 *Renewable Energy and Energy Efficiency*



3. Relevant Planning History

- 3.1 92NP0011 – Conversion of farm building to holiday cottage (approved with conditions, December 1992)

4. Consultee and Public Responses

- 4.1 Hepple Parish Council: *“Hepple Parish councillors unanimously support the removal of condition 4 from planning permission 92NP0077 to allow residential use at Beeswing Lodge...It is thought that it is far preferable to have a fully occupied dwelling, although it was noted that the property could be purchased as a second home if sold in the future.”*
- 4.2 A notice was also placed at the site, inviting representations by 8th September. No comments have been received at the time of writing. Members will be updated at Committee of any representations received up until the end of the consultation period.



5. Assessment

- 5.1 The key issue for consideration in the assessment and determination of this application is the principle of allowing the conversion of a holiday unit to a residential property in an open countryside location.
- 5.2 Other relevant material considerations will be referenced within the report.

Principle of Development

- 5.3 The application site is located within the open countryside, outside of the settlements listed as the focus for local needs development within the National Park in Core Strategy Policy. In open countryside locations, development is limited, under Core Strategy Policy 5, to the re-use of existing buildings, with new buildings only permitted in certain circumstances. As the proposed removal of condition 4 is proposed to allow the re-use of an existing building, with no further extensions or alterations, the proposal would accord with Policy 5 in this respect.
- 5.4 Core Strategy Policy 7 and the relevant supporting text makes clear that for the change of use of buildings outside of identified settlements, any building to be converted must:-
- a) Be capable of conversion;
 - b) Contribute to the special qualities of the National Park; and
 - c) Be of sufficient size in order to accommodate the proposed use without the need for significant alterations or extensions which would detract from its character and appearance.
- 5.5 The change of use of existing buildings to employment use (including tourism) is supported by Policy 7, where all of the above criteria can be met. However, the change of use of buildings to new open market residential development is only then supported by Policy 7 where the above criteria can be met *and* where it can be demonstrated that the building cannot be developed for an employment or tourism use.
- 5.6 Paragraph 49 of the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development. Paragraph 55 of the National Planning Policy Framework advises 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 to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- Or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting;
- Or the exceptional quality or innovative nature of the design of the dwelling.

None of these special circumstances set out in NPPF paragraph 55 are applicable to this proposal.

- 5.7 The application proposes to remove a planning condition that currently restricts use of the premises to holiday accommodation. Removing the condition would allow the change of use of the property to new open market residential accommodation. The agent's supporting letter has provided an explanation to set out why the property has recently been used as residential accommodation, which is summarised in paragraphs 1.4 to 1.6 of this report. While the supporting letter explains why this has occurred, it does not provide any evidence to demonstrate that holiday accommodation, or any other employment or tourism use are not viable. Nor does it provide any other overriding justification why the property must be used for residential purposes. The main justification for the application relates to the personal circumstances of the applicant, which are not a material planning consideration.
- 5.8 The Parish Council's response states their view that it is better to have a fully occupied dwelling, than a property that is not fully occupied. There are of course benefits to buildings being in a full time use, and this is a positive consideration that weighs in favour of the proposal. However, the application has not demonstrated that the property could not remain in use for employment or tourism purposes. The proposal to remove condition 4 of 92NP0011 is also clearly contrary to Core Strategy Policy 7 and paragraph 55 of the NPPF, as the proposal would create a dwelling in the open countryside, without satisfying the requirements of either of these policies. Substantial weight must be given to the proposal's failure to accord with these policies.
- 5.9 Should Members be minded to grant planning permission to remove condition 4 and allow a new residential unit, a local needs occupancy restriction would be needed, which would need to be retained in perpetuity. This is required by Core Strategy Policy 10. Should Members be minded to grant permission to remove condition 4, it is considered that this should be subject to the completion of a section 106 legal agreement to allow for the local needs occupancy restriction to be provided and retained in perpetuity. This



would also prevent the property from being occupied as a second home. No draft legal agreement has been submitted at this stage.

- 5.10 Should Members be minded to grant permission, no affordable housing provision would be required, as only a single dwelling would be permitted as a result of the removal of the condition. This is below the thresholds where affordable housing can be required by either Core Strategy Policy 11, or by national policy (Planning Practice Guidance & Written Ministerial Statement HCWS50).

Visual Appearance & National Park Special Qualities

- 5.11 The proposal would not lead to any physical changes to the building or surroundings and would have a neutral effect on the visual amenity of the area and on the special qualities of the National Park. Removing condition 4 would not necessitate the installation of any additional external lighting, and an external lighting condition is therefore not required in this instance. The proposal accords with Core Strategy policies 1, 3, 17, 18, 19 and 20 in this respect.
- 5.12 The proposal does not fall within the scope of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2011 (as amended). Screening of the proposal under these regulations is therefore not required.

Residential Amenity

- 5.13 There are no residential properties located within close proximity of the site. The removal of the condition would not impact detrimentally upon the amenity of the occupiers of any residential properties. The proposal is therefore considered to accord with Core Strategy Policy 3 and the NPPF in this respect.

Highways, Access & Rights of Way

- 5.14 There would be no changes that could affect the highway network and the property would continue to use the existing access from the B6341. No rights of way would be affected. The proposal would accord with Core Strategy policies 3 and 12, and the NPPF, in this respect.

Energy

- 5.15 Core Strategy Policy 25 requires all new developments, including conversions, to minimise the amount of energy used during construction, achieve high energy efficiency, and utilise renewable energy sources in order to offset at least 10% of the predicted



energy requirements of the development. While the proposal seeks to change the use of the building from holiday accommodation to a permanent residential dwelling, it does not involve any physical works and would not amount to a conversion of the building, for the purposes of assessing the proposal against this policy. Therefore, Policy 25 is not considered to be relevant to this case.

6. Conclusion

- 6.1 The removal of condition 4 of 92NP0011 would establish a residential dwelling in an open countryside location which would conflict with the policy requirements of Core Strategy Policy 7 and paragraph 55 of the National Planning Policy Framework. It is therefore considered that planning permission to remove this condition is refused, as it would be contrary to these policies.

7. Recommendation

- 7.1 That members refuse planning permission to remove condition 4 of 92NP0011 for the following reason:

1. The proposal would be contrary to NNPA Core Strategy Policy 7 and paragraph 55 of the National Planning Policy Framework, as it would establish an isolated new residential dwelling within the open countryside location. The application fails to demonstrate that the building cannot be brought into an employment or tourism use, as required by Core Strategy Policy 7. The proposal also fails to meet any of the special circumstances set out in paragraph 55 of the NPPF.

- 7.2 The application has been submitted as a result of investigations by the Authority's Planning Enforcement Officer. The property is currently being used for full time residential accommodation and therefore this occupation is in breach of Condition 4 of Permission 92NP0011. Should Members agree with the officers' recommendation to refuse permission, Members are also recommended to authorise officers to serve a breach of condition notice requiring the property to cease residential use and return to holiday accommodation, as required by condition 4 of 92NP0011, allowing a 6 month period for compliance.



Contact Officer:

For further information contact Chris Stanworth, Planning Officer on 01434 611508 or e-mail:
planning@nnpa.org.uk

Background Papers:

Planning Application File: 16NP0077



16NP0077 Beeswing Lodge, Elsdon

Northumberland National Park Authority

