

## **DELEGATED DECISION REPORT**

<b>Application Reference Number</b>	16NP0122
<b>Description / Site Address</b>	Siting of caravan for temporary use (retrospective) at Red Hall, Elsdon, Newcastle Upon Tyne, Northumberland, NE19 1BH
<b>Expiry date of publicity / consultations</b>	7 February 2017
<b>Last date for decision</b>	22 February 2017

### **Details of Proposal & Site**

This application proposes the siting of a caravan on land within the residential curtilage of Red Hall, a house located towards the southern edge of the village of Elsdon. The application forms submitted indicate that the caravan would be used by the family who own the dwelling, on a temporary basis, whilst the refurbishment and redevelopment of Red Hall is in progress. The application is therefore to be considered on the basis of the caravan being provided on a temporary basis until these works are complete.

Initially, no details of the length of time that the caravan would be required for were submitted. After initial discussions with the agent, it was confirmed in writing that the caravan would be required until the dwelling was habitable. The agent initially anticipated that this would be around September 2017.

However, having had the opportunity to give more detailed consideration of the programme for the proposed structural stabilisation and redevelopment of the main property, the agent has advised that it is likely to be April 2018 before the caravan can be dispensed with.

The proposed caravan location is just to the left of the front elevation of the property, sandwiched between the single storey garages at Red Hall and neighbouring Glen Frugart. The caravan is proposed to be set back from the front wall of the property by 1 metre. The proposed caravan is green, with a footprint of approximately 7 metres by 3 metres.



*Views from the road to the front of Red Hall (with caravan in situ)*

When conducting the site visit on 17 January 2017, it was apparent that the caravan had already been brought onto the site and placed in the location proposed by this application. It is understood that the caravan is already in use.

## **Relevant Planning Policy**

### **National Policies**

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

### **Local Policies**

- *Northumberland National Park Authority Core Strategy and Development Policies Document (Core Strategy) (2009)*

Policy 1	Delivering Sustainable Development
Policy 2	Climate Change
Policy 3	General Development Principles
Policy 5	General Location of New Development
Policy 6	The Sequential Approach
Policy 9	Managing Housing Supply
Policy 10	New Housing Development
Policy 12	Transport and Accessibility
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
Policy 27	Water and Flood Risk

### Supplementary Planning Guidance

- *NNPA Building Design Guide Supplementary Planning Document (Design Guide SPD)*
- *NNPA Landscape Supplementary Planning Document (Landscape SPD)*

### Relevant Planning History

04NP0084 - Change of use of land (rear of Red Hall) from agricultural to domestic (approved, subject to conditions, 01/02/05)

### Consultation/Representations

**NCC Highways:** No issues arise from the proposal.

**NCC Village Greens:** While it is difficult to say with precision (due to the age/scale of the historic records), it appears that the caravan is not on the village green itself.

**Elsdon Parish Council:** Supports the application.

Comments also provided on the progress of the application to develop the property (NB: the LPA do not currently have a valid planning application for this).

**Neighbours:** Neighbouring properties were notified and a notice was placed at the site. **One representation was received** from neighbouring residents at Pinfold Lodge, summarised as follows:

- The siting of the toilet does not give any privacy for users – could a screen be erected;
- Would NNPA consider applying a realistic date for removal of the caravan?

## Assessment

The key material planning considerations are:

- The principle of the development;
- Effects on visual amenity;
- Effects on National Park special qualities;
- Effects on residential amenity;
- Access & highways considerations;
- Effects on the village green.

### The principle of the development

The proposal is to provide a caravan temporarily on the site while the dwelling at Red Hall is uninhabitable due to refurbishment and redevelopment works that are proposed to be carried out. A valid planning application has not yet been submitted for the works that are proposed, with the main reason for this being due to the timings for bat surveys to be carried out, which would be an integral part any application that was to come forward.

Part 4 Class A of The Town and Country Planning General Permitted Development Order 2015 allows for:

*“The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.”*

However, A.1(b) of Part 4 Class A states that such development is not permitted, where *“planning permission is required for those operations but is not granted or deemed to be granted”*. As planning permission has not yet been obtained for the proposed redevelopment works, then planning permission for the siting of the caravan is required. Should planning permission subsequently be granted for works to extend the property, then the permitted development rights to allow the caravan to remain in place until these works were completed could be used.

As the proposal is located within the residential curtilage of Red Hall, and is for the purposes of replacing the residential accommodation at Red Hall on a temporary basis, the proposal does not constitute the creation of an additional unit of residential

accommodation. It is considered to be sustainable development, which does not conflict with any Core Strategy or NPPF policies, and is acceptable in principle.

As the proposal is for replacement residential accommodation within the curtilage of an existing residential unit, on a temporary basis, it does not create any additional housing units. The application does not therefore need to be considered against the relevant Core Strategy and NPPF policies on housing, which would only relate to the consideration of new housing units.

It is appropriate that consent is only given on a time-limited period to prevent the establishment of an additional residential unit on a permanent basis, once the dwelling has been brought back into use. While the location is within a settlement identified as the focus for development (in accordance with Core Strategy policies 5 and 9), the current proposal does not demonstrate that it would accord with Core Strategy Policy 6, and does not provide local needs restrictions in accordance with Core Strategy Policy 10 and would therefore be contrary to the development plan.

It is considered that April 2018 is an appropriate timescale for this and a condition is proposed to require the removal of the caravan by this time.

### *Effects on visual amenity*

The proposed caravan is sited within the village of Elsdon, characterised by the presence of traditional stone built dwellings, such as Red Hall itself, as well as more modern residential properties, and open green spaces. While the presence of a caravan is at odds with this overall character, it has been sensitively located to ensure that it is not a prominent feature within the street scene, and hidden from view in many places. The use of a caravan with a more neutral green coloured exterior also mitigates the visual impact of the caravan to an extent.



*View of the rear of the property from the road to the south*

While there would be some concern if the caravan were proposed to be kept on site on a permanent basis, the siting of the caravan proposed for residential use in this location on a temporary basis is not considered to have an unacceptably harmful impact upon the visual amenity of the street scene or wider area. The proposal accords with Core Strategy Policy 3 and the NPPF Core planning principles in this respect.

### *Effects on National Park special qualities*

The site is located within the Otterburn and Elsdon Valley Landscape Character Area, but in a location sandwiched between larger built development immediately to either side. The development would not be easily visible, or prominent within the landscape, and there would be limited visibility from public viewpoints. Weight must also be given to the fact that the caravan is being proposed on a temporary basis and would be removed. The landscape character of the area would not be unacceptably harmed by the development, which accords with Core Strategy Policy 20 and Chapter 11 of the NPPF.

The development is not likely to have a material effect on the tranquillity of the National Park in terms of noise, lighting levels, or any other impact. No external lighting is shown or referred to within the application plans or documents. However, given that only a temporary permission is sought, and the fact that the caravan is located directly adjacent to existing residential development, it is not considered that an external lighting condition would be appropriate, or in accordance with the six

tests in this case. The proposals accord with Core Strategy Policy 19 and paragraph 115 of the NPPF.

There are no ecological implications arising as a result of this proposal. The proposals accord with Core Strategy Policy 17 and Chapter 11 of the NPPF.

It is not considered that the proposals are likely to adversely affect the historic environment or cultural heritage of the National Park. The proposals accord with Core Strategy Policy 18 and Chapter 12 of the NPPF.

### *Effects on residential amenity*

The scale and location of the caravan mean that it would not be overly dominant or overbearing and that there would not be any unacceptable impacts on residential amenity for this reason.

Given the distance from and orientation in relation to other properties, any impacts for the caravan to result in any issues in terms of overlooking or privacy are also very limited. The representation received from Pinfold Lodge raises some concern about the toilet area within the caravan being visible from the rear windows of Pinfold Lodge. This appears to relate to the small window towards the rear of the side elevation (pictured below).



*View of the rear/side of the caravan – provided with the representation from Pinfold Lodge*

While it may be possible to see this window from Pinfold Lodge, this is a small window, located around 40 metres away from the rear elevation of Pinfold Lodge. It is considered that this is a fairly substantial separation distance between the windows that should prevent overlooking from being a harmful issue in this instance. Normal practice in considering separation distances is that a 20 – 25 metre separation distance from one habitable room that faces another affords sufficient protection for the residential amenity of the occupiers of these rooms. This proposal significantly exceeds this separation distance, and a bathroom is also not considered to be a habitable room. It is considered that any effects on the privacy and residential amenity of neighbouring occupiers would not be unacceptably harmed by the presence of the caravan and the side window.

The representation from Pinfold Lodge suggests that a screen could be erected near to the window. Obscure glazing is also something that can be considered for use in bathroom windows to provide additional privacy. However, given the distance between the properties, the fact that residential amenity would not be affected to an unacceptable level, and also having regard to the temporary period of time that the caravan is sought for, it is not considered that it would be reasonable to require either of these options as a requirement of the planning permission.

Paragraph 206 of the NPPF advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. It is considered that requiring a scheme of obscure glazing, or the erection of a screen would not satisfy these tests, as it would not be necessary in order for planning permission to be granted, or reasonable in all other respects. Another option could be to provide blinds to screen the window, however, such a condition requiring that blinds were in place would fail to meet the tests of enforceability, as well as reasonableness, or necessity.

It is considered that the proposal would not unacceptably harm the residential amenity or privacy of any neighbouring residents and that the proposal accords with Core Strategy Policy 3 and the NPPF Core planning principles in this respect.

### *Access & highways considerations*

The proposals would not generate any additional traffic flows to or from the site and would not have an adverse impact on highway safety. The proposals are in





accordance with Core Strategy policies 1, 3 and 12, and the NPPF in respect of the highway implications.

### Effects on the village green

While the NCC Village Greens team have been unable to definitively confirm where the village green boundary lays, due to the age and accuracy of the records they hold, they have accepted that it appears that the caravan would not be sited on the village green.

The caravan is located within the residential curtilage of Red Hall. Data held within LPA's GIS systems indicate that the caravan would not be sited within the village green, particularly as it is set back from the front boundary of the residential property.

While the caravan must have been brought across the village green onto the site, this would have been via the existing access point to the site that already crosses the village green. There is no harm to the village green as a result of this proposal.

### Other

The proposed caravan is in a location at very low risk of river, sea or surface water flooding, and the proposal accords with Core Strategy Policy 27 in respect of flood risk.

The caravan would connect to the existing drainage system that is in place for the house, which connects to the mains sewer. This is considered to be appropriate, and in accordance with Core Strategy Policy 3, the NPPF and PPG.

As the proposals are for temporary replacement habitable residential accommodation, it would not be appropriate to insist that a 10% renewable energy provision required by Policy 25 would be appropriate in this instance.

## **Summary & Recommendation**

Subject to the conditions below, the proposal is considered to be sustainable development and in accordance with development plan policies, having regard to all other material planning considerations.

It is recommended that the application is approved, subject to the following conditions:

Conditions

1. The development hereby permitted shall be retained in accordance with the following approved plans and documents:

- Application form received on 13/12/16
- 15030-04 - Location Plan, Proposed Caravan 12/12/2016 (1:1250) & Site Plan 1:200 received on 13/12/16
- Proposed Caravan: Supporting Statement and Details 19/12/2016 received on 24/12/16, as updated by email from Frank Harrison received on 07/02/17 at 14:28

Reason: For the avoidance of doubt, to enable the Local Planning Authority to adequately manage the development and to ensure the proposal accords with policies 1, 2, 3, 5, 6, 9, 10, 12, 17, 18, 19, 20, 25 and 27 of the Northumberland National Park Authority Core Strategy & Development Policies Document (Core Strategy) and the National Planning Policy Framework (NPPF).

2. The caravan approved by this permission shall be removed from the application site by the 30<sup>th</sup> April 2018.

Reason: This consent is sought on a temporary basis while refurbishment and redevelopment works to Red Hall are undertaken and planning consent is granted on this basis. Permanent retention of the caravan would potentially create an additional unit of residential accommodation, which would potentially be in conflict with Core Strategy policies 6 and 10. Longer term retention of the caravan would be detrimental to the visual amenity of the area, in conflict with Core Strategy Policy 3 and the NPPF.

Informative Notes

1. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

(a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, may constitute unauthorised development and may be liable to enforcement action.

(b) You, your agent, or any other person responsible for implementing this permission should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.

2. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. Some conditions may require work to be carried out, or details to be approved prior to the commencement of the development.

Where pre-commencement conditions are not complied with, the whole of the development could be unauthorised, and you may be liable to enforcement action. In some circumstances, the only way to rectify the situation may be through the submission of a new application. If any other type of condition is breached then you may be liable to a breach of condition notice.

### **Background Papers**

Planning Application File 16NP0122  
EIA Screening Opinion 16NP0122

	Signature	Date
<b>Planning Officer</b>		
<b>Head of Development Management</b>		