



Reference No. 17NP0001

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010**

Agent :

Mr Keith Butler
Butler Haig Associates
Unit 11 South Acomb
Bywell
Stocksfield
Northumberland
NE43 7AQ

Applicant :

Mr and Mrs J Morrison-Bell
Newton
Tasset
Hexham,
Northumberland
NE48 1PD

Under the above Act, Northumberland National Park Authority hereby grants planning permission for:

Variation of Condition no. 5 of planning permission 08NP0049 (Construction of new building to provide bunk house accommodation, farm shop, services to camp site and storage) - Proposal to vary the previously approved hours for opening of the tea room/restaurant to 09:30 to 22:30 7 days a week at The Boe Rigg, Bellingham, Hexham, Northumberland, NE48 1PE

as described in application reference **17NP0001** and in the plans and drawings attached to it, subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in complete accordance with the approved plans for application 08NP0049, and in accordance with the following approved plans and documents submitted as part of this application:
 - Application form received on 03/01/17
 - Letter from Butler Haig Associates, dated January 3, 2017, entitled "The Boe Rigg, Charlton, Variation to Condition 5" received on 03/01/17
 - Location Plan CV/LP/01 received on 03/01/17

Reason: To enable control to be exercised over the development.

2. Hours of opening of the restaurant and deliveries shall be limited to between 0930 hours and 2230 hours.



Reason: To protect residents' amenity in accordance with NNPA Core Strategy Policy 3 and the NPPF.

3. Regarding retail from the farm shop, no direct selling of goods to the public shall take place other than farm produce, and convenience goods principally for the benefit of visitors to the bunkhouse and campsite, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid the establishment of a retail use in an unsustainable location, in conflict with the NPPF.

4. The farm shop and tea room hereby permitted shall be operated solely in connection with Charlton Farm and the bunkhouse hereby granted permission and shall not be sold or operated independently of the farm and bunkhouse business, without the prior consent of the Local Planning Authority.

Reason: The farm shop is acceptable as a farm diversification enterprise in accordance with NNPA Core Strategy policies 14, 15 and 21; however the site is not within an area where permission for a retail development would otherwise normally be granted.

5. No external lighting shall be installed until full details have been submitted to and approved by the Local Planning Authority. The external lighting shall not be installed other than in accordance with the approved details.

Reason: To avoid inappropriate and excessive light pollution in accordance with NNPA Core Strategy Policy 19 and NPPF paragraph 125.

6. The easterly access onto the U5073 shall be used for the purpose of "Entry Only" and appropriate signs shall be maintained within the site in accordance with the details submitted in approval of details application 11NP0074 in respect of condition 13 of 08NP0049.

Reason: In the interests of highway safety, in accordance with NNPA Core Strategy policies 3, 12 and the NPPF.

7. The turning spaces shown on the plans submitted in approval of details application 11NP0074, in respect of condition 15 of 08NP0049, shall be kept clear of obstruction at all times.

Reason: In the interests of highway safety, in accordance with NNPA Core Strategy policies 3, 12 and the NPPF.



8. The area allocated for parking on the plan submitted as part of 08NP0049 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety, in accordance with NNPA Core Strategy policies 3, 12 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.

3. Northumberland County Council Public Health Protection - Advice to Developer

The effectiveness of the development's design in ensuring that a nuisance is not created is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

In all cases, Northumberland County Council retains its rights under the Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.



Positive and Proactive Planning Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the relevant policies in the National Planning Policy Framework and the Northumberland National Park Core Strategy and Development Policies Document. As a result, the Local Planning Authority has been able to grant permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Dated this: **22 February 2017**

National Park Officer

Please note that this is not approval of plans under the Building Regulations. Also, this Planning Permission does not convey any approvals required under any other legislation, or override property rights held by other parties. Your attention is drawn to the notes attached. Failure to discharge planning conditions may result in the development not being authorised and subject to legal challenge.



NOTES

- 1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice (subject to the additional provisions below).**
- 2. If this is a decision to refuse planning permission for a householder application or for a minor commercial application or to grant it subject to conditions, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice. This process does not apply to any decision in circumstances where an appeal against the refusal to grant listed building consent is submitted at the same time as an appeal against the refusal to grant planning permission.**
- 3. If this is a decision to refuse advertisement consent or to grant it subject to conditions, if you want to appeal against your Local Planning Authority's decision then you must do so within 8 weeks of the date of this notice.**
- 4. If this decision relates to the same or substantially the same land and development as is or subsequently becomes the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice whichever period expires sooner.**
- 5. Notice of Appeal may be submitted to the Planning Inspectorate electronically via <https://acp.planninginspectorate.gov.uk> or on the Planning Appeal Form which may be obtained from The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000)**
- 6. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not, however, required to entertain such an appeal if it appears to them that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.**



7. **Please note that only the applicant has the right to appeal. Third parties have no right to appeal against a planning decision.**

8. **If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he or she may serve on the Council within the boundaries of which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).**