



DMC2018-008

APPLICATION FOR PLANNING PERMISSION

Application No:

18NP0013

Proposed Development:

To vary condition 5 of planning permission reference 90/E/420 to allow ancillary residential use to either family members of the owners or employees of the business, at the Byre Cottage, Scothcoulthard, Haltwhistle, Northumberland, NE49 9NH

Applicant Name:

Mr A Saunders

Reason for DMC Decision:

The application is brought before DMC as the applicant is a Northumberland National Park Authority Member.

Recommendation:

That Members are minded to refuse the application for the reasons detailed within the report.

1. Introduction

- 1.1 This application seeks to vary condition 5 of planning permission 90/E/420, specifically relating to the unit now referred to as the Byre, under which consent was granted for the conversion and extension of former agricultural buildings to form four units of holiday accommodation at Scothcoulthard, Haltwhistle.

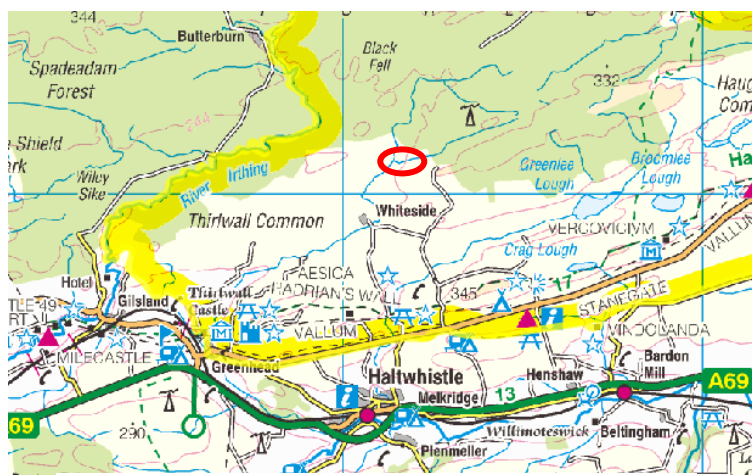


Figure 1: General Location of Scothcoulthard

- 1.2 Scothcoulthard is situated in a remote location, in excess of 1km from the nearest neighbouring residential property and approximately 4km north of Hadrian's Wall. It is accessed via a track leading west from the minor road which runs north from Edges Green.



This road turns into a gated forestry track just beyond Scotchcoulthard. The property comprises a rough 'U' shaped collection of buildings around a central courtyard.

- 1.3 In addition to the four holiday units, the site also comprises the owners private accommodation in Scotchcoulthard main farmhouse, an annexe occupied by another family member, as well as an additional room used for Bed & Breakfast known as 'Roy's Room'. The property also provides a games room and indoor swimming pool for use by guests.
- 1.4 Planning permission was granted in 1990 for the conversion and extension of former agricultural buildings to form four units of holiday accommodation.

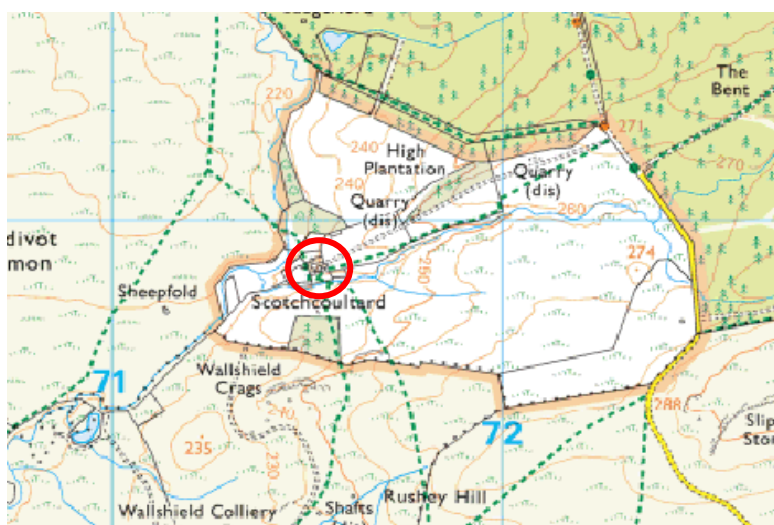


Figure 2: Scotchcoulthard in its immediate setting

- 1.5 As part of the grant of planning permission, all of the units were subject to a Condition (Condition 5) restricting their use to holiday accommodation only. Condition 5 of 90/E/420 reads as follows:

'The units hereby permitted shall be used solely for holiday purposes and shall not be sold off nor let (other than for holiday purposes) separate from the adjacent dwelling known as Scotchcoulthard'.

Reason: *The site is not considered appropriate for general residential purposes.*

- 1.6 Following investigations undertaken during late 2017, the Authority found there to have been a breach of Condition 5 through the occupation of the holiday letting units (specifically 'The Byre') by members of the owner's family. This was confirmed during a visit to the site by Officers on 7th December 2017. Following this meeting a letter was sent to the applicant detailing the options available to regularise the development.

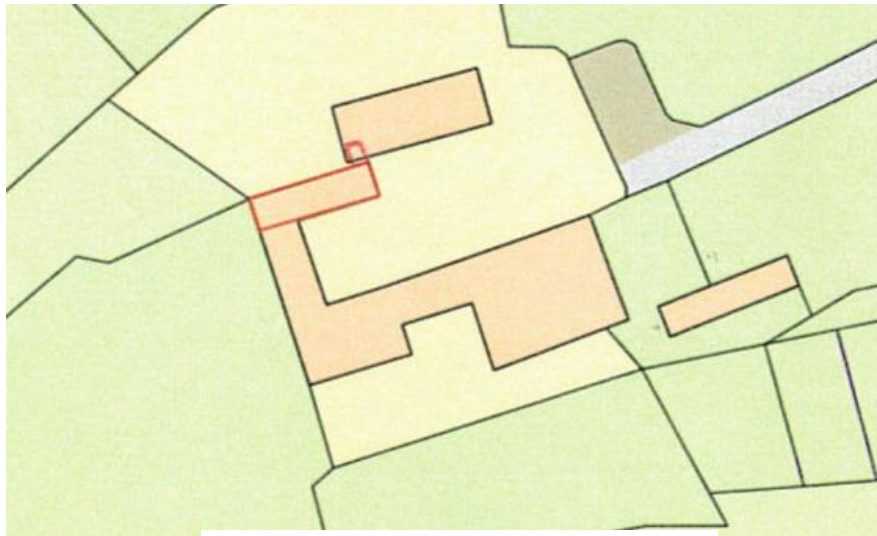


Figure 3: Site plan showing the Byre



Figure 3: The Byre

- 1.7 This application has been submitted following discussions and proposes the variation of 90/E/420 Condition 5 to allow 'The Byre' to be used by members of the owners family or by employees of the business.
- 1.8 No physical works or other changes to the property known as 'the Byre' are proposed.

2. Planning Policy & Guidance

National Policies



- National Planning Policy Framework (NPPF)(2012)
- National Planning Policy Framework Consultation Draft (March 2018)
- National Planning Practice Guidance

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making, but is a material planning consideration and the proposed development must also be assessed against the policies within it.

2.2 Revisions to the text of the NPPF are currently out for consultation. However, it is not considered that this proposes any changes which would be material in the consideration of this application. The general presumption against new isolated homes in the open countryside is retained within paragraph 81 of the consultation draft.

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 9	Managing Housing Supply
Policy 10	New Housing Development
Policy 14	A Sustainable Local Economy
Policy 15	Sustainable Tourism and Recreation Development
Policy 17	Biodiversity and Geodiversity
Policy 18	Cultural Heritage
Policy 19	Tranquility
Policy 20	Landscape Quality and Character

Supplementary Planning Guidance

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

3. Relevant Planning History

90/E/420 Conversion and extension to former agricultural building to form four units for holiday accommodation. *Conditional Planning Permission Granted 10/10/1990*



98NP0073 Conversion of outbuildings to provide kitchen area, food store and dining area
Conditional Planning Permission Granted 22/01/1999.

11NP0025 Demolition of attached outbuildings to rear and side and construction of two-storey rear and side extension to dwelling house. *Conditional Planning Permission Granted 22/01/1999. 01/07/2011*

4. Consultee and Public Responses

4.1 **Henshaw Parish Council: No objection;**

4.2 **NCC Highways: No objection:** No issues raised;

4.3 A notice was displayed at the site on 16th March 2018. No representations have been received.

5. Assessment

5.1 Introduction

5.1.1 The key material planning considerations are:

- The principle of the development;
 - current residential use of the Byre
 - employment use
 - family use
- Impact upon National Park special qualities;
- Design and amenity;
- Highways;
- Foul drainage;
- Energy efficiency and renewable energy.
- The Human Rights and Equalities Act
- Other Issues

5.2 The principle of the development

5.2.1 The key planning consideration is whether the variation of the condition would result in a satisfactory form of development, having regard to the relevant local and national policies and guidance and the principles of sustainable development.

- 5.2.2 Policy 1 of the NNPA Core Strategy seeks to deliver sustainable development in all development proposals. It also seeks to conserve and enhance the special qualities of the National Park (landscape character, tranquility, cultural heritage, geodiversity and biodiversity). The effects of the proposed development on these qualities are discussed in more detail later in the report.
- 5.2.3 The application is considered to be located within the open countryside whereby development is limited under Core Strategy policy 5 to that of the re-use of existing buildings, with new buildings only permitted in certain circumstances. The applicant has advised that the site is 'quite remote', however has also forwarded the argument that Scotchcoulthard is not in the open countryside as the steading has been present since the Enclosure Act. When considering a recent appeal at Beeswing Lodge, the Inspector considered that property to be in the open countryside by virtue of it being outside any settlement identified under Core Strategy policy 5 as the focus for new development in the National Park. It is considered that the same principle applies to Scotchcoulthard. Notwithstanding the above, as the proposed variation of condition comprises the re-use of an existing building with no further extensions, the proposal would accord with policy 5 in this respect.
- 5.2.4 Core Strategy policy 7 and relevant supporting text make clear that for the change of use of buildings outside of identified settlements, any building to be converted must:-
- Be capable of conversion;
 - Contribute to the special qualities of the National Park; and
 - Be of sufficient size in order to accommodate the proposed use without the need for significant alterations or extensions.

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. The change of use of buildings to new open market locals needs 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. Paragraph 6.23 of the supporting text to policy 7 states that such a demonstration would require evidence that the property has been marketed as an employment enterprise over a 9 month period which has not been done.

- 5.2.5 Core Strategy Policy 9 seeks to direct housing development to the most sustainable settlements. Core Strategy Policy 10 states that new housing will only be allowed in settlements with adequate services and all new residential development will be restricted in perpetuity to that meeting the local need criteria and will not be available as second or holiday homes. No suitably worded and signed section 106 agreement has been provided by the applicant and as such the proposal would result in an open market dwelling with no local need requirements secured in perpetuity and would therefore conflict with policy 10.

Current residential use of the Byre

- 5.2.6 The application proposes a change from a tourism use, currently supported under policy 7, to allow residential accommodation for the applicant's in-laws initially and then other family members or employees of the business in the longer term. In the absence of clear evidence to demonstrate that the building cannot continue to be used for tourism, the proposal fails to meet with the requirements of policy 7.
- 5.2.7 As noted at paragraph 1.5, condition 5 of planning approval 90/E/420 only allows The Byre (and the three other holiday lets) to be used for holiday purposes. The applicant has however advised that his parents-in-law have been living at Scotchcoulthard since 2011, although not continually within the Byre, and that the occupation of one of the holiday units as residential accommodation has had little impact on the profitability of the business, as full occupancy is generally restricted to a month in the summer and the occasional bank holiday weekend. The applicant has further advised that having his relatives present on site means that he and his family are able to have time away from the property which would not otherwise be possible due to the complex nature of the services to the holiday units (water / sewerage / electricity) requiring someone familiar with their functioning to be on hand at all times to assist guests.
- 5.2.8 On this basis, the applicant has advised that having his parents-in-law on site is mutually beneficial, as he and his family are able to offer care and support to them as they grow older while they are able to offer support to the business on the occasions when both he and his wife are away from the property. While the three cottages at Scotchcoulthard (excluding the Byre) are being actively marketed as holiday accommodation (both on the applicants own website and through other third party booking sites), as noted the applicant has advised that the site seldom operates to capacity. The applicant has provided details showing that over the last five years the business as a whole fluctuates between a small annual profit / deficit in any given year. This is however in the context where the Byre would not have been actively marketed as holiday accommodation during this period due to the occupation by the applicant's in-laws.
- 5.2.9 The applicant has argued that the use of the Byre by his in-laws does not constitute a new residential dwelling but rather is a residential annex, ancillary to the main dwelling house and that the property has been assessed as such for Council Tax purposes (although as Council Tax and planning are covered by separate regimes, they are not necessarily consistent in approach). While the Byre is a self-contained unit with all the facilities required for day to day living, it is accepted that there is currently a certain level of co-dependency between the two properties, and a view could be taken that the specific occupation by the applicant's in-laws could represent a use ancillary to the main dwelling.
- 5.2.10 Government planning guidance in relation to the use of Planning Conditions states that '*there may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission*' and '*A condition used to grant planning permission*



solely on the grounds of an individual's personal circumstance will scarcely ever be justified in the case of permission for the erection of a permanent building, but might, for example, result from enforcement action which would otherwise cause individual hardship'

5.2.11 In this specific context, where the applicant's in-laws have resided at Scotchcoulthard since 2011, and in light of the identified mutual benefit to both parties residing at the site, an argument could be made that there are circumstances present that may make this aspect of the proposal acceptable. However, this is not what is being solely proposed in this application.

Employees of the business

5.2.12 While the applicant has advised that the variation of condition 5 would allow the Byre to be occupied by his in-laws, the application also seeks the variation of the condition to allow future occupation by employees of the business and other family members. Although the applicant refers to this use as being ancillary to the main residential dwelling, Officers view is that this part of the proposal would lead to the creation of a new unit of permanent residential accommodation.

5.2.13 Paragraph 55 of the NPPF advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- i. The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- ii. Such development would represent the optimal viable use of a heritage asset;
- iii. Development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting;
- iv. The exceptional quality or innovative nature of the design of the dwelling.

5.2.14 Parts ii) to iv) are not considered relevant in this instance. While NPPF Paragraph 55 part i) identifies '*the essential need for a rural worker to live permanently at or near their place of work*' as a circumstance whereby isolated homes may be allowed, no substantial evidence has been provided to demonstrate that there is a need for additional workers to live permanently on site beyond those already living in the main house of Scotchcoulthard. While the applicant has indicated that the complexities of the services to the properties means that it is essential to have someone at hand to address problems as they arise, the applicant generally performs this duty with his in-laws helping out when he and his family are away from the property. This is in the context where the applicant has advised that the holiday units are rarely full and has not detailed any day to day requirement of the business which would necessitate an additional employee to be permanently resident.

5.2.15 The applicant has referred to applications at the Milecastle Inn (16NP0056 and 16NP0057) in support of this element of the application. In relation to each of these applications, the Authority approved a variation of condition to allow on-site tourist accommodation to be used

as ancillary accommodation for current employees of the business, in order to meet a clearly established business need. The condition also required that the accommodation could not be used as permanent residential accommodation and/or by persons not currently employed by the Milecastle Inn. A further condition also required that the accommodation reverted back to a holiday use during periods when the building was unoccupied by employees. At the time of the applications, The Milecastle Inn was an established busy restaurant employing a number of staff in various roles with staff required on site for various shifts throughout the day. The requirements of the Milecastle Inn are significantly different to those of Scotchcoulthard.

5.2.16 In relation to Scotchcoulthard, no specific need has been established. The information submitted in support of the application indicates that the applicant may at some future stage require assistance with the running of the business with this need potentially being met by an employee or a family member living on-site in the Byre. However, as there is no current established need, all of this is speculative with no specific timescales or proposals forwarded.

5.2.17 The applicant has advised that they currently employ a housekeeper on a 16 hour permanent contract and that they foresee at some point in the future the person filling that role or a family member moving in to the Byre. The current housekeeper does not live on site and there has been no clear argument forwarded as to why this situation would need to change in the future. Although it is accepted that the Byre is in an isolated location which poses difficulties for commuting, the property is only eight miles from Haltwhistle and nine miles from Bardon Mill, which Officers do not consider would be an unreasonable commute. This is also in the context where the potential occupation of the Byre by an employee is purely theoretical at this stage given it is the applicants intention for his in-laws to reside in the unit for the foreseeable future.

5.2.18 In addition, it is not clear why, if the future need should arise to have an employee on site, this could not be met by the residential annexe to the main house or the room used for Bed & Breakfast known as 'Roy's Room', the use of which may not require planning permission. It is therefore Officers view that in the absence of a clearly established need and the speculative nature of any future use, a variation of the condition to allow occupation of the Byre by an employee of the business would be contrary to Core Strategy policies 7 and Paragraph 55 of the NPPF. Officers would advise that should a clearly evidenced need for an employee to reside on site arise in the future, the applicant should apply to vary the condition at that time with any application being assessed in light of the prevailing policy framework.

Family members

5.2.19 In addition to Officers concerns over the proposed variation of condition to allow occupancy by an employee, as requested in this application, the variation propose to allow a member of the applicant's family to move into the Byre, potentially without any tie to the business, creating a new residential development in an isolated location. This is contrary to national guidance and Core Strategy policy 7.

- 5.2.20 As noted above (5.2.14), Paragraph 55 of the NPPF advises that Local Planning Authorities should avoid new isolated homes in the countryside unless special circumstances dictate otherwise. It is not considered that any of the examples of special circumstances detailed in the NPPF are applicable in this instance as the need does not relate to a rural worker and would not involve the optimal use of a heritage asset. The Byre is not redundant and its use would not lead to an enhancement to the immediate setting as required by national policy. In addition, the design is not of exceptional quality or innovative nature.
- 5.2.21 The applicant has stated that use of the Byre by family members would not represent the creation of a new residential dwelling, but rather it would provide a residential annexe ancillary to the main dwelling. In support of this, the applicant has advised that the building is recognised as an annexe for Council Tax purposes (although as noted above, planning and Council Tax are covered by separate regimes and are therefore not necessarily consistent in approach) and that all services at Scotchcoulthard are shared. While acknowledging the applicant's view, Officers consider that use of the Byre by family members would result in the creation of a separate unit of accommodation rather than a residential annexe ancillary to the main dwelling. The Government definition (Ministry of Housing, Communities and Local Government, 2012) of a dwelling is '*a self-contained unit of accommodation. Self-containment is where all the rooms (including kitchen, bathroom and toilet) in a household's accommodation are behind a single door which only that household can use*'. The Byre is not connected to the main dwelling and cannot be accessed from that property. The Byre has all the facilities of day to day living.
- 5.2.22 A recent appeal at Beeswing Lodge, also within the National Park, where the applicant sought removal of a condition restricting use of the property for tourism is considered relevant. In this instance the Inspector dismissed the appeal, supporting the NNPA's refusal. In reaching his decision, the Inspector recognised that a residential use had some benefit as it allowed the property to be occupied full-time. However, he noted that the spatial approach to new housing set out in Core Strategy policy 5 is designed to ensure that isolated new homes are not spread throughout the National Park. He further noted that, as with Scotchcoulthard, the appeal site was not readily accessible by transport methods other than private car, in conflict with paragraph 29 of the NPPF and would result in an isolated new home in the countryside, in conflict with paragraph 55. He therefore considered that the proposal did not represent sustainable development having regard to paragraph 7 of the NPPF and concluded that the removal of the condition would not result in a satisfactory form of development having regard to the relevant development plan policies and the principles of sustainable development. The appeal was therefore dismissed on the grounds that the proposal conflicted with Core Strategy policies 5 and 7 as well as the NPPF.
- 5.2.23 The applicant has suggested that Core Strategy policy 7 is out of date. However, the Inspector in his report on Beeswing Lodge was clear that '*CS Policy 7 seeks to ensure that residential conversions contribute to the special qualities of the National Park...This is*

consistent with NPPF Paragraph 116. CS Policy 7 also seeks to ensure that the spatial objectives of CS Policy 5 are achieved. Those objectives are also consistent with the approach of paragraph 115 and with the approach of paragraph 55 of the NPPF to locate housing where it will enhance or maintain existing communities. As a result I find both CS Policy 7 and CS Policy 5 consistent with the NPPF. They are not, therefore, out of date..'
Officers are therefore satisfied that the Local Plan policies are relevant to this application.

5.2.24 Policy 10 requires that all new residential development is restricted in perpetuity to those meeting with the provision of a specified 'local need' criteria, set out in the pretext to Policy 10. As these restrictions are not currently secured by a suitably worded and signed section 106 agreement, the proposed variation of the condition would conflict with Core Strategy policy 10. Without a S106 agreement the variation would result in an unfettered new residential unit in the open countryside contrary to Policy 10. Policy 10 also requires that all new residential units that are created must be not be made available as a second home and this proposal does not control such a use.

5.2.25 In the absence of any evidence to demonstrate otherwise, it is considered that variation of the condition to allow occupation by a family member would be contrary to Core Strategy policies 7, 9 and 10 and the NPPF as it would result in the creation of an isolated dwelling in the open countryside. Additionally, in the absence of a legal agreement ensuring that the dwelling provides local needs housing in perpetuity and prevents use of the dwelling as a second home in perpetuity, the proposal would additionally conflict with Core Strategy Policy 10 in this regard. It is not considered that the imposition of a planning condition would be sufficient to provide these restrictions in perpetuity.

5.3 Impact upon National Park Special Qualities

5.3.1 Core Strategy Policy 1 requires proposals to contribute to sustainable development and '*Conserve and enhance the special qualities of the National Park*'. In a planning context the special qualities can be defined as its biodiversity and geodiversity, landscape, cultural heritage and tranquility.

5.3.2 As the application relates to a variation of condition with no new development proposed, it is not considered that there would be any impact on the special qualities of the National Park. The proposals are therefore considered to be in accord with Core Strategy Policies 17, 18, 19 and 20 and the NPPF.

5.4 Design and Amenity

5.4.1 Core Strategy Policy 3 supports proposals which '*demonstrate high quality sustainable design*' and '*protect and enhance local character and distinctiveness*'. It also needs to be ensured that '*amenity is not adversely affected*'



5.4.2 As the application does not propose any new development, there would be no impact on the character of the building to which the application relates. In addition, given the isolated nature of the property it is not considered there would be any impact on local amenity. The proposals are therefore considered to accord with the requirements of Policy 3

5.5 Highways

5.5.1 Due to the nature of the proposed development as a variation of an occupancy restriction upon an existing building, it is not considered that the proposal would have any significant impacts upon Public Rights of Way or highway safety within the vicinity of the application site over and above existing arrangements on the site. NCC Highways have been consulted on the proposals and confirmed that they do not consider that any highways issues arise as a result of the proposals. The development is therefore considered to accord with Core Strategy Policy 3 and the NPPF in this respect.

5.6 Foul Drainage

5.6.1 The application is for a variation of condition to allow the Byre to operate as a permanent residential dwelling (for the applicant's in-laws, other family members or employees) rather than as holiday accommodation. As such, the application proposes no new development and as the original application did not place any restriction on the period of time during which the holiday units could be let out (for example no period where the property has to be vacant), Officers are satisfied that there would be no intensification of use over what the existing permission allows. As such, it is not considered that it would be warranted to require the applicant to provide details of, or make changes to, the existing foul drainage arrangements.

5.7 *Energy Efficiency and Renewable Energy*

5.7.1 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. Whilst the proposal seeks a change to the use of the building from holiday accommodation, it does not involve any physical works and would not amount to the conversion of a building for the purposes of assessing the proposal against this policy. The requirements of policy 25 are therefore not considered to be relevant to this case.

5.8 **The Humans Rights Act (2000) and Equalities Act (2010)**

5.8.1 The applicant has referenced Article 8 of the European Convention on Human Rights in support of the application stating that failure to grant planning permission would '*affect our ability to have a family life and our social well-being*'. Article 8 of the Convention secures the 'Right to respect for private and family life' which is defined as follows:



- *Everyone has the right to respect for his private and family life, his home and his correspondence.*
- *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

- 5.8.2 The principles of the Convention on Human Rights have now been embodied into the Human Rights Act (2000) and is a material consideration in the determination of planning applications.
- 5.8.3 The Equalities Act (2000) legally protects people from discrimination in the workplace and in wider society and details the 'protected characteristics' against which it is illegal to discriminate.
- 5.8.4 The Equality Act and Human Rights Act do not take precedence over Section 38(6) of the Planning and Compulsory Purchase Act 2004 but are factors which must be taken into account and weighed against conformity with the Development Plan and other material considerations.
- 5.8.5 The local planning authority is required to consider whether any interference with human rights is proportionate. The concept of proportionality is similar to the test already carried out by decision makers when weighing up benefits and disbenefits of a scheme. Action is considered to be proportionate when it is appropriate and no more than necessary to address the problem concerned.
- 5.8.6 The applicant has argued that failure to grant permission would breach their right to respect for his family/private life. While it could be argued that his rights may have been interfered with, they have not been violated since those rights are not absolute. Interference is permissible where it is necessary for the preservation of the environment and consequently in the public interest.
- 5.8.7 In this instance Officers have considered the requirements of the Human Rights Act and Equalities Act and are satisfied that their requirements have not been breached and the Officers recommendation to Members is proportionate. The use of the Byre by an employee of the business is not considered to raise any Human Rights Issues. In relation to family members, the applicant has failed to demonstrate why the suggested need could not be met within the existing dwellings, annexe or off-site. Policies within the core strategy are designed to promote the principles of sustainable development and protect the special qualities of the National Park in the public interest. The Human Rights Act specifically permits public authorities to restrict Article 8 rights when in the public interest. In this case it is considered that the above policies protect the National Park from isolated, unrestricted, unsustainably

located open market housing. The policies allow proposals to be considered in a consistent manner. If the Authority were to permit the application on the grounds that failure to do so would breach the applicant's human rights, then a similar argument could be forwarded by anyone wishing to have unrestricted housing in the open countryside, contrary to both national and local policy and the public interest.

5.9 **Other Issues**

- 5.9.1 The applicant has provided a link to a 2013 Gov.uk press release in support of the application. This relates to plans under the previous Government to remove Council Tax surcharges on family annexes and home improvements and remove section 106 housing levies on annexes and extensions in an effort to remove barriers to extended families living together. However, this relates to a relaxation of tax burdens and does not materially alter the local or national planning policy framework under which the application needs to be determined.
- 5.9.2 The applicant has highlighted that the National Park Authority has a duty '*to seek to foster the social and economic well-being of local communities*'. It is considered that policies within the plan which promote sustainable development and which support new and expanded employment and tourism opportunities while protecting the special qualities of the National Park are fundamental in complying with this duty.
- 5.9.3 Should Members be minded to refuse the application, as the applicant is currently in breach of a planning condition, a report will be brought to Members at a future Committee to review enforcement options for the site.

6. **Conclusion**

- 6.1 Officers are satisfied that the proposed variation of condition would be acceptable in terms of impacts on the special qualities of the National Park, amenity, highways and foul drainage. Although the applicant suggests the use of the Byre unit would be ancillary to the farmhouse and business, this is a self-contained unit with all the requirements for day to day living and is therefore considered by Officers to constitute a new house. While there could be an argument for allowing the Byre to continue to be used by the applicant's in-laws, given the very specific circumstances outlined by the applicant, this proposal is to vary the condition to allow general occupation by employees of the business and other family members in a self-contained residential unit without any local needs restriction. It is not considered that there has been any substantive justification provided for the proposal, rather a series of speculative future use scenarios have been forwarded.
- 6.2 The application needs to be assessed in relation to local and national planning policy unless material considerations indicate otherwise. Officers are satisfied that Core Strategy Policy 7 is still relevant in consideration of the application, with this view supported by a recent appeal



decision. The NPPF (2012) and the draft NPPF (2018) support the Officer view that this would result in an isolated dwelling in the open countryside, contrary to the principles of sustainable development. It is not considered that any material considerations have been forwarded which indicate the application should be assessed other than in accordance with local and national policy and this includes consideration of the applicant's human rights.

6.3 As submitted the recommendation to Members is that the application is refused as it would be contrary to Core Strategy Policies 7, 9 and 10 and the NPPF leading to an unsustainable form of development in the open countryside.

7. Recommendation

7.1 That Members refuse the application 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 an open countryside location, which would also be contrary to the aims of Core Strategy policies 7, 9 and 10 which seek to direct housing development to the most sustainable settlements in the National Park. The application fails to demonstrate that the building cannot be used for employment or continue to be used for tourism, as required by Core Strategy Policy 7. The proposals all fails to meet any of the special circumstances set out in paragraph 55 of the NPPF.
2. Due to the absence of a completed and signed section 106 legal agreement to achieve the provision of local needs housing in perpetuity, and prevent use as a second home in perpetuity, the proposal fails to provide the assurance that the proposed private residential dwelling would be restricted in perpetuity in accordance with the Definition of Local Need referred to in Core Strategy Policy 10, except where in use for short-term holiday accommodation. The proposal is therefore in conflict with Core Strategy Policy 10.

Contact Officer:

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

Background Papers:

Planning Application File: 18NP0013
EIA Screening Opinion: 18NP0013



18NP0013 Scotchcoulthard

Northumberland National Park Authority

