



DELEGATED DECISION REPORT

Application Reference Number	19NP0016
Description / Site Address	Variation of condition 7 of planning permission 93NP0009 (93/NP/09) (occupancy restriction) to permit year-round holiday-only occupancy at Lodge 23b, Otterburn Lodge Estate, Otterburn Hall, Otterburn, Northumberland, NE19 1HE
Expiry date of publicity / consultations	12 April 2019
Last date for decision	15 May 2019

Details of Proposal

This application seeks to vary condition 7 (occupancy restriction) of planning permission 93NP0009 as it relates to Lodge 23b, Otterburn Hall.



Figure 1: Location Plan

Planning permission was granted under application 87NP0031 (or 87/E/419) for the construction of lodges on this site (known as the ‘top site’) in March 1988. This permission was subject to a condition (condition 7) which prevented the regular occupation of the units between 1st November in one year and 1st March in the following year, as these were not considered suitable for permanent occupation.

An application was submitted under 93NP0009 which sought the variation of condition 7 of 87NP0031, in order to provide an increased period of occupation of the lodges. This application was approved in April 1993 and condition 7 was subsequently revised to state:



The chalet units here approved shall not be occupied for any purpose between 15 January and 15 February in any year.

The revised condition was referred to as condition 7; however no further conditions were attached to this application. A subsequent variation of this condition was sought in 1994 to allow year-round access, however this was refused planning permission.

This application seeks to vary the occupancy condition set by condition 7 of 93NP0009 as applicable to lodge 23b to state the following:

The chalet hereby approved relates to the provision of short-term accommodation only and shall not be used at any time as permanent residential accommodation. Occupiers of the approved accommodation shall occupy this for holiday purposes only and shall not occupy this as their sole or main place of residence, or as a second home. The operators shall maintain an up to date register of the names of all occupiers of the holiday accommodation hereby approved and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

The reason for this application being proposed is in order that the lodge owner may be able to rent the property out as holiday accommodation on a year-round basis, removing the requirement for a period of non-occupation between 15th January and 15th February in each year.

Planning Policy & Guidance

National Policies

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance

Local Policies

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

Policy 1	<i>Delivering Sustainable Development</i>
Policy 3	<i>General Development Principles</i>
Policy 5	<i>General Location of New Development</i>
Policy 9	<i>Managing Housing Supply</i>
Policy 10	<i>New Housing Development</i>
Policy 14	<i>A Sustainable Local Economy</i>
Policy 15	<i>Sustainable Tourism & Recreation Development</i>
Policy 17	<i>Biodiversity and Geodiversity</i>
Policy 18	<i>Cultural Heritage</i>
Policy 19	<i>Tranquillity</i>
Policy 20	<i>Landscape Quality and Character</i>



Policy 25 *Renewable Energy and Energy Efficiency*
Policy 28 *Utilities and Infrastructure*

Supplementary Planning Guidance

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

Relevant Planning History

- 87NP0031 (87/E/419)** Siting of 13 static caravans and 22 timber chalets. *Conditional planning permission granted 23.03.1988*
- 93NP0009 (93/NP/09)** Variation of condition no. 7 of planning permission 87/E/419 to permit varied occupancy period for approved chalets. *Conditional planning permission granted 15.04.1993*
- 94NP0021** Variation of condition to permit all-year occupancy of chalets. *Planning permission refused 16.06.1994*
- 17NP0117** Installation of a sewage treatment plant. *Conditional planning permission granted 17.04.2018*
- 18NP0129 -
18NP0138** *Variation of occupancy restrictions to permit year-round holiday-only occupancy of Lodges 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 25, 26, 27, 31, 33 and 35 (amalgamated, including subject application). Pending consideration*

Consultation/Representations

Otterburn Parish Council: No response

NCC Historic Buildings Advisor: No objection

NNPA Historic Environment Officer: No objection: Does not wish to offer any comment.

The application was advertised by means of a notice displayed at the site on 29th March 2019. No representations have been received in response.

Assessment

The key material planning consideration in the assessment of this application is the principle of the development. The impacts of the development upon design and amenity and the National Park's special qualities are also relevant considerations.



The principle of the development

Site history/background

Planning permission was granted under 87NP0031 for the construction of lodges on this site subject to a condition which stated that:

The static caravan and chalet units here approved, shall not be regularly occupied between 1st November in one year and 1st March in the following year.

This scheme was subsequently amended to chalets only, rather than static caravans. This condition was attached as, at the time that this application was assessed against the relevant planning policies, the units were not considered suitable for permanent occupation.

The occupancy condition set by 87NP0031 was amended under application 93NP0009 to state that:

The chalet units here approved shall not be occupied for any purpose between 15 January and 15 February in any year.

Unlike more recently approved holiday accommodation within the National Park, which would normally be restricted under more stringent conditions (e.g. preventing their being used as second homes or restricting their use to short-term holiday accommodation only), the condition approved under 93NP0009 in essence allows an 11 month occupancy period of the lodges, with no further restrictions limiting their use to holiday purposes only or preventing their being used as second homes; they are only prevented from being occupied for any purpose between 15th January and 15th February in order to prevent their being used as permanent dwellings.



Figure 2: Lodge 23b

As set out within the supporting information, this application has been submitted within the context of a number of similar applications which relate to other lodges on the site, both those approved under 87NP0031 and more recent “fall-back position applications” approved in around 2016-2017, in order to introduce a more modern, consistent holiday occupancy condition to lodges on the site.



Assessment

The principle of the development in respect of the construction of a holiday lodge was established as acceptable under applications 87NP0031 and 93NP0009 in accordance with local and national planning policy and remains unchanged by this application. The matter to be considered by this application is whether the proposed variation of the condition relating to the occupancy of the lodges would be acceptable in principle.

The scheme proposes to vary the current occupancy condition set by 93NP0009 to an occupancy condition of alternative wording. The proposed condition would remove the requirement for the lodge to be vacated between 15th January and 15th February in each year, thereby allowing it to be occupied on a year-round basis. This application would however introduce a requirement for the lodge to be occupied for short-term holiday accommodation only and not as a main or sole place of residence or as a second home (which is currently not restricted under the present condition), and would necessitate the operator of the lodge to maintain a register of occupiers, in line with other holiday occupancy conditions currently placed upon holiday accommodation within Northumberland National Park.

The proposed varied condition would be acceptable in principle in respect of the nature of the development and open countryside location of the site in accordance with current Core Strategy policies 5, 9, 10, 14 and 15 and the NPPF, and would be consistent with the approach taken by the Local Planning Authority in terms of the holiday occupancy conditions currently typically applied to other such developments within Northumberland National Park. It is further considered that the proposed varied condition would comply with the requirements of NPPF Paragraph 55 which guides 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. The ability of the Local Planning Authority through the proposed condition wording to request details of the occupiers will assist in the ability to maintain and enforce against unauthorised second home or permanent residential use of the development.

Further matters

This application relates to the proposed variation of the occupation condition only. In this respect, it is considered that the proposed development would be acceptable in terms of impacts upon visual and residential amenity, National Park special qualities, renewable energy considerations and infrastructure considerations, in accordance with Core Strategy policies 3, 17, 18, 19, 20 and 25.

Recommendation & Conditions

Following consideration of the information submitted to support the proposed variation of condition 7 of 93NP0009 the development as proposed remains acceptable in principle. It is therefore recommended that the proposed variation to planning permission 93NP0009 is approved and planning permission is granted under 19NP0016 subject to the following conditions:

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



- Application form, received 14th February 2019;
- Location Plan received 20th March 2019
- Planning Statement, received 14th February 2019;

Reason: For the avoidance of doubt and to ensure that the development accords with policies 1, 2, 3, 5, 9, 10, 12, 14, 15, 18, 19, 20, 22, 25 and 28 of the NNPA Core Strategy and the National Planning Policy Framework.

2. The chalet hereby approved relates to the provision of short-term accommodation only and shall not be used at any time as permanent residential accommodation. Occupiers of the approved accommodation shall occupy this for holiday purposes only and shall not occupy this as their sole or main place of residence, or as a second home. The operators shall maintain an up to date register of the names of all occupiers of the holiday accommodation hereby approved and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To prevent a permanent and unrestricted residential use in a location where this would not otherwise be in accordance with Core Strategy policies 5, 9 and 10.

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. The applicant is recommended to have regard for the Northumberland International Dark Sky Park in the design and positioning of any external lighting units required as part of the proposed development. A copy of the Northumberland National Park 'Good Practice Guide for Outside Lighting in Northumberland International Dark Sky Park' which provides advice on this matter is



available online here: <https://www.northumberlandnationalpark.org.uk/planning/planning-permission/dark-skies/>

Background Papers

Application Files 19NP0016, 93NP0009 and 87NP0031
EIA Screening Report

	Signature	Date
Planning Officer	C Godfrey	01/05/2019
Head of Development Management	S Buylla	02/05/2019