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## Appeal Decision

Site visit made on 30 November 2016

**by David Cross BA (Hons), PGDip, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 February 2017**

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**Appeal Ref: APP/P2935/W/16/3158583**

**The Shieling, 13 Eastfield Hall, Eastfield, Nr Warkworth, Northumberland  
NE65 0YE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mrs Carole Whitefield against the decision of Northumberland County Council.
  - The application Ref 16/00456/COU, dated 12 February 2016, was refused by notice dated 31 May 2016.
  - The application sought planning permission for change of chalet types for plots 12 & 13 from type A to type B1 without complying with a condition attached to planning permission Ref A/2002/0644, dated 3 January 2003.
  - The condition in dispute is No 2 which states that: *The chalets subject to this approval shall be used for holiday accommodation only and shall not be continuously occupied by the same person or persons for longer than 5 months in any one year.*
  - The reason given for the condition is: *The development is such that an unrestricted permission would be inappropriate.*
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council's decision notice states that the proposal is for:

*Change of use from holiday accommodation to unrestricted residential use (C3) (as amended 25/05/16).*

3. However, the description of the proposal on the planning application form is:

*1) Change of use from holiday accommodation to unrestricted residential (C3 use).*

*Application for change of use from planning permission ref. A/2002/0407 ref: A/2002/0408.*

*2) Original application A/2002/0644 change of chalet types 12 & 13 from type A to type B1.*

4. Whilst both of the above refer to a 'change of use', in my view the main parties are concerned about a condition which controls the occupancy of the property.
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Therefore, I consider that this appeal relates to an appeal against a condition on a planning permission for the appeal property, rather than a change of use.

5. The Council Officer's report states that the application seeks to "...vary condition 2 of A/2002/0408 (*Erection of 10 chalets*)". However, from the evidence provided to me, it is clear that the chalet was permitted by planning permission reference A/2002/0644 which relates to the "*change of chalet types for plots 12 & 13...*" which was subject to condition No 2 which states that "*The chalets subject to this approval shall be used for holiday accommodation only and shall not be continuously occupied by the same person or persons for longer than 5 months in any one year*".
6. I have therefore determined this case as being for an appeal against a condition - specifically Condition No 2 of planning permission reference A/2002/0644 as stated in the heading of this decision.

### **Main Issue**

7. The main issue of this appeal is whether the disputed condition is reasonable and necessary in the interests of ensuring a sustainable pattern of development having particular regard to national and local policies concerning dwellings in the open countryside.

### **Reasons**

8. The appeal property consists of a holiday chalet located in a cluster of other chalets and dwellings around Eastfield Hall. Based on the evidence before me and my observations on site, the mix of uses around Eastfield Hall consists of holiday chalets, residential conversions and established dwellinghouses. The site is located approximately 2km from the village of Warkworth. The property is not within one of the settlements listed in Policy S1 of the Alnwick Core Strategy 2007 (ACS) and is therefore located within the countryside.
9. The approach of the National Planning Policy Framework (the Framework) to the promotion of sustainable development in rural areas, set out in paragraph 55, is that housing should be located where it will enhance or maintain the vitality of rural communities. The Framework goes on to note 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; 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; where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the proposed dwelling is of exceptional quality or innovative.
10. Although the site is located in a cluster of dwellings and other chalets, the appeal proposal would, to all intents and purposes, result in an isolated home in the countryside in that it is remote from the nearest settlement. The facilities in Warkworth would be accessed via a country lane which is unlit and does not have a designated footway for significant parts of the route. Due to the nature and length of this route, walking and cycling would not be a realistic option for future occupiers of the dwelling, particularly in the evenings and during the winter months. I note that there is a regular bus service a short walk from the site which would be of benefit to residents, but I do not consider

that this will provide a significant alternative to a reliance on the private car due to the relative convenience of these modes of transport.

11. On balance therefore, the proposed development would not be located where future occupiers would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car. It does not meet any of the criteria specified in Paragraph 55 of the Framework and, as such, would conflict with national planning policy in relation to the sustainable location of rural housing.
12. Taking the above matters into consideration, I conclude that the principle of a condition in the interest of ensuring a sustainable pattern of development, bearing in mind the requirements of national and local planning policy, is reasonable and necessary.

### **Other Matters**

13. In support of her appeal, the appellant has referred to the removal of an occupancy condition for the former Coach House at Eastfield Hall, which is located in close proximity to the appeal site. However, I note that the original permission for the Coach House was granted in 2006 and therefore pre-dated the Framework. Subsequent to the publication of the Framework in 2012, the use of the Coach House for residential purposes complied with the special circumstances listed in paragraph 55 in that it originally related to the re-use of a redundant and disused building and would be appropriate development to secure the future of a heritage asset. The variation of the permission to allow residential occupation was therefore reasonable to reflect the policies of the Framework which had emerged since the original approval. These circumstances do not apply to the appeal proposal.
14. The appellant has queried the policing of the occupancy of the property. However, I consider that this matter can be readily monitored by examining the records of the business and the condition is therefore enforceable.
15. I acknowledge that the property has been marketed for a number of years with no demonstrable interest arising in the property with a restriction for holiday let purposes. However, I am mindful that the appellant does not contend that the holiday let is unprofitable. This indicates that the use of the property as a holiday let is a viable business use which makes a positive, albeit small, contribution to the local rural economy. The current use of the property therefore complies with paragraph 28 of the Framework which supports a prosperous rural economy in which tourism plays a part. I therefore consider that the current use of the property makes a contribution to the rural economy and the removal of the condition would end this economic benefit for the area.
16. I acknowledge that the proposal would add to the supply and mix of housing in the area as well as supporting services in the area, albeit to a very limited degree. I am also mindful of the personal circumstances of the appellant and the on-going responsibilities of running the business, but I am not persuaded that these outweigh the harm arising from the proposal identified above and the conflicts with national and local policy.
17. I have also had regard to the comments raised locally in support of the appeal in relation to a reduction in traffic, intensity of use, noise, improvements to

security and the demands placed on the sewerage system. However, these matters have not led me to a different conclusion on this appeal.

### **Conclusion**

18. I consider that the use of the appeal property for permanent residential accommodation would not accord with the provisions of the Framework and the relevant development plan policies as it would not represent sustainable development in the countryside. I therefore conclude that the condition is necessary and reasonable in the interests of ensuring a sustainable pattern of development, having particular regard to national and local policies concerning dwellings in the open countryside.
19. The proposal would therefore conflict with Policies S3 and H13 of the ACS as it would not meet the specified sustainability criteria and insufficient evidence has been provided to demonstrate that the condition is no longer justified. These policies broadly comply with the provisions of the Framework in relation to promoting the rural economy and preventing isolated homes in the countryside. The proposal would also conflict with Policy 1 of the Northumberland Core Strategy Pre-Submission Draft 2015 (NCS) in that it would not represent sustainable development; although given the stage of preparation of the NCS this policy can only be afforded limited weight.
20. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR