
Appeal Decision

Site visit made on 13 February 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 1st March 2017

Appeal Ref: APP/P2935/W/16/3164412

Land west of Lightwater Cottages, Hexham, Northumberland

Grid Ref Easting: 396146, Grid Ref Northing: 560279

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gavin Hall against the decision of Northumberland County Council.
 - The application Ref 16/01101/FUL, dated 31 March 2016, was refused by notice dated 7 June 2016.
 - The development proposed is conversion of former worker's cottage/workshop to holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of former worker's cottage/workshop to holiday accommodation at land west of Lightwater Cottages, Hexham, Northumberland, Grid Ref Easting: 396146, Grid Ref Northing: 560279 in accordance with the terms of the application, Ref 16/01101/FUL, dated 31 March 2016, subject to the conditions set out in the Schedule to this Decision.

Procedural Matters

2. The address given on the application form is 3 The Bungalow, Lightwater Cottages, Hexham NE46 1UA, Grid Ref Easting: 396209, Northing: 560287. However it is clear from the site location plan that the appeal site is located on land west of Lightwater Cottages. I have therefore taken the full address of the appeal site from the appeal form rather than the application form.
 3. There is a discrepancy between the roof details shown on the submitted plans. The appellant has advised that the illustrative roof layout shown on the Sept 2015 site plan has been included in error and reflects a roof design that was part of an earlier proposal. The appellant has confirmed that the roof detail on the Sept 2015 site plan does not form part of the proposed scheme for which consent is sought, and that the roof plan shown on the Feb 2016 plan is the correct roof plan and is consistent with the elevations shown on the same plan. For the avoidance of doubt, I have therefore imposed a condition requiring that, notwithstanding the roof detail shown on the Sept 2015 plan, the development shall be carried out in accordance with the roof detail shown on the Feb 2016 plan.
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Application for costs

4. An application for costs made by Mr Gavin Hall against Northumberland County Council is the subject of a separate Decision.

Main Issue

5. The main issue is whether or not the appeal proposal would be inappropriate development within the Green Belt for the purposes of Part 9 of the National Planning Policy Framework (the Framework) and development plan policy.

Reasons

Whether inappropriate development

6. The appeal site is located in a clearing within Dipton Wood in open countryside and the Green Belt. To the east of the appeal site are residential properties at 1, 2 and 3 Lightwater Cottages. It is proposed to convert the existing building on the appeal site to holiday accommodation. A number of alterations to the building are proposed as part of the appeal scheme.
7. Under the Framework paragraph 90 (4th bullet point) the re-use of buildings is not inappropriate development in the Green Belt provided that the buildings are of permanent and substantial construction and the development would preserve the openness of the Green Belt and it would not conflict with the purposes of including land in the Green Belt. Furthermore, under the Framework paragraph 89 (3rd bullet point) the extension or alteration of a building is not inappropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.
8. Policy 26 of the Northumberland Local Plan Core Strategy Pre-Submission Draft (the draft Local Plan) relates to uses acceptable in the Green Belt and states that proposals for the change of use, conversion or extension of existing buildings will be permitted where the buildings are of permanent and substantial construction and the proposed use and any associated use of land are in keeping with their surroundings and will not have a materially greater impact than the existing on the openness of the Green Belt or on the purposes of including land in it. This approach is consistent with Part 9 of the Framework in respect of protecting Green Belt land.
9. Both main parties agree that the building has been on the appeal site for some considerable time. It is a timber framed structure built off a stone plinth with a central masonry core forming a chimneystack. The walls and roof are clad with corrugated sheet metal panels, and there are a number of timber doors and windows on all sides. The submitted document entitled 'Structural feasibility for development' (the structural report) states that given the age of the building its condition is reasonable. The structural report goes on to find that there are no obvious signs of deflection in the roof structure or lateral/vertical movement generally and that the timbers appear to be in reasonably sound condition with no obvious signs of rot or infestation.
10. When I inspected the building from the inside as well as the outside I found no reason to take a different view. I therefore find that the appeal property is of permanent and substantial construction. Moreover, it is proposed that the existing timber frame would remain in situ and, although the fabric of the

building would be upgraded in terms of insulation, ventilation and structural loading, based on the evidence before me, these works would not constitute major or complete reconstruction.

11. The appeal proposal would not alter the footprint, scale or form of the existing building and therefore would not result in disproportionate additions over and above the size of the original building. The proposed residential use of the building for holiday accommodation would be in keeping with the neighbouring residential uses at Nos 1-3. As such, the proposed development would not result in either a spatial or visual intrusion and would consequently preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt.
12. For the reasons set out above I conclude that the appeal proposal would not be inappropriate development within the Green Belt for the purposes of Part 9 of the Framework and Policy 26 of the draft Local Plan. Also, it would comply with policy BE11 of the Tynedale District Local Plan insofar as the building is structurally sound and capable of conversion without major or complete reconstruction or extensions.

Other matters

13. Although not referred to in the Council's reason for refusal, the delegated report states that the appeal site is in an isolated location and so concludes that the proposed development fails to accord with the Framework and Policy 9 of the draft Local Plan which relates to tourism and visitor development. The appeal site is situated around 1.2km from the village of Slaley and 3km from the market town of Hexham. The appeal proposal would re-use an existing building, in line with Policy 9(c) of the draft Local Plan, and would bring economic benefits to the local economy through the provision of holiday accommodation. As such, I find that the proposed development would accord with the aims of Part 3 of the Framework and draft Local Plan Policy 9 in respect of supporting tourism and economic growth in rural areas.
14. Local residents have raised wider issues including the nature of the former use of the appeal property, the capacity of the electricity supply, the capacity and maintenance of the septic tank, the potential for obstruction of the turning area and maintenance of the access road serving the properties. I have limited information before me regarding the former use of the appeal property, although the application form states that the existing use is a workshop and I noted during my site visit that the building currently appears to be used for storage. However, the precise nature of the historic use of the building has not had any material bearing on my assessment of the planning issues in this appeal. There is no evidence before me that the appeal site could not be provided with an adequate electricity supply or sewerage connection or that the turning area would be obstructed as a result of the proposed development. The costs of maintenance and repair of infrastructure serving the appeal site and neighbouring residential properties would be a private matter between the parties involved. Accordingly, I have given these matters little weight.

Conditions

15. I have considered the Council's suggested conditions against the tests set out within paragraph 206 of the Framework and the advice provided by the

Government's Planning Practice Guidance (the PPG), and have amended them where necessary in order to meet these tests.

16. I have imposed a condition specifying the relevant drawings as this provides certainty. As set out above, for the avoidance of doubt, I have imposed a condition requiring that notwithstanding the roof detail shown on the Sept 2015 plan the development shall be carried out in accordance with the roof detail shown on the Feb 2016 plan. In order to ensure the suitable appearance of the development, I have imposed a condition relating to materials.
17. In the interests of conserving and enhancing the natural environment, I have imposed conditions relating to the provision of nest and bat boxes and external lighting. The appeal scheme does not involve the creation of new structures which would give rise to trenches or excavations or include any boundary fencing and so it is not necessary to impose the Council's suggested condition 7 relating to the protection and passage of small mammals. Nesting birds and their nests and eggs are protected under other legislation so it is not necessary to impose the Council's suggested condition 8 in that regard.
18. In order to ensure that the development supports sustainable rural tourism and respects the character of the countryside I have imposed a condition relating to the holiday occupation of the building.
19. Paragraph 200 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The PPG advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances¹. I have imposed a condition restricting permitted development rights in relation to extensions and curtilage buildings to enable the local planning authority to consider the effects of such development upon the openness of the Green Belt as such a condition would meet the tests of reasonableness and necessity. However, I do not consider that restricting permitted development rights in respect of door or window openings would meet the 6 tests and so I have not imposed such a condition.

Conclusion

20. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

C L Humphrey

INSPECTOR

¹ Paragraph: 017 Reference ID: 21a-017-20140306.

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan
 - Plans Showing Existing and Proposed Layouts and Section Scale 1:100 & 1:50 Sept 2015
 - Plans Showing Existing and Proposed Layouts and Section Scale 1:100 & 1:50 Feb 2016
- 3) Notwithstanding condition 2 the roof detail of the development hereby permitted shall be carried out in accordance with the following approved plan:
 - Plans Showing Existing and Proposed Layouts and Section Scale 1:100 & 1:50 Feb 2016
- 4) No works to the external faces of the building shall be carried out until details and samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out and thereafter retained in accordance with the approved details and samples.
- 5) Before the use hereby permitted takes place and the building is occupied, details of the siting and specifications of a nest box and a bat box shall be submitted to and approved by the local planning authority in writing and installed on site in accordance with the approved details. Thereafter, a nest box and bat box shall be retained in accordance with the approved details.
- 6) Details of any external lighting to be installed on the site shall be submitted to and approved by the local planning authority in writing before the use hereby permitted takes place and the building is occupied. Only external lighting in accordance with the approved details shall be installed on the site.
- 7) The holiday accommodation hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners of the holiday accommodation shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation and of their main home addresses and shall at all reasonable times make this information available for inspection to the local planning authority.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension to or building within the curtilage of the holiday accommodation hereby permitted shall be erected.