



Appeal Decision

Site visit made on 2 February 2024

by Elaine Gray MA, MSc, IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/T9501/C/23/3318963

Barn Owl Lodge, Lodge 19, Otterburn Hall, Otterburn, Northumberland NE19 1HE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr John Minnock against an enforcement notice issued by Northumberland National Park Authority (NPA).
 - The notice was issued on 23 February 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of an extension to create covered seating and outdoor cinema room and installation of external lighting.
 - The requirements of the notice are to: a) Remove the roof over the extension in its entirety. b) Reduce the height of the walls to the eastern, southern and western elevations to not exceed 1.2 metres in height above the finished floor level of the lodge to allow an uncovered extended decking area. c) Remove the projector/Screen/LED Screen/LED panel from wall display from the extension. d) Remove all external lighting to the external elevations of the extension.
 - The period for compliance with the requirement is: Three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the deemed planning application is refused, and the enforcement notice is upheld.

Main Issues

2. Ground (a) is that planning permission should be granted for what is alleged in the notice. The main issues of the appeal are:
 - the effect of the development on the character and appearance of the surrounding area; and
 - whether or not the development preserves the darkness of the Northumberland International Dark Sky Park.

Reasons

Character and appearance

3. The appeal site is a detached timber holiday lodge situated in an estate of similar buildings. The unauthorised development comprises an extension of approximately 7.3m by 3m by 3.4m to the rear elevation of the lodge, which is used as an outdoor covered cinema and seating area. It is open sided to the south, with a solid wall containing a projection screen at one end, and a solid

timber wall at the opposite end. It is entered through an opening from the decking to the west side of the lodge. The structure has a shallow mono-pitch roof covered in GRP felt, and some vertical tiling at eaves level.

4. Although the whole structure is unauthorised, I note that the NPA consider that a reduced version of the scheme would be acceptable. As may be seen from the requirements of the notice, they would accept the removal of the upper section, including the roof, and the retention of decking with walls reduced to 1.2m in height.
5. Policy ST1 of the Northumberland National Park Local Plan (LP) sets out principles for sustainable development. Amongst other things, development should contribute positively to the built environment by having regard to the site context. LP Policy ST2 requires development to be of a high quality of design that will make a positive contribution to the National Park's special qualities.
6. On my site visit, I saw that there are a cluster of historic buildings of a traditional character to the south of the appeal site. However, the lodges are physically separate and visually distinct from these buildings, and so I have assessed the development against the surrounding lodge buildings which form the context of the development.
7. On the whole, the lodges are simple rectangular structures with pitched roofs. I saw on my visit that their design is fairly uniform. Decking enclosed with timber railing is a common feature amongst them. The extension at the appeal site is finished in timber cladding, a material that is strongly characteristic of the surrounding area. In those regards, the development reflects the character and appearance of the area.
8. However, the shallow mono-pitched roof of the extension does not reflect the double pitched roofs that are the predominant roof form in the vicinity. I also saw that the vertical tiling effect is not a typical feature of area. Although open decking is common, there is little evidence that a roofed over decking area of this kind is typical of the other lodges in the context of the appeal site.
9. Instead, because of these elements, the development appears incongruous and out of place. It adds significant bulk, detracting from the simple form and original design approach of the lodge. It introduces a built form that detracts from the character of the area, and harms the overall consistency of design of the lodge buildings.
10. Drawing these threads together, I therefore conclude that the development unacceptably harms the character and appearance of the surrounding area, contrary to LP Policies ST1 and ST2.

Effect on darkness

11. The appeal site falls within the designated Gold Tier International Dark Sky Park. LP Policy DM11 requires, amongst other things, that the 'level of noise, traffic and light generated as a result of the development during construction and thereafter is minimised and dark night skies maintained'. Part 4 of the policy requires that all development should avoid external lighting where possible. Where external lighting is necessary its design should avoid all unacceptable adverse impacts, or as a last resort mitigate them to avoid unacceptable adverse impacts on dark skies, amongst other things.

12. Internally, a number of low level lights have been introduced to the seating area. The NPA raise no objection to these due to the low lumen levels and the fact that light spill would be contained within the extension. Conversely, the use of a projector and screen would cause significant light spill due to the lack of enclosure of the space. On my visit, no projector was present, but I saw a timber fixture under the roof joists where the projector is installed when in use.
13. The appellant argues that the nature of a projection screen is to absorb light into the surface, meaning light spill from the screen is well below the acceptable limit advised in the NPA's document, 'Good Practice Guide for Outside Lighting in Northumberland International Dark Sky Park' (GPD). However, the screen is white, and if memory of my physics lessons is correct, white items reflect light, allowing the projected images to be seen. The white screen is sizeable, taking up at least two thirds of the end wall, and so it would inevitably reflect light beyond the confines of the structure. The beam from the projector would be a further source of light spill.
14. Externally, at the time of my visit, there were five downward facing lights which illuminate the south elevation of the extension. The appellant argues that the specifications of all the external lights and bulbs are within the requirements of the lighting guide and indeed were sourced for that reason.
15. However, even if all these light sources fall within the parameters of the GPD, the first step is to consider whether or not their presence is necessary. There is no evidence to show that the white screen and projector fixture could not be installed inside the lodge building, where its impact would be considerably less.
16. The external lights appear to have no other purpose than illuminating the outside of the extension. It is unlikely that they would be perceptible to those inside the covered decking, as the light fixtures point down towards the ground. It therefore seems that the only effect of the lights is to make the structure visible from the road to the south, but I have not been made aware of any necessity for such lighting.
17. Therefore, regardless of their specification, I am satisfied that the light sources associated with the development, including the external lights and the projector screen, fail to preserve the darkness of the Northumberland International Dark Sky Park. As they have not been shown to be necessary, the development unacceptably conflicts with the requirements of Policy LP DM11.

Conclusion

18. For the reasons above, I conclude that the development conflicts with the development plan as a whole. Therefore, the appeal is dismissed, the deemed planning application is refused, and the enforcement notice is upheld.

Elaine Gray

INSPECTOR