



Appeal Decision

Site visit made on 16 April 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2024

Appeal Ref: APP/P2935/W/24/3336341

Low Fogrigg, The Lodge Cragside Stables, Access track to Cragside and Low Fogrigg, Bardon Mill, Northumberland NE47 7JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Guy Lochner against the decision of Northumberland County Council.
 - The application Ref is 23/02008/FUL.
 - The development proposed is change of use from staff and holiday accommodation to residential dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Councils' second reason for refusal as set out on the decision notice relates to car parking provision and access. However, the Councils' statement of case confirms that they no longer wish to defend their second reason for refusal and thus the Council only wish to uphold their first reason for refusal. It is not therefore necessary for me to consider that matter further.
3. The description of development in the above banner heading has been taken from the decision notice as this accurately describes the proposed development. I am aware of the dispute relating to the description of development. However, based on the evidence before me, I am satisfied that the above description of development was agreed between both parties and thus the Council considered the application on this basis, and I shall deal with the appeal in the same manner. Notwithstanding, the description would achieve the appellants' stated intentions to occupy the building without complying with the conditions as previously imposed.
4. An update to the National Planning Policy Framework (the Framework) has been published dated 19 December 2023 but there are no material changes relevant to the substance of the appeal.
5. A screening direction was issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In exercise of the powers conferred by Regulation 14 (1) and 7 (5) of the EIA Regulations, the Secretary of State directed that the development is not EIA development.

Main Issue

6. Whether the site location is suitable for the proposed development, having regard to development plan policy governing proposals within the open countryside.

Reasons

7. The appeal site relates to a property known as The Lodge at Cragside Stables, Park Lane near Bardon Mill. The lodge is a timber chalet building located in the countryside. It gained planning permission for the construction of log house for staff and holiday accommodation in 2007 under reference T/20070127. This permission imposed a number of planning conditions which restricts the use of the lodge to either accommodation for staff working at Cragside Stables or as a holiday let. It also requires the lodge to remain at all times ancillary to the riding school business and shall not be sold or disposed of separately from that business. The reasoning for such conditions was to prevent a permanent residential use in a location where such development would be inappropriate and would conflict with established planning policy. This consent is understood to have been obtained by the previous owners of the site.
8. I understand it is now the appellants' intentions who has taken over the ownership of the property and started up a new business at the site to sell the lodge, Cragside Stables (equestrian business) and the surrounding land but is having difficulty in doing so due to the restrictive conditions attached to the planning permission. The appellant is therefore seeking to change the use of the existing staff and holiday accommodation to a permanent dwelling in order to make it easier to sell.
9. Policy STP 1 of the Northumberland Local Plan, 2016-2036 (2022) (NLP) sets out the Spatial Strategy and Part 1 (g) is supportive of development in the open countryside where it can be demonstrated that it meets one of several criteria. The following criterion, set out in Part 1(g) of Policy STP 1, is applicable to this application: iv) provides for residential development in accordance with Policies HOU 7 or HOU 8. Policy HOU 7 of the NLP relates to rural exception sites and is not considered to be applicable in the assessment of the proposals. Policy HOU 8 of the NLP relates to isolated residential development in the open countryside. The development of isolated homes in the open countryside will only be supported in certain circumstances, including where: it re-uses redundant or disused buildings and enhances its immediate setting. Policy HOU 1 of the NLP relates to making the best use of existing buildings and is generally supportive of the conversion and change of use to residential use of redundant premises. Policy HOU 2 of the NLP relates to the provision of new residential development and is generally supportive of the delivery of new open market and affordable dwellings in a range of tenures, types, and sizes where it meets certain criteria, including where proposals are consistent with the spatial strategy, as set out in Policy STP 1. Paragraph 84 of the Framework states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply. These circumstances are very similar to those set out above in Policy HOU 8 of the NLP including where the development would re-use redundant or disused buildings and enhance its immediate setting.
10. It is understood that the lodge is currently occupied by the appellant who runs the equestrian business at Cragside Stables along with his partner. The

proposed development would not therefore reuse a redundant or disused building. Consequently, it would be contrary to the above local and national policies which are very clear on the requirements of this. Whilst the previous consent was determined under the older plan policies of the Tynedale Local Plan, permanent residential use in this open countryside location despite the present circumstances continues to be considered unacceptable and unsustainable under the new development plan policies unless it can comply with the relevant criteria as set out which this appeal does not.

11. The officers' report explains that it would only be considered appropriate to allow the change of use of the lodge to a permanent residential use should there be sufficient justification and reasoning for this, should the existing equestrian business not be financially viable and should there be no interest in the business and the lodge (for its approved use) following the sales marketing of these for a continuous period. Given my findings above in terms of the policies contained within the NLP and the Framework, I have no reason to disagree with this.
12. I am aware of the appellants' claims that the business does not make a profit and the costs of running the business outweighs the profits as well as having due regard to the evidence provided in relation to such matters. I am also aware of investments made and change in circumstances since the pandemic/cost of living crisis. Based on the evidence provided, I have no reason to dispute such claims. However, I am aware that the business has only been operating for a short period of time with a level of investment already made and thus it may take time to recoup and feel the benefits of the business. It is understood that the previous owners sold the site upon retiring having operated the business for several years and were the owners of the site at the time of the 2007 permission for the construction of the lodge. Based on the evidence before me, I am not sufficiently persuaded that the lodge and surrounding land could not operate a profitable and viable business even if this relied on a potential future buyer. Additionally, the lodge could be used as holiday accommodation rather than for staff which could be explored under the permission. I am mindful that if this were to happen then it would not allow the owners to live onsite and I am aware of the overall management constraints of this, but it remains the fact that this is still an option.
13. I have had due regard to the sale attempts of the property including evidence provided in relation to this and I do not question that the restrictive conditions have dissuaded a number of potential buyers. The property has however only been marketed for a short period of time and has generated some interest. On this basis, it would not be unreasonable for the Council to encourage a longer marketing period in order to adequately demonstrate that the saleability of the property is an issue.
14. The appellant has put forward claims relating to the history of the site including matters relating to ownership whereby it is claimed that the property now comprises a separate planning unit to the rest of the original planning unit that comprised the original planning application. As a result, it is claimed that condition 3 and 4 which relate to the restrictive conditions cannot be complied with or enforced against. It is not however my role within the context of this appeal to determine if a separate planning unit has been created or if such can be enforced against and I also have limited information relating to such matters. Similarly, it is also not my role within the context of this appeal to

determine whether or not the property would be lawful based on non-compliance and again I have limited information on this. Different scenarios have been put forward including the possible business closure either resulting in the appellant remaining in the property or resulting in an empty dwellinghouse as well as questions over enforcement matters if such were to occur. This is not however currently the case, and I must consider the current appeal based on its own merits and evidence before me. Such situations would need to be assessed accordingly at that time including any enforcement related matters that may prevail. To this end, the lodge is currently occupied by the appellant who runs the equestrian business and the evidence provided does not sufficiently justify that the lodge and surrounding land could not operate a profitable and viable business, and that there is no interest in the business and the lodge (for its approved use) following the sales marketing of these for a continuous period.

15. For the above reasons, the site location is not suitable for the proposed development, having regard to development plan policy governing proposals within the open countryside. The proposed change of use has also not been justified in this location and would not therefore accord with Policies STP 1, HOU 1, HOU 2 and HOU 8 of the NLP and paragraph 84 of the Framework.

Other Matters

16. There may not be any nature conservation designations on or adjacent to the site nor is the site located in the Green Belt, or in the Northumberland National Park. This would not however alter my findings in relation to the above main issue nor would matters relating to its overall visibility or previous discussions which have said to have taken place with the Council prior to purchasing the property. I am also aware of staffing issues in relation to the location and opportunity for site enhancements although this would also not alter my findings as set out above.

Conclusion

17. For the above reasons, the proposal conflicts with the development plan when read as a whole and there are no material considerations that would outweigh this conflict. I, therefore, conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR