



Appeal Decision

Site visit made on 18 June 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/P2935/W/24/3342005

**Countryside Cottage, C125 Longhirst Junction to Potland Roundabout,
Longhirst, Northumberland NE61 3HZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr G Fahy against the decision of Northumberland County Council.
 - The application Ref is 23/03804/VARYCO.
 - The application sought planning permission for change of use to holiday accommodation comprising the siting of 15 no. static caravans plus 4 no. holiday cottages without complying with a condition attached to planning permission Ref 12/01313/COU, dated 3 August 2012.
 - The condition in dispute is No 14 which states that: *"The occupation of the caravan pitches and built holiday accommodation shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times. Details of the alternative occupation of any caravan(s) or built holiday accommodation that may be required shall be submitted to and approved in writing by the local planning authority prior to their first occupation, and shall thereafter be occupied in accordance with the approved details unless otherwise agreed in writing with the local planning authority."*
 - The reason given for the condition is: *"A permanent residential use in this location would conflict with the established planning policy for this rural area. Policies E10 and E12 from the Castle Morpeth District Local Plan."*
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. Planning permission (12/01313/COU) was granted in 2012 to develop the site with 15 no. static caravans and 4 no. holiday cottages. The planning permission has been implemented, but only three of the cottages have been constructed. Condition No 14 of the planning permission restricts the use of the site and cottages to holiday accommodation only. The reasoning for the condition was to prevent permanent residential use in a location where such development would be contrary to established planning policy. The appellant has applied to remove the holiday use restriction from the cottages, but not the caravan site.
3. The Northumberland Local Plan (NLP) was adopted in March 2022, thereby superseding the policies of the Castle Morpeth District Local Plan referred to in the original decision notice. I have necessarily determined the appeal in light of the current development plan and the latest version of the National Planning Policy Framework (the Framework).

Main Issue

4. The main issue in this appeal is whether condition 14 is reasonable and necessary having particular regard to relevant local and national planning policy which governs the location of housing.

Reasons

5. Policy STP1 of the NLP sets out the approach to the distribution of development across the County- focusing the majority of new development in the key settlements with smaller scale development allowed elsewhere under certain circumstances. Also relevant is Policy TRA1 of the NLP which promotes a spatial distribution of development that reduces the need to travel by car, and maximises the use of sustainable modes of transport.
6. Although the appeal site forms part of a wider group of buildings, including dwellings, it is in the open countryside for the purposes of Policy STP1. Criterion g) of Policy STP1 states, among other things, that development in the open countryside will be supported if it can be demonstrated that it provides for residential development in accordance with Policies HOU7 or HOU8 of the NLP.
7. Policy HOU7 relates to small rural exception sites. While the appellant suggests that the cottages could potentially be occupied as low-cost homes for rent, or other local connection housing, the need for such forms of housing should be clearly evidenced and it should be secured by a section 106 agreement, which is not the case here. Policy HOU8 only supports isolated residential development in open countryside in certain circumstances. However, the site is not isolated, and in any event, there is little to indicate that any of the criteria of Policy HOU8 would be met. Consequently, the proposal would not provide for residential development in accordance with Policies HOU7 or HOU8. By extension, the proposal therefore conflicts with Policy STP1 g) of the NLP with respect to housing in the open countryside.
8. The appeal site is approximately 1.5 kilometres (km) from Longhirst village. However, the village has only a limited range of services and facilities. The larger settlements of Morpeth and Ashington are around 5 km away. The distances involved, coupled with the absence of pedestrian footways and street lighting for most of the way, is unlikely to encourage trips by foot or bicycle. While reference is made to a bus service near the site, I have little detail of the frequency of the service, and so, I am unable to confirm that it would be a realistic substitute for the convenience of a private car. In any event, walking and cycling are given first priority before public transport. The reality is that residential occupiers of the cottages would probably use a car for most of their journeys, contrary to the aims of Policy TRA1 of the NLP.
9. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that development in one village may support services in a nearby village. However, the appeal site is not within a village and circumstances of this site mean that it cannot be said it would be easy, and therefore likely, for essential and day-to-day services and facilities to be accessed without recourse to the car, which is the least sustainable option.

10. For all these reasons, I find that the appeal site is not a suitable location for housing with regard to local and national planning policies. The proposal would result in significant harm in this respect. It therefore follows that a holiday use restriction on the cottages continues to be reasonable and necessary.

Other Matters

11. The NLP recognises the importance of tourism to the rural economy. The holiday cottages at the site contribute to the policy intention to improve the range and quality of visitor accommodation in the area. It has not been suggested that there is no longer any demand for such accommodation, and on the evidence before me, the business is profitable, even if this is described as marginal. Rather, the appellant claims that an unrestricted residential use of the cottages is needed to secure funding to build the fourth cottage and continue with the growth of the holiday site. He further states that he still fully intends to continue operating the site as holiday accommodation and would only rent out the cottages when there are no holiday bookings.
12. However, in the absence of the holiday use restriction there would be nothing to prevent the cottages being used as permanent dwellings. As such, there is no guarantee that the proposal would lead to the expansion of the holiday cottage business and the other economic benefits claimed by the appellant. Conversely, I find that it would potentially contradict those aims with the loss of high-quality holiday accommodation.
13. The contribution of four dwellings would support the Government's objective of significantly boosting the supply of homes and there would be some social and economic benefits associated with their permanent occupation. However, this would be offset by the loss of the economic benefits from the use of the buildings for tourism purposes and the harm arising from the poor accessibility of the location. There is also no substantive evidence indicating that the Council is currently failing in its housing land supply and delivery requirements, or that the development plan policies are out of date for other reasons. Accordingly, this is not a situation where the presumption in favour of sustainable development is engaged.
14. While the Government has announced an intention to change the holiday accommodation tax regime, this may still change, or not come into effect at all. The full implications are therefore unknown at this stage.
15. I have had regard to the comments made in support of the application. However, this does not overcome the identified conflict with the development plan.

Conclusion

16. I conclude that the proposal would not accord with the development plan as a whole and there are no other considerations which indicate that the appeal should be decided other than in accordance with the development plan. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR