

Appeal Decision

Site visit made on 1 August 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2024

Appeal Ref: APP/P2935/W/24/3338004

**White Cottage, The Inn Road, Newton-by-the-Sea, Northumberland
NE66 3EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Duncan Fisher (Newton Hall (Northumberland) Ltd) against the decision of Northumberland County Council.
 - The application Ref is 22/02619/FUL.
 - The development is the change of use of White Cottage to serviced accommodation in association with the Joiners Arms.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of White Cottage to serviced accommodation in association with the Joiners Arms at White Cottage, The Inn Road, Newton-by-the-Sea, Northumberland NE66 3EA in accordance with the terms of the application, Ref 22/02619/FUL, subject to the following conditions:
 - 1) The development hereby permitted is as shown and identified on the following approved plans: 22035.OS01.B, 22035.P02, 22035.P03.B and 22035.P01.
 - 2) Notwithstanding details shown on the approved plans, unless within 3 months of the date of this decision a Car Parking Management Scheme (Parking Scheme) is submitted in writing to the local planning authority for approval, and unless the approved Parking Scheme is implemented within 3 months of the local planning authority's approval, the use and occupation of the appeal site building "White Cottage" for the purposes of serviced holiday accommodation shall cease until such time as a Parking Scheme is approved and implemented.

If no Parking Scheme in accordance with this condition is submitted within 3 months of the date of this decision, the use and occupation of the appeal site building "White Cottage" for the purposes of serviced holiday accommodation shall cease until such time as a Parking Scheme is submitted, approved and implemented.

The Parking Scheme to be submitted, approved and implemented shall include:

- a) Plans identifying the location of all parking spaces to be utilised as part of the Parking Scheme;
- b) Details of the parking management measures to be deployed including the use of valet parking services; and
- c) Measures for monitoring the effectiveness of the Parking Scheme and details of how, and how frequently, this monitoring shall be provided to the local planning authority for its review.

Once the Parking Scheme is implemented, the use and occupation of the appeal site building "White Cottage" for the purposes of serviced holiday accommodation, shall adhere to the approved Parking Scheme.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) The 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/operators of the site shall maintain an up-to-date register of all lettings, of the names of all occupiers of the accommodation, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Preliminary Matters

- 2. The Council determined the planning application on a retrospective basis, and I have treated the appeal in the same way. The development description on the application form includes reference to the development being retrospective, however, I have removed this wording as this is not an act of development.
- 3. 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 Regulations 14(1) and 7(5) of the EIA Regulations, the Secretary of State directed that the development is not EIA development.

Main Issues

- 4. The main issues are the effects of the development upon the character of the area, including the Northumberland Coast National Landscape, with particular regard to tranquillity.

Reasons

- 5. The appeal site lies within the Northumberland Coast National Landscape (NL). The NL comprises of a narrow but lengthy strip of coast between Spittal and the Coquet Estuary. The NL's special qualities stem from the combination of, and interaction between, its various landscape, natural environment and cultural heritage assets. Tranquillity and exposure contribute to these special qualities, and they are generated by factors such as the NL's flat coastal plain, the seascape views available and the sparse and scattered elements of human habitation and infrastructure. In respect of

this designated landscape, I am mindful of the statutory duties imposed upon me to seek to further the purposes of this designation, which includes conserving and enhancing its natural beauty.

6. The appeal site is located within a central position within High Newton village, beside the Joiners Arms and close-by to other buildings within the settlement. This heart-of-the-village location means that the appeal site is within an area where built development and habitation are established, and some vibrancy can be expected. Consequently, the appeal site and its immediate surroundings do not exude as strongly as some other parts of the NL that sense of tranquillity and exposure.
7. The evidence before me shows that prior to the development taking place the host property had been a 3-bedroomed property. Although White Cottage is now holiday accommodation with more bed-space, the extent to which its character and use has altered and intensified is quite modest.
8. Given this scale of the development, even though the evidence before me indicates a recent growth in holiday accommodation within High Newton, I have no compelling reasons to conclude that the development has resulted in a harmful over-concentration of such accommodation in the area or undermined the sense of, or balance of, the community.
9. High Newton's permit holder only restrictions, yellow line markings and roadside timber bollards provide some significant parking controls. There are few places therefore that parking can take place without some controlling factor or impediment. More informal signage is also in place to ensure certain access routes are not blocked by parked cars. Furthermore, the car park on the village's south-western fringe provides a dedicated parking option for visitors. I find that these various measures will be serving to manage parking in the area and discourage discourteous parking from taking place.
10. Through the imposition of a condition, a car parking management scheme for the development can be devised and implemented. Amongst other matters, this would enable all parking spaces to be utilised by the development to be clearly identified, including those which are off-site utilising permitted spaces and the appellant's land. It would also enable the details of the parking management measures to be deployed, such as valet parking, to be agreed.
11. Therefore, there are existing measures in place which strictly control and manage parking in High Newton. The car parking management scheme would provide further parking space clarity and control in respect of the development itself. In the light of this, I have no substantive evidence that the development is resulting in the forms of discourteous or overspill parking which is having harmful effects upon the character of the area including the area's degree of tranquillity, nor that it would be likely to do so in the future.
12. The hot tub is located at the back of the property with enclosures on all sides of it. This enclosed location will assist in mitigating the effects of any noise arising from its use, and I have no substantive evidence that the use of the hot tub is resulting in any noise which is excessive or unduly at odds with the noise levels which prevail in the area.

13. For the above reasons, I find that the development does not constitute overdevelopment. The effects of the development upon the character of the area, including the NL, with particular regard to tranquillity are acceptable. As a result, the development accords with policies ENV 1, ENV 4 and ENV 5 of the Northumberland Local Plan (LP). Together, and amongst other matters, these policies seek to conserve and enhance the special qualities of the NL, support tourism of an appropriate scale within the NL and limit the effects of development upon the NL's sense of tranquillity and rurality. The development also complies with advice within the National Planning Policy Framework, including that at paragraph 182, which sets out that great weight should be given to conserving and enhancing the beauty of National Landscapes and that the scale of development within them should be limited.

Other Matters

14. Various Habitats Sites are situated on Northumberland's coast. These are of international importance and are afforded protection under the Conservation of Habitats and Species Regulations 2017. The appeal site is within the zone of influence of the Northumbria Coast Special Protection Area and RAMSAR (SPA and RAMSAR) and the North Northumberland Dunes Special Area of Conservation (SAC).
15. The qualifying features of the SPA and RAMSAR are birds – the Little tern, the Arctic tern, the turnstone and the Purple sandpiper. In summary, the SPA and RAMSAR's conservation objectives are to ensure the integrity of the site is maintained (or restored as appropriate), ensure the site contributes to achieving the aims of the Wild Birds Directive including by maintaining or restoring the population and distribution of its qualifying features and the extent and distribution of their habitats.
16. The SAC's qualifying features are its fixed dunes with herbaceous vegetation, dunes with creeping willow, embryonic shifting dunes, humid dune slacks, shifting dunes with marram and petalwort. The SAC's conservation objectives are to ensure the integrity of the site is maintained (or restored as appropriate) and ensure that the site contributes to achieving the favourable conservation status of its qualifying features by maintaining and restoring, amongst other matters, the extent and distribution of its qualifying habitats and its population and distribution of qualifying species.
17. In combination with other developments in the area, there is the potential for new developments within the zone of influence of these Habitats Sites to result in increased recreational pressures which could result in significant effects upon their integrity. In particular, birds could be disturbed whilst the rate of spread of pirri-pirri bur, a non-native invasive plant species, could increase which results in the displacement of native species of high conservation value.
18. The Council's Northumberland Coastal Mitigation Service Strategy Document (the Mitigation Document) sets out a strategy to prevent any net increase in such adverse effects, proposing mitigation measures to be deployed. This mitigation is funded by financial contributions obtained from development proposals. However, the Mitigation Document and the LP set out that contributions are only necessary where an increase in dwellings, including

holiday units, would result. Where such dwelling increases do not result, likely significant effects can be screened out.

19. In this case a dwelling was already in situ. The development the subject of the appeal is for a change of use to another form of occupation – it is not for an increase in units. Furthermore, evidence before me in respect of year-round holiday accommodation occupancy rates indicates to me that the year-round average occupancy of holiday accommodation would not be likely to exceed that of a dwelling. Consequently, I am satisfied that the development would result in no significant effects upon the SPA and RAMSAR nor the SAC.
20. I have no substantive evidence that the site's drainage system is inadequate nor that the development is the subject of, or the cause of, any flood risk. Concerns have been expressed in relation to some effects that arose during the construction of the Shepherd's Hut and whether the hut was constructed in accordance with the plans approved for that development. However, as the Shepherd's Hut is not the development the subject of the appeal, such matters are of no meaningful weight in my decision.
21. Finally, concerns have also been expressed in relation to the retrospective nature of the development and the extent to which the appellant engaged with the public and Council on their development intentions with the site. However, I have assessed the development on its planning merits having regard to the evidence before me, the relevant development plan policies and material planning considerations such as the Framework. The retrospective nature of the development has not influenced my decision to allow the appeal. Whilst pre-application engagement is good practice and is encouraged by the Framework, any absence of deficiencies in such engagement does not provide me with sufficient reason to dismiss the appeal.

Conditions

22. I have had regard to the Council's suggested conditions. However, I have amended their wording having regard to the development's retrospective nature, the content of the Framework and the Planning Practice Guidance.
23. As the development has already taken place, a condition relating to the standard implementation period is unnecessary. However, in the interests of certainty, enforceability and the character of the area, I have imposed a condition which sets out the approved plans.
24. Condition 2 is necessary so that the parking provided is defined and the effects of it upon the character of the area are managed. Condition 2 has a strict timetable for compliance and includes sanctions so that it can be effectively enforced. This is necessary as the development is retrospective and it is not possible to secure such details before the development takes place. To define the use of the development, condition 3 is necessary.

Conclusion

25. The development accords with the development plan, and there are no material considerations which indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed subject to the conditions above.

H Jones

INSPECTOR