

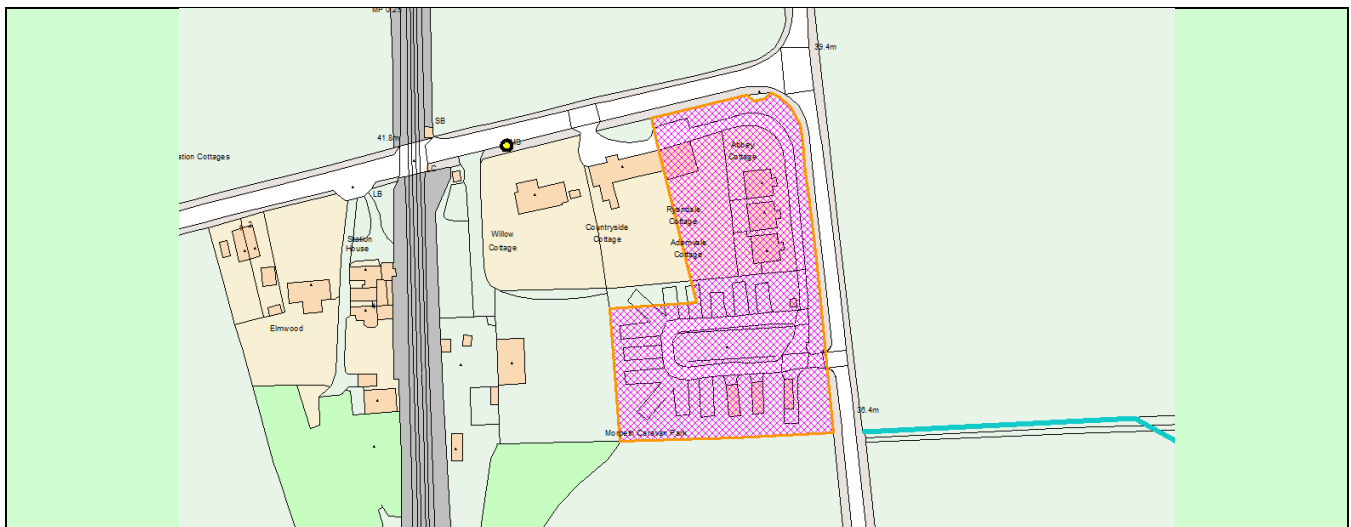


Northumberland County Council

Castle Morpeth Local Area Planning Committee 12th February 2024

Application No:	23/03804/VARYCO		
Proposal:	Variation of Condition 14 (Occupancy) pursuant to planning permission 12/01313/COU to amend the wording as follows:-, 'The occupation of the caravan pitches shall be restricted to genuine holiday makers. 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) 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.'		
Site Address	Morpeth Caravan Park, Longhirst, Morpeth, Northumberland, NE61 3HZ		
Applicant:	Mr G Fahy Countryside Cottage, Longhirst, Northumberland, NE61 3HZ	Agent:	Mr Jon Tweddell Coble Quay, Amble, Northumberland, NE65 0FB
Ward	Pegswood	Parish	Longhirst
Valid Date:	11 October 2023	Expiry Date:	13 February 2024
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Senior Planning Officer Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

- 1.1 Following the receipt of a call-in request from an elected councillor, the application was referred to the director of planning and chairs of the local area planning committee. It was confirmed within their response that determination of the file should be via local area planning committee.

2. Description of the Proposals

- 2.1 An amendment is sought to planning application 12/01313/COU at Morpeth Caravan Park, Longhirst.
- 2.2 Planning permission 12/01313/COU granted consent for the *“Change of use to holiday accommodation comprising the siting of 15 no. static caravans plus 4no. holiday cottages”*. The application was granted consent by the LPA on 3rd August 2012.
- 2.3 The applicant wishes to vary condition 14 of this permission which restricted occupancy of the caravans and built accommodation to genuine holidaymakers for individual periods. The current wording of the condition is – *“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 applicant seeks to vary the condition to read –

“The occupation of the caravan pitches shall be restricted to genuine holiday makers. 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) 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”

- 2.4 The reason for the original 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”*.
- 2.5 The applicant therefore wishes to remove the holiday let occupancy condition from the 4no holiday cottages, of which 3 are currently constructed, allowing them to be used for private and permanent residential use. The supporting statement details that allowing this change would enable construction of the fourth holiday cottage as well as further investment into the wider site.
- 2.6 Similar applications were made by the applicant in 2018 under reference numbers 18/01312/VARYCO and 18/02556/VARYCO. Both applications were refused by the LPA.

3. Planning History

Reference Number: 12/01313/COU

Description: Change of use to holiday accommodation comprising the siting of 15 no. static caravans plus 4 no. holiday cottages.

Status: PER

Reference Number: 18/01312/VARYCO

Description: Variation of condition 14 (Occupation) pursuant to planning permission 12/01313/COU to remove the 4 no. holiday cottages from the restriction

Status: REF

Reference Number: 18/02556/VARYCO

Description: Variation of condition 14 (Occupation) pursuant to planning permission 12/01313/COU to remove the 4 no. holiday cottages from the restriction

Status: REF

Reference Number: CM/20070220

Description: Resubmission of application for an outline application for residential use (cm/20061006)

Status: REF

Reference Number: CM/20061006

Description: Outline application for residential use

Status: REF

4. Consultee Responses

Highways	No objection.
Longhirst Parish Council	Councillors noted the following points: <ul style="list-style-type: none">• That these properties already exist at the site and currently operate as holiday homes (these are not new builds).• That if these properties were permanently occupied this would not adversely affect the infrastructure of the parish.• That previous applications for housing at this site have been refused. Having no strong opinion either way they agreed to offer 'no comment'.
Tourism, Leisure & Culture	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	0
Number of Support	2
Number of General Comments	0

Notices

General site notice, 27th October 2023

Northumberland Gazette press notice, 26th October 2023

Summary of Responses:

2no support comments were received from neighbouring residents. The comments state that no negative environmental or amenity impacts would occur from allowing the alteration to the condition whilst recognising the holiday cottage business is “only marginally profitable”.

Material planning considerations shall be assessed within the below appraisal.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=S2B5ODQSL8G00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036 (Adopted March 2022) (NLP)

Policy STP 1 - Spatial strategy (strategic policy)
Policy STP 2 - Presumption in favour of sustainable development (strategic policy)
Policy STP 3 - Sustainable development (strategic policy)
Policy STP 4 - Climate change mitigation and adaption (strategic policy)
Policy STP 5 - Health and wellbeing (strategic policy)
Policy ECN 12 – A strategy for rural economic growth (strategic policy)
Policy ECN 13 – Meeting rural employment needs (strategic policy)
Policy ECN 15 – Tourism and visitor development
Policy HOU 1 – Making the best use of existing buildings (strategic policy)
Policy HOU 8 – Isolated residential development in the open countryside
Policy HOU 9 – Residential development management
Policy QOP 1 - Design principles (strategic policy)
Policy QOP 2 - Good design and amenity
Policy TRA 1 - Promoting sustainable connections (strategic policy)
Policy TRA 2 - The effects of development on the transport network
Policy TRA 4 - Parking provision in new development
Policy ENV 1 – Approaches to assessing the impact of development on the natural, historic and built environment (strategic policy)
Policy ENV 2 - Biodiversity and geodiversity
Policy WAT 4 - Sustainable drainage systems

6.2 National Planning Policy

National Planning Policy Framework (2023) (NPPF)
National Planning Practice Guidance (2022) (NPPG)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP). The National Planning Policy Framework (NPPF) (2023) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development;
- Design and visual character;
- Residential amenity;
- Highway safety;
- Water management.

Principle of development

7.2 Whilst the principle of development has previously been established on site through the granting of planning application 12/01313/COU, the proposed rewording of condition 14 represents a significant alteration to the overall scheme, therefore the LPA are required to assess the acceptability of this change and the principle of unrestricted residential use at the application site.

7.3 Policy STP 1 of the NLP sets out the spatial strategy for the County. The purpose of the policy is for sustainable development to be achieved throughout Northumberland, whilst supporting economic growth and conserving and enhancing the County's unique environmental assets. Development is primarily directed towards main towns, service centres and service villages as defined within policy STP 1 and as shown on the Policies Map which accompanies the Plan. The settlement of Longhirst is recognised as a small village where a proportionate level of development may be supported however, the application site is clearly located out with the settlement and built form of Longhirst, situated approximately 1 mile east.

7.4 The application site is therefore recognised as being within open countryside land. Policy STP 1, part g) restricts permanent residential development within open countryside land unless it can be demonstrated to accord with the provisions of policies HOU 7 or HOU 8 of the NLP. Policy HOU 7 does not apply in this instance as the development is not providing affordable housing therefore, accordance must be demonstrated in line with HOU 8.

7.5 Policy HOU 8 relates to the provision of isolated residential development in the open countryside. The application site cannot be considered fully isolated due to the provision of existing residential development directly to the west however, the site is bounded by open agricultural land to the north and east beyond the public highway. Part a) of HOU 8 does not apply as the removal of the occupancy condition would not create a dwelling for a rural worker, nor has an essential need been demonstrated, whilst part b) is not applicable as the holiday units are not heritage assets. Part c) does not apply as the buildings are not redundant and disused and neither does part d) as the variation of the condition does not involve the sub-division of an existing residential property. Finally, part e) is not relevant as the design of the existing units are not of exceptional, outstanding and innovative quality. The provision of unrestricted residential use within this area therefore conflicts with policies

STP 1 and HOU 8 of the NLP as well as sustainable development principles set out within the NPPF.

- 7.6 At the request of the LPA, the applicant has provided accounts for the last 3 years which demonstrate that profits varying from £12,709 to £19,226 have been achieved from the existing cottages on site. This data establishes that there is still a requirement for holiday accommodation within this area which assist in meeting the requirements of policies ECN 12, ECN 13 and ECN 15 of the NLP. As such, there is no overriding justification to warrant a variation to condition 14 that would remove the occupancy condition from the holiday cottages.
- 7.7 The LPA have appropriately assessed the supporting information provided by the applicant within their initial submission and the following accounts. The proposed variation to the occupancy condition would conflict with the spatial strategy of the NLP set out within policies STP 1 and HOU 8 whilst also conflicting with the rural tourism requirements set out within policies ECN 12 and ECN 15.

Design and visual character

- 7.8 Policy QOP 1 of the NLP states that development proposals should *"make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography"*. The NPPF at paragraph 131 recognises good design as a key aspect of sustainable development with paragraph 135 noting developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Proposals should also function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 7.9 No external changes are proposed to the holiday cottages as part of this application. The LPA are therefore satisfied that the alteration to condition 14 would not conflict with the provisions of policy QOP 1 of the NLP or the NPPF on design grounds.

Residential amenity

- 7.10 Policy QOP 2 of the NLP states that *"development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area"*. Paragraph 135, part f) of the NPPF states proposals must *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*.
- 7.11 The proposed amendment to the occupancy condition would not generate any significant residential amenity concerns that would conflict with either local or national planning policy. Future occupiers of the units would benefit from appropriate levels of amenity with sufficient floor space within the cottages to accommodate habitable space. A small area of external amenity space is also located to the rear of the 3 currently constructed units.

Highway safety

- 7.12 Policy TRA 1 of the NLP recognises that transport implications of a development must be addressed as part of any planning application. Proposals should *"Promote a spatial distribution which creates accessible development, reduces the need to travel by car, and maximises the use of sustainable modes of transport"*. Policy TRA 2 of the NLP outlines that developments must *"Provide effective and safe access and egress to the existing transport network"* and *"Include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or on highway safety including any contribution to cumulative impacts"*. Policy TRA 4 is also relevant within this assessment, stating that developments must also provide an appropriate amount of off-street vehicle parking in line with the intended use of the site.
- 7.13 Paragraph 115 of the NPPF details that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 7.14 Consultation was undertaken with highways development management who outlined within their response that the original condition was not recommended by HDM and that the change of wording is unlikely to have an impact on the highway elements of the scheme. A no comment stance was therefore provided.

Water management

- 7.15 No alterations are proposed as part of this submission to the drainage arrangements that currently exist at the site.

Equality Duty

- 7.16 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.17 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 7.18 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in

accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 7.19 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.20 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The proposed variation to condition 14 does not accord with the spatial strategy for Northumberland and sufficient justification has not been provided as part of the application submission to warrant the proposed amendment. The application is therefore recommended for refusal.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

- 1) The proposed alteration to the occupancy condition would allow unrestricted residential development within the open countryside, whilst also reducing the tourism provision within the locality. No justification has been provided to warrant the proposed change, thus ensuring conflict with policies STP 1, HOU 8, ECN 12 and ECN 15 of the Northumberland Local Plan and the National Planning Policy Framework.

Date of Report: 9th January 2024

Background Papers: Planning application file(s) 23/03804/VARYCO