

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/03278/FPA
FULL APPLICATION DESCRIPTION:	Temporary change of use of dwelling to holiday accommodation (Retrospective)
NAME OF APPLICANT:	Messrs & Mrs Hutchinson & Bowers
ADDRESS:	Jacobs Lodge, Hill Top, Eggleston, DL12 0AU
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Jill Conroy Planning Officer 03000 263980 jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located in Hill Top which is a subsidiary Hamlet to the adjacent settlement of Eggleston and comprises a mostly linear collection of a small number of dwellings at scattered intervals along the B6278.
2. Jacobs Lodge is a recently constructed detached property with a garage/store, which lies between residential properties, Cloud High to the south east and Galehurst to the north west. It has been finished to a high standard and contains living accommodation with 7 bedrooms over 2 floors and in the roofspace. There is a large rear garden providing amenity space and parking. Access is taken off the B6278 adjacent to Galehurst.

The Proposal

3. The application seeks to regularise use of the property as holiday accommodation for a period of 5 years. The property would revert to a dwelling after this time, unless otherwise granted by further planning permission.
4. The application has been called to Planning Committee by Eggleston Parish Council.

PLANNING HISTORY

5. Planning permission was initially granted in 2014 for the erection of a detached dwellinghouse and garage (6/2013/0390/DM).
6. The property was subsequently constructed under a revised planning application approved in 2015 (DM/15/01167/FPA).

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the Country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
10. *NPPF Part 3 – Supporting a prosperous rural economy.* To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas; support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

The above represents a summary of the NPPF considered most relevant. The full text may be accessed at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

LOCAL PLAN POLICY:

11. The following saved policies of the Teesdale District Local Plan are considered to be relevant:
12. *Policy GD1 - General Development Criteria* - development will be permitted providing it complies with a number of criteria including that it would not disturb or conflict with adjoining uses, or unreasonably harm the amenity of adjoining occupants.
13. *Policy BENV13 - Change of Use or Conversion in the Countryside* – permits change of use or conversion of buildings in the countryside to holiday accommodation (part A) provided it fulfils criteria (part B) in respect of among other things, suitability for conversion, amenity impact, and highways impacts.
14. *Policy TR2 - New Visitor Accommodation* – permits new visitor accommodation in the countryside within conversions of existing buildings, provided among other things it is not detrimental to road safety and accords with Policy BENV13.

The above represents a summary of those policies considered most relevant in the Development Plan. The full text, criteria, and justifications of each may be accessed at:

<http://www.durham.gov.uk/media/3401/Teesdale-local-plan-saved-policies/pdf/TeesdaleLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY

15. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

16. *Eggleston Parish Council* – No objection to the development in principle, but some concerns have been raised regarding statements in the application form and supporting planning statement, as well as the following planning issues: loss of 1 dwelling against housing supply numbers; disturbance to neighbours; increase in vehicle traffic; new fence causes loss of light to neighbours.
17. *Highways Authority* – No objection.
18. *Visit County Durham* – Supports the application. As an accommodation business, the property will help to support the visitor economy in the rural economy, namely in supporting businesses in the surrounding area from eating out, visitor attractions and retail.

INTERNAL CONSULTEE RESPONSES:

19. *Environmental Health (noise)* – The applicant has provided a management plan which is considered sufficient to address previous concerns regarding the potential of the development causing a statutory nuisance. Notwithstanding this, an increase in the number of users for the purpose of holiday use, will inherently increase the likelihood of noise regardless of the controls imposed.

PUBLIC RESPONSES:

20. There have been 12 letters of support, which includes one from the neighbouring property Cloud High and 6 from local business and community interests, while the other neighbour Galehurst has made the only objection.
21. The neighbour at Cloud High states that despite initial concerns in their three month experience since the property has operated as holiday accommodation they have not experienced unreasonable disturbance and have no complaints about cars accessing the property. The Operators of the accommodation have shown them regard by asking on several occasions if they experienced any disturbance from guests.
22. Those businesses supporting the proposal include:

- The Three Tuns pub giving support to proposals which help the local economy by encouraging people to stay longer, make use of local facilities and participate in local events.
- Coach House Tea Room explaining that their business relies heavily on tourist visitors, and businesses like this (holiday accommodation) helps them open throughout the year.
- Rose and Crown Inn stating that they rely on holiday cottages like Jacobs Lodge to support the business in winter months when caravan sites are closed, and have already benefitted from group bookings by guests from the cottage. They feel the area lacks high quality accommodation for large groups and this type of accommodation is ideal for shooting parties, mountain bike groups and those with disability needs.
- Mickleton Service Station have said they have seen increase in fuel sales from an increase in visitors to the dale so they welcome further accommodation in the area which helps local business survive.
- Secretary of Eggleston Carnival has highlighted how guests from the cottage recently joined in activities for a village fund raising event.
- Sykes Cottages have stated that properties of this size are very rare in this area which makes it a highly sought after accommodation for holiday makers bringing tourist revenue to the region.

23. The only letter of objection from the neighbour Galehurst questions the retrospective nature of the application and original intentions of applicant, as well as raising the following concerns:

- Doubts about job creation from the use.
- There is potential for up to 16 people stay with anything from 6 to 12 cars entering and exiting the site.
- Impact on privacy with occupants walking up the driveway passed our windows.
- The site is unsustainable in terms of existing facilities which encourage occupants to shop further afield taking trade from local businesses.
- Flood risk from the tarmac drive instead of block paving.
- Loss of 1no dwelling against DCC housing figures.
- A fence has been erected which reduces the sun light into the garden of Galehurst.

The above represents a summary of the main points from comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANT'S STATEMENT:

24. The use began without planning permission because the owners didn't realise it was required – in the vast majority of cases, planning permission is not required to use a house as a holiday cottage – it is the same use class. The owners have sought to work with officers to resolve matters promptly at every step of the way.

25. According to the Durham Tourism Management Plan, the visitor economy is currently worth over £752m to County Durham. This includes 1.43 million overnight tourists visited County Durham in 2014, spending £308 million or 41% of the total expenditure. Tourism supports 10,800 full time equivalent (FTE) jobs in County Durham of which 8,572 are directly employed in the visitor economy.

26. Visitor accommodation in the Dales is therefore critical to County Durham's economy, and is not surprisingly supported by the County Council and other Authorities. Planning policies, for this reason, support the provision of tourism accommodation.
27. The current proposal is important because there is so little accommodation available for larger parties, such as groups of families who want to stay together. We were only able to find one other on the internet within the County Durham area that had similar facilities.
28. Since the house was first let out, it has rarely had vacancies, and has generated the support of a number of businesses in the area, who have noticed increased patronage as a direct result of Jacobs Lodge.
29. Jacobs Lodge has a number of neighbours, and all but one support the development. No complaints have been received regarding noise arising from the development. There is no greater loss of privacy or amenity than would occur from occupation of the property as a dwelling. In such circumstances, there would be extremely limited control over the quality and behaviour of occupiers. As it is occupied as a well-managed holiday cottage, the owners work hard to ensure occupiers are sensitive and respectful to neighbours as Alistair and David Hutchinson are neighbours too, (living in West View and Stonedress respectively), and have provided additional comfort in the form of a carefully considered management plan to support the planning application.
30. With the above in mind, it is hoped Members of the planning committee can afford significant weight to policies in the development plan which seek to encourage much needed tourism in the Dales and approve the application.

PLANNING CONSIDERATIONS AND ASSESSMENT

31. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, residential amenity and highway safety.

Principle of development

32. The NPPF provides support for economic growth proposals, particularly those that support a strong rural economy through rural tourism and leisure developments that benefit businesses, communities and visitors in rural areas. Locally, Teesdale Local Plan Policies BENV13 and TR2 are permissive of new visitor accommodation within the countryside through conversions of existing buildings, providing various detailed criteria are met. This applies to all buildings, not just derelict or disused buildings. The policies are consistent with the aims of the NPPF.
33. The comments from the Parish Council and Galehurst have questioned the economic benefits of the proposal. However, as noted by the comments from Visit County Durham and local businesses, the visitor economy is extremely important to the local area and it is estimated that it supports around 11,000 jobs in the County. Previous Visit County Durham Research suggests that for every 3 self-catering properties, one full time job is created. Overnight tourists spent £81 million in the County in 2015 with the average spend of £232.55 per trip, however the number of

visitors staying overnight within County Durham has remained static with the lack of new accommodation options a possible contributory factor. Improving the amount and diversity of quality accommodation options in key visitor areas is seen as an important way to keep visitors in the County for longer, and the longer they can stay in the area, the more likely they are to spend money at local facilities, shops and attractions.

34. The proposal would provide a type and quality of accommodation that Visit County Durham and the letting agents Sykes Cottages advise there is market demand for and the property is well placed in relation to the village of Eggleston and tourist and leisure opportunities in the wider Teesdale area, which could benefit from increased visitor spend. The comments from nearby local businesses provide convincing evidence of the value of this type of visitor accommodation to the area, with some of those businesses already experiencing benefits from this particular cottage.
35. It is therefore considered that the proposal would make a valuable contribution to increasing the range and quality of tourist accommodation in the County and in turn can bring positive economic benefits to the rural area.
36. The loss of 1 dwelling would not make any significant difference to housing supply numbers and would in any case be demonstrably outweighed by the economic benefits of this proposal. Providing there are no operational issues in the future there would be no objection to the use being permanent, but the applicant would like flexibility to be able to return the property to a dwelling without further planning permission if needed.
37. The principle of the proposal therefore draws strong support from national and local planning policies.

Residential amenity

38. One of the twelve core planning principles of the NPPF is to seek a good standard of amenity for all existing and future occupants of land and buildings. Teesdale Local Plan policy GD1 does not permit development which would disturb or conflict with adjoining uses, or unreasonably harm the amenity of adjoining occupants.
39. The property has immediate neighbours to either side who could be most affected – Galehurst and Cloud High. Representations have been received from both these neighbours, but with conflicting views. Galehurst have raised concerns about the number of guests and cars, as well as loss of privacy, whilst Cloud High have stated that despite initial misgivings they have not experienced any unreasonable disturbances since the use commenced more than 3 months ago.
40. Environmental Health have commented that the number of guests will inherently increase the likelihood of noise from the property associated with vehicles and the use of the external area, but are now satisfied that there are management measures in place to address potential of the development to cause a statutory nuisance.
41. It is because of the scale of the use that it has been determined that there has been a material change in use from a dwelling and therefore it is accepted that the use could be materially different to that of a typical dwelling in terms of number of guests and vehicles at the property. However, the nature of the use is important. The National Planning Practice Guidance (NPPG) explains that the level at which significant adverse effects of noise occurs is when noise causes a material change in behaviour such as having to keep windows closed for most of the time. The level of noise that would start to cause disturbance to neighbours may be at a lower level

than statutory nuisance, but it is very unlikely that any noise from a holiday cottage would be frequent and for long periods i.e. for most of the time. A lot of the time there will be no noise at all from the property. The main noise sources are likely to be from use of the outdoor area and vehicle movements. However outdoor use will not occur all of the time and vehicle movements are intermittent and take place over a short period. Even if these effects are noticeable at times, they would not necessarily be disturbing. Use as a residential property would still result in use of the outdoor space and comings/goings by vehicles. A 7 bedroom dwelling could have a larger than normal number of associated vehicles using the same access, and even though the approved dwelling had only 4 bedrooms, planning permission would not have been required to create the additional bedrooms within the existing internal arrangements if the property had remained a dwelling.

42. The applicant has prepared a management plan to the satisfaction of Environmental Health, which includes measures aimed at preventing noise and disruption to neighbours. It is not something that would be enforceable for the local planning authority, but for the purposes of decision making it must be assumed that the site will be run properly. The evidence from the neighbour at Cloud High who is closest to the outdoor area and garage, as well as a lack of reports to Environmental Health, indicates it is being managed effectively. The owners also live just 2 properties down from the cottage and could therefore be on hand reasonably quickly to deal with any issues if ever needed. The benefit of a temporary 5 year permission would also allow review of the situation in the future.

43. The neighbour at Galehurst has also raised concerns about loss of privacy from guests walking up the driveway and the impact of a fence that has been erected along the driveway and to the rear of their property. There is a window in the gable end of Galehurst, but even as a residential dwelling, residents would still be able to walk up the driveway and the window was taken into account in granting the previous permissions. The previous permission for the house did not include the fence, but it has been erected under permitted development, along with the bin store. As such the impact is not a matter for consideration in this application, although it is noted that it does offer better levels of privacy for both sides. Window relationships and the position of the garage/outbuilding are unchanged, and even if the garage is used for leisure purposes, the same could have happened without needing planning permission if the property was a private dwelling. The garage is in any event a sufficient distance from Galehurst in the southern corner of the property where it was judged to be acceptable under the previous planning permission, and Cloud High, who are closest to it, have not experienced any problems with its use.

44. Taking all the above into account it is considered that the proposal would not unreasonably harm the residential amenity of neighbours. The proposal therefore accords with policy GD1 of the Teesdale District Local Plan and provisions of the NPPF.

Access and Highway Safety

45. The Parish Council and Galehurst, have raised concerns about the number of vehicles accessing and parking within the property. They have claimed that the permission for the dwelling was restricted to just 3 parking spaces, but that was not the case. This was just a reference on the application form to the minimum number of spaces that could be provided within the site during the house application. There was no conditional restriction placed on the property to prevent additional parking or to limit it to any particular location within the property.

46. The Highways Authority has been consulted on the application and notes the increase in the number of bedrooms and the claims that the garage may no longer be used for accommodating parked cars. However, they are satisfied that there is adequate in-curtilage parking provision for the holiday use, even without the garage, and have not raised concerns about safety of the access, which was judged to be acceptable when the dwelling was approved. The property accesses a B classification road and therefore the development would not make any material difference to road capacity.

47. In the absence of any objection from the Highway Authority the proposal is considered acceptable in highway safety terms. There is no significant conflict with Teesdale Local Plan policy GD1 or Part 4 of the NPPF in this respect.

Other Issues

48. Despite the retrospective nature of the application the proposal must be considered on its merits and speculation over anyone's previous intentions for use of the property are not a material planning consideration and cannot therefore be given any weight in the consideration of this application.

49. There was no conditional requirement for approval of the driveway surface or restricting it to block paving and therefore the use of tarmac is not unauthorised. In any event there are large permeable areas of gravel and grass within and at the bottom of the site for surface water to drain to.

CONCLUSION

50. The proposal can bring positive economic benefits to the rural area and has the support of local businesses in the area. It is a form of development which draws strong support from the NPPF and for which Teesdale Local Plan policies BENV13 and TR2 are permissive, subject to detailed matters.

51. The concerns from one of the neighbouring properties and Parish Council have been carefully considered, however when taking all matters into account, it is felt that the proposal would not result in unreasonable impacts on residential amenity and is acceptable in highway safety terms.

52. The proposal is therefore recommended for approval.

RECOMMENDATION

Recommendation that the application is **APPROVED** subject to the following conditions:

1. The use hereby permitted shall cease after 5 years from the date of this permission and the building reinstated to its former residential use, unless an application for continuation of the use has previously been made to and approved in writing by the local planning authority.

Reason: To define the nature of the consent as applied for.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan
Consultation responses and representations received

