



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 6

APPEAL UPDATE REPORT

APPEALS DETERMINED

Appeal against condition 7 of approval DM/16/01861/FPA restricting use of 8 holiday lodges at Land to the east of Ornsby Hill, Lanchester, Durham DH7 0QL

Approval was granted in January 2017 for the erection of 8 luxury holiday chalets and a site Management Building at Ornsby Hill, north of Lanchester. The approval was subject to a number of conditions including, at number 7:

The lodges shall be occupied for holiday purposes only and shall not be occupied as any person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all owner/occupiers of individual lodges on the site, their occupation of the lodges and of their main home addresses and shall submit this information annually in January to the Local planning authority. None of the lodges shall be occupied in any way between 7th January and 7th February in any calendar year.

The appellant appealed for the last sentence of the condition to be deleted as unnecessary as the Council could still monitor occupation, and the condition restricted his potential income.

The Inspector identified the main issue as to whether the condition was reasonable and necessary in the interests of supporting rural tourism in the countryside and restricting the occupation of the lodges to holiday accommodation.

I was noted that there was no disagreement that the restriction to holiday use was necessary and reasonable, and this was consistent with the Local Plan and NPPF.

However, without the disputed last sentence, the condition was not considered 'sufficiently precise' or 'enforceable'. An alternate form of wording proposed by the appellant was considered and discounted.

The Inspector dismissed the appeal.

Report prepared by Steve France, Senior Planning Officer