

Appeal Decision

Site visit made on 13 October 2016

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd November 2016

Appeal Ref: APP/F2415/W/16/3153671

Swift Stables, Theddingworth Road, Mowsley, Lutterworth, Leicestershire, LE17 6PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Miss R Hammond-Evans against the decision of Harborough District Council.
 - The application Ref 16/00136/VAC, dated 28 January 2016, was refused by notice dated 23 March 2016.
 - The application sought planning permission for change of use from carriage store to self-contained tourist accommodation without complying with a condition attached to planning permission Ref 11/01251/FUL, dated 21 December 2011.
 - The condition in dispute is No 2 which states that:
 - (i) The premises shall only be occupied for holiday purposes;
 - (ii) The premises shall not be occupied as a person's sole, or main place of residence; and
 - (iii) The premises' owners/operators shall maintain an up-to-date register of the names of all occupiers of the "holiday let" tourist accommodation, their main home addresses and telephone contact details, and the length of their stay, and shall make this information available at all reasonable times to the Local Planning Authority.
 - The reason given for the condition is: To ensure that the premises remains in use as holiday/tourist accommodation and is not used for unauthorised residential occupation, to accord with the Department for Communities and Local Government 2006 Publication "Good Practice Guide on Planning for Tourism" and to accord with Policies CS1, CS5, CS7, CS11 and CS17 of the Harborough District Core Strategy.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miss Rebecca Hammond-Evans against Harborough District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue for the appeal is whether the proposal would conflict with policies for residential development which seek to achieve a sustainable pattern of development.
-

Reasons

4. Swift Stables sits in open countryside outside the village of Mowsley. The village is small, and other than a pub has no notable local services. Policy CS17 of the *Harborough Core Strategy* (Core Strategy) and guidance within the *National Planning Policy Framework* (the Framework) seeks to concentrate new development in existing settlements with access to services in order to protect the countryside from unnecessary development. In this regard it restricts development in the countryside to a small number of specified types which includes development which supports visits to the District.
5. Swift Stables is a residential dwelling granted under consent ref 11/01251/FUL. This is subject to a planning condition restricting occupation of the dwelling to a holiday let. The appeal seeks removal of the condition to allow unrestricted occupation of the dwelling. The Council consider that the proposal would lead to harm as a result of the loss of the holiday let facility from the rural economy. I accept that holiday lets provide economic benefits to the local community, both through employment and through the income visitors bring into the rural area. In this regard such dwellings can be considered an exception to the policy of resisting new residential development in the countryside outlined in paragraph 55 of the Framework.
6. The appellant's case is based on the viability of the use. I have been provided with information to demonstrate the marketing of the building as a holiday let which show that reasonable efforts have been made to let it as a holiday use from around July 2014. The rental rate also appears commensurate with other properties in the district. At the time of writing this amounts to just over 2 full years. Whilst information from 2015 and part of 2016 shows that school holidays are the most popular letting periods, the property is less likely to be occupied at other times and occupancy levels are currently relatively low.
7. The use has therefore only been operating for a relatively short period of time. Furthermore, although the property is in an attractive location and is well-appointed, it is not in a particularly popular or well-known tourist destination. Without a strong existing tourist market in the area it is likely to require time to become established. It therefore seems to me that the submitted accounts are not necessarily indicative of a failing business in this case. As the use was not actively pursued for a large part of 2014, and the expenditure included a number of one-off items, I don't consider this year to be representative. In 2015, the accounts show that the business ran at a small loss, with significant capital outlay for renewals which are unlikely to be on-going given its recent conversion. As such, it would be premature at this stage to conclude that the property has no likelihood of becoming a viable business, either for the appellant or another operator. This diminishes justification for its loss.
8. The appellant has drawn my attention to the provision of housing in the District, which I am advised does not currently have a 5 year housing land supply. The Council have not disputed this. The Framework advises that in such circumstances policies for the supply of housing should be considered out of date. In that Policy CS17 seeks to restrict the locations where housing can be provided, I consider it to be a policy for the supply of housing. Paragraph 14 of the Framework directs that in such circumstances, planning permission should be granted, unless any adverse impacts of doing so would significantly and

- demonstrably outweigh the benefits, when assessed against policies in the Framework, taken as a whole.
9. The Council have identified that harm would arise from the proposal as a result of its unsustainable location and that the lack of local services and public transport would leave occupiers overly reliant on the private car. Having regard to the limited services available locally I concur that this would be the case. Whilst the pattern of car usage is unlikely to be more intensive for a holiday maker than a permanent occupier, and on its own would not lead to a large number of vehicular trips, I recognize that in accepting the principle of a holiday-let the Council took into account the economic benefit that would accrue from the proposal as off-setting the potential harm that would arise due to the building's location. Furthermore, although the effect of a single dwelling would be relatively limited, the cumulative effect of even small levels of development in areas with restricted services would lead to an increase in car based trips and this would lead to significant harm. It follows that as a cessation of the holiday use would halt any economic benefits it would bring to the local economy, without sufficient justification for its loss, I must conclude that the proposal would result in harm by way of its unsustainable location, which weighs against the proposal.
 10. As the dwelling already exists, it would not in reality increase housing supply in the district, although as the proposal would allow the property to be occupied as a permanent dwelling, it would lead to a very small increase in the accommodation available to local occupiers. This would bring some limited social benefits which weigh in favour of the proposal.
 11. The Council consider that the proposal would not lead to an enhancement of the building's immediate setting. This is a requirement of policy CS17, and predates the Framework, which only refers to redundant or disused buildings in this regard. At the time of my visit the building was neither redundant nor disused and the proposal does not involve any physical changes to the site in any case. I have no evidence to suggest that the building, which is relatively new and well kept, is in imminent danger of falling into disrepair. I therefore consider the effect of the proposal on the character of the countryside to be a neutral factor in the planning balance.
 12. I note the Parish Council's view, who consider that the appellant had always intended to use the building for unrestricted residential use. Be that as it may, the Council's decision to allow use of the building as a residential dwelling for holiday-let use, and the subsequent implementation of that use, is not disputed. I therefore give this matter no weight.
 13. I have also been advised of the personal circumstances of the appellant, who is currently renting a property locally. Whilst the proposal would allow the appellant to live at the property, this is a personal benefit, which does not weigh in favour of the proposal.
 14. Lastly, I take into account the other appeal decisions put to me by the appellant¹. Both cases relate to buildings which were converted from former agricultural buildings and in both cases the Inspector has given significant weight to the rights now available under Permitted Development Rights. Whilst I also accept that these reflect an impetus to increase the supply of housing

¹ APP/J3720/W/15/3068107, APP/J3720/W/15/3095186 & APP/J3720/W/15/3095201

nationally, I note that the parties also acknowledge that these rights would never have been applicable in this case as the building was originally constructed as a tack-room and does not appear to have ever been in agricultural use. This diminishes the weight I might attribute to the matter.

15. Therefore although the adverse effects of the proposal are no more than moderate, the benefits of the proposal are also limited. It follows that even if I were to conclude there is a shortfall in 5 year supply of the scale suggested by the appellant, the adverse impacts of granting permission would still significantly and demonstrably outweigh the benefits.

Conclusion

16. The proposal would result in an isolated dwelling in the countryside, the harm arising from which would not be justified by the contribution the proposal would make to tourism and the local economy. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the limited identified benefits of the proposal. As a result, the proposal would not represent sustainable development. The condition imposed is therefore reasonable and necessary. For these reasons, the appeal should be dismissed.

Anne Jordan

INSPECTOR