
Appeal Decision

Site visit made on 7 February 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 23rd February 2017

Appeal Ref: APP/X1118/W/16/3158005

Leol Cottage, East Street, Chittlehampton, Umberleigh EX37 9QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Winn against the decision of North Devon District Council.
 - The application Ref 60640, dated 16 November 2015, was refused by notice dated 17 June 2016.
 - The development proposed is a change of use from existing garage and store to holiday accommodation, with no external alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the site lies in a location where a re-use for tourism accommodation accords with the local development strategy;
 - ii) whether the appeal building would provide a satisfactory standard of accommodation for its intended occupiers;
 - iii) whether sufficient information has been submitted to enable the effect of the proposal on the character and appearance of the area to be determined, and
 - iv) the effect of the proposal on highway safety.

Reasons

Locational suitability

3. The Council alleges a conflict with North Devon Local Plan (LP) Policy ECN9 which deals with new or additional purpose-built self-catering accommodation. However, that is not what is proposed here. The building in question is an existing garage and store; it was permitted by the Council in 2004 and although it is not yet externally complete, in that tiles are yet to go on part of the roof, it is substantially completed and capable of use. Part of the building was in use for storage on my visit, and I therefore consider that the proposal cannot be seen as the erection of new purpose-built self-catering accommodation.
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4. The appellant considers that the relevant LP policy is ECN5, which concerns the reuse of buildings in the countryside. However, the Council points out that the site does not lie in the countryside, but within a small village, as defined in the LP. There is no policy which deals with the re-use of buildings within villages, and thus there appears to be a local policy gap as far as this is concerned. However, having regard to the restrictive approach to development within the countryside on one hand, whilst limited growth is promoted in Chittlehampton on the other, there can be no justification for applying a more restrictive approach to a re-use of a building in a small village than would be the case in the countryside.
5. Policy ECN5 allows re-use to tourism uses, subject to four criteria. The first of these is that the building is of permanent and substantial construction and is capable of conversion without major reconstruction and its form, bulk and design are in keeping with its surroundings. Here, the building is a fairly recently erected substantial wooden structure, which satisfies the first limb of this criterion. The form, bulk and design would have been considered by the Council when permitting it, and I consider that it fits in satisfactorily in its context. Whilst the local road network possesses some narrow lanes, including those leading to Chittlehampton, a small one bedroom unit would not generate an unacceptable level of travel, and I note that the highway authority has not objected on this basis. It is not a historic building and the only associated activity would be the occasional comings and goings and the use of the curtilage for sitting out and incidental recreational use, neither of which would be harmful to the surrounding countryside. I therefore find that the proposal would comply with Policy ECN5, and that there are no good reasons to apply a more restrictive approach in this instance.
6. I therefore conclude on this issue that the site lies within a suitable location for the use proposed and that there would be no conflict with either of the LP policies to which I have referred.

Standard of accommodation

7. The National Planning Policy Framework (the Framework) sets out core planning objectives, one of which is to seek a good standard of amenity for all existing and future occupants of land and buildings. The building concerned is a small one, with a floor area of about 36 sq.m. The Government has published its *Technical Housing Standards – nationally described space standard* which are aimed at replacing all local standards. It is for individual local authorities to decide whether they wish to adopt the national standard, and the Council in this case has not adopted it. Even so, it provides a useful yardstick as to what the Government sees as an acceptable standard of accommodation.
8. The standard does not say that it applies to holiday accommodation. Nevertheless what is sought is a change of a use to a dwelling house, albeit one the occupancy of which is to be restricted to holiday-makers, who are entitled to expect a similar level of amenity as would be found in an unrestricted dwelling. The appellant says that the internal accommodation would consist of an open living and kitchen room area, with one bedroom with an en-suite shower room, but no further details are provided. I consider that it would be unlikely that holiday accommodation would be aimed at single person occupancy. The national described space standard for a two person, one

bedroom dwelling is gross internal area of 50 sq.m. The floor space of the proposal would be well below that and even making an allowance for a reduced need for storage, I consider that the proposal would provide a cramped form of accommodation that would fail to provide satisfactory living conditions for occupiers.

9. The failure to demonstrate an internal layout means that it cannot be ascertained exactly how the accommodation would work. My concerns are exacerbated because, somewhat curiously, the application does not include any external alterations to the building. There are no windows in the existing building and thus there would be no means of providing natural light or ventilation to the accommodation other than by leaving the garage and store doors open, which would not be appropriate in cold or wet weather. In the light of my findings about the inadequacy of the internal floor space, this is not a matter that could be dealt with by the imposition of conditions, and thus I conclude that the proposal would fail to provide suitable living conditions for the occupiers of the proposed holiday accommodation.
10. I have had regard to the appellant's reference to other holiday accommodation with a 20% or so greater floor space advertised as sleeping 6 people, but I have no further information about it, whether it was approved by the Council, and if it was, when in relation to the publication of the Framework. Having regard to the ambition of the Framework to drive up standards, the existence of other accommodation which does not meet contemporary standards carries little weight.

Adequacy of information

11. I have referred above to the absence of detail about external alterations. If the proposal were acceptable in all other respects, external alterations could be dealt with by the imposition of a condition. I see no reason why an acceptable form of fenestration could not be devised which would pay adequate regard to the building's context with regard to character and appearance, and could be the subject of a condition requiring such details to be approved by the Council. However, in the light of my comments above, the lack of information about the precise nature of the proposed accommodation adds to my concerns.

Highway safety

12. The site would be accessed by a narrow track which leads to East Street. The visibility at the junction with East Street is highly restricted by walls and roadside banks, and falls well short of the visibility sought by the Highway Authority. However, this part of East Street is narrow and there is a sharp bend just to the north of the junction, so that traffic along the lane would be slow and drivers would be likely to be aware of the prospect of cars emerging where there is limited visibility.
13. Moreover, the lane serves two other garages and a parking area for neighbouring properties, and the appeal garage has been fairly recently approved by the Council and thus the use of the lane has been countenanced. Given that the village does not lie in a prime tourism destination, I consider it unlikely that there would be full, all-year round occupancy. The garage is designed to accommodate two cars, but given the small size of the building, it is unlikely that holiday occupiers would bring more than one car. Whilst holiday makers might come and go more often than would a household with only one

family car, without evidence on this point, I doubt if they would make a significantly greater number of journeys than would a two-car family. I therefore find that there would be likely to be fewer movements associated with the tourist accommodation use compared with the approved lawful use. I note that parking for Leol Cottage is also available in front of the house, but that is a matter of the occupiers' choice, and they could use the garage and lane if they wished.

14. Holiday-makers may not be familiar with local road conditions, but the limited visibility is so obvious that I do not consider that they would be in any worse a position than the occupiers of Leol Cottage or their neighbours. Taking all of these matters into account, I consider that the use of the building for holiday accommodation would not result in any material increase in the risk to highway safety.

Other matters

15. I note the concerns of neighbours that the approval of the garage and store was a means towards achieving a new dwelling on the site. I also noted that the building was constructed to a much higher standard than might normally be expected for a simple garage and store. However, there is no suggestion from the Council that the building is unlawful, and thus I have dealt with the proposal on the basis of the facts and planning merits before me.
16. The site lies within the curtilage of a Leol Cottage which is a listed building. I consider that the use proposed would have no adverse impact on, and would preserve the building, its setting and its special features.

Conclusion

17. I have found that the proposal would not conflict with the Council's development strategy, and that it would not result in material harm to highway safety. I therefore find no conflict with the development plan policies referred to me. However, the failure to provide satisfactory living conditions for the intended occupiers conflicts with a core planning objective of the Framework, and this outweighs other considerations. The inadequacy of the submitted information reinforces my conclusion that, for the reasons given above, the appeal should be dismissed.

JP Roberts

INSPECTOR