
Appeal Decision

Site visit made on 20 November 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal Ref: APP/X2220/W/19/3234505

Grooms Cottage and The Old Stables, Chalksole Manor, Chalksole Green Lane, Alkham, Dover CT15 7EE

- 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 and Mrs A. Marsden against the decision of Dover District Council.
 - The application Ref 19/00322, dated 11 March 2019, was refused by notice dated 7 June 2019.
 - The development proposed is change of use and conversion of two holiday lets to a single private dwelling incorporating existing car park.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) whether the proposal would result in a sustainable form of development having regard to local and national planning policies and (b) the impact of the loss of the holiday lets on the rural economy.

Reasons

Sustainability

3. The appeal relates to a detached building in use as two holiday lets comprising a two storey element (The Grooms Cottage) and a single storey section (The Old Stables). The building lies to the south of Chalksole Green Lane where there is a related car park and to the western side of an adopted Public Byway. The proposed single three bedroomed dwelling would involve minor internal changes to the layout and alterations to windows and doors.
4. The building has been used as holiday accommodation following a grant of planning permission in 2002. Planning conditions 5 and 6 restricted the use to holiday accommodation. The reason for condition 6 is *"To safeguard against the permanent residential use of the cottages which would be contrary to the planning policies for the area and to ensure the continued availability of holiday accommodation in the area"*. The proposal would therefore be contrary to these conditions but nonetheless needs to be examined in relation to current local and national planning policies relevant to the proposal.
5. The site lies outside of any settlement confines and is approximately 1km north of the village of Alkham. It is therefore in the countryside for planning policy

purposes. Policy DM1 of the Dover District Council Core Strategy (2010) (DCS) opposes development on land outside designated settlement boundaries unless it is specifically justified by other development plan policies, or it functionally requires a such a location or is ancillary to existing development. The proposed dwelling would not satisfy these criteria and would therefore conflict with Policy DM1. However, the policy pre-dates and is more restrictive than the National Planning Policy Framework (the Framework), and this constrains the weight that should be applied to it.

6. Paragraph 79 of the Framework discourages the development of isolated homes in the countryside unless one or more circumstances apply. One of these is *"the development would re-use redundant or disused buildings and enhance its immediate setting"*. The building is not currently redundant or its setting unkempt. However, the building could be disused in the future if the current holiday letting use proves to be unviable and no other suitable use is found. The building is not isolated in that it is close to dwellings at Chalksole Manor and Greenwood Farm, but it is nonetheless in a remote rural area where the provision of new dwellings is discouraged.
7. Paragraphs 8 and 11 of the Framework promote sustainable development and refer to economic, social and environmental objectives. The provision of an additional dwelling would be a social benefit but the weight to be attached to this is limited; the Council can demonstrate a five year supply of housing land and the site is not optimally located for a dwelling.
8. In relation to environmental objectives it is likely that occupiers of the dwelling would be highly dependent on the use of private vehicles to access everyday goods and services. However, the number of vehicle trips would be likely to be similar to that arising from occupation and servicing of the two holiday lets. The Council contends that there would be an increase in the number of daily car journeys and that these would more likely be at peak times. This is a matter of conjecture. It seems to me unlikely that the difference between existing and proposed uses would be so significant as to result in material conflict with the sustainable transport objectives at Paragraphs 102 and 103 of the Framework. Moreover, Paragraph 103 notes *"opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making"*.
9. In respect of economic considerations, local spending levels and patterns arising from occupation as a single dwelling may not be materially different from those arising from use as holiday accommodation. However, the impact of the loss of the holiday lets on the rural economy, the subject of the Council's second refusal reason, also needs to be considered.

Rural economy

10. Paragraph 83 of the Framework states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, and *"sustainable rural tourism and leisure development which respect the character of the countryside"*. The use of the building as holiday lets since about 2002 through to the present time accords with this objective. Clearly the premises have made a viable contribution to the rural economy in the past. The appellant points out that the success of this venture prior to 2017 was linked to a significant business interest in a hotel and restaurant in the nearby village of Alkham, but when that business interest came to an end re-

setting the management of the property has proved to be problematic, notwithstanding the use of different letting contacts.

11. The appellant has provided data to corroborate this. Occupancy levels for the calendar years 2014, 2015 and 2016 show on average 71 persons for the one bedroom unit and 67 persons for the two bedroom unit. Occupancy data for the years from 1 October 2017 and 1 October 2018 is expressed in weeks rather than persons. It shows 5 weeks for the one bedroom unit and 13 weeks for the two bedroom unit for the first year and 8 weeks 5 days for the one bedroom units and 19 weeks for the two bedroom unit for the second year. When costs associated with the lettings are taken into account the data indicates a modest profit of £1,200 for the year from 1 October 2017 but a loss of £217 for the year from 1 October 2018.
12. The appellant contends that the location is not close to the main tourist attractions of east Kent and mitigates against finding an employee to carry out the weekly servicing of the accommodation. Yet until recent years the location would appear to have attracted sufficient custom to enable the letting to be viable even allowing for maintenance and servicing costs. The only indication of unviability is a small loss for the most recent year.
13. The Council comments that a marketing exercise for a business for at least a 12 month period is normally expected in association with an application involving the loss of holiday accommodation, to demonstrate whether there is interest in the sale of the business. The appellant reasons that this has not been carried out as it would be an unrealistic assessment of the locational difficulties of managing independent holiday accommodation and would simply leave the buildings unoccupied for an indeterminate period of time. I have not been presented with a policy basis for requiring marketing for at least 12 months. However, the evidence of unviability is limited in both time and cost. It would appear to relate more to contractual arrangements in promoting lettings than to constraints relating to the location of the site.
14. Based on the information before me, the loss of the two holiday lets would have some impact on the local rural economy and this would be contrary to the objectives in Paragraph 83 of the Framework.

Conclusion

15. The proposal to create a single residential dwelling in this relatively remote rural location would not be a sustainable form of development. There is insufficient evidence to justify departure from national and local policies on the location of new dwellings. Whilst there would be a modest social benefit through the provision of an additional dwelling and a neutral impact in relation to probable associated vehicle movements, from the evidence currently available any benefits would also be outweighed by the impact on the rural economy through the loss of the holiday lets. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. For the reasons given and having regard to all other matters raised the appeal is dismissed.

Rory MacLeod

INSPECTOR