



Appeal Decision

Site visit made on 10 March 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Appeal Ref: APP/H0520/W/19/3242296

Sunfun Ltd, Meadow Drove, Earith PE28 3SA

- 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 Sunfun Luxury Travel (Mr David Collier) against the decision of Huntingdonshire District Council.
 - The application Ref 19/00311/FUL, dated 19 February 2019, was refused by notice dated 5 June 2019.
 - The development proposed is the change of use of the office (B1a) building to 5 x studio apartments (C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description on the appeal form, decision notice and application form differ. The description of development, as stated on the application form describes the proposal as 'change of use of the office building only, to accommodation, to 4 studio apartments'. However, part 16 of the application form also states that 5 studios/bedsits would be created and the plans submitted also show 5 studios/bedsits.
3. The Council, on the decision notice, has described the development as the 'retrospective change of use of the office (B1a) building to 5 x studio apartments (C3)'. However, I consider that the description of development is more accurately described as 'change of use of the office (B1a) building to 5 x studio apartments (C3)' omitting the word 'retrospective' which is not a description of development. I have determined the appeal on this basis, and I have used this description in the header above.
4. I saw on my site visit that the accommodation was in situ and the use had commenced. As such, I am dealing with the appeal retrospectively.

Main Issues

5. The main issues in the appeal are:
 - whether the site is in a suitable location for housing having regard to local and national planning policies; and
 - whether future occupiers would be likely to experience acceptable living conditions with particular reference to internal living space, outlook, noise and disturbance.

Reasons

Location

6. The appeal site comprises a coach yard containing several buildings including, amongst others, workshop buildings. The site is positioned near the village of Earith along a road containing housing, business units and fields.
7. The Huntingdonshire's Local Plan (May 2019) (LP) seeks to control development in the countryside to limited and specific opportunities as provided for in other policies of the plan. The wider strategy of the LP includes, amongst other things, directing new housing toward the most appropriate locations, principally in respect of services and facilities and infrastructure.
8. Policy LP9 of the LP defines Earith as a small settlement and accepts development within or on land well related to the built-up area of the settlement where it accords with other policies of the LP. Having regard to the character and location of the appeal site and distance to Earith I consider it to be in a countryside location and not within or well related to the built-up area of the village as required by policy LP9.
9. The Council have referred to policies LP20 and LP33 of the LP within the officer's report. However, policy LP20 is concerned with rural workers for agricultural or other land-based rural business's whilst policy LP33 is concerned with the conversion of redundant or disused rural buildings. The appeal site is not redundant and is part of an existing business. Moreover, it is a business in the countryside rather than a land-based rural business. As such, the proposal does not fall to be assessed against either of these policies. Moreover, there are no policies of the LP advanced by the appellant that would support the proposal.
10. The appellant advises that the company recruits nationally and being able to offer temporary accommodation for staff would allow the company to continue to operate. I am sympathetic with the difficulties in recruitment and I acknowledge the appellant's evident commitment to the enterprise. However, I have limited information regarding this situation, how long employees typically reside in the accommodation, the need for the number of bedsits/studios sought or what other options have been considered.
11. I accept that there are some benefits to the business in being able to offer flexible living accommodation for staff. However, the proposal has resulted in residential accommodation outside of a settlement within the countryside which is at odds with the development strategy for the area and undermines the Council's ability to maintain the area's identity and character. I therefore find that the appeal site is not in a suitable location for housing having regard to local and national planning policies.
12. Accordingly, the proposal conflicts with the requirements of policies LP9, LP10, and LP12 of the LP which are concerned with, amongst other things, development in the countryside. These policies are consistent with the provisions of the National Planning Policy Framework (the Framework), including specifically paragraph 170B, which recognises the intrinsic character and beauty of the countryside and can therefore be given substantial weight.

Living Conditions

13. The bedsits/studios are of varying size with some containing their own kitchenette and shower and others benefitting from shared facilities. Although some of the rooms are of reasonable size, bedroom 3 is very small with little useable living space available. The shared kitchens are also very small and there is no other communal living space available exacerbating the issue.
14. Due to the orientation of the building, each bedsit/studio has windows, which in the main look out onto a yard area and road. Although the yard did not appear intensively used by the business it forms part of the coachyard and has a character and appearance that reflects this use. Although some of the windows also look toward the vegetation along the road, there is little positive outlook from any of the rooms.
15. The accommodation is intended for employees of the coachyard and as such I recognise that the hours of increased activity in the coachyard are likely to be when most occupants are working. However, there is no substantive evidence before me regarding the shift patterns of drivers which could mean the accommodation is occupied during the day.
16. Moreover, I have no substantive information regarding the hours of operation, or the extent of activity in the coachyard and workshop and how this may relate to the occupants of the bedsits/studios. Based on the evidence before me and the close relationship of the residential accommodation to the coachyard and workshops within it, I consider that its occupants would likely experience some noise and disturbance.
17. Drawing all these factors together, I find that occupiers of the accommodation would be likely to experience unacceptable living conditions with particular reference to internal living space, outlook, noise and disturbance. The proposal therefore conflicts with the requirements of policy LP14 of the LP which seeks, amongst other things, a high standard of amenity for all users and occupiers of a proposed development. The proposal also conflicts with the requirements of paragraph 127 of the Framework which seeks, amongst other things, to ensure good standards of living conditions for future occupants.

Conclusion

18. I have considered all the arguments advanced in support of the proposal raised in the evidence before me. However, I do not consider such matters to clearly outweigh my conclusions on the main issues. The appeal is therefore dismissed.

Robert Walker

INSPECTOR