



Appeal Decision

Site visit made on 18 February 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/W3005/W/19/3242625

36 School Road, Bagthorpe, Notts NG16 5HB

- 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 Steve Tinklin against the decision of Ashfield District Council.
 - The application Ref V/2019/0568, dated 30 August 2019, was refused by notice dated 15 November 2019.
 - The development proposed is a holiday let above the garage.
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Decision

1. The appeal is allowed and planning permission is granted for a holiday let above the garage at 36 School Road, Bagthorpe, Notts NG16 5HB in accordance with the terms of the application, Ref V/2019/0568, dated 30 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan drawing dated 27 October 2014; 1:500 block plan drawing dated 27 October 2014; Detached Garage 1st Floor Plan drawing number Plan 20; West Elevation and East Elevation drawing number 103; South Elevation and North Elevation drawing number 104.
 - 2) The holiday let hereby permitted shall not be let to, or occupied by, more than two persons at any one time. The holiday let shall not be occupied as a permanent dwelling and shall not be occupied for more than 28 days in any one calendar year by any individual person or group of persons. A register of occupancy shall be kept and made available for inspection by the local planning authority on request.

Preliminary Matters

2. The main parties agree that the use of the first floor of the appeal building as a holiday let has commenced. For the avoidance of doubt, and notwithstanding such works as have taken place to date and the retrospective nature of the application, I have considered the appeal on its planning merits, and on the basis of the proposal as shown on the submitted drawings.
3. In the banner heading and in my decision, I have used the description used on the application and appeal forms. The Council amended the description to 'change of use of ancillary outbuilding to separate dwelling unit for holiday let purposes'. However, whilst the proposed accommodation may include all of the facilities required for day-to-day private domestic existence, it is evident from

the submissions before me that the appellant has sought permission for the use of that accommodation solely as a holiday let, and not as a permanent dwelling. I am therefore satisfied that the application and appeal forms accurately describe the proposed use and, for the avoidance of doubt, I have considered the appeal solely on the basis of the proposed use of the accommodation as a holiday let, as described therein.

4. The site is in the Green Belt. The appeal relates to the re-use of an existing building which is of permanent and substantial construction. As no extensions are proposed, and as the building and the site are in residential use at present, the development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The development would therefore meet one of the exceptions in paragraph 146 of the National Planning Policy Framework and would not represent inappropriate development in the Green Belt.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the appeal site and its surroundings;
 - the living conditions of the occupants of nearby residential properties with regard to noise and disturbance, and to privacy.

Reasons

Character and appearance

6. The appeal building is a detached residential outbuilding in the rear garden of the dwelling at 36 School Road. The appeal relates to the upper floor of the building, which is located partly within its roofspace. Its ground floor is, and would remain as, a garage serving the existing property at No 36.
7. The building was permitted for residential use in association with the existing building at No 36, and has been on the site for some time, having received planning permission in 2006¹. It is therefore part of the established character of the area. No alterations or extensions to the building are proposed as part of the change of use of its upper floor to a holiday let. Consequently, the building would not appear any different, and it would not be evident from its external appearance that the use of its upper floor had changed from that which was originally approved.
8. I therefore conclude that the proposed development would not have an adverse effect on the character or appearance of the appeal site or its surroundings compared with the existing building. The proposal would therefore not conflict with Policy HG5 of the Ashfield Local Plan Review (the Local Plan Review), which states that residential development will be permitted where, amongst other things, its design is acceptable in terms of appearance, scale and siting.

Living conditions

9. The holiday let would comprise an open plan living area incorporating a small kitchenette, and a bedroom with an en-suite toilet and shower room. The appellant states that it has been, and would be, let to no more than two people

¹ Application reference: V/2006/0969

at a time. Given its relatively limited floor area and the small size of those areas within it, whilst technically capable of functioning separately from the main house, the accommodation would not lend itself to occupation by more than two people, or to an extended period of stay.

10. The outbuilding is an existing structure which could be used for purposes ancillary to 36 School Road, a relatively large property which could be occupied by a large family at present. It is located close to the boundary with 38 School Road, alongside part of that neighbouring property's rear garden. It has a garage on the ground floor and an area of hard surfacing in front of it, and is accessed via an existing drive which runs alongside the main building at No 36 and adjacent to the drive at the side of No 38. Vehicular and pedestrian activity is therefore highly likely to take place along that drive and in the area to the front of the appeal building, adjacent to part of No 38's garden, in association with the dwelling at No 36 and the existing use of the appeal building for purposes ancillary to that existing dwelling at present.
11. The use of the building's first floor as a small holiday let by no more than two people would not generate a significant increase in vehicular movements to or from the site, or in the levels of vehicle or pedestrian activity within the site or its private rear garden areas, compared with those which could arise as a result of the use of the building or those adjacent areas by a family occupying No 36 at present.
12. I have nothing substantive before me to indicate that guests of the appeal property would be more likely to be coming and going late at night than members of a family which could occupy No 36 at present, or that guests would be noisy or inconsiderate of neighbouring residents, as has been suggested. The Council has confirmed that it has received no complaints regarding noise associated with the use of the building as a holiday let in the 13 months it had been operating prior to its determination of the application, and I have not been referred to any such complaints having been received since. Nor have I been made aware of any instances in which guests have arrived at the wrong property and thus caused disturbance to neighbouring residents, despite concerns raised in that regard. Furthermore, whilst interested parties have raised concerns regarding other aspects of the development, none have done so on the grounds of noise or disturbance associated with it.
13. Therefore, on the basis of the evidence before me, I consider that the proposed holiday let would not result in a significant increase in noise and disturbance as a result of its use as a holiday let or the comings and goings of guests associated with it, compared with the existing lawful use of the building for purposes ancillary to the dwelling at No 36. The development would therefore not have adverse implications for the living conditions of neighbouring residents in that regard.
14. The rooflights in either side of the appeal building's roof are small, and are situated at some height above the internal first floor level. As a result, I observed that it is not possible to see out of them into neighbouring residential properties or their gardens when standing on the first floor of the building. The window in the front gable of the building does allow some views towards the rear windows and neighbouring garden at No 38 and, to a lesser extent, those of other nearby properties at 30 and 32 School Road. However, the window is

existing, and the use of the appeal building's first floor as a holiday let would not result in any additional capacity for, or likelihood of, overlooking of those neighbouring properties compared with that which could arise as a result of its existing lawful use in association with the existing dwelling at No 36. The window allows more direct views into the rear garden and windows of the main dwelling at No 36. However, subject to a condition preventing its occupation as a permanent dwelling, the holiday let would not have adverse implications for the privacy of the occupants of the associated property at No 36.

15. Therefore, for the reasons given, I conclude that the proposed development would not have an adverse effect on the living conditions of the occupants of nearby residential properties with regard to noise and disturbance, or to privacy. The proposal would therefore not conflict with Policy ST1(a) or (b), or Policy HG5(a) or (b) of the Local Plan Review which amongst other things, refer to amenity not being adversely affected, and state that residential development will be permitted where it provides a reasonable degree of privacy.

Other Matters

16. Given its very limited size and its intended use by no more than two people, the holiday let would not result in a significant increase in vehicle movements or parking demand over and above those associated with the existing residential use of the site. The site has a long drive and hard surfaced areas to the front of the main dwelling and the appeal building which, I consider, would provide adequate capacity for parking in association with the holiday let and that main dwelling. The site is close to a school, and I have been referred to instances of parking congestion in the area at certain times. However, for the reasons given, I conclude that the proposed development would not exacerbate that existing situation, or have adverse implications for the safety or convenience of highway users in the vicinity of the site.
17. The coming and going of unknown people may raise concerns amongst neighbouring residents. However, it is evident from the submissions before me that potential guests are vetted before letting and, as they would be staying on No 36's property, I consider it likely that such vetting would continue. I have not been presented with substantive evidence to indicate that any issues of safety or security have arisen in association with the use of the building as a holiday let to date, or that small holiday lets in similar circumstances have given rise to significant issues in that regard. Therefore, the evidence before me does not lead me to conclude that there would be a significant risk to the safety or security of nearby residents or their properties as a result of the proposed use, sufficient to justify withholding permission on that basis.
18. Planning is concerned with land use in the public interest and the protection of private interests, such as property values, is not a consideration to which I give weight.

Conditions

19. As the main parties agree that the use has commenced, the standard 3 year commencement condition is not necessary. I include a condition specifying the approved plans, for certainty.
20. I have considered the appeal only on the basis of the specific proposal before me with regard to the particular use of the building and the number of guests

proposed. The use of the building by more people, or as a permanent dwelling, could have additional implications for the living conditions of its future occupants or those of surrounding properties. A condition restricting the number of occupants to two, and preventing the use of the property as a separate dwelling or by any individual person or group for more than 28 days in any calendar year, is therefore necessary, to allow its use to be controlled, and any subsequent changes to be considered by the Council on their planning merits.

Conclusion

21. For the reasons given, and having regard to all other matters raised, the appeal is allowed.

Jillian Rann
INSPECTOR