
Appeal Decision

Site visit made on 21 January 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2020

Appeal Ref: APP/X3540/W/19/3236871

The Cartlodge, Framlingham Road, Dennington, Suffolk IP13 8AD

- 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 Timothy Watts against the decision of East Suffolk Council.
 - The application Ref DC/19/2719/COU, dated 1 July 2019, was refused by notice dated 5 September 2019.
 - The development proposed is change of use from holiday let to long term let.
-

Decision

1. The appeal is dismissed.

Preliminary

2. I have used the address shown in the appeal form in the banner heading because it is more precise than that shown in the planning application form and the Council's decision notice.

Background

3. The appeal property is an existing detached single storey building, which is used for holiday lettings. The evidence before me indicates that the Council granted conditional planning permission for the building in 2015 (Ref DC/14/4216/FUL). The permission includes a planning condition that limits duration of occupation of the holiday letting accommodation by any one person, or persons, to 56 days in total in a calendar year.
4. The appellant is seeking to enable the building to be occupied as a long-term let dwelling, unencumbered by any holiday occupancy condition. Rather than seeking planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition, the appellant has simply applied for planning permission for long term let of the building.

Main Issue

5. The main issue is whether the appeal site would be an appropriate location for housing with regard to the development plan strategy for the area and the accessibility of services and facilities.

Reasons

6. The appeal property is a single storey detached building located approximately 250 metres outside the physical limits boundary of Dennington, as defined by

Policies SP19 and SP29 of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document July 2013 (the LP). It is therefore in the countryside for planning purposes. The property is served by a driveway that also provides vehicular access to 2 neighbouring properties at Glebe Cottage and Glebe Barn. The driveway adjoins the B1116, which leads to Dennington village to the north and Framlington to the south.

7. Policy SP19 of the LP sets out a settlement hierarchy, which seeks to focus housing growth in major centres, towns and service centres; with minimal housing growth in the countryside and villages with few or minimal services. Policy SP29 of the LP states that new development outside the physical limits of settlements will be limited to that which of necessity requires it to be located there and accords with other relevant policies of the LP; or would otherwise accord with special circumstances outlined in paragraph 55 (now paragraph 79) of the National Planning Policy Framework (the Framework). Policy DM3 of the LP sets out 6 specific circumstances where housing in the countryside will be allowed, which includes development which would otherwise accord with the special circumstances outlined in paragraph 55 (now paragraph 79) of the Framework.
8. The appellant's statement has provided no substantive evidence in relation to any of the 6 criteria set out in Policy DM3 of the LP to justify housing in the countryside. The proposed development would not meet criterion (a), (b) or (c) of Policy DM3. In respect of criterion (d), the proposed development is not supported by Policy DM13 of the LP because there is no substantive evidence before me to show that the existing building is redundant. Furthermore, the proposal would not accord with criterion (e) because it would not consist of minor infilling within a cluster of 5 or more dwellings (Policy DM4 of the LP).
9. In respect of Policy SP29 and criterion (f) of Policy DM3, the proposed development would not accord with the circumstances outlined in paragraph 79 of the Framework because (a) there is not an essential need for a rural worker; (b) the development would not represent the optimal viable use of a heritage asset or consist of enabling development to secure the future of heritage assets; (c) there is no substantive evidence before me that the development would re-use redundant or disused buildings; (d) the development would not involve the subdivision of an existing residential dwelling; and criterion (e) is not applicable because the proposal relates to the conversion of an existing building rather than the development of a new building of exceptional design quality.
10. Based on the evidence submitted, the proposal would not fall into any of the exceptions for development in the countryside set out in Policies SP29 and DM3 of the LP. Therefore, the appeal site would not be an appropriate location for housing with regard to the development plan strategy for the area and would conflict with Policies SP29 and DM3 of the LP.
11. Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations. However, its overall aim is to promote walking, cycling and public transport use, and reduce reliance on the private car as a mode of transport. Furthermore, paragraph 148 of the Framework sets out environmental objectives to support the transition to a low carbon future and shape places in ways that contribute to radical reductions in greenhouse gas emissions.

12. Dennington offers a limited range of services including a village hall, café, public house, primary school and a church. Whilst the appeal property is a modest distance of around 250 metres from Dennington, the route is via a road with no pavement or street lighting. The speed limit of the road is 60mph. These factors would discourage walking from the appeal property to Dennington, which would be particularly dangerous after dark. Consequently, it would be highly likely that occupiers would access services by private car. This would not accord with the environmental objectives in the Framework, which seek to mitigate and adapt to climate change and to reduce greenhouse gas emissions.
13. Whilst the current use as holiday accommodation would generate car journeys, the use of the building as a long-term let dwelling would be likely to be occupied for more weeks of the year. I consider that the frequency of journeys would be more when accounting for year-round occupation and travel for day to day needs. Consequently, the proposal would lead to an increase in the need to travel by car.
14. I have had regard to the appellant's statement that the existing holiday accommodation is no longer viable or needed. However, there is very limited information before me to show a surplus of holiday accommodation in the area. The financial figures do not provide a breakdown of expenses, and whilst the appellant indicates that the number of bookings has reduced, there are no details to show the level of bookings. Nevertheless, the figures for 2018/19 show that letting income was about £300 higher than expenses. Furthermore, I do not have compelling evidence to show that there would be no market interest in the continued running of the unit as holiday accommodation. Consequently, the evidence before me does not conclusively demonstrate that the unit is no longer viable for occupation as holiday accommodation.
15. The appellant contends that there is a need for long term letting to accommodate people working in the local area on numerous development sites, and that development in the area would detract from the tourist letting environment. However, I have not been provided with full details of the developments referred to. Nonetheless, the proposal would make a small contribution towards housing supply to which I attach limited weight in its favour. However, this would not outweigh the policy conflict and the identified harm.
16. Taking the above factors into account, I find that the appeal site would not be an appropriate location for housing with regard to the development plan strategy for the area and the accessibility of services and facilities. The proposal would therefore be contrary to Policies SP1, SP1A, SP19, SP29 and DM3 of the LP, which, amongst other things, seek to relate new housing development to employment services, transport and infrastructure and reduce the need to travel. Furthermore, I find conflict with the Framework insofar as it promotes sustainable development in rural areas.

Other Matters

17. While I note there were no objections from local residents, a lack of opposition or support for a proposal in itself is not a ground for refusing or granting planning permission unless founded upon valid planning reasons.

18. The Council's statement refers to policies of the emerging Suffolk Coastal Local Plan Final Draft Plan January 2019, which was submitted to the Secretary of State for examination on 29 March 2019. However, I attach limited weight to the emerging policies as details of the level and significance of any unresolved objections have not been provided to me. The policies do not have the same statutory force accorded to adopted policies under s38(6) of the Planning and Compulsory Purchase Act 2004. In respect of the matters that are relevant to the appeal, the emerging policies do not have any significant bearing on my decision.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR