



Appeal Decision

Site visit made on 21 May 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2020

Appeal Ref: APP/J3720/W/20/3245383

Ullenhall Barn, Ullenhall Lane, Ullenhall, Henley-in-Arden B95 5PF

- 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 Alexander Grant (Swanston Holdings PLC) against the decision of Stratford on Avon District Council.
 - The application Ref 19/02654/FUL, dated 17 September 2019, was refused by notice dated 6 December 2019.
 - The development proposed is change of use of building to a holiday cottage.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of building to a holiday cottage at Ullenhall Barn, Ullenhall Lane, Ullenhall, Henley-in-Arden B95 5PF in accordance with the terms of the application, Ref 19/02654/FUL, dated 17 September 2019, subject to the conditions set out in the Schedule at the end of this decision.

Main Issue

2. There is no reason to dispute the main parties' views that the proposal would be appropriate development in the Green Belt. As such, the main issue is whether the proposal would be in a suitable location having regard to relevant policies of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS), the National Planning Policy Framework (the Framework) and accessibility.

Reasons

3. As well as promoting development in sustainable locations, CS policy CS.22 allows opportunities for business and commercial proposals in the countryside in accordance with CS policy AS.10. This policy says that proposals will be assessed against the principles of sustainable development and identifies small-scale visitor accommodation as being acceptable in principle in the countryside. CS policy CS.24 supports new small scale visitor accommodation where appropriate to the size and role of the settlement or location.
4. Taken together, CS policies CS.22, CS.24 and AS.10 are generally supportive of new visitor accommodation of a suitable scale in rural locations. As a single bedroom holiday cottage, the proposal would represent a low-key development and the Council do not contend it is of an inappropriate scale to its location. Also, the development would comply with CS policy CS.24 in that it would involve the re-use of an existing building.

5. Visitors to the proposal would be mostly reliant upon private car travel as the site is beyond reasonable walking distance from the nearest facilities and public transport services. Also, the range of facilities in Ullenhall are limited and there would be no formal tourist venues close to the proposal.
6. Nevertheless, as a single bedroom accommodation, it is unlikely the proposal would lead to significant additional trips to and from the site. Furthermore, the aforementioned CS policies do not preclude small scale visitor accommodation that would predominantly rely upon private car travel. Paragraph 103 of the Framework states that planning decisions should take into account the different opportunities to maximise sustainable transport between urban and rural areas. Moreover, paragraph 84 of the Framework acknowledges that local business needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport. As such, notwithstanding the lack of sustainable transport options, the proposal would not be contrary to the relevant policies of the CS and the Framework when considered as a whole.
7. For these reasons, I conclude that the proposal would be in a suitable location when having regard to accessibility, relevant CS policies and the Framework. The proposal would comply with CS policies CS.22 and CS.24 and the Framework, which aim, amongst other things, to promote tourism growth in the countryside of a scale that is appropriate to the location.

Other Matters

8. As it would involve the re-use of a building and would be small scale, the proposal would retain the site's rural appearance and tranquillity. There is no evidence that indicates additional traffic generated by the proposal would have an unacceptable impact on local roads. Consequently, concerns raised in these respects do not override or affect my conclusions on the main issue.

Conditions

9. I have considered the planning conditions forwarded by the Council having regard to the tests set out in the Framework. Where appropriate, I have amended the wording of the suggested conditions for reasons of precision.
10. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. I have considered the proposal on the basis it would be specifically for holiday accommodation. From the information provided I am uncertain that a scheme for permanent or main residential use would be acceptable. As such, there is clear justification to impose a condition specifying the development be used solely as holiday accommodation and for no other residential purpose.
11. To protect the character and appearance of the site and rural surroundings, a condition is imposed that requires details of any external lighting to be submitted and approved. To ensure appropriate waste management, I impose a condition relating to the provision of bins. A condition requiring a water butt is necessary to encourage the re-use of water resources.
12. A condition preventing conversion works between 1 April and 30 September is suggested in order to protect nesting birds. However, the Wildlife and Countryside Act 1981 includes general provisions relating to the protection of wild birds and their nests and there is no justification for further protection

through a planning condition. Consequently, such a condition is unnecessary and has not been imposed.

Conclusion

13. For these reasons, I conclude the appeal should be allowed as set out in the formal decision above.

Jonathan Edwards

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: B95 17-50.01B, B95 17-50.02A, B95 17-50.03A and B95 17-50.04A.
- 3) The development hereby permitted shall only be used for holiday accommodation purposes and for no other purpose, including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). For the avoidance of doubt 'no other purpose' includes a person's or persons' main residence, or a permanent residential unit of accommodation.
- 4) Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the building itself), details of such external lighting shall be submitted to and approved in writing by the local planning authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lighting and the hours at which such lighting is to be operated. The lighting shall be implemented and operated in accordance with the approved details and shall thereafter be retained in that form.
- 5) The development hereby permitted shall not be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided for the permitted holiday accommodation and the 3 bins shall be retained on the site whilst the holiday accommodation is in use.
- 6) The holiday accommodation hereby permitted shall not be occupied until a minimum 190 litre capacity water butt with child-proof lid has been provided on the site and connected to a rainwater downpipe. The water butt shall thereafter be retained on the site.