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## Appeal Decision

Site visit made on 4 August 2020

**by B Davies MSc FGS CGeol**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 August 2020**

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**Appeal Ref: APP/C1625/W/20/3251006**

**1&2 Canons Court Mews, Bradley Green, Wotton-under-Edge, GL12 7PN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Adrian Stiff of Luckland Limited against the decision of Stroud District Council.
  - The application Ref S.19/1557/VAR, dated 19 July 2019, was refused by notice dated 22 October 2019.
  - The application sought planning permission for '*conversion and extension of farmhouse to two self contained units and staff accommodation to residential dwelling. Change of use and extension of bar/restaurant to residential dwelling. Erection of 12 self contained units of tourist accommodation, erection of green keepers store; extension of existing changing facilities to create clubhouse and reorganisation of car park*' without complying with a condition attached to planning permission Ref S 00/2019, dated 17 July 2002.
  - The condition in dispute is No 6 which states that: *The 12 holiday units hereby permitted shall not be occupied otherwise than as holiday units, and each period of occupation shall not exceed 28 days, and the holiday units shall not be occupied as permanent dwellings.*
  - The reason given for the condition is: *permission is granted for the use of these buildings as holiday accommodation only, and not for general residential use.*
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The application is for 'removal of condition 6 from planning permission 00/2019'. However, based on details on the application form and the Council's Decision Notice, it is apparent that the application is for removal of Condition 6 from only 2 units (cottages 1 and 2) and I have therefore determined the appeal on this basis.

### Main issue

3. The main issue is whether the condition is reasonable and necessary having regard to the site's location in the countryside and access to services by a choice of means of travel.

## Reasons

4. The site comprises a cluster of 12 modern holiday houses adjacent to a listed, converted farmhouse and outbuildings, and a bungalow that was previously a golf club house. The holiday houses were associated with the adjacent golf course, which has recently ceased to operate. Seven of the houses have been sold in recent years and the appellant states that, despite their best endeavours, the low overall occupancy rate of the remaining 5 properties means that at least one of the houses must be sold to allow the business to continue. Although not explicitly stated, I consider it clearly the intention for housing to be sold for residential use because the application is to remove the restriction against such use and the appellant has highlighted neighbouring examples of residential conversion.
5. The site is not in a 'strategic site' as defined by Policy CP2 of the Stroud District Local Plan (SDLP)(adopted 2015), nor in the settlement hierarchy outlined in Policy CP3. The location is therefore in 'open countryside', where development is restricted by Policy CP15 of the SDLP to that contributing to farming enterprises, recreation, tourism and essential community facilities. Re-use of buildings is allowed if satisfying one of these purposes. There is therefore no support in local policies for open market residential accommodation at this location.
6. It is not in dispute that residents at this location would be highly dependent on a car, which would be contrary to Policy CP14 of the SDLP. Ostensibly, there is merit in the argument that tourists would rely on driving to reach the same facilities and to visit the region's wider attractions, which means that car use would remain similar. However, there is allowance in Policy CP15 for tourist accommodation in less accessible locations because of the benefits that visitors to the area bring and the context for open market housing is significantly different. I therefore find that there would also be conflict from the proposal with Policy CP14 of the SDLP.
7. Conversion to housing of 4 adjacent buildings associated with the golf course was allowed in 2014<sup>1</sup>. However, this decision was made under an earlier version of the Local Plan and is therefore not directly comparable. I must base my decision on the merits of the case before me using the most up to date policies.
8. The appellant's statement of case provides some information supporting their argument that the holiday accommodation is not viable, but this is limited to a largely qualitative description and data for 2019. In contrast, the Council considers that there is a shortfall in tourist accommodation in the area but also does not offer many details to corroborate this. Based on the information provided, it is therefore not possible for me to draw a conclusion regarding the viability of the business. However, whilst this information could be useful in determining if the restriction to holiday accommodation is reasonable, it would not have led me to a different conclusion regarding the suitability of the location for general residential use.
9. It is not explained why the houses could not be sold with Condition 6 intact, as were the other properties in the group. In addition, the reasons for lack of support from the bank for a loan application due to the restrictive condition are

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<sup>1</sup> S.14/2254/FUL

not provided. However, as the financial concerns of the business are predominantly a private matter and beyond the scope of local policy, provision of this information would not have led to a different conclusion regarding the suitability of the location for general residential use.

10. The appellant has stated that other holiday houses on the site are rented out as permanent dwellings and billed for domestic council tax. This is a matter for the Council and not a material consideration for the purposes of this decision.
11. The town council may have been supportive of a similar scheme in 2016 but are now objecting. I have not been provided with reasons for their change in stance, but given the time lapsed and an ever changing context, I consider it reasonable that their response evolves and have taken into account their current comments in coming to a decision.
12. Grade II Listed 'Canons Court Farmhouse' shares the same site as the holiday houses. As no external changes to the houses are proposed, the development would have no effect on its setting.
13. I therefore conclude that the condition is reasonable and necessary as the site is in open countryside and does not have access to services by a choice of a means of travel. Consequently, the removal of Condition 6 would conflict with Policies CP14 and CP15 of the SDLP.

### **Conclusions**

14. For the reasons above, and having regard to all other matters raised, the appeal should be dismissed.

*B Davies*

INSPECTOR