



Appeal Decision

Site visit made on 17 August 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2020

Appeal Ref: APP/J3720/W/20/3248347

16 Mill Court, New Street, Shipston-On-Stour CV36 4EJ

- 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 Richard Swain against the decision of Stratford on Avon District Council.
 - The application Ref 19/02892/FUL, dated 14 October 2019, was refused by notice dated 6 January 2020.
 - The development proposed was originally described as "change of use of the property to a short-term rental residential property for a maximum of 4 adults. Lettings are on an average of 4-5 nights but no longer than 31 days".
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of the property to a short-term holiday let at 16 Mill Court, New Street, Shipston-On-Stour CV36 4EJ, in accordance with the terms of application 19/02892/FUL dated 14 October 2019, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the Proposed Floor Plan.

Procedural matters

2. The Council determined that a material change of use had taken place at the property from a dwellinghouse to a holiday-let use, triggering the need for a planning application. I shall consider this appeal on the same basis. Also, although intermittent I understand that the use is already being undertaken. I shall take this into account in my decision.
3. The description of development in the heading above has been taken from the application form. Part E of the appeal form states that the description of development has not changed but, nevertheless, a different wording has been entered. I shall use the revised description used by the Council for clarity and to remove those elements that do not describe development.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring dwellings with particular respect to noise and disturbance.

Reasons

5. Mill Court is a two-storey block of flats and town houses. It is arranged around a small courtyard with parking for around 14 vehicles. The access to the first

floor flat of No 16 is via a shared entranceway shared with a total of 4 flats. The appeal property includes two bedrooms, a living room and kitchen.

6. The shared entrance means that occupiers of the appeal property would pass the front doors of two ground floor flats. Furthermore, the front door of the appeal property is also opposite a neighbouring front door on the landing. The appellant explains that the use would operate as a short-term holiday let with 4-8 people attending at any one time.
7. The Council identifies that the use is already being undertaken. However, the operation of the use appears to have generated limited local objection. Furthermore, the objection that was raised during the application process, identified only a limited and infrequent noise impact. Moreover, no objection was raised by the Council's Environmental Health Department with no complaints stated as being received in connection with the use. Consequently, although the proposal would be likely to result in a more transient occupancy pattern than for a single-family dwelling, there is no clear or compelling evidence that this would result in substantially heightened noise levels.
8. The Council identify that the unit could be occupied by five adults and five children. This number has been garnered from the appellant's online booking details. However, it is unlikely that this level of occupancy could be practically accommodated within this relatively small two-bedroom flat. I am therefore more convinced by the appellant's evidence that the unit would mostly accommodate four people. As such, I find that the level of noise and disturbance generated by the use would be unlikely to be significantly greater than that created by the use of a single-family dwelling. The proposal would therefore have a negligible impact on the living conditions of neighbouring dwellings with respect to noise and disturbance.
9. Accordingly, the proposal would satisfy policy CS.9 of the Stratford on Avon Core Strategy 2011-2031 (2016). This seeks to ensure that neighbouring occupiers are protected from unacceptable levels of noise. Furthermore, this policy accords with the objectives of the National Planning Policy Framework in its aspirations for good design and in taking into consideration living conditions.

Conditions

10. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall impose the approved plans condition in line with the PPG. However, the Council has suggested that the use be undertaken in accordance with the submitted design and access statement. This would not be reasonable or necessary to limit the functionality of the use as the activity would instead be adequately constrained by the size of the flat.

Other matters

11. The proposal would be unlikely to generate significant parking demand. Nevertheless, local car parking opportunities are capable of accommodating any overspill parking if such demand was created without having an adverse impact on highway safety.
12. The site is within the Shipton-On-Stour Conservation Area. The significance of the conservation area appears to derive from its architectural interest and the

retention of its historic street pattern. The proposal would preserve the significance of the conservation area due to its nature and limited scale.

13. Representations have identified that the proposal could have an adverse impact on the low-cost housing market. However, there is insufficient evidence provided to substantiate this assertion. I have therefore afforded limited weight to this concern.
14. I have taken into account representations made in regard to the occasional flooding of the car park and the maximum capacity of the property, but these matters do not affect my findings on the main issue.

Conclusion

15. For the above reasons the appeal is allowed, and planning permission is granted subject to the attached condition.

Ben Plenty

INSPECTOR