
Appeal Decision

Site visit made on 9 June 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2020

Appeal Ref: APP/J3720/W/20/3246009

Little Pinum, Shuckburgh Road, Priors Marston, Southam, Warwickshire CV47 7RY

- 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 Allister Morgan against the decision of Stratford on Avon District Council.
 - The application Ref 19/01844/VARY, dated 11 September 2018, was refused by notice dated 28 November 2019.
 - The application sought planning permission for variation of condition 13 of planning permission 10/00918/FUL (erection of 3 holiday chalets for letting purposes) in respect of the use of the 4 bedroom chalet (Chalet 1) to be used as a permanent dwelling during the period of construction of chalets 2 and 3 or for a temporary period of a maximum of three years (whichever is sooner) without complying with a condition attached to planning permission Ref 13/01904/VARY, dated 8 October 2013.
 - The condition in dispute is No 6 which states that: *Chalet 1 identified on drawing number 0300/V/100 may be used as a permanent residential dwelling during the periods of construction of chalets 2 and 3 or for a temporary period of a maximum of three years from the date of this permission. Following the expiration of a three year period from the date of this planning permission or the construction of chalets 2 and 3, whichever is the earliest, chalet 1 identified on drawing number 0300/V/100 shall be used for holiday purposes only and shall not be occupied as a person's sole or main place or residence. No occupation shall take place thereafter during the month of February each year.*
 - The reason given for the condition is: *To assist with the development of this rural business in accordance with the requirements of the NPPF.*
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission was granted in 2011 for the erection of three holiday chalets for letting purposes. Chalets 1 and 2 have been completed but the third is yet to be constructed. The appellant is seeking to vary condition 6 attached to planning permission 13/01904/VARY, which granted a residential use for a temporary period, to allow the permanent occupation of chalet 1 for residential use.
3. The main issue, therefore, is whether the appeal site is an appropriate location for new housing having regard to the development plan and relevant national planning policies.

Reasons

4. The appeal site comprises a chalet associated with a fishing lake located within a rural landscape accessed via a long track. Whilst the site also includes a smaller chalet used for holiday accommodation it is largely isolated from nearby buildings and settlements.
5. The site is located within open countryside and the nearest accessible settlements containing services and facilities are Priors Marston and Napton on the Hill which are located approximately 1.3 miles and 1.8 miles from the site respectively.
6. Policy CS.15 of the Stratford-on-Avon Core Strategy (CS) (2016) states that in order to achieve sustainable communities development within the district will be distributed in accordance with the district's pattern of dispersal. New developments outside the built-up area boundaries of settlements are considered against CS Policy AS.10 which limits new development to a small number of community, residential, business and tourism and leisure facilities.
7. The appellant contends that there is a need for him to reside in the chalet in order to operate and manage a landscape business, the fishing lake and surrounding farm and that the fourth bedroom would be used as an office to run the businesses. However, I have not been provided with any compelling evidence to demonstrate that there is a functional need for a permanent dwelling to support agriculture or rural businesses in this location. Therefore, I afford this matter limited weight.
8. The site is some distance from local services in Priors Marston and Napton on the Hill. The road is devoid of footpaths and street lighting and there are no cycle routes linking the site. Walking and cycling to and from the site to local services would be difficult and would be especially difficult for the young, the elderly and those with mobility issues. This would be particularly so during the hours of darkness and inclement weather. In these circumstances the use of a private motor vehicle is the only practical means for residents to access the services they require. This combination of factors demonstrates that the appeal site is not in a location where a new dwelling would be considered acceptable.
9. I note the appellant's comments that the use of the chalet as a permanent dwelling would enable him to finance the building of the third chalet, which has not been constructed due to high mortgage costs and that it would make the project more viable. However, this factor would not outweigh the harm resulting from permanent occupants living in the dwelling in a location remote from day to day services.
10. I conclude that the appeal site is not a suitable location for residential development due to the lack of access to services and facilities. The proposal would, therefore, be contrary to Policies CS.1, CS.15 and AS.10 of the CS which, amongst other things, requires new development to contribute towards the maintenance of sustainable communities and seeks to protect the countryside from inappropriate development. It would also be contrary to paragraph 79 of the National Planning Policy Framework which seeks to avoid the development of isolated homes in the countryside.

Conclusion

11. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR