



Appeal Decision

Site visit made on 21 September 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2020

Appeal Ref: APP/B3438/W/20/3253762

7 The Croft, Cheddleton Heath Road, Leek ST13 7DX

- 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 P Watters against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0055, dated 29 January 2020, was refused by notice dated 15 May 2020.
- The development proposed is conversion of annex to form independent holiday let.

Decision

1. The appeal is allowed and planning permission is granted for conversion of annex to form independent holiday let at 7 The Croft, Cheddleton Heath Road, Leek ST13 7DX in accordance with the terms of the application, Ref SMD/2020/0055, dated 29 January 2020, subject to the following conditions:
 - 1) The development hereby approved shall be carried out and maintained in complete accordance with the submitted plans and specifications as follows:
Plans and Elevations as Proposed Ref: 17 030 AL 0 04A,
Site Location and Block Plans Ref: 17 030 AL 0 05C,
Plans and Elevations as Existing Ref: 17 030 AL 0 07.
 - 2) The parking area shown on drawing Ref: 17 030 AL 0 05C shall be kept available for the parking of vehicles with the space within the red-line site boundary reserved for the sole use of occupants of the holiday let. The parking area shall remain unobstructed for the lifetime of the development.
 - 3) Within one month of the date of the approval, a Noise Control Plan to minimise noise arising from the particular use of the site as a holiday let shall be submitted to and approved in writing by the Local Planning Authority and the approved Noise Control Plan shall be implemented for the lifetime of the development.
 - 4) The holiday let unit hereby approved shall not be occupied by any person(s) for a period of longer than 1 calendar month and no person(s) who has occupied the unit shall occupy the unit again at any time within six months of the day of the last occupation of the unit.

Preliminary Matters

2. The appeal scheme proposes to regularise the retrospective change of use of the residential annex at No 7 Cheddleton Heath Road (No 7) to a holiday let which, it is understood to have commenced in 2018. No external building works would be required as part of the development.
3. The Staffordshire Moorlands Core Strategy (CS) was adopted in 2014 and the reason for the refusal of the planning application refers to policies in this plan. Notwithstanding this, the new Staffordshire Moorlands Local Plan (LP) was adopted in September 2020. Accordingly, I have determined the appeal proposal against the policies set out in the new LP.

Main Issues

4. The main issues are:
 - (i) whether the proposal would be inappropriate development within the Green Belt and,
 - (ii) the effect on the openness of the Green Belt and,
 - (iii) the effect of the appeal proposal on the character and appearance of the area and,
 - (iv) the effects of the appeal proposal on the living conditions of the occupants of the appeal property and neighbouring properties through over-intensification, noise and disturbance.

Reasons

Inappropriate development

5. The appeal site lies within the Green Belt. Since the proposed conversion of a residential annexe to a holiday let re-uses an existing building, it does not constitute an inappropriate form of development within the Green Belt.
6. Policy SS10 of the LP maintains the Green Belt through the strict control over inappropriate development as defined by Government Policy. LP Policy SS11 sets out the strategy for the Churnett Valley (within which the appeal site is located) including support for the provision of visitor accommodation. Thereby, the approach in the LP remains consistent with the Government's National Planning Policy Framework (the Framework) and, in particular, Paragraph 146.

Openness

7. The Framework states that the fundamental characteristics of Green Belts are their openness and their permanence. The nature of the appeal proposal means it would not require any external building work so there are no harmful effects on the openness of the Green Belt.
8. Accordingly, the appeal proposal is consistent with Policy SS10 of the LP. This policy maintains the Green Belt through the strict control over inappropriate development as defined by Government Policy. Thereby, the approach in the Core Strategy remains consistent with the Framework.

Character and appearance

9. The holiday let is located within an existing single storey residential annex which resembles a side extension to the main house at No 7. There is

separation of the parking area to the front so that off-street parking is available to the holiday let as well as the main house.

10. The Council has expressed concern that the holiday let appears narrow and cramped compared to the size of nearby dwellings thereby representing an inappropriate intensification on Cheddleton Heath Road. However, the holiday let is contained entirely within the existing annex to No 7. It is physically detached from the neighbouring property at No 6 and already has its own front door so, there are no external changes to the building. I also note that a further holiday let has been granted planning permission at No 1 Cheddleton Heath Road (SMD/2019/0278) without detriment to the character and appearance of the area.
11. Accordingly, I conclude that the appeal proposal has not had a harmful impact on the character and appearance of the area. As such, the appeal proposal is consistent with LP Policy DC1 which seeks, amongst other things, to ensure that new development complements the character and appearance of the area. Thereby, the LP is also consistent with the approach towards design in the Government's National Planning Policy Framework.

Living Conditions

12. In terms of the internal living space for occupiers of the appeal property, the change of use to the holiday let has not led to unacceptably cramped conditions. This is because the existing annex could be occupied by 2 people connected to the occupants of the existing dwelling. While I note the space standards are not compliant with national standards for a 2-person single storey dwelling, the Council have recognised this is not, in itself, inappropriate for a holiday let.
13. In relation to the potential for a significant increase in noise, disturbance and general intrusion arising from the use as a holiday let, I note that the occupiers of 2 neighbouring properties have submitted objections. However, the Environmental Health Officer considers that provision of a noise control plan over the letting as a holiday let could allay the concerns. The objections from neighbours included loud music and noise from users of an outside hot tub which has now been removed. Since the existing annex has the facilities to be occupied by 2 people there is no reason why visitors to a holiday let should necessarily give rise to greater noise and disturbance than any other potential occupier.
14. Accordingly, I find that the proposed change of use is acceptable but, this should be subject to a condition requiring an agreed noise control plan on the lines suggested by the Environmental Health Officer. This is required to protect the living conditions of the occupants of adjacent dwellings, including the main house at No 7. As such, the appeal proposal would be consistent with LP Policy DC1 which seeks, amongst other things, to ensure that new development protects amenity. Thereby, the approach in the LP is also consistent with the approach towards design in the Government's National Planning Policy Framework.

Conditions

15. In the event I were minded to allow this appeal the Council helpfully suggested potential conditions. The appellant has indicated in their final comments that

there are no objections to the proposed conditions. Notwithstanding this, I have considered the conditions in relation to the Framework and the PPG. The conditions I have imposed are reasonable and necessary to make the approved development acceptable. I have not included the suggested condition on time limits since this is not necessary for a retrospective scheme.

16. Condition 1 defines the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission. Condition 2 requires that the parking area for the holiday let shall be reserved and unobstructed for the lifetime of the development in the interests of highway safety. Condition 3 is imposed to ensure that a Control of Noise Plan is submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively-worded condition to secure the approval and implementation of the Control of Noise Plan before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met. Condition 4 sets out restrictions over letting so that the appeal property cannot become a separate permanent unit of accommodation/ dwelling. This is to protect both the character of the area and the living conditions of the occupants of the appeal property and neighbouring properties.

Conclusion

17. The appeal scheme does not comprise an inappropriate or harmful development within the Green Belt but, at the same time, supports the local visitor economy through the provision of tourist accommodation. For the reasons stated above and, having taken all other factors into account, the appeal is allowed, subject to conditions.

David Carter

INSPECTOR