



Appeal Decision

Site Visit made on 22 September 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/X3540/W/20/3250210

Windmill Lodges, Red House Farm, Saxtead IP13 9RD

- 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 and Mrs Handley against the decision of East Suffolk Council.
 - The application Ref DC/19/3086/VOC, dated 9 August 2019, was refused by notice dated 3 October 2019.
 - The application sought planning permission for the use of land for siting of 12 holiday letting cabins with feature lake and bund without complying with a condition attached to planning permission Ref C00/0810, dated 7 July 2000.
 - The condition in dispute is No 2 which states that: The cabins herein referred to shall be used for holiday letting accommodation 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). The duration of the occupation by any one person, or persons, of any of the units shall not exceed a period of 28 days in any calendar year, unless otherwise agreed in writing by the local planning authority.
 - The reason given for the condition is: Having regard to planning policies, the Council would not grant consent for general residential occupation in the countryside.
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Decision

1. The appeal is allowed and planning permission is granted for the use of land for siting of 12 holiday letting cabins with feature lake and bund at Windmill Lodges, Red House Farm, Saxtead IP13 9RD in accordance with the application Ref DC/19/3086/VOC dated 9 August 2019, without compliance with condition number 2 previously imposed on planning permission Ref C00/0810, dated 7 July 2000 and subject to the conditions contained in the schedule to this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. It is noted that condition 2 was varied under the application reference C03/0235, increasing the duration of occupation from 28 days to 56 days in any calendar year, thereby creating a new permission. However, as the original permission (reference C00/0810) has been specifically stated on the application form, it is that permission which technically is the subject of this appeal.

4. Since the appeal was submitted a new Suffolk Coastal Local Plan (SCLP) was approved on 23 September 2020 and so policy DM18 in the Suffolk Coastal District Council Local Plan Core Strategy and Development Management Development Plan Document referred to in the decision letter is now superseded by policies SCLP6.5 and SCLP6.6. Therefore the appeal will be considered against these policies from this newly adopted local plan.

Main Issue

5. The main issue is the effect that amending condition 2 would have on the local tourist economy.

Reasons for the Recommendation

6. The appeal site is currently occupied by 7 cabins with planning permission for a further 5. They are laid out in a circular fashion adjacent to a farm and agricultural fields, situated in a rural location on the outskirts of the village of Saxtead. The appellant is seeking to replace condition 2 from the original permission, to allow for seven of the cabins to be occupied for up to 11 months of the year by the same occupant. The replacement condition suggested by the appellant would ensure that the cabins could not be occupied for one month in the year between 4 January and 4 February. The condition would still include a requirement for the occupiers to provide their main address on a register.
7. The suggested condition would prevent the use of the cabins as permanent full-time residential accommodation and they could not be used as a main residence, which the Council have stated is not supported in the village of Saxtead. The suggested condition is a commonly used condition for this type of holiday accommodation and the provision of a register would ensure it is enforceable by the Council.
8. Policy SCLP6.5 of the SCLP states that new tourist accommodation will be restricted by means of planning conditions or obligations in accordance with national policy for planning conditions and obligations which permit holiday use only, restricted to a continuous period of 56 days by one person or persons within one calendar year. Although the amended condition would not comply with this section of the policy, the proposed wording would still ensure that the overarching aims of the policy are met by way of preventing full-time occupation.
9. The Council claims that genuine short-term tourists contribute more to the local economy than longer-term occupants, most likely the owners, who would be more likely to occupy the cabins if the restriction was lifted. However, longer term occupants would still be likely to visit local attractions, go out for meals and spend money in local shops, albeit this may be slightly less often. Furthermore, during the off season when the units are less likely to be occupied by tourists, the proposal would allow for occupation by the owners which would be beneficial to the local economy. Therefore, the potential occupation of the cabins on longer-term periods of occupation would not have a significant impact upon the local tourist economy. The use of all the cabins at the site would still remain as holiday accommodation, five of which would remain as short-term lets, and therefore a significant proportion of users of the site would remain to be tourists to the area.

10. I therefore conclude that the particular stipulations of condition 2 are not necessary and the replacement condition suggested by the appellant would be sufficient to ensure that the cabins are not used for permanent residential occupancy or have a significant impact upon the tourist economy. As such I find no harmful conflict with Policy SCLP6.5 and Policy SCLP6.6 which protects existing tourist accommodation and requires it to be used as holiday accommodation only and not for permanent residential accommodation.

Conditions

11. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. The Council have confirmed that they have no record of any of the previous conditions being discharged and therefore I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusions and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR

Schedule of Conditions

- 1) The seven cabins shown in red on drawing no. 1331 1 submitted with application Ref DC/19/3086/VOC shall not be occupied other than for holiday purposes and shall not be used as residential dwelling/s, including any use within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). No person/s shall occupy any of the unit/s between 4th January and 4th February each year. Details of the name, permanent home address, vehicle registration shall be kept in a register a copy of which shall be made available to the Local Planning Authority for inspection at any time.
- 2) None of the existing trees or hedgerows on the site boundaries shall be uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season with trees and/or shrubs of a size and species which have previously been agreed in writing by the local planning authority.
- 3) Prior to the implementation of this permission, satisfactory precise details of a tree/shrub planting scheme to include new hedge planting along the southern boundary of the site, as indicated on the approved plan (which planting shall include species, size and number of trees to be planted) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented not later than the first planting season following implementation of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.
- 4) Prior to the implementation of this permission, precise details of the size, type and appearance of the cabins shall be submitted to and agreed in writing by the local planning authority.
- 5) Prior to the implementation of this permission, the area within the site shown on the submitted drawing No.99250/2 for the purposes of manoeuvring and parking of vehicles shall have been provided and thereafter shall be retained and used for no other purpose.
- 6) Prior to the implementation of this permission, detailed information regarding the foul drainage system's ability to cope with 12 holiday units shall be submitted to the local planning authority and only approved plant shall be utilised and retained thereafter.
- 7) There shall be no external lighting on the site, unless otherwise agreed in writing with the local planning authority.