The Planning Inspectorate

Appeal Decision

Site Visit made on 14 October 2020

by Mr M Brooker BA (Hons) DipTP

an Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/E2001/W/20/3254348
Carnaby Villas (Units 2 - 7), Carnaby Court, Carnaby, Bridlington, YO15 3QB

- 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 Bridlington Holiday Cottages Ltd against the decision of East Riding of Yorkshire Council.
- The application Ref 19/03440/VAR, dated 22 October 2019, was refused by notice dated 17 December 2019.
- The application sought planning permission for erection of 28 holiday bungalows without complying with condition attached to planning permission Ref 03/02493/OUT, dated 11 November 2003.
- The condition in dispute is No 3 which states that: The holiday bungalows hereby permitted shall be used for holiday purposes and shall not be used as permanent or main residences'.
- The reason given for the condition is: The Council acknowledges that holiday chalet bungalow sites fulfil and important social function by providing holiday accommodation. It acknowledges that tourism has an important part to plan in the economy of the area and that the sites are important in this respect. However these considerations must be set against established planning policies and Central Government advice which seek to restrict residential development in the open countryside to that which is essential in order for it to protect the countryside for its own sake, to avoid placing demand on services and in the interests of sustainability. The demands of permanent residents of services are greater than those of holiday maters and the use of a site as a permanent residential site would therefore place a greater burden on services. In addition, if the holiday bungalows site were to be used as permeant residential accommodation, additional land would have to be used in order to meet needs of tourism, resulting in a likely loss of productive agricultural land and spoiling the appearance of the open countryside.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application to vary condition 3 of 03/02493/OUT, that restricts the dwellings to holiday occupancy to allow permanent occupation, in respect of properties 2 – 7 as identified on the submitted plans.

3. The condition at dispute at No.3 that retains the properties as holiday lets and not as permanent or main residences.

Main Issue

4. The main issue in the appeal is whether or not the condition is necessary, having regard to the viability of the holiday accommodation, relevant planning policies and other material considerations.

Reasons

5. While the appeal site and adjacent developments clearly exist as built form, that the site is situated in the open countryside for the purposes of the Development Plan is not at dispute between the parties. Consequently, Policy S4 of the East Riding Local Plan (ERLP) which controls development in the countryside is relevant.

6. The policy allows for specific forms of development where "proposals respect the intrinsic character of their surroundings", such forms of development relevant to this appeal includes the conversion for new housing where the preservation of the building would enhance the immediate setting and where it "would re-use a redundant or disused building without significant alteration or significant extension."

7. The appellant's Statement of Case acknowledges that the appeal scheme will "not involve the re-use of a redundant or disused building to which Part C of Policy S4 refers". Consequently, it is clear that the appeal scheme is contrary to Policy S4 of the ERLP.

8. It is the appellant's case that to ensure the ongoing investment in and operation of the tourist accommodation enterprise, of which the appeal site currently forms part of, it is necessary to sell the appeal properties as open market housing to raise capital.

9. Evidence submitted by the appellant states that as a result of a successful appeal, properties Nos. 21, 23, 27 and 28, would be refurbished and remain as holiday accommodation and that these units have been vacant since construction in 2008. However, I note that this would be at the loss of the units subject of this appeal that have been part of the "Hoseasons Programme" that generates significant lettings revenue for the business.

10. The appellant has set out in some detail the financial situation and history of the enterprise, but on the basis of the evidence before me I am not satisfied that it has been clearly demonstrated that the appeal scheme would resolve all of the issues currently facing the enterprise. Furthermore, I have been provided with little substantive evidence relating to the wider benefits of the continued operation of the enterprise such as jobs retained or created and local spending by visitors that could be weighed against the conflict with the Development Plan.

11. The appeal site is remote from even basic services, separated from those providers identified by the appellant by a long and narrow lane that is unlit

and without a pavement. Consequently, any future resident would be dependent upon the private motor car to meet their day to day needs.

12. I therefore find that condition no.3 is necessary, having regard to the viability of the holiday accommodation, relevant planning policies and other material considerations. As such, the proposed alteration of the condition would be contrary to Policy S4 of the ERLP.

Other Matters

10. The appeal scheme would result in the creation of additional open market housing. The appellant acknowledges that the Council "has a marginal five-year supply position". Furthermore, as detailed previously, the housing that would be created by the appeal scheme would be remote from essential services. Therefore, while the provision of open market housing is a material consideration that weighs in favour of the appeal scheme it does not outweigh the harm I have identified previously.

11. The appellant has referred to an adjacent development, including homes for permanent occupation. I have not been provided with all of the information relating to this development, the policies and circumstances that led to such a development being granted consent. On this basis it does not outweigh the harm that I have identified previously.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR