



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: 14 December 2020

Appeal Ref: APP/X3540/W/20/3249474

The Barn, Ugli Nurseries, Mill Lane, Newbourne IP12 4NP

- 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 S Johnson against the decision of East Suffolk Council.
 - The application Ref DC/19/4688/VOC, dated 28 November 2019, was refused by notice dated 21 January 2020.
 - The application sought planning permission for the retention of the building for use as holiday accommodation without complying with a condition attached to planning permission Ref DC/19/2574/FUL, dated 1 October 2019.
 - The condition in dispute is No 2 which states that: The premises 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 occupation by any one person, or persons, shall not exceed a period of 56 days in total in any one calendar year. The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.
 - The reason given for the condition is: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of the building for use as holiday accommodation at The Barn, Ugli Nurseries, Mill Lane, Newbourne IP12 4NP in accordance with the application Ref DC/19/4688/VOC dated 28 November 2019, without compliance with condition number 2 previously imposed on planning permission Ref DC/19/2574/FUL dated 1 October 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall be completed in all respects strictly in accordance with Floor plans and elevations received 27 June 2019 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
 - 2) The holiday let shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The hereby approved holiday let shall not be occupied between 05 January and 05 February in any calendar year. The owners/occupiers shall maintain an up to date register of all owners/occupiers of individual holiday lets on the site,

and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

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 Matter

3. Since the appeal was submitted a new Suffolk Coastal Local Plan (SCLP) was approved on 23 September 2020 and so policies DM18, DM3 and SP19 in the Suffolk Coastal District Council Local Plan Core Strategy and Development Management Development Plan Document referred to in the decision letter are now superseded by policies SCLP3.2, SCLP3.3, SCLP5.2, SCLP5.3, SCLP6.1, SCLP6.5 and SCLP11.9. Therefore the appeal will be considered against these policies from this newly adopted local plan.

Main Issue

4. The main issue is the effect that amending condition 2 would have on the local tourist economy and the Council's settlement hierarchy.

Reasons for the Recommendation

5. The appeal site is occupied by a single storey timber clad building adjacent to Mill Lane which shares an access with the dwelling located behind it. The surrounding area is rural in nature but with a number of residential properties along Mill Lane. The building is currently used as holiday accommodation, although during the site visit it did not appear to be occupied. The appellant is seeking to replace condition 2 from the original permission, to allow for the building to be occupied for up to 11 months of the year by the same occupant. The suggested condition would prevent the dwelling from being occupied between 5 January and 5 February in any calendar year and would specifically prevent it from being used as a person's main place of residence. The condition would still include a requirement for the occupiers to provide their main address on a register.
6. The proposed condition would prevent it being accommodated as a full-time residential property, which the Council have stated would not be acceptable in this location, and is a condition which is often used for this type of holiday accommodation.
7. 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 particular part of the policy, the wording proposed would still ensure that the aims of the policy are met by preventing full-time occupation.
8. The Council claims that the genuine short-term tourists contribute more to the local economy than longer-term occupants, such as the owners, who would be the most likely occupants 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 building is less likely to be occupied by tourists, the proposal would allow for occupation by the owners which would be beneficial to the local economy. Indeed, the condition would not prevent its use by short-term tourists in the winter, were there such a demand. Therefore, there would not be a significant impact upon the local tourist economy due to the potential occupation of the building on longer-term periods of occupation.
9. The Council have highlighted an appeal decision where the 56-day limit condition was deemed necessary for a development of 62 static caravans and 26 touring pitches. In contrast the appellant has provided copies of two appeals where conditions which referred to a 56-day limit were effectively substituted for conditions which referenced an 11-month limit. I have also been provided with a decision made by Suffolk Coastal Council in 2017 which imposed a condition with an 11-month limit. Although the evidence before those three Inspectors, and Suffolk Coastal Council, on those cases are not before me, the decisions indicate both views are not unprecedented. Nonetheless, to my mind, and for the reasons given above based on the evidence I have, I consider 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 building is not used for permanent residential occupancy and would not have a significant impact upon the tourist economy.
10. As such I find no harmful conflict with Policy SCLP6.1 and SCLP6.5 which supports opportunities for year-round tourism and requires tourist accommodation to be used as holiday accommodation only and not for permanent residential accommodation. Also, as the proposal would not result in a permanent dwelling, it would not conflict with Policies SCLP3.2, SCLP3.3, SCLP5.2, SCLP5.3 and SCLP11.9 which set out the settlement hierarchy and guard against new housing in the countryside and outside of settlement boundaries.

Other Matters

11. Concerns have been raised from a third party regarding the possibility of extra traffic from the use of the building as more permanent holiday accommodation. However, the vehicle movements of a longer-term occupier would be a similar amount to a number of consecutive short-term tenants and therefore changes to traffic volumes in the surrounding area, resulting from the amended condition, would be minimal.

Conditions

12. 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. Hence, I attach condition 1 from the original permission.

Conclusions and Recommendation

13. 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

14. 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