



Appeal Decision

Site visit made on 30 November 2020

by **S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal Ref: APP/P1615/W/20/3258541

Hope Cottage, Great Bouldon, Newent, Gloucestershire GL18 1JJ

- 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 Mrs H Baker against the decision of Forest of Dean District Council.
 - The application Ref P0124/20/FUL, dated 30 January 2020, was refused by notice dated 24 March 2020.
 - The application sought planning permission for the conversion of existing garage and games room above to a holiday cottage without complying with conditions attached to planning permission Ref P0409/08/COU, dated 26 June 2008.
 - The conditions in dispute are Nos 3 and 6 which state the following:
Condition 3 - *The proposed holiday accommodation shall be used for holiday purposes only and shall not be used as any individual's main or sole dwelling. It shall not be occupied for a period exceeding 4 weeks for any single letting, and there shall be no return within 4 weeks by the same household. A register of all occupiers, detailing dates, names and usual addresses shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by officers of the Council.*
Condition 6 - *The holiday cottage hereby permitted shall be operated by the occupiers of "Hope Cottage" solely and shall not be run as an independent planning unit of holiday use.*
 - The reasons given for the conditions are:
For Condition 3 - *The site is in an area where permission would not normally be granted for permanent residential accommodation and the Local Planning Authority wishes to retain control over the use, in the interest of amenity and in accordance with Policy (R) FTRL.2 of the District Local Plan Review.*
For Condition 6 - *To preclude the establishment of a separate holiday use on the site having regard to Policies (R)FBE.1, (R)FNE.1 and (R)FT.2 of the District Local Plan Review*
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing garage and games room above to a holiday cottage at Hope Cottage, Great Bouldon, Newent, Gloucestershire GL18 1JJ, in accordance with the application Ref P0124/20/FUL dated 30 January 2020, without compliance with condition number 6, previously imposed on planning permission Ref P0409/08/COU dated 26 June 2008, but subject to the following conditions:
 1. The proposed holiday accommodation (Daisie Cottage) shall be used for holiday purposes only and shall not be used as any individual's main or sole

dwelling. It shall not be occupied for a period exceeding 4 weeks for any single letting, and there shall be no return within 4 weeks by the same household. A register of all occupiers, detailing dates, names and usual addresses shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by officers of the Council.

2. The vehicular parking and manoeuvring facilities within the curtilage of the site for the holiday let (Daisie Cottage) and Hope Cottage shall be as per details agreed by the Local Planning Authority and shall remain in perpetuity.

Background and Main Issues

2. The proposal is to remove two conditions (Nos 3 and 6) on the original planning permission that relate to the use of the converted garage (now known as Daisie Cottage) to a holiday let. The effective result of this would primarily be that Daisie Cottage would not be restricted to being a holiday let but could be an unrestricted independent dwelling.
3. Following the Council reasons for refusal the main issues are the effect of the removal of these conditions on (1) the local economy of the area; (2) whether an unrestricted dwelling in this countryside location would be appropriate; and (3) the effect on the living conditions on both occupiers of Hope Cottage and Daisie Cottage.

Reasons

Economic effects

4. When used as a holiday let this use of the cottage would have provided some economic benefit to the local area, to which tourism is an important aspect as is apparent from the development plan policies that generally promote this industry.
5. Whilst it would have provided some rural economic benefit, this is a single holiday let which did not appear to have been full through all the summer seasons. Given the scale of the single holiday let then the economic benefits would have been modest at best. Furthermore, if there were people living in Daisie Cottage as their main residence then this would also provide some economic benefits through support of local businesses from these residents, for example.
6. Overall, I would regard that the loss of Daisie Cottage as a holiday let would not result in a material adverse impact to the local economy or the tourism industry provision in the Forest of Dean. As such, this proposal to remove the identified conditions would not be contrary to policies CSP.7 of the Core Strategy, which requires that development sustains the key economic sectors such as tourism, for example.

Location of Daisie Cottage

7. The site is within a countryside location, south of the larger settlement of Newent. Great Bouldon itself appears as a loose ribbon of dwellings and farms along the sides of this rural road. The site is not isolated as there are some other dwellings adjacent to the site and a farm opposite. However, it is in a

- distinctly rural setting and not in or particularly close to any settlement where there may be services and facilities.
8. Indeed, from my knowledge there are little or no local services and facilities close to the site which could provide for future occupants of Daisy Cottage. Such services and the main employment areas would likely be in Newent or other larger villages in the wider area, but these are too far from the site for it to be likely that future residents would frequently walk or cycle to access these places. This is especially the case given the rural nature of the roads, with some lack of footpaths and lighting.
 9. There are some bus services, but from the evidence submitted it is not clear the frequency of such a bus services or where they connect to. To my mind, it is unlikely to provide a service comprehensive enough to result in the area of the site being considered to be accessible.
 10. Considering all the above, future occupants of the development would be largely reliant on the private motor vehicle to access services and facilities. Such a lack of accessibility by means of transport other than the private car weighs significantly against the proposal and would be contrary to the relevant sustainable transport aims of the National Planning Policy Framework (the Framework).
 11. Furthermore, the supporting text to policy AP1 (which relates to the need for development to be sustainable) states that in considering accessibility a key question is how easily the development can be accessed by modes other than private car. It is my view that it would be difficult to use any other modes of transport other than the private car for most frequent needs. The site does not make use of existing facilities as it is set remote from them generally. With regards to policy CSP.4, the proposal does not reinforce the existing settlement pattern as the result of removing the conditions as applied for would effectively be a new dwelling a significant distance from such sustainable settlements as mentioned in this policy. The supporting text to policy CSP.16 also states that small rural villages such as Great Bouldston will not be generally suitable for new housing, as they are to be treated as new housing in the countryside in policy terms.
 12. There is some provision for tourism related development in a countryside location. It is often recognised that rural locations are often the draw for customers of holiday lets and it is likely that they would use their own car for transport, but this is considered along with the potential economic benefits also. This building was also previously an outbuilding to Hope Cottage, which is in this countryside location, but is an old established dwelling which would pre-date current planning policy. Therefore, there is policies that allow for outbuildings or holiday lets in locations such as this. However, without condition 3 of the original permission Daisy Cottage would be just an unrestricted dwelling in a generally poorly accessible countryside location.
 13. The appellant has argued that the holiday let is not practical to continue as the owner of Hope Cottage has moved away and is now occupied by tenants. Condition 6 requires that the holiday cottage shall be operated by the occupiers of Hope Cottage solely and shall not be run as an independent planning unit of holiday use. Though she has moved away from Hope Cottage, the appellant has continued to operate the holiday let in order to earn some income, although this would appear to be in breach of Condition 6. The appellant then

argues that going forward Daisy Cottage would have to remain vacant and redundant as a holiday let or be in breach of Condition 6. On this basis the appellant has highlighted Paragraph 79 of the National Planning Policy Framework which allows for the re-use of redundant or disused buildings where it would enhance its immediate setting, in situations where a dwelling would be isolated within the countryside.

14. Firstly, I would not regard the proposal as resulting in an isolated dwelling in the countryside, although it would lack satisfactory accessibility. Nonetheless, whilst there is a clear case for Condition 3 being necessary, I see no persuasive reason why Condition 6 is reasonably necessary. The situation has changed and the current occupiers of Hope Cottage are not operating the holiday let. The appellant has been operating the holiday let from elsewhere for some time. So long as Daisy Cottage remains as a tourism holiday let, I can see no harm in it being operated by someone living elsewhere. As such, I agree that Condition 6 can be removed as it is not necessary or reasonable. This should address the issue raised by the appellant of not being able to use Daisy Cottage as a holiday let in the future due to the restrictions imposed by Condition 6. It would also allow Daisy Cottage from having to be redundant in the future, thereby allowing it to continue as a form of tourism accommodation. The removal of Condition No 6 would not result in a development contrary to the Local Plan policies.
15. However, the proposal to remove Condition 3 would be contrary to policies CSP.4, CSP.5 and CSP.16 of the Core Strategy, and policies AP.1 and AP.4 of the Allocations Plan. This condition remains reasonable and necessary, especially if the restrictions imposed by Condition 6 are removed and there is no issue with the owner not living at Hope Cottage. These policies require new development to reinforce the existing settlement pattern and also for housing to be directed to sites identified for housing in the Development Plan; and to be a form of sustainable development, amongst other things.
16. I have not concluded that the proposal would be in any particular conflict with policy CSP.1, however, which is more to do with design and enhancement of environments than the location of new housing.

Living Conditions

17. Daisy Cottage currently has a fenced off area of amenity space to its front. This is a small area, though it does allow for some space for occupiers with a decent amount of privacy. I am also aware that this site is within the countryside where there is some open space and walks within the area, which to some extent mitigates the need for large areas of garden/yard for the dwelling.
18. Furthermore, the arrangement of amenity space does not have a significant bearing on the provision for occupiers of Hope Cottage, which still retains a good size garden. There should be no other impacts to the living condition of Hope Cottage occupiers as a result of the proposal.
19. For this issue, the proposal does not conflict with policy AP.4 of the Allocations Plan which relates to the need for high quality design. The proposal also broadly accords with the Council's Residential Design Guide.

Planning Balance

20. It is my view that this building should remain a holiday let. There have been examples of such similar conditions being removed elsewhere, but each case has to be taken on its merits and considering the location of the site this is both inaccessible and unsuitable for a new dwelling.
21. The financial information submitted does not sufficiently demonstrate that this holiday let would be unviable in the future and does not persuade me that the removal of condition 3 is justified, when the result would be an unrestricted dwelling in an inappropriate countryside location.
22. The effective result of removing Condition 3 as proposed would be a new dwelling, which would have some limited benefits, such as providing a dwelling towards local housing supply and future occupants supporting the local rural economy. However, even if the Council could not demonstrate a sufficient housing land supply, the harm of a dwelling in this rural location would significantly and demonstrably outweigh such modest benefits.
23. However, Condition 6 should be removed as it is unnecessary and this would allow the building to continue its tourism let use even though the owner/operator does not live at Hope Cottage.

Conditions

24. The Planning Practice Guidance (PPG) makes it clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. The development appears to be fully implemented on site.
25. As such, there is no requirement to now impose conditions so that the development would be carried out in accordance with approved plans, or a condition in relation to a time limit for implementation of the development. There is also no need for a condition in relation to materials.
26. I have reintroduced the conditions for the parking provision to remain in the interests of highway safety. However, I have not reintroduced the condition for the permitted development rights to be removed for additional openings in the holiday let. There does not appear to be any exceptional reasons for this to be necessary, such as in the interests of amenity for example.
27. Finally, as described above I have included condition 3 of the original decision notice which requires that the building remain as a holiday let but have not included the original condition 6.

Conclusions

28. For the reasons set out above and in considering all matters raised, I conclude that the appeal should be allowed, in that the original condition No 6 should be removed. However, I would regard condition No 3 as being reasonable and necessary in the circumstances and should remain, thereby requiring Daisie Cottage to remain as a 'holiday let' unit, as set out in Paragraph 1 above.

S. Rennie

INSPECTOR